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AMENDMENTS

An amendment proposes to change the text of some question pending before the Senate. Most amendments consist of two parts: the instructions to the clerk as to what part of the question is to be amended (what language is to be stricken and/or where new language is to be inserted); and the new language (if any) the amendment proposes to insert. An amendment to strike, however, consists only of instructions indicating what language is to be stricken. Instructions are never amendable, but the language proposed to be stricken and the language to be inserted are generally amendable.

Amendments vary in form, type, degree, and class. An amendment may be in one of three forms, depending on what it proposes to do to the text of the pending question (as indicated by the instructions). It may propose to strike language from that text, insert language into the text, or strike language from the text and insert different language in its place.

The two types of amendments are perfecting amendments and substitute amendments, and they are defined in relation to the text that each proposes to amend. If an amendment proposes to strike all text available to be amended and insert other language in its place, that amendment is considered to be a substitute amendment. Except as noted below, a substitute counts as one degree of amendment. In its broadest form, such an amendment proposes to strike all after the enacting clause of a bill or the resolving clause of a resolution. This amendment is frequently referred to as "an amendment in the nature of a substitute." A perfecting amendment is any amendment that is not a substitute for the language available to be amended. A substitute is always in the form of an amendment to strike out language and insert other language, whereas a perfecting amendment may take any of the three forms mentioned above.

Amendments may be either in the first degree or second degree. An amendment to the original text to be amended is a first degree amendment. An amendment to a pending first degree amendment is a second degree amendment. A second degree amendment may amend only that language proposed by the first degree amendment; it may not change language not affected by the first degree amendment. An amendment to a second degree amendment is a third degree amendment, and is not in order. However, if a complete substitute for a bill (or resolution) is the first amendment offered and pending, that substitute is considered original text for the purpose of amendment, and as such is amendable in two degrees, as is the underlying text of the bill or resolution the substitute would replace.

The two classes of amendments are floor amendments, and committee amendments (those reported by or offered on behalf of a committee of the Senate). Committees have no authority to amend measures, only to propose amendments; such amendments must be disposed of by the full Senate before they become part of the underlying measure. Such amendments are disposed of before floor amendments may be offered, unless the floor

amendment is to language to be stricken or inserted by the committee amendment.

The consideration of amendments in the Senate is governed by the following general principles: An amendment may amend the underlying question in only one place; when an amendment to insert is pending, it is amendable in one degree; when an amendment to strike is pending, it is not amendable, but the language it proposes to strike is amendable; when a first degree amendment to strike and insert is pending, the language it proposes to strike is amendable in two degrees, and the language it proposes to insert is amendable in one degree; a perfecting amendment takes precedence over a substitute for the same language (the perfecting amendment may be offered despite the fact that the substitute is pending, and the perfecting amendment is voted on before the substitute), whereas when a perfecting amendment is pending, a substitute is not in order; second degree amendments may be no broader than the first degree amendment they seek to amend; second degree amendments are voted on before the first degree amendment they would amend; after a perfecting amendment is agreed to, another perfecting amendment is in order to unamended text; the language of an amendment that has been agreed to is not subject to further amendment (unless the further amendment also amends contiguous unamended text); once a substitute for a proposition is agreed to, that proposition is no longer amendable.

The amendments which may be offered and be pending simultaneously to the question before the Senate at any particular time depend on the form taken by the first amendment that is proposed and pending. The amendment process that has evolved over the years as interpreted by the precedents is illustrated in four charts that appear in this chapter. In order for the maximum number of amendments depicted in these charts to be pending at the same time, they must be offered in the order of lowest precedence to highest precedence (i.e. substitute amendments before perfecting amendments).

Chart 1 (an amendment to insert): If the first amendment offered proposes only to insert language, the Senate is presented with its most elementary amendment situation. Under these circumstances the language to be inserted (the first degree amendment) is amendable in one further degree, but if that second degree amendment is a substitute for the first degree amendment, a second degree perfecting amendment to the language to be inserted is in order, and takes precedence over the substitute. In this case, there may be up to three amendments pending at once.

Chart 2 (an amendment to strike): If the first amendment offered proposes only to strike language from the pending measure, the amendment (motion) to strike is itself not amendable, but the language to be stricken is amendable in two degrees. However, if the first amendment to that language is a substitute therefor, a first degree perfecting amendment is also in order to the language to be stricken. Thus there can be two independent first degree amendments pending to the language to be stricken (one substitute and one perfecting), each of which is amendable in one further degree. Furthermore, if a second degree substitute for the first degree substitute for the language to be stricken is offered, a second degree perfecting amendment to the first degree substitute for the language to be stricken is in order. Therefore, in addition to motion to strike, there may be up to 5 amendments pending at the same time. It should be noted at this

point that under the precedents if a substitute for the language to be stricken is agreed to, the motion to strike is rendered moot and is not voted on.

Chart 3 (an amendment to strike and insert): If the first amendment offered is an amendment which proposes to strike language from the measure and insert other language in its place, the language to be stricken is amendable in two degrees, and the language to be inserted is amendable in one degree. If the first amendment offered to the language to be inserted is a substitute therefor, a perfecting amendment to the language to be inserted is in order and takes precedence over the substitute. Amendments to the language to be stricken take precedence over amendments to the language to be inserted. In this situation, there may be up to 5 amendments pending at the same time.

Chart 4 (a complete substitute for a measure): This is the most complex amendment situation that may confront the Senate. If the first amendment offered is a substitute for the entire measure, both it and the measure are amendable in two degrees. The substitute is subject to amendment by a first degree substitute which itself is subject to a second degree amendment (which may be either a perfecting amendment or a substitute amendment). In addition, the substitute for the measure is subject to a first degree perfecting amendment which itself is subject to either a second degree perfecting amendment or second degree substitute. Furthermore, if the first degree amendment to the substitute is a motion to strike, then the five amendments incidental to a motion to strike may also be offered. While any or all of these amendments are pending to the substitute, the original text of the measure is subject to a first degree perfecting amendment which itself is subject to a second degree amendment (which may be either a perfecting amendment or a substitute amendment). In this situation, there may be up to 11 amendments pending at the same time.

When a measure is before the Senate and no amendment is pending thereto, any portion of that measure not previously amended is open to amendment. A Senator who offers a first degree amendment is not eligible to propose an amendment to it, but generally speaking such Senator has a right to modify it. However, if a Senator has lost the right to modify the amendment, that Senator thereby gains the right to propose an amendment to it.

Rule V, Suspension and Amendment of Rules

See "Suspension of Rules," pp. 1266–1272.

Rule XIV, Paragraph 7

[Bills and Resolutions—Amendment and Commitment of]

When a bill or joint resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when

the bill or resolution shall again be reported from the committee it shall be placed on the Calendar.

Rule XV

[Amendments and Motions]

1. All motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

2. Any motion, amendment, or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

3. If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

4. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

5. It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

Rule XVI, Amendments to General Appropriation Bills

See "Appropriations," pp. 150–213.

Rule XXII, Paragraph 1

[Precedence of Motions and Cloture and Amendments]

1. When a question is pending, no motion shall be received but—
   To adjourn.
   To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
   To take a recess.
   To proceed to the consideration of executive business.
   To lay on the table.
   To postpone indefinitely.
   To postpone to a day certain.
   To commit.
   To amend.

Which several motions shall have precedence as they stand arranged and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

See also "Amendments After Cloture," pp. 284–299; "Cloture Procedure," pp. 282–334.

Rule XXX, Amendments to Treaties

See "Treaties," pp. 1294–1310.

Adoption of, En Bloc by Unanimous Consent:

See "En Bloc Consideration and Adoption, " pp. 59–61.

Adoption of, Procedural Effects of:

See also "Substitute for Bill Adopted," pp. 117–118; "Line Item Amended, Not Open To Further Amendment," p. 210; "En Bloc Consideration and Adoption," pp. 59–61.

The language of an amendment from the floor,[1] a committee amendment,[2] an amendment to a committee amendment,[3] a committee amendment as amended,[4] or a substitute amendment,[5] which has been agreed to by the Senate is not *per se* open to further amendment,[6] unless reconsidered,[7] or by unanimous consent.[8] The Congres-

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[1] June 22, 1964, 83–2, *Record*, p. 14614; Mar. 4, 1922, 67–2, *Record*, pp. 3376, 3378; Mar. 19 and 20, 1935, 74–1, *Journal*, p. 206, *Record*, pp. 3970, 4052; June 1, 1938, 75–3, *Record*, p. 7875; June 16, 1954, 83–2, *Record*, p. 8347; June 27, 1973, 93–1, *Record*, p. 21614; *see also* July 27, 1971, 92–1, *Record*, p. 27518; June 25, 1952, 82–2, *Record*, p. 7974; *see* Jan. 8, 1925, 68–2, *Record*, pp. 1454–55 for any amendment intended to be proposed to such an amendment should be offered prior to concurrence of the Senate therein.

[2] Apr. 17, 1940, 76–3, *Record*, p. 4627; May 30, 1940, 76–3, *Record*, p. 7168; June 14, 1943, 78–1, *Record*, pp. 5824–25; May 25, 1954, 83–2, *Record*, p. 7075; June 15, 1953, 83–1, *Record*, p. 6475; June 3, 1952, 82–2, *Record*, p. 6426; Sept. 14, 1940, 76–3, *Record*, p. 12183; *see also* June 2, 1953, 83–1, *Record*, p. 5892; Oct. 19, 1951, 82–1, *Record*, p. 13520.

[3] Mar. 25, 1947, 80–1, *Record*, p. 2521; *see also* June 19, 1952, 82–2, *Record*, p. 7600; Dec. 2, 1954, 83–2, *Record*, p. 16381; Mar. 16, 1965, 89–1, *Record*, p. 5213.

[4] Aug. 24, 1951, 82–1, *Record*, pp. 19650–51.

[5] June 24, 1949, 81–1, *Record*, p, 8305; May 9, 1946, 79–2, *Record*, p. 4739; *see also* June 1, 1938, 75–3, *Record*, p. 7877; Apr. 24, 1959, 86–1, *Record*, p. 6645; Apr. 21, 1959, 86–1, *Record*, p. 6426; June 26, 1943, 78–1, *Record*, p. 6559; May 13, 1943, 78–1, *Record*, p. 4353; Jan. 10, 1942, 77–2, *Record*, p. 226; Dec. 3, 1943, 78–1, *Record*, p. 10282; Apr. 5, 1946, 79–2, *Record*, p. 4739; June 17, 1948, 80–2, *Record*, p. 8586; Sept. 24, 1964, 88–2, *Record*, pp. 22566–67.

[6] July 20, 1968, 90–2, *Record*, p. 22459; *see* Feb. 9, 1950, 81–2, *Record*, p. 1721; Aug. 10, 1960, 86–2, *Record*, p. 16148; Aug. 27, 1959, 86–1, *Record*, pp. 17133–34; June 7, 1965, 89–1, *Record*, p. 12720; May 21, 1970, 91–2, *Record*, p. 16546; Mar. 3, 1967, 90–1, *Record*, pp. 5358–59; July 27, 1971, 92–1, *Record*, p. 27518.

[7] June 24, 1884, 48–1, *Record*, p. 5528; Mar. 19, 1935, 74–1, *Journal*, p. 206, *Record*, pp. 3970, 4052; Aug. 24, 1951, 82–1, *Record*, pp. 10650–51; May 12, 1939, 76–1, *Record*, pp. 5490, 5500; *see also* June 19, 1922, 67–2, *Record*, p. 8940; May 31, 1938, 75–3, *Record*, p. 7722; Mar. 4, 1930, 71–2, *Record*. P. 4688.

[8] Nov. 13, 1975, 94–1, *Record*, p. 36529; Mar. 18, 1940, 76–3, *Record*, p. 2969; Apr. 21, 1952, 82–2, *Record*, p. 4158; Mar. 2, 1967, 90–1, *Record*, pp. 5259–60; Sept. 14, 1967, 90–1, *Record*, pp. 25540, 25550; July 20, 1968, 90–2, *Record*, pp. 22459, 22465.

sional Budget Act makes certain exceptions to this paragraph in the amending process of budget resolutions; for details *see* section on "Congressional Budget" dealing with such amendments, pp. 590–591.

Stated another way:

An amendment directed solely to the part of a bill which has already been amended is not in order, but amendments are in order to unamended parts of the bill.[9]

An amendment broader in scope than one already adopted to strike out not only the language agreed to by the Senate but part of the text of the bill as well, and insert new language in lieu thereof, provided it would make a substantial substantive change, would be in order.[10]

When an amendment has been agreed to, an amendment broader in scope—one that strikes some language immediately preceding and/or immediately following the language of the amendment previously agreed to—is in order and if it proposes to insert language it must propose some substantive change in the unamended language.[11]

The adoption of a perfecting amendment which strikes most of the substance of a first degree amendment and inserts new language, does not preclude an amendment to add material to unamended parts of the first degree amendment.[12]

After a second degree perfecting amendment has been adopted, the underlying first degree amendment, as amended, may be further amended at the end thereof.[13]

An amendment having been agreed to regardless of its provisions place no restrictions on further amendments to all other parts of the bill not amended,[14] and such amendments would be in order even if they have conflicting ends.[15]

The adoption of an amendment at the end of another amendment does not foreclose the opportunity to propose other amendments to the section of the bill addressed by the underlying amendment.[16]

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[9] Dec. 28, 1970, 91–2, *Record*, p. 43673; Mar. 2, 1967, 90–1, *Record*, pp. 5259–60; *see also* May 25, 1964, 86–2, *Record*, pp. 11851–54.
[10] *See* Mar. 3, 1967, 90–1, *Record*, pp. 5358–59.
[11] Dec. 16, 1982, 97–2, *Record*, p. 31365.
[12] July 14, 1987, 100–1, *Record*, p. S 9835.
[13] May 11, 1988, 100–2, *Record*, p. S 5460.
[14] *See* June 7, 1965, 89–1, *Record*, p. 12720.
[15] *Ibid.*
[16] Oct. 2, 1984, 98–2, *Record*, p. 28281.

If an amendment in the nature of a substitute for a part of a section of a bill is agreed to, the portion inserted is not open to amendment.[17] Perfecting amendments should be offered to a substitute before the latter is voted upon.[18] After a substitute amendment has been agreed to, an amendment to the part stricken out by said substitute would not be in order.[19]

If an appropriation item contained in a committee amendment has been amended, but the committee amendment as amended has not been agreed to, it is not in order to amend that amount further unless it has been reconsidered or unanimous consent has been given to propose a further amendment.[20]

When the Senate agrees to a committee amendment striking out a section of an appropriation bill, an amendment can not be offered as a substitute therefor, but must be offered as an independent amendment.[21]

The adoption of an amendment does not preclude a Senator from offering a further amendment differing therefrom in terms to another part of a bill.[22] The adoption of an amendment to a bill will not preclude the offering, at a different place in the bill, of a subsequent amendment restricting the scope of the subject matter of the previous amendment.[23]

In a case where a committee substitute is reported for a bill, an amendment to a section thereof which has been agreed to will be eliminated by the adoption of a motion to strike out that section of the bill.[24]

Amendment to an Amendment:

See also "When Not in Order," pp. 111–119.

An amendment to an amendment must be confined to that amendment and may not touch at another place in the bill.[25]

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[17] Mar. 11, 1960, 86–2, *Record*, p. 5275; *see* Sept. 27, 1966, *Record*, 89–2, pp. 23931–32.
[18] Feb. 3, 1960, 86–2, *Record*, pp. 1887–88.
[19] *See* June 5, 1952, 82–2, *Record*, p. 6606.
[20] *See* July 12, 1951, 82–1, *Record*, pp. 8020, 8031–32.
[21] *See* Apr. 7, 1942, 77–2, *Record*, p. 3381.
[22] *See* Mar. 26, 1908, 60–1, *Record*, p. 3956.
[23] July 29, 1937, 75–1, *Record*, p. 7809.
[24] *See* Mar. 27, 1946, 79–2, *Record*, p. 2660; Apr. 4, 1946, 79–2, *Record*, pp. 3096–97.
[25] July 7, 1969, 91–1, *Record*, pp. 18482–84.

Amendments Agreed to by Less Than Quorum:

An amendment, on a division, which has received a majority of the votes cast, although not a quorum, will be adopted, since a quorum is presumed to be present until the question of a quorum is raised or until the contrary is shown by a quorum call or a rollcall; the number of votes announced by the Presiding Officer, though less than a quorum, does not officially show that a quorum was not present.[26]

Amendments Agreed to Not Affected by Considering Another Bill:

Where a bill under consideration has been displaced by the adoption of a motion to take up another bill, amendments to the former bill are not thereby affected.[27]

If the consideration of a bill is terminated before its passage, when the bill is again taken up the previous action of agreeing to certain amendments will not be affected.[28]

Amendments Agreed to Not Amendable:

It is not in order to propose an amendment to an amendment already agreed to, except by unanimous consent, and the Presiding Officer is obligated to enforce that procedure on his own initiative.[29]

Amendments in Order:

See "Call Up for Senate Consideration," pp. 33–48, and "When in Order," p. 111; "Congressional Budget," pp. 502–642.

Amendments Must Be Adopted by the Senate:

All amendments, including committee amendments, must be acted on by the Senate to become a part of the bill. All amendments must be acted upon by the Senate as a body, since the chairman of a committee or the managers of the bill have no authority to accept amendments on

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[26] *See* Mar. 25, 1920, 66–2, *Record*, pp. 4812–13.
[27] *See* May 3, 1951, 82–1, *Record*, p. 4769.
[28] *See* Mar. 2, 1921, 66–3, *Journal*, p. 150, *Record*, p. 4244.
[29] Dec. 11, 1980, 96–2, *Record*, p. 33552.

behalf of the Senate.[30] An amendment proposed by a Senator, which the chairman of a committee indicates he will accept, must be voted upon by the Senate.[31]

Amendments Not in Order:

See "Substitute for Bill Adopted," pp. 117–118; "Third Reading," pp. 245–247; "Amends Bill at Different Places," pp. 112–114; "When Not in Order," pp. 111–119.

Amendments on Table:

See also "Printed Amendments—No Parliamentary Standing," p. 106.

There is no specified time for submitting printing amendments intended to be proposed to bills or resolutions which have been previously introduced or submitted.[32] Unanimous consent is required to submit an amendment, have it read, and ordered printed and lie on the table, to be offered at a later date, or to make it eligible for consideration under cloture procedure before a cloture motion is filed.[33]

There is no rule which permits the offering of an amendment to be read and to be offered at a future time except under the cloture rule.[34]

Amendments which have been ordered to lie on the table and be printed, intended to be proposed to a bill subsequently, have no parliamentary standing,[35] and cannot be regarded as pending amendments [36] for consideration under the rule; [37] they are not automatically laid before the Senate for consideration.[38] Amendments intended to be proposed and printed must be formally offered [39] or subsequently submitted at an appropriate

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[30] May 21, 1985, 98–1. *Record*, p. 12922; June 19, 1951, 82–1, *Record*, p. 6721; *see* Mar. 21, 1939, 76–1, *Record*, p. 3052; Sept. 27, 1949, 81–1, *Record*, p. 13341; Sept. 5, 1959, 86–1, *Record*, p. 18255; Jan. 26, 1970, 91–2, *Record*, pp. 1174–76; Aug. 12, 1969, 91–1, *Record*, p. 23514.

[31] Sept. 22, 1951, 82–1, *Record*, p. 11896; Mar. 24, 1954, 83–2, *Record*, p. 3781; July 25, 1956, 84–2, *Record*, p. 14389; Aug. 15, 1958, 85–2, *Record*, p. 17777; Apr. 21, 1959, 86–1, *Record*, p. 6430; May 21, 1959, 86–1, *Record*, p. 8752.

[32] *See* Feb. 7, 1949, 81–1, *Record*, p. 839.

[33] *See* Mar. 1, 1960, 86–2, *Record*, pp. 3968–69; Mar. 2, 1960, 86–2, *Record*, p. 4105; Mar. 3, 1960, 86–2, *Record*, pp. 4269–65; May 4, 1960, 86–2, *Record*, pp. 4484–85.

[34] *See* Mar. 3, 1960, 86–2, *Record*, pp. 4260–65.

[35] Aug. 21, 1950, 81–2, *Record*, p. 12876; Apr. 2, 1951, 82–1, *Record*, p. 3107.

[36] *See* May 29, 1946, 79–2, *Record*, p. 5884.

[37] July 19, 1917, 65–1, *Record*, p. 5246.

[38] Feb. 19, 1932, 72–1, *Record*, p. 4315; Oct. 5, 1949, 81–1, *Record*, pp. 13892–93.

[39] May 10, 1934, 78–2, *Record*, p. 8564; July 14, 1958, 85–2, *Record*, p. 13659.

time [40] by a Senator who has been recognized [41] when the bill to which they are offered is under consideration; [42] hence, until such amendments are formally offered it is not necessary to withdraw them,[43] unless operating under cloture, and they may be offered in a modified form from that of the original printed amendment.[44]

Appropriations, Amendments to:

See "Amendments to General Appropriation Bills—When in Order," pp. 178–190; "Amendments to General Appropriations Bill—When Not in Order," pp. 190–212.

Bill Not Open to Amendment After Adoption of Substitute:

See "Substitute for Bill Adopted," pp. 117–118; "When Not in Order," pp. 111–119.

Bills Open to Amendment Upon Adoption of Motion To Consider:

See below "Call Up for Senate Consideration," "Amendments in Order," pp. 33–34.

Call Up for Senate Consideration

Amendments From the Floor:

See "Committee Amendments, Offering and Disposition of," pp. 35–39.

Amendments in Order:

Under the practice of the Senate, any unchanged portion of a bill is open or subject to amendment at any time during its consideration; [45] or where any portion of the bill remains unchanged by amendment, an amendment thereto is in order.[46] Of course committee amendments are acted on first but special agreements may alter that procedure.

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[40] July 19, 1917, 65–1, *Record*, p. 5246.
[41] May 10, 1934, 73–2, *Record*, p. 8564; Jan. 22, 1947, 80–1, *Record*, p. 518; Apr. 2, 1951, 82–1, *Record*, p. 3157; Oct. 5, 1949, 81–1, *Record*, pp. 13892–93.
[42] June 19, 1902, 57–1, *Record*, p. 7069; *see also* Sept. 14, 1959, 86–1, *Record*, p. 19429.
[43] May 5, 1926, 69–1, *Record*, p. 8739.
[44] June 19, 1902, 57–1, *Record*, p. 7069; *see also* July 14, 1958, 85–2, *Record*, p. 13659.
[45] *See* June 8, 1933, 73–1, *Record*, p. 5299.
[46] Oct. 6, 1943, 78–1, *Record*, p. 8114; *see also* Apr. 22, 1946, 79–1, *Record*, p. 4082; Apr. 15, 1948, 80–2, *Record*, pp. 4508–09.

The text of one bill may be offered as a substitute for another bill, in which case both propositions would he open to amendment at the same time.[47] The text of a joint resolution adversely reported and on the Calendar may be offered as an amendment to a different joint resolution under consideration.[48]

Another Senator May Call Up:

An amendment which has been submitted for printing does not have to be called up by the author thereof; any Senator may call up such an amendment on his own.[49] An amendment offered by one Senator for another Senator or Senators is nonetheless considered to be the amendment of the Senator who called it up.[50] An amendment filed at the desk by one Senator pursuant to the cloture requirements of rule XXII, paragraph 2, but called up by a second Senator after cloture is invoked is considered to be the amendment of the offeror, and may subsequently be withdrawn by the offeror.[51]

Bill or Measure Must Be Before Senate:

Any bill or resolution under consideration by the Senate is open to amendment or modification, under Rule XXII.

A bill must be under consideration by the Senate before it is in order to offer amendments to it,[52] and two bills may not be under consideration at the same time.

Pending a request for unanimous consent to consider a Senate resolution, an amendment thereto is not in order; [53] nor would it be in order to propose an amendment to a bill under a reservation of objections to the consideration of that bill.[54]

Notwithstanding the fact that there is unfinished business, it is not in order to propose an amendment thereto at a time when the Senate, by unanimous consent, is engaged in the transaction of routine business.[55]

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[47] *See* Apr. 11, 1938, 75-2, *Record*, p. 6799.
[48] Oct. 10, 1888, 50-1, *Record*, p. 9349.
[49] *See* Sept. 25, 1975, 94-1, *Record*, pp. 30363-64.
[50] July 9, 1985, 99-1, *Record*, pp. 16983, 18168-69.
[51] Mar. 15, 1988, 100-2, *Record*, pp. S 2240-44.
[52] *See* May 17, 1951, 82-1, *Record*, pp. 5425-26; May 14, 1962, 87-2, *Record*, pp. 8285, 8298.
[53] July 1, 1943, 75-1, *Record*, p, 6931; Feb.-21, 1950, 81-2, *Record*, 2063.
[54] Mar. 12, 1951, 82-1, *Record*, p. 2229.
[55] *See* Jan. 23, 1950, 81-2, *Record*, pp. 724-25.

An amendment proposed to a pending amendment is not in order where the language deals with a portion of the bill not contained in the pending amendment.[56]

Calendar Call, Bill Open to Amendment When Reached on:

See "Amendments to Bill on Call of Calendar," p. 256.

Committee Amendments, Offering and Disposition of:

See also "Committee Amendments," pp. 50–51; "Withdrawal of Amendments," pp. 119–123; "Committee Amendment—Substitute For," p. 116.

Committee amendments are acted on first and they are taken up in the order in which they appear in the printed reported bill.[57] Committee amendments have priority over floor amendments, and therefore when committee amendments are pending, no floor amendments are in order unless they are to the pending committee amendment or to language proposed to be stricken by that committee amendment.[58]

Committee amendments, or amendments thereto, are acted upon first after a bill is brought up for consideration,[59] as opposed to amendments from the floor. Amendments from the floor, as opposed to committee amendments, are not in order until all committee amendments have been disposed of.[60] Amendments from the floor are not in order until committee amendments are disposed of unless that amendment is to a pending committee amendment,[61] or an amendment in relation to the pending committee amendment.[62] It takes unanimous consent of the Senate to call up an amendment to a bill as opposed to a committee amendment until the committee amendments are disposed of,[63] and while a committee

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[56] Jan. 22, 1960, 86–2, *Record*, p. 1126.

[57] Dec. 10, 1980, 96–2, *Record* p. 33312; Sept. 9, 1980, 96–2, *Record*, p. 24762.

[58] Sept. 29, 1982, 97–2, *Record*, p. 25675.

[59] Sept. 18, 1970, 91–2, *Record*, p. 32627; Dec. 12, 1975, 94–1, *Record*, pp. 40315–16; July 31, 1972, 92–2, *Record*, pp. 26089–90; Dec. 3, 1971, 92–1, *Record*, p. 44537; Sept. 26, 1978, 95–2, *Record*, p. 31500; Mar. 28, 1972, 92–2, *Record*, p. 10597–98; July 1, 1968, 90–2, *Record*, pp. 19530–31; Sept. 17, 1968, 90–2, *Record*, p. 27125.

[60] Oct. 24, 1979, 96–1, *Record*, p. 29285; Aug. 1, 1979, 96–1, *Record*, p. 21704; Mar. 28, 1979, 96–1, *Record*, p. 6549–50; Oct. 7, 1977, 95–1, *Record*, p. 32918; Apr. 10, 1979, 96–1, *Record*, p. 7897; July 21, 1977, 95–1, *Record*, pp. 24242–43; Aug. 24, 1970, 91–2. *Record*, pp. 29867, 29858–60; Oct. 1, 1973, 93–1, *Record*, p. 32251; *see also* March 10, 1976, 94–2, *Record*, p. 6057.

[61] May 19, 1977, 95–1, *Record*, p. 15552.

[62] June 28, 1984, 98–2, *Record* pp. 19557–58.

[63] Mar. 28, 1972, 92–2, *Record*, p. 10598; Mar. 19, 1975, 94–1, *Record*, pp. 7467–68; Feb. 2, 1972, 92–2, *Record*, p. 2415; July 12, 1965, 89–1, *Record*, p. 16164; *see* Sept. 30, 1965, 89–1, *Record*, p. 25631; Aug. 8, 1966, 89–2, *Record*, pp. 18589–90.

amendment is pending, an amendment to another part of the bill is not in order,[64] nor may an amendment to the committee amendment touch the language in the bill, except by unanimous consent.[65] An amendment to a committee amendment must be offered before that committee amendment is agreed to for it to be in order and a committee amendment striking the amount to be authorized and inserting a new figure is not open to further amendment after it is agreed to, except by unanimous consent.[66]

Unanimous consent to pass over a committee amendment temporarily is not required; upon objection to such a request, a motion to that effect, as ruled by the Chair, is in order.[67]

Committee amendments, having priority, are acted upon prior to the consideration of amendments offered from the floor, except amendments to the committee amendments; [68] it is not necessary that the chairman of a committee present to the Senate reported amendments which are printed in the measure; [69] and if objection is made to consider them first, a motion to that effect is in order.[70]

A committee amendment is subject to amendment when its consideration is before the Senate; [71] until it is agreed to, it remains open to amendment, but after adoption it is no longer subject to amendment,[72] and any portion of a committee amendment not amended by the Senate is open to amendment. A motion to strike out a whole section of a committee amendment and insert new language in lieu thereof is in order even if a portion of the

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[64] July 24, 1963, 88-1, *Record*, pp. 13223, 13227.
[65] Sept. 21, 1978, 95-2, *Record*, pp. 30627-29.
[66] May 15, 1967, 90-1, *Record*, p. 12584.
[67] June 25, 1918, 65-2, *Record*, pp. 8235-36.
[68] Feb. 2, 1972, 92-2, *Record*, p. 2415; Oct. 2, 1978, 95-2, *Record*, pp. 33007-08; Feb. 14, 1884, 48-1, *Record*, p. 1114; Mar. 25, 1884, 48-1, *Record*, p. 2240; Feb. 2, 1885, 48-2, *Record*, p. 1149; June 25, 1954, 83-2, *Record*, p. 8917; July 3, 1952, 82-2, *Record*, p. 9144; July 5, 1951, 82-1, *Record*, p. 7617; May 21, 1951, 82-1, *Record*, p. 5490; Feb. 21, 1950, 81-2, *Record*, p. 2039; Jan. 19, 1950, 81-2, *Record*, p. 622; Sept. 23, 1949; 81-1, *Record*, p. 13192; Sept. 15, 1944, 78-2, *Record*, p. 7798; Mar. 9, 1922, 67-2. *Record*, p. 3593; May 2, 1914, 63-2, *Record*, p. 7620; June 23, 1960, 86-2, *Record*, p. 13935; Feb. 16, 1956, 84-2, *Record*, p. 2663; Apr. 23, 1956, 84-2, *Record*, p. 6737; Feb. 15, 1960, 86-2, *Record*. p. 2470; *see also* June 6, 1952, 82-2, *Record*, p. 6690: Aug. 6, 1948, 80-2, *Record*. p. 9954; May 27, 1946, 79-2, *Record*, p. 5831; June 9, 1944, 78-2, *Record*, p. 5623; June 5, 1944, 78-2, *Record*, p. 5300; Mar. 30, 1960, 86-2. *Record*, p. 6945; June 18 and 20, 1960, 86-2, *Record*, pp. 13244, 13316; Apr. 15, 1959, 86-1, *Record*, p. 5974; June 15, 1961, 87-1, *Record*, p. 10514; Aug. 27, 28, and 30, 1962, 87-2, *Record*. pp. 17745, 17836-37, 18191.
[69] *See* Dec. 2. 1954, 83-2, *Record*, p. 16360.
[70] July 10, 1937, 75-1, *Journal*, p. 408.
[71] July 16, 1935, 74-1, *Record*, p. 11234.
[72] *See* Feb. 1, 1937, 75-1, *Record*, p. 631.

section of that committee amendment has already been amended, if there is a substantial change and the object of the amendment is not solely to change the language just agreed to by the Senate.[73]

An amendment to a committee amendment in the nature of a substitute for the bill is in the first degree only and is subject to amendment in one further degree.[74]

An amendment to a first degree committee amendment is an amendment in the second degree and not open to amendment.[75]

During the consideration of committee amendments to a bill, a motion to strike out a paragraph of the text which contains a committee amendment is not in order; a motion is in order, after the disposition of committee amendments, to strike out a portion of the House text containing an amendment which has been adopted.[76]

A substitute amendment for a committee amendment as amended would be in order.[77]

A committee amendment which has not been reached or agreed to may be offered as a perfecting amendment to another committee amendment under consideration in the earlier part of the bill and such action would not be subject to a point of order.[78]

When a bill is originally reported from a committee and subsequently the committee agrees to propose certain other amendments thereto, which are reported at the direction of that committee, they are to be treated as committee amendments and acted upon prior to amendments from the floor.[79]

A committee need not have a formal meeting to authorize the offering of a committee amendment on its behalf; it is sufficient that a majority of the committee so authorize by polling.[80]

A disagreement of fact as to whether a committee amendment has been authorized having been raised, the Vice President refused to go behind the fact that the committee had reported such amendments.[81]

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[73] May 21, 1970, 91-2, *Record*, p. 16546.
[74] *See* Feb. 6, 1956, 84-2, *Record*, p. 2055.
[75] *See* April 6, 1976, 94-2, *Record*, pp. 9680-82.
[76] June 27, 1952, 82-2, *Record*, pp. 8270-71.
[77] *See* Apr. 6, 1976, 94-2, *Record*, pp. 9680-82.
[78] *See* Dec. 17, 1970, 91-2, *Record*, p. 42131.
[79] *See* Sept. 4, 1959, 86-1, *Record*, p. 18100.
[80] July 22, 1982, 97-2, *Record*, p. 17649.
[81] Mar. 23, 1916, 64-1, *Record*, pp. 4688, 4692.

During the consideration of committee amendments, it is not in order to consider an amendment proposed to the text of the bill.[82] While a committee amendment, as amended, is before the Senate, a motion to amend another part of the bill is not in order.[83]

Committee amendments should be acted upon prior to action on a substitute for a bill.[84]

An amendment offered on behalf of the committee in lieu of a substitute amendment previously reported to a bill is subject to amendment—the original amendment reported having been withdrawn by the chairman of the committee.[85]

A motion to agree to a committee amendment is not in order; automatically the Senate votes thereon after the amendment is read at the desk when no Senator desires recognition.[86]

A motion to disagree to or to reject a committee amendment is not in order; the same result can be obtained by a negative vote or by its rejection.[87]

A motion to strike out a committee amendment inserting matter not yet agreed to is not in order—the question is put on agreeing to, or the adoption of, the committee amendment.[88]

A motion to strike out a committee amendment or a committee amendment in the nature of a substitute is not in order; the vote on the question of agreeing to the committee amendment determines the issue;[89] where a motion is made to strike out a portion of a committee amendment, the question is put on the motion to strike out rather than on agreeing to the part proposed to be stricken out.[90]

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[82] July 12, 1950, 81-2, *Record*, pp. 10010-11; *see also* July 1950, 81-2, *Record*, p. 10378.

[83] *See* Sept. 25, 1951, 82-1, *Record*, p. 12052.

[84] May 13, 1959, 86-1, *Record*, p. 8064.

[85] Feb. 6, 1936, 74-2, *Record*, pp. 1564-66.

[86] May 17, 1944, 78-1, *Record*, p. 4586; June 26, 1945, 79-1, *Record*, pp. 6721-22.

[87] Dec. 14, 1932, 72-2, *Record*, p. 438; May 20, 1953, 83-1, *Record*, p. 5215; Feb. 24, 1938, 75-3, *Record*, p. 2357; May 28, 1940, 76-3, *Record*, p. 6993; July 15, 1942, 77-2, *Record*, pp. 6180-81; *see also* June 3, 1912, 62-2, *Record*, P. 7549.

[88] Feb. 15, 1905, 58-3, *Record*, p. 2607; Jan. 15, 1913, 62-3, *Record*, p. 1562; Nov. 4, 1921, 67-1, *Record*, p. 7310; Aug. 31, 1962, 87-2, *Record*, p. 18332; Mar. 17, 1975, 94-1, *Record*, p. 6978.

[89] May 2, 1935, 74-4, *Record*, pp. 6760-61; July 31, 1958, 85-2, *Record*, pp. 15699-700; Dec. 2, 1954, 83-2, *Record*, pp. 16360, 16369; Aug. 24, 1951, 82-1, *Record*, p. 10651; Aug. 26, 1949, 81-1, *Record*, p. 12541; *see also* Oct. 18, 1951, 82-1, *Record*, p. 13439; Sept. 25, 1951, 82-1, *Record*, p. 12054; Sept. 24, 1951, 82-1, *Record*, p. 11952; July 12, 1950, 81-2, *Record*, p. 10006; July 22, 1935, 74-1, *Record*, p. 11545; June 19, 1935, 74-1, *Record*, p. 9639; Aug. 31, 1962, 87-2, *Record*, p. 18332.

[90] *See* Mar. 5, 1947, 80-1, *Record*, p. 1698.

If a committee amendment proposes to strike out a paragraph of a bill, an amendment made to the language to be stricken will be eliminated if the committee amendment to strike out that language as amended is agreed to.[91]

A Senator has no authority to withdraw a proposed committee amendment;[92] but such an amendment may be withdrawn at the direction of the committee or by unanimous consent.[93]

A Senator cannot modify an amendment with the consent of the chairman of the committee after the yeas and nays have been ordered thereon; this action requires unanimous consent of the Senate.[94]

If an amendment to a committee amendment is rejected, the committee amendment is still open to amendment,[95] and an amendment thereto must be voted on before a vote is taken on the committee amendment.[96]

If a bill is referred to two committees jointly on order of the Senate and it is reported with an amendment in the nature of a substitute for the bill by one committee, and the second committee proposes a substitute for the first committee's substitute, and both amendments are printed in the bill, no action is required from the floor to submit the second amendment as it comes up automatically.[97]

If and when a bill reported with amendments by each of two committees is brought up for consideration in the Senate, the amendment in the nature of a substitute reported by the first committee will not be acted on until the perfecting amendments to the substitute reported by the second committee are disposed of.[98]

After committee amendments to a bill have been disposed of, amendments from the floor to the unamended parts of the bill are in order.[99]

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[91] *See* July 3, 1952, 82-2, *Record*, p. 9149.

[92] July 16, 1942, 77-2, *Record*, p. 6243; *see also* July 15, 1942, 77-2, *Record*, pp. 6168, 6171.

[93] Aug. 17, 1914, 63-2, *Record*, p. 13849; Mar. 24, 1944, 78-2, *Record*, p. 3037; Apr. 25, 1951, 82-1, *Record*, pp. 4350-51; *see also* Mar. 26, 1952, 82-2, *Record*, p. 2889; Aug. 23, 1962, 87-2, *Record*, p. 17364.

[94] Apr. 15, 1958, 85-2, *Record*, p. 6417.

[95] *See* June 30, 1943, 78-1, *Record*, p. 6825.

[96] *See* June 18, 1960, 86-2, *Record*, p. 13244.

[97] *See* May 15, 1958, 85-2, *Record*, p. 8818.

[98] July 16, 1974, 93-2, *Record*, pp. 23566-67.

[99] *See* Aug. 8, 1966, 89-2, *Record*, pp. 18589-90.

Floor Amendments:

See also "Committee Amendments, Offering and Disposition of," pp. 35–39; "Precedence of Amendments," "Floor Amendments," p. 99.

Floor amendments, not amendments to committee amendments, but to the text of a bill, are not in order until all committee amendments are disposed of,[100] except by unanimous consent.[101]

A floor amendment is not in order until all committee amendments have been disposed of, unless it is an amendment to the pending committee amendment, or to the language proposed to be stricken thereby, and the Presiding Officer enforces this on his own initiative.[102]

Under certain circumstances, a floor amendment would be in order when a committee amendment containing the identical language would not be. In this regard, the Chair has stated in response to a parliamentary inquiry, that if a committee amendment fell on a point of order under Rule XV on the grounds that it contained significant matter within the jurisdiction of another committee, the identical amendment could be offered from the floor and not be subject to that point of order.[103]

Floor Relinquished on Calling Up an Amendment:

See also "Senator Loses Floor," pp. 775–778; "Recognition To Offer," pp. 45–46.

A Senator technically loses the floor when he makes a motion or offers an amendment,[104] unless he is again recognized by the Presiding Officer.[105]

A Senator loses the floor when he offers an amendment, and another Senator may be recognized after the reading of the amendment is dispensed with or completed.[106]

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[100] Sept 9, 1980, 96–2, *Record*, p. 24762; Oct. 7, 1977, 95–1, *Record*, p. 32918; Sept. 15, 1944, 78–2, *Record*, p. 7798; June 9, 1944, 78–2, *Record*, p. 5623; June 25, 1954, 83–2, *Record*, p. 8917; July 12, 1950, 81–2, *Record*, pp. 10010–11; Jan. 19, 1950, 81–2, *Record*, p. 622; Sept. 15, 1972, 92–2, *Record*, pp. 30893–94; Sept. 12, 1973, 93–1, *Record*, p. 29481; *see also* Feb. 21, 1950, 81–2, *Record*, p. 2039.

[101] June 26, 1952, 82–2, *Record*, p. 8108; Dec. 3, 1971, 92–1, *Record*, p. 44537; Feb. 2, 1972, 92–2, *Record*, p. 2415.

[102] Oct. 2, 1985, 99–1, *Record*, p. 25574; Sept. 21, 1984, 98–2, *Record*, p. 26467; June 28, 1984, 98–2, *Record*, pp. 19557–58; May 25, 1982, 97–2, *Record*, p. 11637.

[103] *See* Sept. 14, 1989, 101–1, *Record*, p. S. 11064.

[104] Feb. 24, 1947, 80–1, *Record*, p. 1353; July 27, 1954, 83–2, *Record*, p. 12193; Apr. 12, 1956, 84–2, *Record*, p. 6202; Dec. 18, 1950, 81–2, *Record*, p. 16705; Feb. 27, 1915, 63–3, *Journal*, p. 156, *Record*, pp. 4812–14; Aug. 16, 1962, 87–2, *Record*, p. 16678.

[105] Sept. 24, 1977, 95–1, *Record*, pp. 30744–45; Sept. 30, 1977, 95–1, *Record*, pp. 31753–55, 31775–77; *see* Aug. 3, 1959, 81–2, *Record*, p. 11711.

[106] Oct. 2, 1984, 99–2, *Record*, pp. 28294–96; Aug. 10, 1982, 97–2, *Record*, pp. 20057–61.

A Senator cannot hold the floor if he has offered an amendment and had it stated by the Clerk, if his right to the floor is timely contested. "When a Senator has the Clerk read an amendment which the Senator submits, he relinquishes the floor, just as if he had taken his seat." [107]

A Senator cannot hold the floor while a vote is being taken,[108] nor may he ask for a vote on an amendment and retain the floor,[109] nor while action is being taken on an amendment.[110] A Senator cannot hold the floor while a series of amendments offered by him is being considered,[111] nor offer one amendment and hold the floor to offer a subsequent one.[112] When a question is put to a vote, a Senator who has been speaking loses the floor.[113]

Laid Aside for Consideration of Another Amendment:

A unanimous consent request to call up an amendment when another is pending is tantamount to requesting that the pending amendment be temporarily laid aside for the consideration of another.[114]

An amendment which is temporarily laid aside by unanimous consent for the consideration of another amendment will automatically recur for consideration upon the disposition of that second amendment; [115] likewise, an amendment laid aside by unanimous consent for the consideration of another amendment automatically recurs upon a call for the regular order.[116] A Senator must have the floor to call for the regular order of amendments.[117]

When unanimous consent is granted to make a particular amendment the pending question on a measure notwithstanding the fact that that measure was reported with committee amendments, a call for regular order will

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[107] *See* footnote 105 above.

[108] Oct. 12, 1949, 81-1, *Record*, pp. 14349-50.

[109] Aug. 4, 1939, 76-1, *Record*, pp. 11008-09.

[110] Oct. 10, 1942, 77-2, *Record*, p. 8055; June 14, 1938, 75-3, *Record*, p. 9207; June 28, 1939, 76-1, *Record*, p. 8105; *see also* Apr. 15, 1948, 80-2, *Record*, p. 4489.

[111] Aug. 3, 1937, 75-1, *Record*, pp. 8099-8100.

[112] June 3, 1938, 75-3, *Record*, p. 8093; *see also* Feb. 7, 1944, 78-1, *Record*, pp. 1280-81; Mar. 30, 1950, 81-2, *Record*, pp. 4371-72.

[113] May 21, 1970, 91-2, *Record*, p. 16528.

[114] May 2, 1978, 95-2, *Record*, pp. 12155-56.

[115] Aug 1, 1986, 99-2, *Record*, p. 18682; Sept. 22, 1983, 98-1, *Record*, p. 25276; Dec. 10, 1980, 96-2, *Record*, pp. 33294-98; Nov. 12, 1980, 96-2, *Record*, p. 29311.

[116] May 21, 1985, 99-1, *Record*, pp. 12927, 13218-19; Sept. 28, 1984, 98-2, *Record*, p. 27670; Mar. 9, 1983, 98-1, *Record*, pp. 4407, 4925; Mar. 9, 1983, 98-1, *Record*, p. 5120.

[117] Aug. 1, 1986, 99-2, *Record*, p. 18736.

suspend the consideration of the particular amendment and put the Senate on the first committee amendment.[118]

When the two managers of a bill are by unanimous consent given joint authority to set aside temporarily the committee amendments, they may do so at any time, and any Senator may then seek recognition to offer an amendment to the bill, after the disposition of which the previous committee amendment would then recur.[119]

When a first amendment which had been laid aside for the consideration of a second amendment had recurred as the regular order, the second amendment is not displaced, but only suspended for the consideration of the former amendment, and it recurs upon the disposition of the former amendment.[120]

An amendment which had been laid aside by unanimous consent is nonetheless the regular order and returns as the pending question upon a call for the regular order, even though no other amendment had been called up in the interim.[121]

If unanimous consent is granted to set aside an amendment for no longer than a set time period for the consideration of another amendment, when that time period expires the second amendment is displaced without prejudice and may be called up whenever appropriate at a later time.[122]

On one occasion, in response to a parliamentary inquiry, the Chair stated that amendments that were set aside by unanimous consent would recur in the inverse order from which they were set aside.[123] On another occasion, when a first amendment was laid aside for the consideration of a second amendment, which was laid aside for the consideration of a third amendment, and that amendment in turn laid aside for the consideration of a fourth amendment, the Chair indicated that a call for the regular order would bring back the first amendment.[124]

An amendment temporarily laid aside for the consideration of another amendment will automatically come

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[118] Mar. 17, 1983, 98-1, *Record*, p. 8813.
[119] June 28, 1984, 98-2, *Record*, pp. 19557-58.
[120] Dec. 9, 1985, 99-1, *Record*, pp. 35325, 35329.
[121] Nov. 7, 1985, 99-1, Record, pp. 31110-12.
[122] June 20, 1984, 98-2, *Record*, pp. 17502-04.
[123] *See* Mar. 22, 1984, 98-2, *Record*, p. 6384.
[124] *See* Sept. 24, 1990, 101-2, *Record*, pp. S 13563-64, 13566, 13566, 13571, 13588-89.

back before the Senate after disposition of the latter unless laid aside still further.[125]

If a pending amendment in the first degree is laid aside by unanimous consent that action would also lay aside any pending amendment to the amendment if such a request were granted.[126]

Offering of:

A Senator having the floor is entitled to offer, when amendments are in order, an amendment to a pending bill for immediate consideration, and it must be read unless its reading is dispensed with by unanimous consent.[127]

The presentation and reading of an amendment is not a formal offering thereof.[128] The reading of an amendment by a Senator does not constitute a presentation of an amendment to the Senate; it should be presented at the desk and read by the Clerk.[129]

The formal offering of an amendment includes sending it to the desk and presenting it to the Senate, where it is read from the desk.[130]

An amendment should be reported by the Clerk from the desk prior to a vote thereon by the Senate,[131] and should be read before another may be offered to it.[132]

There is no preference in the consideration of individual amendments, it depending upon the matter of recognition.[133]

Reading:

Under Rule XV, paragraph 1, and Senate precedents, an amendment shall he read by the Clerk before it is up for consideration or before the same shall be debated unless a request to waive the reading is granted; in practice that includes an ordinary amendment or an amendment in the nature of a substitute, the reading of which may not be dispensed with except by unanimous con-

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[125] Nov. 20, 1970, 91-2, *Record*, p. 38293.
[126] May 2, 1978, 95-2, *Record*, pp. 12155-56.
[127] *See* Mar. 2, 1960, 86-2, *Record*, p. 4105; Mar. 3, 1960, 86-2, *Record*, pp. 4260-65.
[128] June 30, 1945, 79-1, *Record*, p. 7051.
[129] Dec. 17, 1937, 75-2, *Record*, p. 1766.
[130] May 19, 1914, 63-2, *Record*, p. 8828.
[131] Oct. 27, 1939, 76-2, *Record*, p. 1033.
[132] Mar. 14, 1935, 74-1, *Record*, pp. 3615-16.
[133] Feb. 24, 1950, 81-2, *Record*, pp. 2355-56.

sent,[134] and if the request is denied the amendment must be read and further interruptions are not in order;[135] interruptions of the reading of an amendment that has been proposed are not in order,[136] even for the purpose of proposing a substitute amendment to a committee amendment which is being read.[137]

When an amendment is offered the regular order is its reading, and unanimous consent is required to call off the reading.[138]

A Senator has, at the sufferance of the Senate, reserved the right to object to dispensing with the further reading of an amendment.[139]

Where an amendment to a pending bill is proposed for consideration, but is not read at the time, unanimous consent is not required for its subsequent reading.[140]

By unanimous consent, amendments have been printed in the *Record,* and the requirement for their reading waived,[141] even in the case of amendments to bills upon which a cloture motion has been proposed;[142] and in 1921, it was held that the reading of an amendment by caption only, by unanimous consent, was in compliance with the rule.[143]

During the formal reading of a bill ordered by the Senate, action on committee amendments is not in order until after the completion of its reading.[144] After the reading, a proposed substitute for a committee amend-

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[134] *See* Mar. 2, 1960, 86-2, *Record*, p. 4105; Mar. 3, 1960, 86-2, *Record*, pp. 4260-65; May 19, 1914, 63-2, *Record*, p. 8828; Dec. 17, 1937, 75-2, *Record*, p. 1766; Oct. 27, 1939, 76-2, *Record*, p. 1033; Dec. 9, 1914, 63-3, *Record*, p. 47; Dec. 18. 1970, 91-2, *Record*, pp. 42406-11; May 21, 1970, 91-2, *Record*, pp. 16545-46; Aug. 15, 1978, 95-2, *Record*, p. 26108; *see also* Rule XXII, paragraph 2.

[135] Dec. 10, 1979, 96-1, *Record*, pp. 35243-44.

[136] July 1, 1952, 82-2, *Record*, pp. 8731-33; Dec. 18, 1970, 91-2, *Record*, pp. 42406-11; Sept. 26, 1977, 95-1, *Record*, p. 30810.

[137] *See* Mar. 14, 1935, 74-1, *Record*, pp. 3615-16.

[138] *See* Oct. 30, 1985, 99-1, *Record*, p. 29697.

[139] Oct. 31, 1985, 99-1, *Record*, pp. 30014-15.

[140] *See* Feb. 29, 1960, 86-2, *Record*, p. 3762.

[141] Apr. 15, 1948, 80-2, *Record*, pp. 4478, 4494-4505.

[142] Under the cloture rule as amended in 1979, "the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than 24 hours." Feb. 25, 1927, 69-2, *Record*, p. 4759; Feb. 26, 1927, 69-2, *Record*, pp. 4892-4893; May 24, 1946, 79-2, *Record*, pp. 5570-71, 5600-5601, 5606, 5632, 5636; Jan. 19, 1933, 72-2, *Journal*, p. 114, *Record*, p. 2074; Jan. 17, 1933, 72-2, *Record*, pp. 1942-43; *see also* Nov. 20, 1942, 77-2, *Record*, pp. 9058-9059; Feb. 7, 1946, 79-2, *Record*, pp. 1066-67.

[143] Feb. 1, 1921, 66-3, *Record*, p. 2364.

[144] *See* Mar. 16, 1939, 76-1. *Record*, p. 2806. This practice of formally reading a bill after the Senate agrees to its consideration has been terminated; the Senate proceeds to its debate and amendments thereto immediately.

ment when reached would be in order.[145] The further reading of an amendment for the information of the Senate only, while the consideration of a committee amendment is pending, on objection is not in order.[146]

Neither the reading of an amendment nor the dispensing with such reading precludes the right of a Senator to make a point of order against that amendment.[147]

When a Senator calls up an amendment he thereby loses the floor and he does not gain the floor or the right to the floor by asking unanimous consent that the reading of the amendment be dispensed with.[148]

The Majority Leader on different occasions has obtained unanimous consent to suspend temporarily the reading of an amendment so that the Senate might go into executive session with the understanding (implicit or explicit) that no Senator's right be waived to request further reading of the amendment.[149]

Although Rule XXII, paragraph 2, states that a cloture motion may be presented at any time, it may not be presented pending the reading of an amendment.[150]

Recognition To Offer:

Any Senator recognized is entitled to offer an amendment when such amendment is otherwise in order,[151] but he cannot offer an amendment unless he has been recognized or has the floor.[152]

A Senator who has been recognized may offer an amendment when such amendment is otherwise in order but he cannot offer an amendment unless he has been recognized and has the floor.[153]

When a Senator offers an amendment, another may be recognized.[154]

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[145] *See* Mar. 14, 1935, 74-1, *Record*, pp. 3615-16.
[146] June 15, 1948, 80-2, *Record*, p. 8245.
[147] Aug. 3, 1983, 98-1, *Record*, p. 22445.
[148] July 19, 1983, 98-1, *Record*, p. 19769.
[149] Oct. 31, 1985, 99-1, *Record*, p. 30087; Oct. 3, 1985, 99-1, *Record*, p. 25834.
[150] Mar. 14, 1983, 98-1, *Record*, p. 5121.
[151] Oct. 7, 1949, 81-1, *Record*, p. 14079.
[152] Jan. 22, 1947, 80-1, *Record*, p. 518.
[153] Aug. 5, 1982, 97-2, *Record*, pp. 19532-33.
[154] Aug 3, 1937, 75-1, *Record*, pp. 8099-8100.

A Senator technically loses the floor when he makes a motion or offers an amendment,[155] unless he is again recognized by the Presiding Officer.[156]

Where an amendment was offered by a Senator and the question stated by the Chair on agreeing to it, another Senator addressing the Chair was recognized and made a motion, which was held in order.[157]

A Senator does not lose the floor upon making a unanimous consent request, and the floor is not thereby made available for another Senator to seek recognition to offer an amendment.[158]

Regular Order, Called for:

See "Laid Aside For Consideration of Another Amendment," pp. 41-43.

Reoffering of:

An amendment which has been rejected or disposed of cannot be reoffered in an identical form,[159] nor is an amendment proposing provisions which are the same in substance and effect as one previously offered in order.[160] An amendment which has been rejected, or ruled out of order on a point of order, cannot be reoffered unless it is substantially different.[161] However, the Chair has stated in response to a parliamentary inquiry, that if a committee amendment fell on a point of order under Rule XV on the grounds that it contained significant matter within the jurisdiction of another committee, the identical amendment could be offered from the floor and not be subject to that point of order.[162] An amendment which has been tabled may not he reoffered in the identical form regardless of whether or not cloture has been invoked.[163]

An amendment which has been rejected may be reoffered if:

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[155] Feb. 24, 1947, 80-1, *Record*, p. 1353; July 27, 1954, 83-2, *Record*, p. 12193; Apr. 12, 1956, 84-2, *Record*, p. 6202; Dec. 18, 1950, 81-2, *Record*, p. 16705; Feb. 27, 1915, 63-3, *Journal*, p. 156, *Record*, pp. 4812-14.

[156] Aug. 3, 1950, 81-2, *Record*, p. 11711.

[157] *See* Feb. 7, 1944, 78-1, *Record*, pp. 1280-81; May 21, 1970, 91-2, *Record*, p. 16528.

[158] May 9, 1985, 99-1, *Record*, p. 11406.

[159] May 26, 1930, 71-2, *Journal*, p. 387; *see also* Mar. 7, 1951, 82-1, *Record*, p. 2055; Feb. 28, 1968, 90-2, *Record*, p. 4569.

[160] Sept. 27, 1977, 95-1, *Record*, pp. 31176, 31243; July 31, 1937, 75-1, *Journal*, p. 455, *Record*, p. 7948.

[161] Aug. 15, 1975, 95-2, *Record*, p. 26109.

[162] *See* Sept. 14, 1989, 101-1, *Record*, p. S 11064.

[163] *See* Feb. 25, 1968, 90-2, *Record*, p. 4569.

(1) A substantial change is made in its provisions or an amendment which has been modified substantively; [164]

(2) After a change to provide for a different amount; [165]

(3) After the elimination of certain language; [166]

(4) As a part of an amendment embracing other parts of a bill; [167]

(5) A rejected substitute substantially changed can be offered as an independent section to the bill; [168]

(6) Offered to another paragraph of the bill after a substantial change was made in its provisions; [169]

(7) Proposing only a part of a rejected amendment; [170]

(8) The proposed imposed duties on certain articles were changed to impose duties on some of such articles; [171]

(9) When the amendment has been substantially modified even though a companion amendment had been previously defeated; [172]

(10) An amendment pending to another amendment if carried to the table by the adoption of a motion to table the first amendment; [173]

(11) When embracing two separate and distinct provisions, it is in order to offer as an independent amendment the exact language of one of the provisions of such amendment; [174] and

(12) An amendment embracing a portion of an amendment previously rejected is in order. [175]

Where an amendment to a bill has been rejected, a new amendment on the same subject matter which is substantially different from the original amendment is in order and not subject to a point of order that it is a duplication. [176]

An amendment to a substitute for a bill having been agreed to, it may also be offered as an amendment to the

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[164] Feb. 7, 1905, 58-3, *Record*, pp. 2003-04; Dec. 19, 1910, 61-3, *Record*, p. 479; July 12, 1946, 79-2. *Record*, pp. 8753, 8757-58; May 16, 1974, 93-2, *Record*, pp. 15062-68; *see also* June 4, 1952, 82-2, *Record*, p. 6527; Aug. 6, 1969, 91-1, *Record*, pp. 22467-68.

[165] *See* Mar. 7, 1951, 82-1, *Record*, p. 2055.

[166] June 24, 1926, 66-1, *Journal*, p. 525.

[167] Dec. 18, 1947, 80-1, *Record*, pp. 11579-80; Feb. 8, 1944, 78-1, *Record*, pp. 1399-1400, 1402-03.

[168] *See* June 10, 1952, 82-2, *Record*, p. 6908.

[169] Mar. 20, 1930, 71-2, *Record*, p. 5790.

[170] June 3, 1910, 61-2, *Record*, p. 7358; June 24, 1926, 69-1. *Journal*, p. 525, *Record*, pp. 11872-73.

[171] Mar. 20, 1930, 71-2, *Record*, p. 5790.

[172] *See* May 9, 1974, 93-2, *Record*, pp. 14114-15.

[173] *See* June 10, 1975, 94-1, *Record*, p. 18196.

[174] May 19, 1928, 70-1, *Record*, p. 9177.

[175] Aug. 17, 1959, 86-1, *Record*, pp. 16018-19.

[176] July 2, 1959, 86-1, *Record*, p. 12956.

language of the bill proposed to be stricken out by the substitute before a vote is taken on the substitute as amended.[177] An amendment may be proposed to a bill after an identical amendment was defeated when offered to a substitute for a bill.[178]

If a substitute amendment (not for entire bill) is agreed to, the original amendment may be reoffered as a separate amendment,[179] or the original amendment may be reoffered at another place in the bill.[180]

If an amendment is offered to a committee amendment and is agreed to and the amendment as amended is then rejected, it would be in order to offer the same amendment as an amendment to the original bill.[181]

When a title of a bill is stricken out, an amendment relating to the same subject matter may be offered as a new amendment to the bill.[182]

In the case of a treaty, an amendment carried to the table with a reservation, to which it was pending, may be reoffered as an independent question.[183]

Senator Amends Own Amendment:

See: Senator Cannot Amend Own Amendment Unless," p. 117.

Senator Calls Up Amendment for Another:

See "Another Senator May Call Up," p. 34.

Substitute Amendments for Bill:

A substitute for the text of a bill is not in order until committee amendments thereto have been disposed of.[184]

When Not Called Up:

See also "Another Senator May Call Up," p. 34; "Printed Amendments—No Parliamentary Standing," p. 106.

Where a unanimous consent agreement on a bill (which was reported with a committee amendment in the nature of a substitute) provides that only certain amendments be in order, they need not be offered, and if not offered, the

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[177] Mar. 27, 1968, 90-2, *Record*, p. 7871.
[178] Oct. 3, 1977, 95-1, *Record*, p. 31925.
[179] *See* Feb. 19, 1942, 77-2, *Record*, p. 1443.
[180] *See* Feb. 28, 1967, 90-1, *Record*, pp. 4764-66.
[181] *See* Apr. 5, 1950, 51-2, *Record*, p. 4745.
[182] *See* Mar. 15, 1950, 81-2, *Record*, pp. 3385-86.
[183] Mar. 18, 1920, 68-2, *Record*, pp. 4499-4500.
[184] *See* Aug. 31, 1960, 86-2, *Record*, pp. 18646-47.

Senate would then proceed to vote on the committee substitute.[185]

When a motion to proceed to the consideration of a bill is pending, a Senator may send amendments to be offered to that bill to the desk for printing.[186]

Chair Does Not Rule Amendments Frivolous:

The Chair does not rule whether an amendment is frivolous or not.[187]

Chair Takes Initiative—Rule Out Amendments:

See also "Amendments Agreed To Not Amendable," p. 31.

The Chair takes the initiative to rule an amendment out of order if it proposes to amend a part of a bill already amended; [188] likewise, the Presiding Officer takes the initiative to rule out of order an amendment which is drafted both to an amendment and to the text of a bill.[189]

An amendment is not in order if it amends language of a bill that has already been agreed to and the Chair would hold the amendment out of order on his own initiative; [190] also it is not in order to propose an amendment to an amendment previously agreed to, except by unanimous consent, and the Chair must enforce this prohibition on its own initiative.[191]

The Presiding Officer takes the initiative to enforce the prohibition against the offering of an amendment while another amendment is pending unless it amends the pending amendment or language affected thereby.[192]

Until a Senator has lost the right to modify his own amendment he is precluded from offering an amendment thereto and this will be enforced at the initiative of the Presiding Officer.[193]

After a motion to table an amendment has been made it is not in order to propose an amendment to an amend-

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[185] *See* Aug. 4, 1980, 96-2, *Record*, pp. 21198-99.
[186] Mar. 19, 1986, 99-2, *Record*, p. 5391.
[187] Oct. 3, 1972, 92-2, *Record*, pp. 33457-58.
[188] Sept. 16, 1980, 96-2, *Record*, p. 25496.
[189] Nov. 4, 1981, 97-1, *Record*, p. 26437.
[190] Aug. 10, 1984, 98-2, *Record*, pp. 23693-94; Dec. 17, 1982, 97-2, *Record*, p. 31470.
[191] Dec. 11, 1980, 96-2, *Record*, p. 33552.
[192] Dec 10, 1980, 96-2, *Record*, pp. 33294-98.
[193] May 22, 1984, 98-2, *Record*, p. 13181.

ment and the Chair will enforce the prohibition without a point of order being made.[194]

The Chair on its own initiative will rule out of order amendments which are technically impossible such as an amendment drafted to another amendment when no other amendment is pending.[195]

A floor amendment is not in order until all committee amendments have been disposed of unless it is an amendment to a pending committee amendment, or to the language proposed to be stricken thereby, and the Chair will enforce this on its own initiative.[196]

When an amendment which is actually a series of amendments is sent to the desk, if any part of that amendment amends language already agreed to, the entire amendment will be held out of order by the Chair on its own initiative.[197]

The Chair on its own initiative will rule out of order a substitute amendment for a second degree amendment which is a third degree amendment.[198]

Cloture, Amendments Under Cloture Procedure:

See "Amendments After Cloture," pp. 284–299.

Committee Amendments:

See also "Committee Amendments, Offering and Disposition of," pp. 35–39; "Divisible Questions," pp. 807–812.

Committee amendments are not a part of the bill until they have been agreed to by the Senate.[199]

The rejection of a committee amendment to strike out language of a bill restores the original text of the bill which would have been affected thereby.[200]

A committee amendment to strike out a section of a House-passed bill and insert new language in lieu thereof would have the effect, if rejected, of bringing the House language back into the bill.[201]

Amendments intended to be proposed to a committee amendment should be offered thereto while the latter is

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[194] June 3, 1986, 99–2, *Record*, p. 12190.
[195] Sept. 19, 1986, 99–2, *Record*, p. 24917.
[196] Oct. 2, 1985, 99–1, *Record*, p. 25574.
[197] Mar 11, 1983, 98–1, *Record*, p. 4928.
[198] Oct. 2, 1984, 98–2, *Record*, p. 28382.
[199] *See* Dec. 17, 1970, 91–2, *Record*, p. 42131.
[200] *See* Apr. 3, 1941, 77–1, *Record*, p. 2953.
[201] *See* Dec. 16, 1969, 91–1, *Record*, pp. 39313–14.

under consideration and before final action is taken thereon.[202]

If a committee amendment proposes to reduce the amount of an appropriation, an amendment thereto proposing to restore the original amount of the bill is not in order, since the rejection of the committee amendment would bring about that result.[203]

The name of the Senator, who proposes an amendment to a bill in a committee and which is approved by the committee, is not attached to the said amendment when the bill is reported to the Senate; such amendment is designated as a committee amendment appearing at a specified place in the bill.[204]

An announcement by the chairman or any member of a committee as to his attitude toward an amendment offered to a bill reported by the said committee has no effect on the status of the amendment; the chairman of the committee or a member thereof handling the bill cannot accept amendments thereto.[205]

Committee Jurisdiction—Rule XV:

On December 17, 1982 (shortly after midnight), a Senator inserted into the *Record* a letter from the Parliamentarian to the effect that Rule XV provides that it shall not be in order to consider any committee amendment not within the jurisdiction of the committee proposing such an amendment, and therefore a legislative amendment proposed by the Committee on Appropriations is in violation of Rule XV.[206]

Conference, Amendments in, May Be Offered to a Pending Bill:

An amendment in conference (including amendments to appropriation bills), upon which the conferees have not agreed, may be offered to another bill pending in the Senate.[207]

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[202] *See* July 13, 1950, 81-2, *Record*, p. 10061.
[203] *See* Dec. 19, 1947, 80-1, *Record*, p. 11696.
[204] *See* Mar. 31, 1960, 86-2, *Record*, p. 7048.
[205] June 19, 1951, 82-1, *Record*, p. 6721; *see also* Mar. 21, 1939, 76-1, *Record*, p. 3052; Sept. 27, 1949, 81-1, *Record*, p. 13341.
[206] Dec. 17, 1982, 97-2, *Record*, pp. 31389-90.
[207] July 5, 1943, 78-1, *Record*, p. 7180.

Conference Reports, Amendments to, Out of Order:

See "Amendments Not in Order," p. 452.

Consideration En Bloc:

See "En Bloc Consideration and Adoption," pp. 59–61.

Consistency of Contents of Amendments:

An amendment to one part of a bill has no effect on amendments to be offered to other parts thereof;[208] where an amendment to a bill has been agreed to, a further amendment differing therefrom in its terms may be offered to another portion of the bill.[209]

An inquiry whether a proposed amendment is inconsistent with an amendment previously adopted is not a parliamentary question;[210] whether or not a proposed amendment would nullify clauses of a bill without eliminating them is for the Senate to determine, and not the Chair.[211] The Presiding Officer does not pass upon the question of consistency of amendments.[212]

No point of order will lie against an amendment on the ground that it is inconsistent with other provisions of the measure.[213]

Constitutional Amendments, Amended To Make Into Legislation, and Amendments to:

See "Constitutional Amendments," pp. 683–686.

Constitutionality of Amendments:

See also "Constitutional Amendments," pp. 683–686, 1215–1216.

The question of the constitutionality of a measure originating in the Senate as being revenue raising in nature or the constitutionality of a revenue-raising amendment is

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[208] *See* May 31, 1938, 75–3, *Record*, p. 7722.
[209] *See* Mar. 26, 1908, 60–1, *Record*, p. 3956; Feb. 10, 1913, 62–3, *Record*, p. 2922.
[210] *See* Feb. 10, 1913, 62–3, *Record*, p. 2922.
[211] Jan. 12, 1922, 67–2, *Record*, p. 1108; Mar. 27, 1947, 80–1. *Record*, pp. 2724–25; *see also* Oct. 24, 1942, 77–2, *Record*, p. 8651.
[212] *See* May 23, 1934, 73–2, *Record*, pp. 9393–94.
[213] May 28, 1947, 80–1, *Record*, p. 5924.

submitted by the Presiding Officer directly to the Senate for determination.[214]

A point of order that an amendment proposing to raise revenue should originate in the House raises a constitutional question and the Chair has no authority to rule on such a point of order. Such a point of order is submitted to the Senate for decision. The question is: Is it the judgment of the Senate that the point of order is well taken? Such a point of order is debatable and is decided by majority vote.[215]

When a point of order is made against an amendment under the Constitution (on the grounds that the amendment would raise revenue and therefore should originate in the House), the Chair has no authority to rule on the point of order, but submits for debate and decision the question "Is it in order to offer such an amendment to the pending bill?" [216]

When a point of order is made against an amendment on the grounds that it violates the Constitution, that point of order must be submitted by the Chair to the Senate for a vote, and when so submitted is subject to a motion to table; [217] but if the Senate is operating under cloture the point of order is not debatable.[218]

A point of order that an amendment which proposes an appropriation is out of order on a Senate bill was construed by the Chair to be tantamount to making a Constitutional point of order, and the Chair advised that it would submit that question to the Senate for decision.[219]

It is not within the province of the Presiding Officer to rule a bill or an amendment out of order on the ground that it is unconstitutional; [220] the Presiding Officer has no authority or power to pass on the constitutionality of a

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[214] June 16, 1924, 68-1, *Journal*, p. 101, *Record*, pp. 1025-27; Sept. 1, 1965, 89-1, *Record*, pp. 22583, 22589; Mar. 2, 1931, 71-3, *Journal*, p. 317; July 14, 1955, 84-1, *Record*, p. 10542; Apr. 15, 1948, 80-2, *Record*, pp. 4493-94; May 8, 1946, 79-2, *Record*, pp. 4604-5, 4689; May 31, 1939, 76-1, *Journal*, p. 344, *Record*, pp. 6339-49; Dec. 16, 1937, 75-2, *Record*, p. 1615; Mar. 28, 1935, 74-1, *Journal*, pp. 228-29; Dec. 17, 1932, 72-2. *Journal*, p. 48; Dec. 16. 1937, 75-2, *Journal*, p. 45, *Record*, p. 1613; June 7, 1961, 87-1, *Record*, pp. 9749-50; Aug. 3, 1977, 95-1, *Record*, pp. 26313-20; *see also* Aug. 20, 1940, 76-3, *Journal*, p. 560, *Record*, pp. 10594, 10627, 10642, 10644.

[215] Oct. 2, 1969, 91-1, *Record*, p. 28267; Sept. 26, 1967, 90-1, *Record*, p. 26823; Aug. 3, 1977, 95-1, *Record*, pp. 26313-20.

[216] Oct. 7, 1983, 97-2, *Record*, pp. 27781-83.

[217] Feb. 4, 1986, 99-2, *Record*, pp. 1517-18; Nov. 1, 1985, 99-1, *Record*, pp. 30244-47; May 3, 1984, 98-2, *Record*, pp. 10859, 10870.

[218] Feb. 4, 1986, 99-2, *Record*, pp. 1517-18.

[219] July 12, 1983, 98-1, *Record*, p. 18609.

[220] Apr. 7, 1884, 48-1, *Record*, p. 2720; *see also* footnote 215 above.

measure or amendment; that is a matter for the Senate itself to decide.[221]

An amendment proposing to give the President authority to veto line items in appropriations acts was voted by the Senate to give rise to a point of order under the Constitution.[222]

A Senate amendment which provides for tax refunds, proposed to a House bill, is not a revenue-raising measure, and may originate in the Senate.[223]

Co-Sponsors:

A request to add the name or names of Senators as co-authors of an amendment already submitted to the Senate requires unanimous consent,[224] and an amendment cannot be reprinted merely to show the names of additional authors since such action would contravene an order of the Joint Committee on Printing.[225]

Debate of:

See "Amendments, Debate of," p. 724; "Unanimous Consent Agreements," pp. 1311–1369.

Divisible Questions:

See also "Divisible Questions," pp. 807–812; "Division of Pending Question," pp. 807–812.

Any Senator may demand that any amendment be divided for action thereon to the extent that the content thereof is susceptible of division; [226] this includes a series of amendments, one of which was a proposal to strike and insert, but not in such a manner as to divide the proposal to strike from its ancillary proposal to insert.[227]

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[221] June 28, 1980, 96–2, *Record* pp. 17638–40; Jan. 14, 1891, 51–2, *Record*, p. 1319; Aug. 30, 1922, 67–2, *Record*, pp. 11964–65, *Journal*, p. 418; Dec. 17, 1932, 72–2, *Journal*, p. 48, *Record*, p. 627; Feb. 3, 1925, 68–2, *Journal*, p. 145, *Record*, p. 2939; Jan. 23, 1925, 68–2, *Journal*, p. 109, *Record*, pp. 2344–55, 2358; Jan. 22, 1925, 68–2, *Journal*, p. 105, *Record*, pp. 2273–74; Mar. 30, 1898, 55–2, *Record*, p. 3356; *see also* Apr. 28, 1933, 73–1. *Record*, p. 2551.

[222] May 3, 1984, 98–2, *Record*, pp. 10859, 10870.

[223] *See* House precedent of Jan. 16, 1933, 72–2. *Record*, pp. 1867–68.

[224] Mar. 17, 1943, 78–1, *Record*, p. 2110; Apr. 21, 1950, 81–2, *Record*, p. 5506.

[225] Sept. 10, 1951, 82–1, *Record*, p. 11069.

[226] Oct. 6, 1978, 95–2, *Record*, pp. 34380–81; July 27, 1978, 95–2, *Record*, pp. 23004–6; May 1, 1974, 93–2, *Record*, pp. 12615–16; Sept. 23, 1977, 95–1, *Record*, p. 30613; Dec. 28, 1970, 91–2, *Record*, pp. 43641, 43643; May 30, 1973, 93–1, *Record*, pp. 17317–19; *see* Sept. 26, 1977, 95–1, *Record*, p. 30810.

[227] Dec. 9, 1980, 96–2, *Record*, p. 33015.

An amendment that inserts several new sections in a bill may be divided whenever susceptible of division at the option of any Senator.[228] An amendment specified in a unanimous consent agreement may be divided if it is susceptible of division.[229]

An amendment which only inserts language may be divided by a Senator if it is susceptible of division, and an amendment which consists of two subsections that are able to stand on their own qualifies as such an amendment.[230]

An amendment consisting of two separate parts may be divided upon demand.[231]

Any divisible amendment will be divided on demand, and the Senate then votes on the parts in the order in which they appear in the (printed) amendment, and amendments to the first part would be in order until the vote begins on the adoption of that part.[232] After the first division of an amendment is disposed of, the second division is debatable and amendable.[233]

Under the practices of the Senate, several amendments offered at one time, an amendment containing two separate and distinct parts and appearing at different points in a bill, or one which contains two or more separate proposals, and which is susceptible of a division, may be divided upon demand of a Senator, in order that a separate vote may be had upon each of the propositions,[234] with the first proposition being voted upon first.[235]

When an amendment which is in reality a series of amendments offered together is pending and a point of order is raised that the amendment amends the bill in more than one non-contiguous place, any Senator has the right before the point of order is ruled upon to demand a division of the amendment. Once such an amendment has been divided so that it is a series of amendments, each

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[228] Dec. 14, 1982, 97-2, *Record*, pp. 30776-77.

[229] June 6, 1985, 99-1, *Record*, p. 14684.

[230] Dec. 9, 1985, 99-1, *Record*, p. 35327.

[231] July 31, 1961, 87-1. *Record*, pp. 14161-64.

[232] May 14, 1974, 93-2, *Record*, pp. 14593-94.

[233] *See* July 27, 1989, 101-1, *Record*, p. S 8954.

[234] May 29, 1936, 74-2, *Journal*, p. 333, *Record*, pp. 8314-45; Mar. 19, 1935, 74-1, *Journal*, p. 206, *Record*, p. 3967; Apr. 24, 1930. 71-2, *Record*, p. 7602: *see also* Sept. 12, 1950, 81-2, *Record*, p. 14614; May 16, 1947, 80-1, *Record*, pp. 5431-32; Aug. 4, 1939, 76-1, *Record*, p. 10987; Feb. 8. 1915, 63-3, *Record*, pp. 3252-53; Mar. 7, 1960, 86-2, *Record*, p. 4696; July 31, 1961, 87-1, *Record*, pp. 14161-64; June 29, 1962, 87-2, *Record*, p. 12262; Aug. 8, 1962, 87-2, *Record*, pp. 15907, 15929.

[235] May 29, 1936, 74-2, *Journal*, p. 333, *Record*, pp. 8314-5; *see also* May 16, 1947, 80-1, *Record*, pp. 5431-32.

hitting the bill at only one place, the point of order falls and the Senate considers each division in turn.[236] In lieu of a request for a division of such propositions, a motion to strike out a proposition would be in order.[237]

An amendment that consists of two distinct parts, the first of which strikes a figure and inserts a different figure in its place, the second of which inserts a new section in a bill, may be divided to separate these two parts from each other, since each part can stand substantively and grammatically without being connected to the other, even after a point of order has been made against the amendment on the grounds that it hits the bill at more than one place.[238]

When a question has been divided, a motion to table both parts, or however many parts there are, in one motion would not be in order, but a motion to table the whole bill would be in order, and if agreed to, would carry all parts of the amendment with it.[239]

Each division of a divided amendment is disposed of separately, even where a unanimous consent agreement has been entered which places a time limit on the "underlying" amendment.[240]

A request for a division of an amendment comes too late after a motion to table the amendment has been made.[241]

If an amendment proposes to strike out certain parts of the bill, it is the pending amendment that is divisible.[242]

Committee amendments reported to a bill, if divisible, may be divided upon demand.[243]

Where a committee amendment consists of three distinct questions, it is within the right of a Senator to demand a division and vote on each separately.[244]

A committee amendment striking out two items is divisible,[245] but if in form of a proviso, prohibiting the use of funds in an appropriation bill for various purposes indicated separately by subdivision letters, it is not susceptible of division, but may be amended by striking out any part thereof.[246]

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[236] *See* May 20, 1981, 97-1, *Record*, pp. 10436-38.
[237] Apr. 24, 1930, 71-2, *Record*, p. 7602.
[238] May 15, 1985, 99-1, *Record*, pp. 12403-46.
[239] May 1, 1974, 93-2, *Record*, pp. 12618-19.
[240] June 30, 1987, 100-1, *Record*, p. S 8976.
[241] Oct. 10, 1978, 95-2, *Record*, p. 35265.
[242] *See* Dec. 28, 1970, 91-2, *Record*, pp. 43641, 43643.
[243] Jan. 23, 1974, 93-2, *Record*, p. 611.
[244] June 29, 1962, 87-2, *Record*, p. 12262.
[245] Mar. 22, 1944, 78-2, *Record*, p. 2903.
[246] Mar. 22, 1944, 78-2, *Record*, p. 2890.

An amendment adding instructions to a motion to recommit, where such instructions consist of several propositions, may be divided upon demand, and the consideration of the various parts is proceeded within their order.[247]

An amendment of the House of Representatives to a Senate bill which contains two separate provisions is divisible.[248] On one occasion, an amendment that had been modified on which a cloture motion was pending was divided by a Senator.[249]

A series of amendments proposed to a bill, relating to the same purpose, but appearing at different places cannot be considered as one amendment except by unanimous consent.[250]

A series of resolutions under consideration having been divided under Rule XV, paragraph 3, and the question having been stated on agreeing to the third resolution, a motion to strike out such resolution was held to be in order.[251]

Nondivisible Questions:

Under Rule XV, paragraph 3, any amendment to strike out and insert is not divisible; [252] thus, an amendment that is a complete substitute for a bill may not be divided, since it is a motion to strike out and insert; [253] the same is true of a committee amendment to strike out and insert,[254] as well as amendments proposing to strike out all after the enacting clause and insert a substitute therefor.[255] A separate vote on the part proposed to be stricken

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[247] Feb. 8, 1915, 63-3, *Record*, pp. 3252-53.

[248] *See* Feb. 8, 1944, 78-1, *Record*, p. 1400.

[249] Oct. 5, 1985, 99-1, *Record*, p. 26291.

[250] Dec. 18, 1947, 80-1, *Record*, pp. 11579-80.

[251] Mar. 26, 1886, 49-1, *Record*, p. 2813.

[252] Oct. 9, 1979, 96-1, *Record*, pp. 27453-57; Mar. 17, 1977, 95-1, *Record*, p. 8063; May 28, 1884, 48-1, *Record*, p. 4600; May 15,1888, 50-1, *Record*, p. 4151; Feb. 22, 1918, 65-2, *Record*, p. 2490; July 24, 1916, 64-1, *Record*, p. 11500; June 1, 1916, 64-1, *Record*, p. 9021; Jan. 23, 1914, 63-2, *Record*, pp. 2174-76; Feb. 1, 1913, 62-3, *Record*, pp. 2415-17; July 5, 1912, 62-2, *Record*, pp. 8657-58; *see also* June 27, 1952, 82-2, *Record*, p. 8286; Aug. 3, 1950, 81-2, *Record*, pp. 11682-83; June 30, 1943, 78-1, *Record*, p. 6825; June 30, 1941, 77-1, *Record*, p. 5744; Mar. 7, 1940, 76-3, *Record*, p. 2486; July 19, 1935, 74-1, *Record*, p. 11463; Mar. 14, 1930, 71-2, *Record*, p. 5283; May 28, 1924, 68-1, *Record*, p. 9733; Dec. 11, 1913, 63-2, *Record*, pp. 686-87; Dec. 16, 1904, 58-3, *Record*, pp. 358-59; Mar. 27 and May 28, 1962, 87-2, *Record*, pp. 5086, 9371; Apr. 20, 1977, 95-1, *Record*, p. 11397; Mar. 28, 1977, 95-1, *Record*, pp. 9181-82.

[253] Dec. 20, 1982, 97-2, *Record*, p. 32646.

[254] May 15, 1888, 50-1, *Record*, p. 4151.

[255] May 29, 1890, 51-1, *Record*, p. 5423; Dec. 10, 1913, 63-2. *Record*, pp. 619-20; Dec. 11, 1913, 63-2, *Record*, pp. 686-87; *see also* Mar. 29, 1916, 64-1, *Record*, p. 5091; Jan. 7, 1915, 63-3, *Record*, p. 1096; Dec. 12, 1913, 63-2, *Record*, p. 773.

out is therefore not in order,[256] since that part cannot be subdivided although the part to be stricken out contains separate items.[257]

On December 9, 1980, a series of amendments, one of which was a proposal to strike out and insert were divided, but not in such a manner to divide the proposal to strike from its ancillary proposal to insert.[258]

An amendment that inserts language in a proposition is not divisible if each of its suggested divisions does not constitute a complete grammatical and substantive entity.[259]

An amendment offered as a substitute for an amendment is equivalent to an amendment to strike out and insert, and, under the rule, cannot be divided, as an amendment to strike out and insert is not divisible: [260] but each of the two parts is subject to amendment [261]—that is, the part to be inserted and the part to be stricken out are open to amendment.[262] A motion to strike out parts of a matter to be inserted would be in order.[263]

A substitute amendment reported by a committee for a bill is one amendment, and, while subject to perfecting amendments, must be voted upon as one amendment.[264] If unanimous consent is given to consider amendments en bloc, a division of the question is not then in order, except by unanimous consent, but the amendments are amendable.[265]

The Chair has stated in response to a parliamentary inquiry, that an amendment that had been amended by adding provisions on funding levels, could not thereafter be divided to permit a separate vote on the funding levels.[266]

Voting on Division of Question:

Where a proposed amendment consists of several divisible items, a division of the question may be asked, not-

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[256] July 5, 1912, 62–2, *Record*, pp. 8657–58.
[257] July 24, 1916, 64–1, *Record*, p. 11500.
[258] Dec. 9, 1980, 96–2, *Record*, p. 33015.
[259] *See* May 2, 1985, 99–1, *Record*, p. 10326.
[260] *See* footnote 252 above.
[261] June 23, 1884, 48–1, *Record*, p. 5486.
[262] Mar. 14, 1930, 71–2, *Record*, p. 5283; *see also* June 30, 1941, 77–1, *Record*, p. 5744.
[263] Mar. 17, 1977, 95–1, *Record*, p. 8063; *see also* Apr. 20, 1977, 95–1, *Record*, p. 11397.
[264] Jan. 24, 1944, 78–1, *Record*, pp. 600–601.
[265] *See* Nov. 30, 1943, 78–1, *Record*, p. 10131; Nov. 26, 1947, 80–1, *Record*, p. 10903; July 31, 1961, 87–1, *Record*, pp. 14161–64; July 8, 1970, 91–2, *Record*, pp. 23285–23291.
[266] *See* Sept. 28, 1989, 101–1, *Record*, pp. S 12058, 12077.

withstanding the ordering of the yeas and nays on the amendment theretofore.[267]

When a division of an amendment is demanded by a Senator under Rule XV, paragraph 3, if the yeas and nays have been previously ordered on the amendment, a separate yea and nay vote must be taken on each branch thereof.[268]

Division of Question:

See "Division of Pending Question," pp. 807–812; "Points of Order," pp. 987–996.

En Bloc Consideration and Adoption:

See also "Strike Out," pp. 78–82; "Strike Out and Insert (substitute amendment)," pp. 82–87.

Each part of a proposed amendment which would amend the pending bill in different places is a separate amendment and any such multiple amendment, upon a question being raised, is in order only by unanimous consent that they be considered en bloc.[269]

Under recent practices of the Senate, it is not uncommon for unanimous consent requests to be made to agree to all committee amendments to the bill en bloc; this procedure, of course, is dependent upon the nature of the request made and agreed to.[270] The more common agreements utilized provide that all the committee amendments be agreed to en bloc, with the understanding that any amendment may be reconsidered and opened for amendment at the request of any Senator, or that the committee amendments might be considered and agreed

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[267] July 29, 1961, 87–1, *Record*, p. 14029.

[268] Feb. 17, 1885, 48–2, *Record*, pp. 1791, 1797; July 31, 1961, 87–1, *Record*, pp. 14161–64; May 30, 1973, 93–1, *Record*, pp. 17317–19; *see* July 21, 1965, 89–1, *Record*, p. 17763; Oct. 6, 1978, 95–2, *Record*, pp. 34380–81; July 18, 1979, 96–1, *Record*, pp. 19216–17.

[269] Sept. 24, 1973, 93–1, *Record*, p. 31084; Sept. 27, 1973, 93–1, *Record*, p. 31836.

[270] Aug. 24, 1950, 81–2, *Record*, pp. 13282. 13330; Dec. 20, 1950, 81–2, *Record*, p. 16773; May 21, 1951, 82–1, *Record*, p. 5942; June 7, 1951, 82–1, *Record*, p. 6234; June 15, 1951, 82–1, *Record*, pp. 6609–10; Sept. 19, 1951, 82–1, *Record*, pp. 11603–04; Sept. 10, 1951, 82–1, *Record*, p. 11100; Sept. 26, 1951, 82–1, *Record*, p. 12111; Oct. 15, 1951, 82–1, *Record*, p. 13119; Oct. 18, 1951, 82–1, *Record*, p. 13431; Mar. 5, 1952, 82–2, *Record*, pp. 1887–88; June 19, 1952, 82–2, *Record*, p. 7615; June 28, 1952, 82–2, *Record*, p. 8435; July 3, 1952, 82–2, *Record*, p. 9175; Mar. 24, 1954, 83–2, *Record*, p. 3755; Apr. 21, 1954, 83–2, *Record*, p. 5351; June 1, 1954, 83–2, *Record*, p. 7391; June 7, 1954, 83–2, *Record*, pp. 7694, 7700; June 16, 1954, 83–2, *Record*, p. 8323; June 25, 1954; 83–2, *Record*, p. 8955; June 28, 1954, 83–2, *Record*, p. 8999; June 28, 1954, 83–2, *Record*, p. 9051; July 8, 1954, 83–2. *Record*, p. 10019; July 8, 1954, 83–2, *Record*, p. 10049; July 12, 1954, 83–2, *Record*, p. 10259; Aug. 3, 1954, 83–2, *Record*, pp. 13055, 13060; Aug. 17, 1954, 83–2, *Record*, p. 14750; June 22, 1956, 84–2, *Record*, p. 10831.

to en bloc and that the bill as amended be considered as original text for the purpose of further amendment.[271] If an objection is heard to such a request, or all such requests, the amendments will be considered under the regular or established procedure.[272] When the above procedure is utilized, amendments are then in order to any part of the text as amended,[273] and in two degrees.[274]

However, such a request to agree to committee amendments en bloc does not make them amendable unless a request is granted that the bill, as amended, be treated as original text for that purpose.[275] If such condition is not included in the request, such adoption of the amendments would have the effect of making the committee amendments a part of the bill but not open to amendment.[276]

A committee amendment, including an amendment to strike out and insert, which has been agreed to en bloc with the understanding that the bill as amended be treated as original text for the purpose of further amendment, would be subject to a motion to strike out all or any part thereof but not subject to be tabled.[277]

If a committee amendment to strike out and insert language in lieu of a section of a House-passed bill is agreed to by unanimous consent with the proviso that the bill as amended be treated as original text for the purpose of further amendments, that action would immediately remove the House language from the bill.[278]

When a unanimous consent request is agreed to that certain amendments be adopted en bloc, and the bill as thus amended be considered as original text for the purpose of further amendment, the language in the bill which was stricken by any of those amendments shall no longer be subject to amendment.[279]

If a unanimous consent request is made that committee amendments be agreed to en bloc with the exception of one, after the request is agreed to the question recurs on

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[271] June 23, 1953, 83-1, *Record*, p. 7073; July 2, 1953, 83-1, *Record*, p. 7872; July 7, 1953, 83-1, *Record*, p. 8059; July 22, 1953, 83-1, *Record*, p. 9487; Mar. 28, 1957, 85-1, *Record*, p. 4600; *see also* Aug. 27, 28, and 30, 1962, 87-2, *Record*, pp. 17745, 17836-37, 18191; Sept. 21, 1972, 92-2, *Record*, pp. 31731-33.

[272] *Ibid.*

[273] *See* Aug. 20, 1960, 86-2, *Record*, p. 16884.

[274] *See* Dec. 28, 1970, 91-2, *Record*, p. 43646; Apr. 17, 1972, 92-2, *Record*, p. 12894.

[275] Mar. 16, 1965, 89-1, *Record*, p. 5213.

[276] *See* Apr. 17, 1972, 92-2, *Record*, p. 12894; Sept. 21, 1972, 92-2, *Record*, pp. 31731-33.

[277] *See* Dec. 18, 1969, 91-1, *Record*, p. 39968; Dec. 16, 1969, 91-1, *Record*, pp. 39313-14.

[278] Dec. 16, 1969, 91-1, *Record*, pp. 39313-14.

[279] *See* Oct 2, 1984, 99-2, *Record*, 28307.

the adoption of that one excepted,[280] but before the Senate acts on that one excepted, other amendments may be submitted by unanimous consent.[281]

In the case of appropriation bills, such requests generally provide that the committee amendments be agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment but that no points of order against legislation in an appropriation bill be waived,[282] which admits points of order when any Senator desires to make one,[283] until the third reading of the bill.

If the Senate, by unanimous consent, agrees to the committee amendments to a general appropriation bill en bloc, with the reservation that any Senator may propose amendments thereto or reopen any amendment without reconsideration, a point of order subsequently made by a Senator against one of the committee amendments is in order.[284] Likewise, reconsideration of any of the committee amendments is not necessary for the purpose of offering an amendment thereto.[285]

Under such an agreement, if a point of order is made against a committee amendment as not being in order—as a contingency, or as proposing legislation to an appropriation bill—the chairman (even if it is conceded that the language is subject to a point of order) would have a right to modify the amendment on behalf of the committee to bring it within the requirements of Rule XVI, before the Chair rules on the point of order.[286]

The Senate, under unanimous consent, may consider several amendments at the same time en bloc, in which case a division of the questions will not be in order, but the amendments are open to amendment; [287] under such circumstance, a substitute for such amendments would not be in order on objection.[288]

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[280] Aug. 24, 1970, 91-2, *Record*, pp. 2985-60, 29867.
[281] *Ibid.*
[282] June 25, 1953, 83-1, *Record*, p. 7285; July 24, 1953, 83-1, *Record*, pp. 9762-63; July 30, 1953, 83-1, *Record*, p. 10441; *see also* July 29, 1955, 84-1, *Record*, p. 11963.
[283] *See* Mar. 27, 1961, 87-1, *Record*, pp. 4876, 4877.
[284] June 28 and 30, 1952, 82-2, *Record*, p. 8583.
[285] *See* Aug. 19, 1957, 85-1, *Record*, p. 15164.
[286] Aug. 7, 1963, 88-1, *Record*, p. 14491.
[287] *See* Nov. 30, 1943, 78-1, *Record*, p. 10131; Nov. 26, 1947, 80-1, *Record*, p. 10903.
[288] June 30, 1954, 83-2, *Record*, pp. 9268-69.

First and Second Degree Amendments:

See also "Degrees of, in Order at One Time and Order of Voting Thereon," pp. 76–77; "Third Degree-out of Order," pp. 95–96.

An amendment to a bill to insert language is an amendment in the first degree and a substitute therefor is in the second degree, and the substitute is not open to amendment.[289]

Floor Amendments:

See "Committee Amendments, Offering and Disposition of," pp. 35–39; "Floor Amendments," p. 40.

Forms and Number of Amendments in Order at One Time:

See "Number and Kind of Amendments in Order at One Time," pp. 72–96.

Germaneness:

See also "Germaneness of Amendments to General Appropriation Bills," pp. 161–171; "Congressional Budget," pp. 502–642; "Germaneness of Amendments Under Unanimous Consent Agreements," pp. 1344–1353; "Points of Order," pp. 987–996; "Points of Order, When in Order . . .," pp. 993–996; "Suspension of Rules," pp. 1266–1272.

Germaneness of amendments to bills is not required by the rules of the Senate,[290] unless they are offered to general appropriation bills as required under Rule XVI,[291] or in the case of amendments offered to any bills during their consideration under the Cloture Rule,[292] or amendments to budget resolutions and reconciliation bills under the Congressional Budget Act of 1974. All amendments to a bill upon which cloture has been invoked must be germane; [293] the same is true of amendments offered to gen-

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[289] Feb. 17, 1970, 91–2, *Record*, pp. 3587–89.

[290] Feb. 26, 1913, 62–3, *Record*, p. 4063; Mar. 24, 1890, 51–1, *Record*, p. 2560; Aug. 24, 1914, 63–2, *Record*, p. 14157; *see also* Aug. 20, 1957, 85–1, *Record*, p. 15322; Jan. 20, 1960, 86–2, *Record*, p. 887; Sept. 1, 1960, 86–2, *Record*, p. 18637; Sept. 23, 1969, 91–1, *Record*, p. 26733.

[291] Jan. 14, 1891, 51–2, *Record*, p. 1322; May 20, 1924, 68–1, *Record*, p. 8971; Mar. 6, 1953, 83–1, *Record*, p. 1678; Mar. 18, 1948, 80–2, *Record*, p. 3056; Aug. 23, 1944, 78–2, *Record*, p. 7253; Jan. 5, 1931, 71–3, *Journal*, p. 74; May 23, 1930, 71–2, *Journal*, p. 376, *Record*, p. 9441; June 4, 1924, 68–1, *Record*, P. 10467; Nov. 2, 1921; 67–1, *Record*, p. 7168; Nov. 11, 1919, 66–1, *Record*, p. 8304; Feb. 8, 1915, 63–3, *Record*, p. 3332; Feb. 26, 1913, 62–3, *Record*, p. 4063; June 22, 1910, 61–2, *Record*, p. 8721; *see also* Feb. 29, 1960, 86–2, *Record*, pp. 3799–3800.

[292] Rule XXII; July 26, 1937, 75–1, *Journal*, p. 439; *see also* Feb. 29, 1960, 86–2, *Record*, pp. 3799–3800.

[293] July 26, 1937, 75–1, *Journal*, p. 439.

eral appropriation bills,[294] and the rule of germaneness of amendments offered to general appropriation bills is not changed by the adoption of a cloture motion for the further consideration of a general appropriation bill.[295]

Germaneness of amendments is not required in the case of special appropriation bills.[296]

Likewise, when the Senate considers bills under a unanimous consent agreement placing a limitation on time for debate or setting a time for final vote on the passage of a bill, and with a proviso that "no amendment that is not germane to the subject matter of the said bill shall be received," amendments to the pending bill that are not germane would not be in order.[297]

After the rules have been suspended to permit a legislative amendment to be offered to a general appropriation bill, such amendment must be proposed in the form contained in the notice, but germane amendments could be offered to the amendment in question; [298] or an amendment to the amendment which increases the appropriation is not subject to a point of order on that ground.[299] An amendment called up under the suspension of the rule is not subject to amendment by a provision that is not germane to the subject matter thereof.[300]

Any question of germaneness of an amendment offered to such a proposed legislative amendment is submitted to the Senate for decision and decided without debate by a majority vote.[301]

House Passed Language:

See "When Not in Order," "House Passed Bills, Amendments Not in Order," p. 116.

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[294] Rule XVI, par. 4.

[295] June 28, 1945, 79-1, *Record*, p. 6929; *see also* June 30, 1945, 79-1, *Record*, pp. 7051-52.

[296] Mar. 19, 1935, 74-1, *Journal*, p. 207, *Record*, p. 3974.

[297] Sept. 11, 1968, 90-2, *Record*, pp. 26428, 26439; June 13, 1932, 72-1, *Record*, p. 12761; Jan. 20, 1922, 67-2, *Record*, p. 1450; June 1, 1955, 84-1, *Record*, pp. 7341-42; Mar. 15, 1955, 84-1, *Record*, p. 2917; Mar. 15, 1955, 84-1, *Record*, pp. 2910-12; Feb. 23, 1955, 84-1, *Record*, p. 1944; May 28, 1952, 82-2, *Record*, p. 6114; June 28, 1951, 82-1, *Record*, pp. 7383-84; Mar. 9, 1951, 82-1, *Record*, p. 2197; Sept. 12, 1950, 81-2, *Record*, pp. 14606-11; Apr. 5, 1950, 81-2, *Record*, pp. 4774-75; *see also* Feb. 4, 1948, 80-2, *Record*, p. 1065; Sept. 23, 1969, 91-1, *Record*, p. 26733.

[298] Jan. 28, 1931, 71-3, *Record*, pp. 3381-82; *see also* June 3, 1953, 83-1, *Record*, pp. 5986-87.

[299] June 12, 1941, 77-1, *Record*, pp. 5086-87.

[300] Feb. 13, 1925, 63-2, *Record*, pp. 3607-14.

[301] May 29, 1936, 74-2, *Journal*, p. 333; *see also* Aug. 4, 1939, 76-1, *Record*, pp. 11017-18, 11020.

Inconsistency of Contents of Amendments:

See "Consistency of Contents of Amendments," p. 52.

Interpretation of Amendments:

See also "Interpretation of Bills," p. 235; "Interpretation of Legislation," pp. 1029-1030; "Parliamentary Inquiry," pp. 977-980.

The Presiding Officer does not have the authority to place any interpretation on amendments proposed to a bill,[302] or to interpret the substantive effect of an amendment,[303] nor has he the authority to interpret the effect an amendment will have on law if enacted,[304] nor if the language of two amendments is in conflict; [305] the Presiding Officer has no authority to explain the substance of an amendment or to indicate the respective subject matters of the divisions of an amendment.[306]

Investigation Resolutions, Amendments to:

See "Investigations and Inquiries," pp. 881-890.

Journal, Amendments to:

See "*Journal*," pp. 893-901.

Laid Aside, Amendment:

See "Laid Aside For Consideration of Another Amendment," pp. 41-43, and "Regular Order," p. 108.

Majority and Two-Thirds Votes Cannot Be Mixed:

See "Vote on, Majority and Two-Thirds Votes Cannot Be Mixed," p. 111.

Modification of:

See also "Amendments, Modifications of," p. 1328; "Modification of Committee Amendments," pp. 70-71; "Senator Cannot Amend Own Amendment," p. 117; "Modification To Come Within Requirements of Rule," pp. 186-187; "Withdrawal of

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[302] Sept. 5, 1959, 86-1, *Record*, p. 18255; Sept. 12, 1969, 91-1, *Record*, p. 25327; May 29, 1968, 90-2, *Record*, p. 15546.

[303] Sept. 29, 1984, 98-2, *Record*, pp. 27826-34.

[304] Sept. 26, 1972, 92-2. *Record*, p. 32237; Nov. 19, 1970, 91-2, *Record*, p. 38133; *see* Nov. 4, 1963, 88-1, *Record*, pp. 21003-05; July 8, 1969, 91-1, *Record*, p. 18564.

[305] July 18, 1978, 95-2, *Record*, p. 21339.

[306] Dec. 9, 1985, 99-1, *Record*, p. 35327.

Amendments," pp. 119–123; "Amendments—Consideration of Under Unanimous Consent Agreements," pp. 1314–1323.

A Senator has a right to modify his own amendment until the Senate takes some action thereon, even to the extent of accepting any proposition offered by another Senator as a part of his amendment; [307] a Senator who has retained the right to modify his amendment may do so, even to the extent of changing its type from a substitute to a perfecting amendment; [308] but any such modification must be made before the Senate takes some action on the amendment.[309] Action includes "a decision, amendment, or ordering of the yeas and nays thereon," [310] as well as entering into a unanimous consent agreement for a vote on a specific amendment; [311] under a time agreement thereon.[312] A Senator does not lose the floor when he or she modifies an amendment.[313]

The modification of an amendment requires unanimous consent after the yeas and nays are ordered thereon,[314] or a vote has been taken by the Senate holding the amendment germane.[315]

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[307] Feb. 28, 1990, 101–2, *Record*, p. S 1803; June 20, 1984, 98–2, *Record*, pp. 17484–87; Aug. 11, 1982, 97–2, *Record*, pp. 20401, 20405; *see* Sept. 22, 1951, 82–1, *Record*, p. 11901; Sept. 1, 1960, 86–2, *Record*, p. 18634; May 21, 1970, 91–2, *Record*, pp. 16545–46; July 20, 1968, 80–2, *Record*, p. 22451.

[308] Mar. 31, 1982, 97–2, *Record*, pp. 6167–70.

[309] Mar. 12, 1979, 96–1, *Record*, p. 4615; Aug. 11, 1966, 89–2, *Record*, p. 19042; Mar. 29, 1973, 93–1, *Record*, p. 10298; Aug. 25, 1970, 91–2, *Record*, p. 29957; Aug. 14, 1940, 76–3, *Record*, p. 10312; May 20, 1942, 77–2, *Record*, p. 4392; Dec. 2, 1969, 91–1, *Record*, pp. 36433–34; July 2, 1953, 83–1, *Record*, p. 7876; June 4, 1953, 83–1, *Record*, p. 6075; Apr. 4, 1951, 82–1, *Record*, p. 3266; Dec. 7, 1950, 81–2, *Record*, p. 16256; Mar. 12, 1947, 80–1, *Record*, p. 1959; May 22, 1946, 79–2, *Record*, p. 5433; Apr. 19, 1945, 79–1, *Record*, p. 3563; Nov. 24, 1944, 78–2, *Record*, p. 8372; Aug. 25, 1944, 78–2, *Record*, p. 7305; Aug. 9, 1944, 78–2, *Record*, p. 6825; June 6, 1944, 78–2, *Record*, p. 5373; Sept. 15, 1943, 78–1, *Record*, p. 7576; June 30, 1943, 78–1, *Record*, p. 6825; Mar. 17, 1943, 78–1, *Record*, p. 2113; Mar. 2, 1943, 78–1, *Record*, p. 1469; *see* Oct. 8, 1963, 88–1, *Record*, pp. 18967, 18970; June 9, 1971, 92–1, *Record*, pp. 18926, 18951, 18953; May 13, 1965, 89–1, *Record*, pp. 10451–52, 10723, July 20, 1968, 90–2, *Record*, p. 22451; Sept. 12, 1973, 93–1, *Record*, p. 29484; Sept. 19, 1973, 93–1, *Record*, pp. 30376–77; Oct. 6, 1977, 95–1, *Record*, p. 32659; July 19, 1978, 95–2, *Record*, p. 21627; Aug. 8, 1978, 95–2, *Record*, p. 24839; Aug. 18, 1978, 95–2, *Record*, p. 26909–10.

[310] *Ibid.*; Sept. 23, 1963, 88–1, *Record*, p. 17736; Oct. 23, 1971, 92–1, *Record*, p. 38023; Nov. 16, 1973, 93–1, *Record*, p. 37505; Mar. 7, 1967, 90–1, *Record*, p. 5658; Aug. 15, 1967, 90–1, *Record*, p. 22642; May 26, 1910, 61–2, *Record*, p. 6919; *see* Aug. 6, 1969, 91–1, *Record*, pp. 22467–68; Aug. 12, 1969, 91–1, *Record*, p. 23514; Sept. 12, 1969, 91–1, *Record*, p. 25319.

[311] Mar. 5, 1951, 82–1, *Record*, p. 1897; June 26, 1939, 76–1, *Record*, p. 7851; Sept. 7, 1971, 92–1, *Record*, p. 34024; Nov. 16, 1971, 92–1, *Record*, p. 41495; Apr. 27, 1972, 92–2, *Record*, pp. 14808–09; Sept. 26, 1973, 93–1, *Record*, p. 31521; Sept. 22, 1973, 93–1, *Record*, pp. 30987–95; Nov. 30, 1971, 92–1, *Record*, p. 43495; June 9, 1971, 92–1, *Record*, pp. 18926, 18951, 18953: *see also* footnote 337.

[312] July 22, 1980, 96–2, *Record*, p. 18978.

[313] July 30, 1986, 99–2, *Record*, p. 18062.

[314] July 20, 1982, 97–2, *Record*, p. 16999; *see* Oct. 5, 1977, 95–1, *Record*, pp. 32422–24.

[315] June 26, 1979, 96–1, *Record*, pp. 16522–24.

A Senator may modify a pending amendment submitted by him until some action is taken thereon, by even accepting an amendment proposed thereto by another Senator,[316] but an amendment which is eligible for modification may be modified as a matter of right only by its sponsor.[317]

An amendment that is drafted to the underlying text of a bill, and which is still subject to modification, may, as a matter of right, be modified by its sponsor to direct it to a pending substitute for the bill.[318] A modification of an amendment must be submitted in writing upon the request of any Senator and the Chair in his or her capacity as a Senator may so request.[319]

An amendment against which a motion to table (on which the yeas and nays have been ordered) is pending may be modified by its sponsor if no Senate action has occurred on that amendment.[320]

The sponsor of a first degree amendment on which there has been no Senate action, may modify it even while a second degree amendment is pending to it.[321] A Senator who has retained the right to modify his amendment may change its form from one which simply inserts language to one which strikes and inserts.[322] A Senator who has the right to modify an amendment may change the form as well as the page and line designation of the amendment.[323]

The granting of unanimous consent to permit a second degree amendment to be offered while time still remains on the first degree amendment, does not constitute Senate action on that second degree amendment, and it may be modified by its sponsor as a matter of right; [324] likewise, the setting aside of an amendment by unanimous consent does not constitute Senate action on that amendment,[325] such that the sponsor's right to modify it is lost.[326]

A unanimous consent agreement to set aside any pending amendments and make a certain amendment in order

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[316] May 16, 1963, 88-1, *Record*, pp. 8815-16.
[317] June 17, 1982, 97-2, *Record*, pp. 14167-68.
[318] Mar. 21, 1983, 98-1, *Record*, p. 6253.
[319] July 21, 1983, 98-1, *Record*, p. 20298.
[320] Apr. 15, 1986, 99-2, *Record*, p. 7479.
[321] Dec. 15, 1982, 97-2, *Record*, p. 31056.
[322] Aug. 18, 1982, 97-2, *Record*, pp. 21185, 21835.
[323] Sept. 23, 1983, 98-1, *Record*, pp. 25582-83.
[324] July 21, 1982, 97-2, *Record*, pp. 17207-11.
[325] July 25, 1984, 98-2, *Record*, p. 20797.
[326] June 21, 1984, 98-2, *Record*, p. 17781.

at a particular time does not affect a Senator's right to modify that amendment once it is the pending business.[327]

On one occasion in 1939, the Vice President ruled that unanimous consent is required to modify an amendment after an agreement to vote thereon has been reached.[328] A unanimous consent agreement limiting debate generally on amendments to a bill does not foreclose a Senator's right to modify his amendment prior to a vote thereon.[329]

A general agreement limiting debate on amendments is not considered to be action foreclosing a Senator's right to modify his amendment,[330] but he does not gain additional time for debate thereon.[331] However, a unanimous consent agreement which specifies that only certain amendments be in order constitutes Senate action on those amendments so that they may not be modified except by unanimous consent.[332]

A Senator may not, as a matter of right, modify an amendment when it is on an exclusive list of amendments eligible for consideration pursuant to a unanimous consent agreement, even though it had been called up prior to the imposition of the agreement.[333]

Under a unanimous consent agreement to vote at an hour certain on a said amendment, a Senator may not modify his amendment except by unanimous consent but may offer an amendment thereto when that hour arrives but no further debate would be in order.[334] Where there is a unanimous consent agreement limiting time for debate on a specific amendment, unanimous consent is required to modify it.[335]

An amendment identified by sponsor and subject matter, which is on an exclusive list of amendments permitted to be offered to a bill pursuant to a unanimous consent agreement, may not be modified once it has been called up, but may be sent up in whatever form the sponsor wishes, provided that the amendment conforms with

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[327] July 10, 1987, 100-1, *Record*, p. S 9641.
[328] June 26, 1939, 76-1, *Record*, p. 7851.
[329] Oct. 6, 1971, 92-1, *Record*, p. 35255; *see* Mar. 7, 1951, 82-1, *Record*, pp. 2073-74; Aug. 25, 1970, 91-2, *Record*, p. 29957.
[330] Nov. 17, 1970, 91-2, *Record*, p. 37621.
[331] May 16, 1974, 93-2, *Record*, pp. 15062-68.
[332] June 17, 1982, 97-2, *Record*, pp. 14167-68.
[333] Dec. 11, 1987, 100-1, *Record*, pp. S 17931, 17796-98.
[334] Sept. 12, 1969, 91-1, *Record*, p. 25323.
[335] July 22, 1980, 96-2, *Record*, p. 18978.

the description of the amendment authorized in the agreement.[336]

When the Senate is operating under a unanimous consent agreement setting the time and amount of debate on a specific amendment, the Senator loses his right to modify his amendment; he could modify it by unanimous consent or offer an amendment thereto.[337]

A substitute for an original resolution, upon which the yeas and nays have been ordered, may be modified by the author of such substitute, where no action has been taken thereon, by accepting a proposed substitute therefor by another Senator; the original resolution itself could not be modified except by unanimous consent since the yeas and nays had been ordered on its adoption.[338]

An amendment is not subject to modification by the mover thereof after the yeas and nays have been ordered thereon,[339] except by unanimous consent,[340] but an amendment on which the yeas and nays had first been ordered and then vitiated by unanimous consent may be modified by its sponsor as a matter of right.[341]

If a Senator who has a pending amendment modifies it by accepting an amendment offered to his amendment, that amendment becomes a part of the original amendment and it is not necessary for the Senator who offered the amendment to the original amendment to withdraw it.[342]

A Senator who has retained the right to modify an amendment may accept a second degree amendment (including a substitute) pending thereto, even though the

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[336] Aug. 15, 1986, 99-2, *Record*, p. 21839.

[337] May 14, 1979, 96-1, *Record*, pp. 10835-36; May 22, 1979, 96-1, *Record*, p. 11868; Dec. 10, 1979, 96-1, *Record*, p. 35232; June 22, 1971, 92-1, *Record*, pp. 21281-82; June 22, 1971, 92-1, *Record*, p. 21309; Apr. 27, 1972, 92-2, *Record*, pp. 14808-09; Mar. 20, 1973, 93-1, *Record*, p. 8809; June 21, 1971, 92-1, *Record*, p. 21036: *see* June 9, 1971, 92-1, *Record*, pp. 18926, 18951, 18953; Sept. 12, 1969, 91-1, *Record*, p. 25319; Mar. 21, 1978, 95-2, *Record*, pp. 7767, 7772, 7779.

[338] *See* June 22, 1955, 84-1, *Record*, p. 8959.

[339] Aug. 22, 1940, 76-3, *Record*, p. 10710; Feb. 15, 1954, 83-2, *Record*, p. 1742.

[340] Aug. 15, 1967, 90-1, *Record*, p. 22642; June 3, 1938, 75-3, *Journal*, p. 443; Mar. 24, 1954, 83-2, *Record*, p. 3781; June 2, 1955, 84-1, *Record*, p. 7473; May 18, 1956, 84-2, *Record*, p. 8475; Mar. 9, 1956, 84-2, *Record*, pp. 4394-95; Feb. 28, 1958, 85-2, *Record*, pp. 3132-33; June 4, 1958, 85-2, *Record*, p. 10160; June 14, 1958, 85-2, *Record*, p. 11193; Apr. 22, 1959, 86-1, *Record*, p. 6484; Aug. 22, 1940, 76-3, *Record*, p. 10710; June 20, 1941, 77-1, *Record*, p. 5388; Aug. 7, 1941, 77-1, *Record*, 6878; May 5, 1943, 78-1, *Record*, p. 3984; June 14, 1943, 78-1, *Record*, p. 5805; Dec. 2, 1943, 78-1, *Record*, p. 10215; Sept. 28, 1949, 81-1, *Record*, p. 13455; June 25, 1943, 78-1, *Record*, p. 6459; June 10, 1952, 82-2, *Record*, p. 6905; *see also* Mar. 7, 1967, 90-1, *Record*, p. 5658; Apr. 24, 1959, 86-1, *Record*, p. 6674; July 7, 1959, 86-1, *Record*, pp. 12821, 12824-25; May 20, 1942, 77-2, *Record*, p. 4406: Sept. 29, 1942, 77-2, *Record*, p. 7589.

[341] Sept. 25, 1984, 98-2, *Record*, p. 26687; May 10, 1983, 98-1, *Record*, p. 11668.

[342] June 18, 1975, 94-1, *Record*, pp. 19526-28.

yeas and nays have been ordered on that second degree amendment, and the effect is to vitiate the yeas and nays and to render action on that second degree amendment moot, and leave the first degree amendment as modified open to amendment; [343] the same would be true in the case of a second degree amendment to an amendment that is pending, and in so doing would incorporate the second degree amendment as all or part of the modification, with the result that the second degree amendment would be rendered moot.[344]

A Senator modifying his pending amendment by accepting an amendment offered by another Senator disposes of the latter amendment as a separate proposition.[345]

An amendment striking out certain words and inserting in lieu thereof a provision containing four separate items may be modified by the mover by including only one item, and then inserting the three other items by separate amendments.[346]

An amendment is open to amendment to the second degree after the yeas and nays have been ordered, but it cannot then be modified,[347] except by unanimous consent.[348]

Adoption of an amendment to an amendment is action necessitating unanimous consent for modification of that amendment thereafter.[349]

Unanimous consent is required to transpose a pending amendment, upon which the yeas and nays have been ordered, from one part of a bill to a different part.[350]

When an amendment which has been laid aside temporarily is laid before the Senate again and the Senate has taken no action on said amendment, the author of that amendment may modify it since this is not an action by the Senate thereon.[351]

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[343] June 20, 1984, 98-2, *Record*, pp. 17484-87.
[344] Sept. 29, 1986, 99-2, *Record*, p. 26947.
[345] June 28, 1951, 82-1, *Record*, p. 7323.
[346] Aug. 3, 1950, 81-2, *Record*, pp. 11682-83.
[347] Apr. 7, 1884, 48-1, *Record*, p. 2695; *see also* Aug. 22, 1940, 76-3, *Record*, p. 10710; May 1, 1964, 88-2, *Record*, pp. 9816-17.
[348] June 28, 1939, 76-1, *Record*, p. 8082; Mar. 9, 1940, 76-3, *Record*, p. 2593; Mar. 11, 1940, 76-3, *Record*, p. 2623; Apr. 21, 1884, 48-1, *Record*, p. 3171; June 14, 1958, 85-2, *Record*, pp. 11194-95; June 16, 1958, 85-2, *Record*, pp. 11330.
[349] *See* May 13, 1965, 89-1, *Record*, pp. 10451-52, 10723.
[350] June 11, 1964, 88-2, *Record*, pp. 13469-70.
[351] May 19, 1971, 92-1, *Record*, p. 15962.

After an amendment has been agreed to and reconsidered, the right of modification is lost, but it may be amended.[352] If an amendment has been rejected, and a motion to reconsider it is pending, a modification of the amendment may not be made.[353]

If objection is made to a modification by a Senator of his amendment after the ordering of the yeas and nays, or he has otherwise lost his right to modify his own amendment, the mover would have a right to propose an amendment to his amendment; [354] also, if the order for the yeas and nays is vacated, unanimous consent for modification is not required.[355] A Senator cannot amend his own amendment unless the right to modify it has been lost.[356]

It requires unanimous consent for one Senator to modify another Senator's amendment.[357]

An amendment that has been modified is subject to further amendment, since that would not be an action by the Senate on adopting the amendment; [358] when Rule XVI is suspended to offer an amendment to an appropriation bill, pursuant to a given notice, the amendment must be submitted in the form set out in the notice,[359] and it is not in order for a Senator upon objection to modify his proposed amendment.[360]

An amendment, printed and ordered to lie on the table, may be offered in a modified form from the original amendment.[361]

Modification of Committee Amendments:

See also "Committee Amendments, Offering and Disposition of," pp. 35–39.

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[352] *See* June 30, 1941, 77-1, *Record*, p. 5737.

[353] Mar. 27, 1942, 77-2, *Record*, p. 3051.

[354] Dec. 2, 1969, 91-1, *Record*, pp. 36433-34; Sept. 26, 1941, 82-1, *Record*, p. 12161; *see* May 13, 1965, 81-1, *Record*, pp. 10451-52, 10723; Nov. 14, 1963, 88-1, *Record*, pp. 21892-93.

[355] *See* June 10, 1952, 82-2, *Record*, pp. 6907-08.

[356] Sept. 26, 1951, 82-1, *Record*, p. 12161; June 30, 1980, 96-2, *Record*, p. 17859; *see also* Nov. 7, 1921, 67-1, *Record*, p. 7474.

[357] Nov. 17, 1971, 92-1, *Record*, p. 41738.

[358] *See* Apr. 5, 1946, 79-2, *Record*, p. 3182; Apr. 4, 1973, 93-1, *Record*, pp. 11070-71; *see also* May 13, 1965, 89-1, *Record*, pp. 10451-53, 10723.

[359] Apr. 7, 1942, 77-2, *Record*, p. 3387; Aug. 26, 1949, 81-1, *Record*, pp. 12319-20; Jan. 28, 1931, 71-3, *Record*, pp. 3381-82; *see also* Dec. 8, 1943, 78-1, *Record*, p. 10411.

[360] June 19, 1952, 82-2, *Record*, pp. 7613-14.

[361] June 19, 1902, 57-1, *Record*, p. 7069.

Committee amendments may be modified when authorized by the committee,[362] but the Senator acting under the direction of the committee must be so authorized to make such a modification.[363] The modification, however, must be made before a decision thereon—as adopting an amendment thereto or the ordering of the yeas and nays thereon.[364]

While a motion to lay on the table a committee amendment is pending, the committee may modify such amendment when the yeas and nays have not been ordered. Note the ruling by the Vice President, which follows: "Since the yeas and nays have not been ordered on the committee amendment, the Chair rules that up until the yeas and nays have been ordered on the committee amendment the chairman of the committee, acting by direction of the committee, has a right to modify the amendment. So, under the circumstances, the chairman of the committee may modify the amendment. Unanimous consent is not required for such modification. The motion to table then will operate on the amendment as modified."[365]

A Senator may be authorized by a poll of a committee to modify a committee amendment (which authority may be exercised only if the Senate has taken no action on the amendment), and the Chair will not go beyond the word of the Chairman of a committee that such authority was granted.[366]

On one occasion, a pending committee substitute upon which a cloture motion was filed and was to mature on the next calendar day was modified.[367] A modification of a committee amendment, authorized by the committee, must be made before Senate action occurs thereon, and failure to invoke cloture is not Senate action.[368]

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[362] Nov. 21, 1944, 78-2, *Record*, p. 8232; *see also* Mar. 18, 1947, 80-1, *Record*, p. 2186; Nov. 3, 1943, 78-1, *Record*, p. 9066.

[363] Dec. 1, 1954, 83-2, *Record*, p. 16321; *see also* July 17, 1951, 82-1, *Record*, pp. 8271-72; Mar. 24, 1955, 84-1, *Record*, p. 3650; Feb. 14, 1895, 53-3, *Record*, p. 2162; June 5, 1958, 85-2, *Record*, p. 10286.

[364] July 31, 1914, 63-2, *Record*, pp. 13044-45.

[365] *See* Dec. 2, 1954, 83-2, *Record*, p. 16367.

[366] May 19, 1983, 98-1, *Record*, p. 13045.

[367] Mar. 23, 1988, 100-2, *Record*, p. S 2939.

[368] Aug. 7, 1987, 100-1, *Record*, p. S 11624.

Number and Kinds of Amendments in Order at One Time

Amendment and Amendment to the Amendment (First Degree Amendable):

See also "Precedence of Amendments," pp. 99–105; Adoption of, Procedural Effects of," pp. 28–30.

Any part of the original text of a bill is open to amendment in two degrees—an amendment to the text and an amendment to the amendment to the text.[369] An amendment to an amendment, including an amendment to a committee amendment to a bill, is in the second degree and in order,[370] but not open to amendment, even by a substitute.[371] It would be in order at that time to submit an amendment to the bill just to have it printed to call up later.[372]

An amendment in the first degree is open to amendment in one further degree,[373] but amendments are in order in two degrees only; however, a Senator has a right to offer an amendment in the second degree to a pending amendment before the latter is agreed to by the Senate.[374]

An amendment in the first degree is open to amendment in one further degree and the consent of the Senator offering the first degree amendment is not required.[375]

An amendment to a bill to insert language is an amendment in the first degree and a substitute therefor is in the second degree, and the substitute is not open to amendment.[376]

A perfecting amendment to an amendment in the first degree is in order and has precedence over a pending substitute therefor, but is not amendable.[377]

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[369] May 9, 1917, 65–1, *Record*, pp. 2013–15; *see* Sept. 27, 1966, 89–2, *Record*, pp. 23931–32.

[370] Oct. 12, 1978, 95–2, *Record*, p. 36069.

[371] Jan. 19, 1950, 81–2, *Record*, p. 624; *see also* Sept. 24, 1977, 95–1, *Record*, p. 30749; Aug. 15, 1978, 95–2, *Record*, pp. 26068–79; Mar. 25, 1947, 80–1, *Record*, p. 2520; Mar. 26, 1947, 80–1, *Record*, p. 2610; Mar. 8, 1956, 84–2, *Record*, p. 4327; June 8, 1964, 88–2, *Record*, p. 12957; Apr. 23, 1959, 86–1, *Record*, p. 6538; *see* Apr. 19, 1967, 90–1, *Record*, pp. 10207–08; May 1, 1964, 88–2, *Record*, pp. 9816–17; Apr. 19, 1969, 90–1, *Record*, pp. 10207–08.

[372] Aug. 15, 1978, 95–2, *Record*, pp. 26068–79.

[373] July 1, 1980, 96–2, *Record*, p. 18155; *See* July 7, 1969, 91–1, *Record*, pp. 18482–84; Oct. 3, 1972, 92–2, *Record*, pp. 33457–58; Feb. 17, 1970, 91–2, *Record*, pp. 3587–89.

[374] *See* Apr. 30, 1965, 89–1, *Record*, p. 9075; May 28, 1962, 87–2, *Record*, pp. 9390–91.

[375] Aug. 10, 1972, 92–2, *Record*, p. 27796.

[376] Feb. 17, 1970, 91–2, *Record*, pp. 3587–89.

[377] *See* May 1, 1964, 88–2, *Record*, pp. 9816, 9817; Feb. 17, 1970, 91–2, *Record*, pp. 3587–89.

An amendment (including a committee amendment) in the first degree proposing to insert language in the text of a bill or resolution, for which no complete substitute is pending is open to amendment in one further degree (including a substitute amendment), and where a substitute amendment is offered, the amendment in the first degree is open to a perfecting amendment, which takes precedence.[378] Therefore, when a second degree substitute for a first degree amendment to insert is pending, it is in order to offer a perfecting amendment to the amendment to insert (which is the language proposed to be stricken by the substitute), and this second degree perfecting amendment will be voted on before the substitute.[379]

A substitute for language proposed to be stricken out by a simple motion to strike is an amendment in the first degree and may be amended in one degree.[380]

Amendments to the Language Proposed To Be Stricken Out:

See also "Stricken-Out Part Over Inserted Part, Amendments to," pp. 102–103.

A perfecting amendment to language proposed to be inserted has precedence over the question of agreeing to a substitute therefor.[381]

While a motion to strike out certain matter in a bill is pending, an amendment to perfect the language proposed to be stricken out is not a substitute for the motion to strike out, but is to be regarded as a perfecting amendment which has precedence over the motion to strike out.[382]

An amendment to the part of the bill proposed to be stricken out is in the first degree, and an amendment may be offered thereto, and has precedence over the part to be inserted.[383]

Pending a motion to strike out, an amendment perfecting the part proposed to be stricken out, or an amendment inserting other language in lieu of that proposed to be

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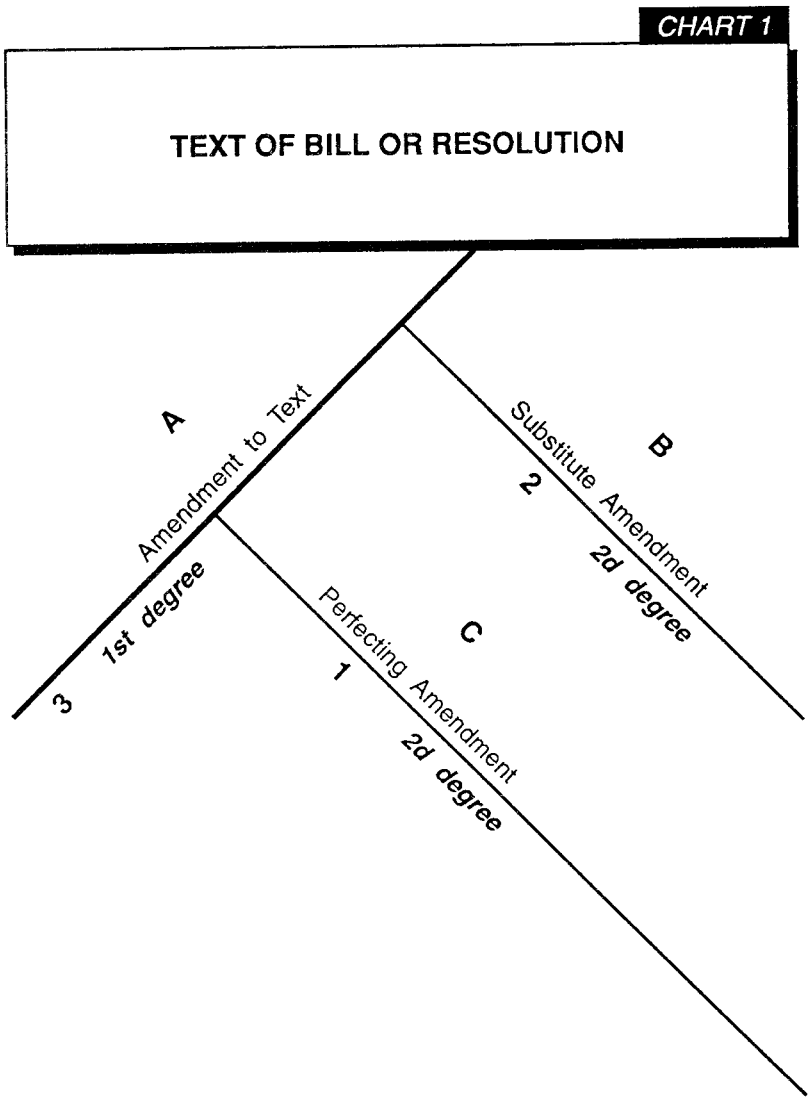
[378] Mar. 30, 1981, 97-1, *Record*, p. 5706.
[379] *See* Apr. 18, 1983, 98-1, *Record*, p. 8801.
[380] July 26, 1978, 95-2, *Record*, pp. 22737–39.
[381] *See* May 8, 1964, 88-2, *Record*, p. 10416.
[382] *See* Sept. 11, 1959, 86-1, *Record*, pp. 19074, 19077.
[383] Mar. 27, 1946, 79-2, *Record*, p. 2661.

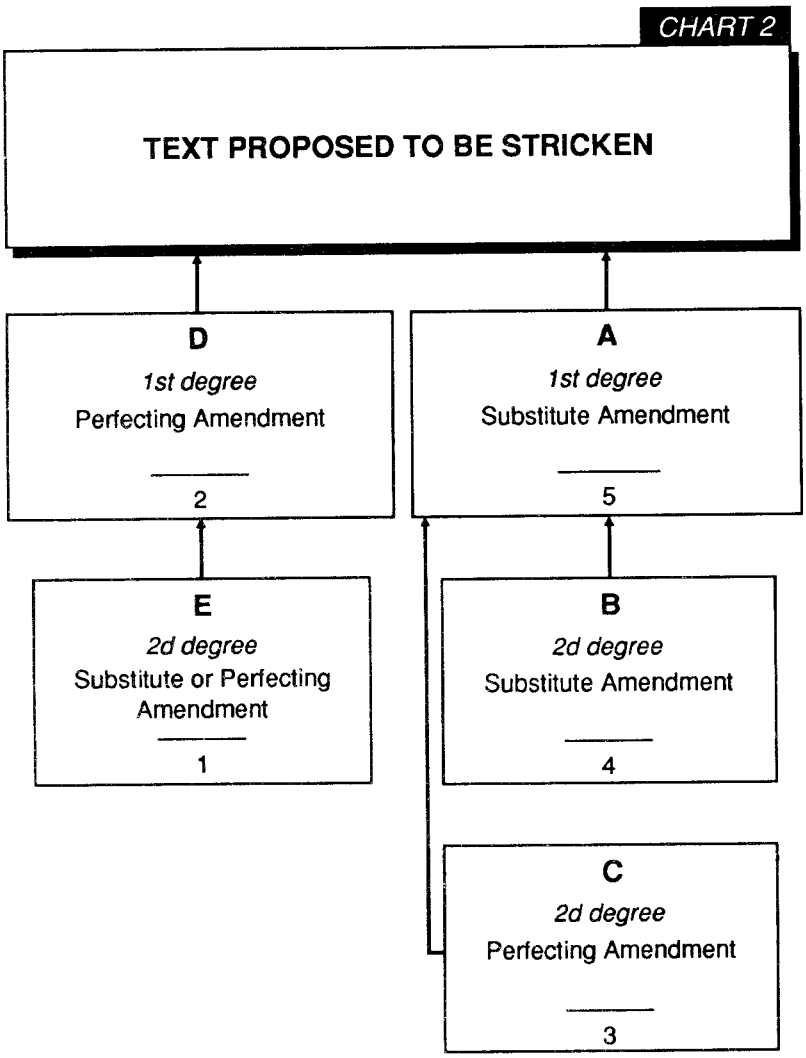
AMENDMENT TO INSERT



A through **C** = order of offering

1 through **3** = order of voting

AMENDMENT TO STRIKE



A through **E** = order of offering to get all of the above amendments before the Senate

1 through **5** = order of voting

stricken out,[384] is in order and has precedence over the motion to strike out.[385]

A substitute amendment for a section of a bill which is proposed to be stricken out is an amendment in the first degree, and a substitute therefor is in order, being an amendment in the second degree only.[386]

Pending a motion to strike out and insert, an amendment to perfect a part of the text proposed to be stricken out is in order and has precedence,[387] and also over an amendment to the part to be inserted.[388]

Perfecting amendments to the language proposed to be stricken out, whether proposed by a committee or offered from the floor, have precedence over a substitute for the paragraph of the bill proposed to be stricken out [389] or over an original motion to strike out.[390]

Pending a substitute for certain sections of a bill, perfecting amendments to the part to be stricken out have precedence over the substitute and also over a substitute proposed therefor.[391]

Degrees of, in Order at One Time and Order of Voting Thereon:

See also "Third Degree—Out of Order," pp. 95–96; "First and Second Degree Amendments," p. 62.

Amendments in the first and second degree may be pending at the same time, but an amendment in the third degree is not in order.[392]

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[384] *See* Apr. 19, 1912, 62–2, *Record*, p. 5021.

[385] Aug. 26, 1914, 63–2, *Record*, p. 14266; Jan. 8, 1915, 63–3, *Record*, p. 1161; May 19, 1942, 77–2, *Record*, p. 4346; Apr. 7, 1942, 77–2, *Record*, p. 3389; July 28, 1939, 76–1, *Record*, p. 10348; Mar. 24, 1938, 75–3, *Record*, p. 4005; Feb. 18, 1935, 74–1, *Journal*, p. 126, *Record*, p. 2098; May 24, 1932, 72–1, *Journal*, p. 505; Dec. 17, 1919, 66–2, *Record*, pp. 755–57; *see also* May 2, 1924, 68–1, *Record*, p. 7672.

[386] *See* June 1951, 82–1, *Record*, p. 7216.

[387] Feb. 4, 1944, 78–1, *Record*, p. 1251; *see also* Aug. 9, 1954, 83–2, *Record*, p. 13725.

[388] Feb. 21, 1920, 66–2, *Record*, p. 3236.

[389] Jan. 8, 1915, 63–3, *Record*, p. 1161; Jan. 24, 1931, 71–3, *Record*, p. 3048; *see also* Aug. 11, 1913, 63–1, *Record*, p. 3252.

[390] July 28, 1939, 76–1, *Record*, p. 10348; Mar. 9, 1956, 84–2, *Record*, pp. 4413–14; June 30, 1952, 82–2, *Record*, p. 8568; Apr. 22, 1935, 74–1, *Record*, pp. 6135–36; Feb. 18, 1935, 74–1, *Record*, p. 2098, *Journal*, p. 126; Feb. 7, 1935, 74–1, *Record*, p. 1652; *see also* May 2, 1924, 68–1, *Record*, p. 7672; Mar. 2, 1932, 72–1; *Record*, pp. 5100–01; Aug. 26, 1914, 63–2, *Record*, p. 14266; Dec. 17, 1919, 66–2, *Record*, pp. 755–57.

[391] Apr. 8, 1920, 66–2, *Record*, pp. 5328–30.

[392] Mar. 13, 1935, 74–1, *Journal*, p. 188, *Record*, p. 3524; Feb. 27, 1934, 78–2, *Record*, p. 3306; Mar. 14, 1935, 74–4, *Journal*, p. 192, *Record*, pp. 3605–06; *see also* Mar. 4, 1922, 67–2, *Record*, pp. 3376, 3378; June 12, 1951, 82–1, *Record*, p. 6406; July 26, 1951, 82–1, *Record*, p. 8919; June 4, 1952, 82–2, *Record*, p. 6520; June 5, 1952, 82–2, *Record*, p. 6606; Aug. 22, 1958, 85–2, *Record*, pp. 19075–78; May 1, 1964, 88–2, *Record*, pp. 9816–17; Sept. 24, 1977, 95–1, *Record*, p. 30749.

An amendment to an amendment is in the second degree and is not open to amendment.[393] A substitute offered for an amendment in the first degree is in the second degree and is not subject to amendment.[394]

When all amendments eligible at one time to an amendment to strike out a section of a bill and insert new language in lieu thereof have been called up and are pending, the votes occur on them in the following order:

1. Vote on the perfecting amendment to the perfecting amendment to the language to he stricken out;
2. Vote on the perfecting amendment to the language to be stricken out, as amended, if amended;
3. Vote on the perfecting amendment to the language to be inserted by the amendment to strike out the section of the bill and insert new language in lieu thereof;
4. Vote on the amendment in the nature of a substitute to be inserted in lieu of the language to be inserted by the amendment to strike out and insert new language in lieu of the section of the bill to be amended;
5. Vote on the amendment to strike out a section of the bill and insert new language in lieu thereof, as amended, if amended.[395]

One Amendment to a Bill in Order at One Time:

See also "Number and Kinds of Amendments in Order at One Time," pp. 72-96; "When Not in Order," pp. 111-116.

When an amendment is pending it is not in order to consider another amendment unless it is to the pending amendment, or to language affected thereby.[396]

When an amendment is pending, it is not in order to offer an amendment which is directed at language neither proposed to be stricken nor inserted by that amendment.[397]

When one committee amendment is pending it is not in order to propose an amendment to another committee amendment and the Presiding Officer enforces this *sua sponte.*[398]

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[393] Apr. 19, 1967, 90-1, *Record*, pp. 10207-08.
[394] *See* July 11, 1961, 87-1, *Record*, p. 12288; Sept. 24, 1964, 88-2, *Record*, pp. 22566-67; May 16, 1962, 87-2, *Record*, pp. 8554-55.
[395] Feb. 29, 1972, 92-2, *Record*, p. 5978; *see* the proceedings for the entire day. *See* chart on p. 55.
[396] Dec. 10, 1980, 96-2, *Record*, pp. 33294-98.
[397] Oct. 31, 1985, 99-1, *Record*, p. 29998.
[398] Oct. 2, 1984, 98-2, *Record*, p. 28343.

Perfecting Amendments:

See also "Precedence of Amendments," pp. 99–105; "Perfecting Amendments," pp. 99–102; "When Not in Order," pp. 111–119.

Perfecting amendments reported by a committee are in the first degree.[399]

Perfecting amendments may be offered to a bill after a substitute has been rejected,[400] or to language in a bill proposed to be stricken out.[401]

After a perfecting amendment to a joint resolution has been disposed of the remaining portion of the text will he open to amendment.[402]

A perfecting amendment to strike out a part of a section is not subject to amendment by a proposal to strike out the entire section.[403]

During the consideration of a substitute amendment for a bill, motions to strike out a specific section or sections are in order.[404]

A motion to strike out a subsection of an amendment which is pending and in the first degree is in order.[405]

Perfecting amendments are in order prior to a vote on a substitute, and will be voted on in the order of their proposal.[406]

Strike Out (Including Amendments Proposed by Committees):

See also "Amendments to the Language Proposed To Be Stricken Out," pp. 73–76; "Committee Amendments, Offering and Disposition of," pp. 35–39; "Precedence of Amendments," pp. 99–105.

A simple motion to strike out and the motion to strike out and insert are two distinct questions and the disposition of one does not necessarily have any effect on the other as set forth in Rule XV, paragraph 3.

While a motion to strike out certain language or a section of a bill is pending, an amendment to the language proposed to be stricken out is not a substitute for such motion, but is in order as a perfecting amendment to the

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[399] Apr. 18, 1951, 82–1, *Record*, p. 4058.
[400] *See* Mar. 10, 1952, 82–2, *Record*, p. 2024.
[401] Mar. 5, 1940, 76–3, *Record*, p. 2363.
[402] *See* Jan. 28, 1960, 84–2, *Record*, p. 1552.
[403] Apr. 13, 1910, 61–2, *Record*, pp. 4608–10.
[404] *See* Mar. 7, 1960, 86–2, *Record*, p. 4695.
[405] Apr. 4, 1963, 88–1, *Record*, p. 5670.
[406] May 16, 1962, 87–2, *Record*, pp. 8554–55; *see* May 28, 1962, 87–2, *Record*, pp. 9390–91.

language proposed to be stricken and has precedence over the motion to strike out.[407]

When an amendment is pending that proposes only to strike language from a bill or amendment, that amendment (the motion to strike) is itself not subject to amendment, but the language proposed to be stricken by it might be amended in two degrees.[408]

It is not in order to propose to strike a pending amendment to insert.[409]

When a motion to strike is pending, the language to be stricken is amendable, and if a substitute for that language to be stricken is offered, a second degree substitute could also be offered, and then a preferential second degree perfecting amendment to the first degree substitute, as well as a perfecting amendment to the language to be stricken and a second degree amendment thereto.[410]

When a simple motion to strike out a section of a bill is pending, a substitute amendment for the language proposed to be stricken is in order and takes precedence over or will be voted on before the motion to strike can be voted on, being an amendment in the nature of a motion to strike and insert, and if the amendment is agreed to the question of voting on the motion to strike certain language is moot, or becomes academic, and is not voted on since the Senate voted to substitute other language for that proposed to be stricken out.[411]

A motion to amend a paragraph proposed to be stricken is in order and takes precedence over a motion to strike out such a paragraph;[412] if a motion to strike out a section of a bill is pending, perfecting amendments to that language proposed to be stricken are in order and take precedence over the motion to strike out;[413] such an

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[407] Mar. 3, 1964, 88-2, *Record*, pp. 4150-51; Mar. 11, 1975, 94-1, *Record*, pp. 6129-30, 6133-34; *see also* June 5, 1958, 85-2, *Record*, p. 10291.

[408] Oct. 31, 1985, 99-1, *Record*, pp. 30014-15.

[409] Oct 23, 1985, 99-1, *Record*, pp. 28511, 28515.

[410] *See* Sept. 27, 1984, 98-2, *Record*, pp. 27442, 27452-54, 27457, 27487-94.

[411] June 6, 1986, 99-2, *Record*, p. 12716; Sept. 20, 1983, 98-1, *Record*, p. 24859; Sept. 14, 1979, 96-1, *Record*, pp. 24586-91; Oct. 31, 1979, 96-1, *Record*, pp. 30314-45; July 26, 1978, 95-2, *Record*, pp. 22737-39; June 10, 1977, 95-1, *Record*, pp. 18500-01; *see* June 28, 1978, 95-2, *Record*, pp. 19229-48.

[412] Oct. 31, 1979, 96-1, *Record*, pp. 30314-15; *see* Aug. 21, 1950, 81-2, *Record*, p. 12893; June 28, 1978, 95-2, *Record*, pp.19229-48.

[413] Oct. 6, 1978, 95-2, *Record*, p. 34341; Mar. 19, 1958; 85-2, *Record*, p. 4750; *see also* Jan. 17, 1950, 81-2, *Record*, p. 454; Mar. 26, 1958, 85-2. *Record*, p. 5371; June 28, 1956, 84-2, *Record*, pp. 11254, 11258; Feb. 4, 1959, 86-1, *Record*, pp. 1779-80, 1782; Sept. 4, 1962, 87-2, *Record*, pp. 18494-96; June 5, 1958, 85-2, *Record*, p. 10291.

amendment is not an amendment of the motion to strike out the entire section, but is one having precedence over such motion.[414] Should the motion to strike be tabled, the amendment to the language to be stricken remains pending.[415]

If language proposed to be stricken out has been amended, the vote comes on the motion to strike out the language as amended,[416] and it is not necessary that the amendments added thereto be reconsidered.[417]

If the language of a section of a bill is modified, and as modified it is agreed that it be treated as original text, a motion to strike out that section would be in order.[418]

An amendment to strike out a section or a portion of a bill is in order even after that section or portion of the bill has been amended, if the motion to strike includes a bigger bite than the amendment agreed to by the Senate.[419]

When an amendment has been agreed to, a motion to strike which is broader in scope is in order.[420]

A motion to strike out an amendment which has been agreed to by the Senate is not in order except by unanimous consent.[421]

While an amendment to strike out a whole section of a bill is pending an amendment to strike out a lesser portion thereof is in order.[422]

A motion to strike out a section of a bill (or part to which a committee amendment is offered) is not in order until committee amendments thereto, and then perfecting amendments thereto, are disposed of.[423]

A motion to strike out a section of a resolution is not in order while a perfecting committee amendment thereto is pending.[424]

If a motion to strike out a section of the bill and insert in lieu thereof new language therefor is agreed to, a

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[414] *See* Sept. 4, 1962, 87-2, *Record*, pp. 18494-96.
[415] *See* May 13, 1982, 97-2, *Record*, pp. 10023-31.
[416] *See* June 27, 1951, 82-1, *Record*, pp. 7223-24.
[417] Apr. 25, 1949, 81-1, *Record*, p. 4977.
[418] *See* Jan. 26, 1970, 91-2, *Record*, pp. 1174-76.
[419] *See* Nov. 17, 1970, 91-2, *Record*, p. 37621; Aug. 23, 1978, 95-2, *Record*, p. 27451.
[420] July 8, 1987, 100-1, *Record*, pp. S 9425, 9437.
[421] July 24, 1972, 92-2, *Record*, pp. 25078-79.
[422] *See* June 28, 1978, 95-2, *Record*, pp. 19229-48.
[423] Dec. 15, 1937, 75-2, *Record*, p. 1541; *see also* Apr. 25, 1949, 81-1 *Record*, pp. 4968-69; June 22, 1944, 78-2, *Record*, p. 6466.
[424] *See* Dec. 1, 1954, 83-2, *Record*, p. 16327.

motion to strike that section would not then be in order.[425]

If a motion to strike out a section of a bill is rejected, the section is open to amendment.[426]

An amendment to a part stricken out by a substitute amendment is not in order.[427]

If a section of a bill is stricken out, another amendment involving the subject matter but with a substantive change would be in order.[428]

A committee amendment proposing to strike out language does not prevent amendments to the language proposed to be stricken out, which take precedence over a vote on a motion to strike out.[429]

A motion to strike out both the House text and a committee amendment is not in order.[430]

A series of resolves under consideration having been divided under Rule XV, paragraph 3, and the question having been stated on agreeing to the third resolution, a motion to strike out that resolution was held to be in order.[431]

If the Senate strikes out a section of a bill to which an amendment has been added, that action would take with it that amendment.[432]

A motion to strike out a section of a bill which has been amended is in order,[433] and it is not necessary that the amendments added thereto be first reconsidered,[434] or if an amendment to a part of a section of a bill is agreed to, a motion to strike out the entire section as amended is in order.[435]

An amendment to strike out a part of a committee amendment, which is embraced in an amendment offered from the floor to strike out and insert, is in order and

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[425] *See* Jan. 26, 1970, 91-2, *Record*, pp. 1174-76.

[426] *See* June 27, 1951, 82-1, *Record*, pp. 7207, 7226; Sept. 19, 1951, 82-1, *Record*, 11604; Apr. 27, 1966; 89-2. *Record*, p. 9079.

[427] *See* June 5, 1952, 82-2, *Record*, p. 6606.

[428] *See* Apr. 27, 1966, 89-2, *Record*, p. 9079.

[429] *See* Apr. 27, 1966, 89-2, *Record*, p. 9079; Nov. 5, 1963, 88-1, *Record*, p. 21108; Apr. 19, 1912, 62-2, *Record*, pp. 5021-22.

[430] May 18, 1932, 72-1, *Journal*, p. 487.

[431] *See* Mar. 26, 1886, 49-1, *Record*, p. 2813.

[432] Sept. 8, 1972, 92-2, *Record*, p. 29867.

[433] *See* May 16, 1932, 72-1, *Record*, p. 10276; July 27, 1939, 76-1, *Record*, pp. 10160, 10178; May 23, 1944, 78-2, *Record*, p. 4862; June 12, 1958, 85-2, *Record*, pp. 10951, 10958; Aug. 20, 1959, 86-1, *Record*, pp. 16525-26.

[434] Apr. 25, 1949, 81-1, *Record*, p. 4977.

[435] *See* July 27, 1939, 76-1, *Record*, pp. 10160, 10178; May 23, 1944, 78-2, *Record*, p. 4862.

reconsideration of the committee amendment is not necessary.[436]

A motion in the Senate to strike out the last word is not in order.[437]

Strike Out and Insert (Substitute Amendment):

See also "Degrees of, in Order at One Time and Order of Voting Thereon," pp. 76–77; "Division of Pending Question," pp. 807–811; "Strike Out and Insert (Substitute Amendment)," pp. 103–104; "Precedence of Amendments," pp. 99–105; "Amends Bill at Different Places," pp. 112–114.

The term "amendment" in a parliamentary sense includes a substitute; [438] or a substitute, under the rules and precedents of the Senate, is an amendment.[439] A substitute is an amendment that strikes all that is available to be stricken. By definition, when an amendment is proposed that strikes some language from a bill or from an amendment, that amendment is a substitute for as much as it proposes to strike. A perfecting amendment is anything less than a substitute.

A substitute amendment, under the rules of the Senate, is essentially a motion to strike out and insert, constituting two questions,[440] but cannot be divided and perfecting amendments would be in order to both the language of the bill proposed to be stricken out and the language to be inserted by an amendment to strike out and insert,[441] and the offering of such amendments would defer a vote on the substitute until they were all disposed of.[442]

An amendment to strike and insert is nondivisible; [443] and it takes precedence over a motion to strike, and when a motion to strike and insert is a substitute for the language proposed to be stricken, and it is agreed to, the motion to strike out is not acted on.[444]

After a second degree perfecting amendment has been agreed to, the underlying amendment as amended may be further amended by a substitute.[445]

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[436] Apr. 15, 1940, 76–3, *Record*, p. 4468.
[437] Mar. 2, 1954, 83–2, *Record*, p. 2458; Apr. 20, 1955, 84–1, *Record*, p. 4792; May 28, 1959, 86–1, *Record*, pp. 9252–53; July 8, 1959, 86–1, *Record*, p. 12963.
[438] *See* Mar. 2, 1911, 61–3, *Record*, p. 3890; Jan. 16, 1951, 82–1, *Record*, pp. 318–19.
[439] *See* June 10, 1952, 82–2, *Record*, p. 6907.
[440] *See* Jan. 7, 1915, 63–3, *Record*, p. 1096.
[441] *See* Dec. 2, 1969, 91–1, *Record*, p. 36435.
[442] *See* May 1, 1964, 88–2, *Record*, pp. 9816–17.
[443] Aug. 18, 1982, 97–2, *Record*, p. 21840.
[444] *See* Sept. 22, 1980, 96–2, *Record*, p. 26616.
[445] Aug 7, 1986, 99–2, *Record*, p. 19830.

After the rejection of a motion to strike out and insert, a motion simply to strike out is in order.[446]

In the case of a substitute amendment for the title of a bill, while an amendment to the part to be inserted is pending, an amendment proposed to the part to be stricken out may be offered and has precedence;[447] also amendments to the original text or the substitute will have precedence over a vote on the substitute.[448]

A motion to strike out a section of a bill and insert new language in lieu thereof is open to amendment to the second degree.[449] A substitute for a substitute for a section of a bill is not open to amendment. The first substitute would be open to a perfecting amendment.[450]

Amendments may be offered to the second degree; an amendment in the nature of a substitute for a section of a bill is an amendment in the first degree, to which another amendment may be offered. The language of the original bill proposed to be stricken out by the substitute is also open to perfecting amendments in two degrees.[451]

A substitute amendment for a second degree amendment is a third degree amendment, and the Chair on its own initiative will rule it out of order.[452]

Any member may offer a proper substitute for the language to be inserted by an amendment to strike out and insert which would be in the second degree and not open to amendment.[453] An amendment in the nature of a substitute for a substitute to strike out a section of a bill and to insert language in lieu thereof, if agreed to, would not be open to amendment. The language of the bill proposed to be stricken out by the first substitute would be open to amendment,[454] and if a substitute is amended by the adoption of a substitute therefor, the question will recur on the substitute as amended; thus a choice between the two propositions is afforded.[455]

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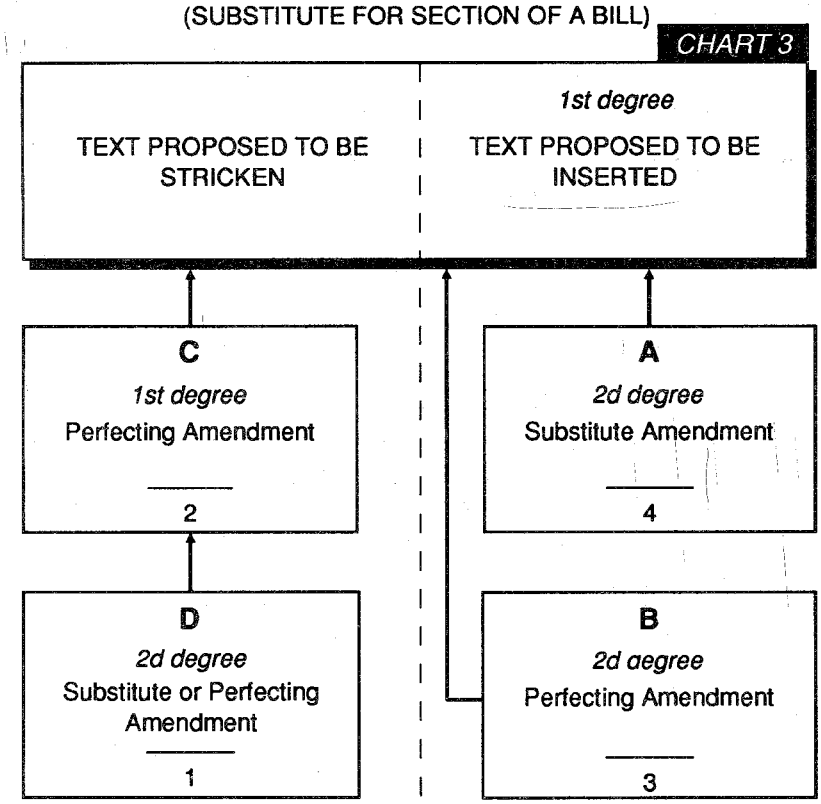
[446] July 5, 1912, 62-2, *Record*, pp. 8657-58.
[447] May 29, 1956, 84-2, *Record*, p. 9171.
[448] *See* July 20, 1956, 84-2, *Record*, p. 13652.
[449] *See* Dec. 2, 1963, 91-1, *Record*, p. 36435; May 14, 1968, 90-2, *Record*, p. 13199; Jan. 26, 1970, 91-2, *Record*, p. 1177.
[450] *See* May 14, 1968, 90-2, *Record*, p. 13199; Dec. 3, 1969, 91-1, *Record*, p. 36665; Feb. 23, 1972, 92-2, *Record*, pp. 5978-79.
[451] June 24, 1976, 94-2, *Record*, pp. 20250-59.
[452] Oct. 2, 1984, 98-2, *Record*, p. 28382.
[453] *See* Dec. 2, 1969, 91-1, *Record*, p. 36435.
[454] *See* May 14, 1968, 90-2, *Record*, p. 13199; Feb. 29, 1972, 92-2, *Record*, pp. 5978-79.
[455] June 22, 1971, 92-1, *Record*, pp. 21306-07; *see* May 16, 1962, 87-2, *Record*, pp. 8554, 8555; May 19, 1962, 87-2, *Record*, p. 8651.

AMENDMENT TO STRIKE AND INSERT
(SUBSTITUTE FOR SECTION OF A BILL)



A through **D** = order of offering to get all of the above amendments before the Senate

1 through **4** = order of voting

When the Senate adopts a substitute for an amendment to a bill, this action alone is not sufficient to adopt the amendment as amended, and the Senate must eventually dispose of the amendment as amended by the substitute.[456]

A substitute amendment for a substitute amendment for a paragraph of a resolution, if agreed to, would not

[456] May 13, 1986, 99-1, *Record*, p. 10395-96.

prohibit further amendments to other provisions of that resolution but a substitute as amended by another substitute would not be open to further amendment. If a substitute amendment for a provision of a resolution is amended by a perfecting amendment, the perfecting amendment itself would not be open to further amendment, but any part of the substitute for a provision of the resolution not already amended would be open to further amendment.[457]

Any committee amendment (except a complete substitute for a bill, which under the practices of the Senate is regarded as original text) is not a part of the bill and any proposal to amend it, even a strike out and insert, is an amendment in the second degree.[458]

If a strike-out-and-insert amendment is pending, another to strike out and insert the same portion of the bill is not in order, while the first is pending. The language proposed to be inserted in the bill by the proposed strike-out-and-insert amendment is open to amendment by proposing to insert different language in lieu of that proposed to be inserted by the strike-out-and-insert amendment; and while an amendment to strike out a section of the bill and insert new language therefor is pending, perfecting amendments to the language of the bill proposed to be stricken out are in order and take precedence over a vote on the motion to strike out and insert.[459]

Where a substitute is proposed for a committee amendment as amended (inserting a provision), the part to be stricken out is open to amendment, and an amendment to the committee amendment, as amended, if in order (that is, not to parts of the committee amendment already amended), has precedence.[460]

A substitute amendment for a committee amendment merely inserting matter was held to be in the nature of a perfecting amendment and in the second degree.[461] Likewise, an amendment to strike out unamended portions of a bill, which includes the language of a committee amendment, or to insert a substitute for the matter proposed to be stricken out, is in order.[462]

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[457] *See* June 18, 1975, 94-1, *Record*, pp. 19511-13.
[458] June 10, 1914, 63-2, *Record*, pp. 10128-32.
[459] *See* Aug. 10, 1967, 90-1, *Record*, pp. 22204-06; May 1, 1964, 88-2, *Record*, pp. 9816-17.
[460] *See* Sept. 29, 1942, 77-2, *Record*, p. 7594.
[461] June 10, 1914, 63-2, *Record*, pp. 10128-32.
[462] *See* Aug. 27, 1959, 86-1, *Record*, pp. 17133-34.

A substitute amendment is in order for a provision of a bill which has been amended in part.[463]

After the reading of a committee amendment is concluded, a Senator who has been recognized may offer an amendment in the nature of a substitute therefor.[464]

Where a substitute is offered for a committee amendment, an amendment adding the same language at the end of the committee amendment is in order and takes precedence over the substitute.[465]

Where an amendment inserting a section of a bill has been agreed to, an amendment to strike out a portion of the bill immediately preceding and following such amendment, including the amendment, and inserting a substitute therefor, is in order,[466] and if agreed to the original amendment is stricken from the bill.[467]

An amendment in the nature of a substitute for an amendment is not subject to a point of order that it should have been offered to the text of the bill and that it was not a proper substitute for such amendment.[468]

An amendment which is proposed as a substitute for an amendment embodying language which comes in at a different place in the bill is not in fact a substitute, but should be offered as a separate amendment.[469] For an amendment to be in order as a substitute for an amendment, it must be properly drafted as a substitute, and not touch portions of the bill not affected by the original amendment.[470] Two amendments directed to the language of a bill at different places are separate amendments and unless properly drafted one of them cannot be submitted as a substitute for the other.[471] If a substitute is reported by a committee for a paragraph of a bill, a motion to strike both the text (including House text) and the committee substitute is not in order.[472]

While a committee substitute for one title of a bill is pending, an amendment to another title of that bill is not

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[463] *See* May 20, 1942, 77-2, *Record*, p. 4390.
[464] *See* Mar. 14, 1935, 74-1, *Record*, pp. 3615-16.
[465] *See* Mar. 3, 1936, 74-2, *Record*, p. 3133.
[466] Apr. 24, 1959, 86-1, *Record*, pp. 6694-99.
[467] Ibid.
[468] Feb. 19, 1929, 70-2, *Record*, p. 3736.
[469] July 11, 1961, 87-1, *Record*, p. 12285.
[470] July 18, 1978, 95-2, *Record*, p. 21339; July 26, 1978, 95-2, *Record*, p. 22735-36; July 16, 1979, 96-1, *Record*, p. 18671; July 27, 1979, 96-1, *Record*, p. 21110.
[471] Aug. 7, 1978, 95-2, *Record*, pp. 24598-99.
[472] May 18, 1932, 72-1, *Journal*, p. 487, *Record*, p. 10525; *see also* May 19, 1942, 77-1, *Record*, p. 4346.

in order; [473] while an amendment is pending, a substitute for that amendment, which also amends a different section or sections of the measure, is not in order.[474]

An amendment proposed as a substitute for a committee amendment is not in order when it embraces a part of the text of the bill not affected by the committee amendment; [475] an amendment, proposed as a substitute for an amendment, which strikes out language in a bill not embraced within the original amendment, is not in order.[476]

A purported substitute for an amendment simply adding a proviso, which amends a part of the text of the bill, was decided by the Senate not to be in fact a substitute and not in order.[477]

An amendment striking out an entire section of a bill is not in order as a substitute for a committee amendment which strikes out only a part of such section.[478]

A substitute for a pending amendment takes precedence over a vote on the original amendment; [479] if agreed to, the vote will then be taken on the amendment as amended by the substitute; [480] the same is true in the case of an amendment in the nature of a substitute for a reservation of a treaty—the vote would come on agreeing to the reservation as amended.[481] An amendment affecting several parts of a bill is not subject to amendment in the nature of a substitute which relates to only one part of the amendment.[482]

When an amendment is pending (at the sufferance of the Senate) which would strike and insert language at several places in the bill, and which would insert language at the end of the bill, an amendment which purports to be a substitute therefor may not be drafted "in lieu of the pending amendment." [483]

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[473] May 29, 1956, 84-2, *Record*, pp. 9218, 9231.

[474] Dec. 1, 1954, 83-2, *Record*, p. 16336; June 14, 1958, 85-2, *Record*, p. 11189.

[475] Feb. 18, 1935, 74-1, *Record*, p. 2066; July 21, 1939, 76-1, *Record*, pp. 9660-61; *see also* May 1, 1951, 82-1, *Record*, pp. 4591-92; July 18, 1953, 83-1, *Record*, p. 9147.

[476] Sept. 11, 1959, 86-1, *Record*, pp. 19089-92; June 9, 1954, 83-2, *Record*, pp. 7916-17.

[477] Feb. 19, 1929, 70-2, *Journal*, p. 185, *Record*, pp. 3726-27.

[478] Oct. 7, 1929, 71-1, *Journal*, p. 157, *Record*, p. 4237.

[479] *See* July 17, 1935, 74-4, *Record*, p. 11313; Feb. 6, 1962, 87-2, *Record*, pp. 1810-11.

[480] July 12, 1946, 79-2, *Record*, p. 8760; Mar. 30, 1939, 76-1, *Record*, p. 3532; *see also* July 17, 1935, 74-1, *Record*, p. 11313; May 9, 1906, 59-1, *Record*, p. 6569; *see also* footnote 455 above.

[481] Mar. 4, 1920, 66-2, *Record*, pp. 3863-65.

[482] Aug. 13, 1958, 85-2, *Record*, pp. 17313-17.

[483] June 26, 1984, 98-2, *Record*, p. 18647.

Strike Out and Insert (Substitute for Bill):

See also "Substitute for Bill Adopted," pp. 117–118; "Strike Out and Insert (Substitute for Bill)," pp. 104–105.

A complete substitute for a bill is amendable in two degrees.[484]

When a substitute amendment for a bill is pending, amendments in two degrees are in order to the underlying bill, and they would be voted upon before any amendments to the substitute.[485]

When an amendment in the nature of a substitute (that is, a substitute amendment) for a bill, or a substitute as amended, has been agreed to, the bill is not open to further amendment,[486] but while such substitute is pending it may be perfected by amendment,[487] which takes precedence over a vote on the substitute.[488] If a motion to strike language from a complete substitute for a bill is pending, the language proposed to be stricken from the substitute is subject to amendment.[489]

If a substitute for a bill is tabled, an amendment pending to the underlying text of the bill remains pending.[490]

If a complete substitute for a bill is adopted, no further amendments to the bill are in order, including amendments specified in a unanimous consent agreement on the bill, and any such amendments would not be in order until the time on that pending amendment is used or yielded back.[491]

If a substitute amendment for an amendment offered as a substitute for the bill is agreed to, no further amendment to either of the substitutes would be in order; if a substitute for a substitute amendment for a bill is rejected, the substitute for the bill would be open to further amendment in two degrees.[492] A substitute amendment for a bill which by unanimous consent has been agreed to by the Senate with a proviso that the amendment as

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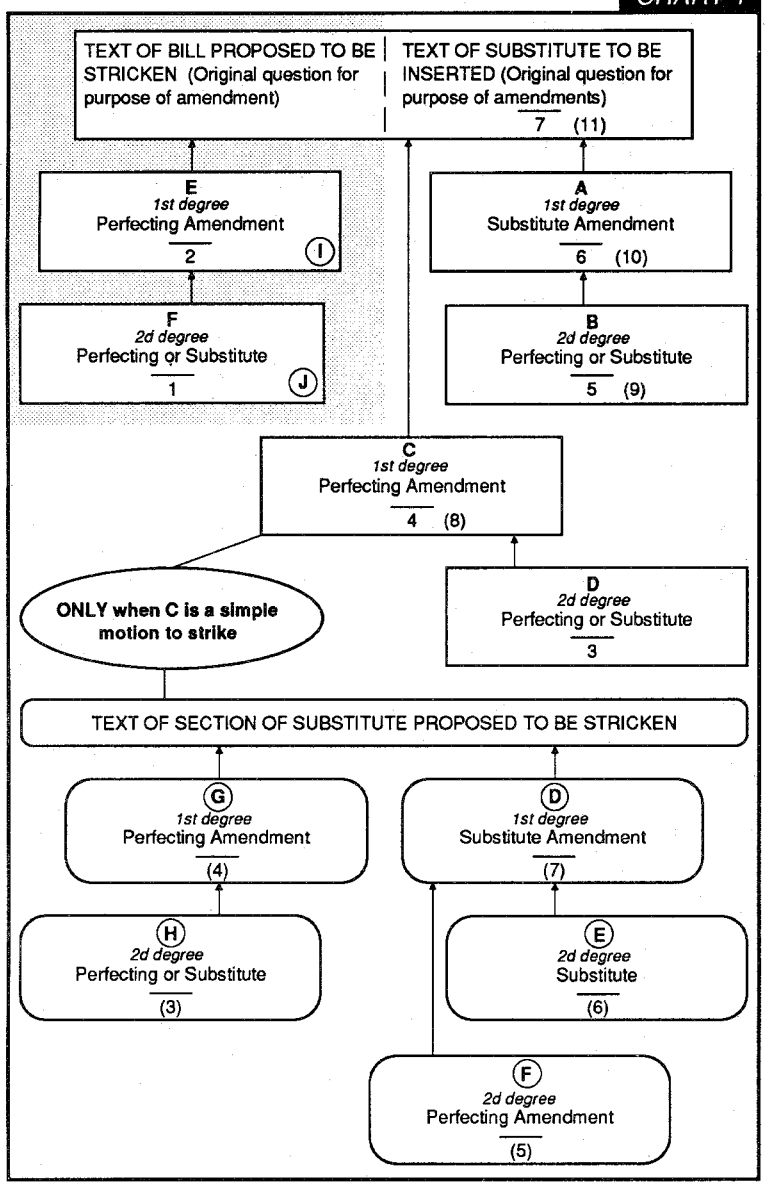
[484] Dec. 3, 1985, 99–1, *Record*, pp. 33877–88.
[485] *See* Dec. 14, 1982, 97–2, *Record*, p. 30783.
[486] Aug. 31, 1960, 86–2, *Record*, pp. 18630, 18654; Feb. 3, 1960, 86–2, *Record*, p. 1888; *see also* Apr. 3, 1939, 76–1, *Record*, p. 3699; June 14, 1962, 87–2, *Record*, p. 10575; Sept. 8, 1961, 87–1, *Record*, pp. 18769–70; July 20, 1965, 89–1, *Record*, p. 17424; Aug. 2, 1965, 89–1, *Record*, p. 19045; Sept. 23, 1969, 91–1, *Record*, p. 26732; May 25, 1964, 88–2, *Record*, pp. 11851–54; Mar. 13, 1968, 90–2, *Record*, p. 6379.
[487] May 19, 1937, 75–1, *Record*, pp. 4762–63.
[488] *See* May 25, 1964, 88–2, *Record*, pp. 11851–54.
[489] *See* May 13, 1982, 97–2, *Record*, pp. 10023–31.
[490] *See* May 3, 1990, 101–2, *Record*, pp. S 5634–38.
[491] Nov. 13, 1985, 99–1, *Record*, pp. 31664, 31669.
[492] Aug. 2, 1965, 89–1, *Record*, p. 19045.

AMENDMENT TO STRIKE AND INSERT
(SUBSTITUTE FOR BILL)

CHART 4



A through J = order of offering to have all amendments pending at the same time
1 through 11 = order of voting
Circled and parenthetical material apply only when C is a motion to strike

agreed to be treated as original text for the purpose of further amendments may not be modified except by unanimous consent; it would be in order to offer amendments thereto in two degrees.[493]

If a substitute amendment for an amendment in the nature of a substitute is adopted, a vote must be taken on agreeing to the substitute amendment as amended.[494]

In the case of a complete substitute for a bill, the original text proposed to be stricken out and the text proposed to be inserted in lieu thereof, whether proposed by a committee or offered from the floor, are each regarded for the purpose of amendment as a question,[495] or as original text,[496] and not as an amendment in the first degree; and each part is open to amendment in two degrees—the same is true when a Senate substitute amendment is offered for the House passed language of a House-passed bill [497]—an amendment to an amendment to the part to be stricken out or an amendment to an amendment to the substitute; and amendments to the part to be stricken out take precedence over amendments to the part to be inserted.[498] Amendments to the original text or the part proposed to be stricken out have precedence over a vote on the substitute (part to be inserted) or an amendment thereto.[499]

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[493] *See* Oct. 12, 1978, 95-2, *Record*, p. 36228.

[494] *See* Feb. 4, 1960, 86-2, *Record*, p. 2038.

[495] Rule XVIII, Mar. 27, 1946, 79-2, *Record*, p. 2661; Feb. 15, 1932, 72-1, *Record*, pp. 3921, 3931, 3938; Jan. 26, 1928, 70-1, *Journal*, p. 131, *Record*, p. 2073; June 10, 1918, 65-2, *Record*, p. 7571; *see also* July 6, 1937, 75-1, *Record*, p. 6787; May 12, 1943, 78-1, *Record*, p. 4249; Jan. 8, 1942, 77-2, *Record*, p. 98; Dec. 21, 1937, 75-2, *Record*, p. 2006.

[496] Feb. 28, 1945, 79-1, *Record*, p. 1544; Sept. 23, 1977, 95-1, *Record*, pp. 30646-47; Mar. 2, 1970, 91-2, *Record*, p. 5531; Sept. 18, 1945, 79-1, *Record*, p. 8669; Mar. 8, 1960, 86-2, *Record*, p. 4909; *see* July 23, 1979, 96-1 *Record*, p. 20199; Nov. 19, 1979, 96-1, *Record*, pp. 33076-79; Feb. 6, 1956, 84-2, *Record*, p. 2055; Oct. 2, 1970, 91-2, *Record*, pp. 34755-56; Dec. 21, 1937, 75-2, *Record*, p. 2006: Jan. 8, 1942, 77-2, *Record*, p. 98; May 12, 1943, 78-1, *Record*, p. 4249.

[497] *See* Nov. 19, 1979, 95-1, *Record*, p. 33103.

[498] Apr. 12, 1916, 64-1, *Record*, p. 5957; Sept. 21, 1977, 95-1, *Record*, pp. 30151-53, 30174-75; Sept. 22, 1977, 95-1, *Record*, p. 30376; Sept. 23, 1977, 95-1, *Record*, pp. 30646-47; May 9, 1917, 65-1, *Record*, pp. 2013-15; Feb. 23, 1955, 84-1, *Record*, p. 1940; Feb. 20, 1950, 81-2, *Record*, p. 1942; Apr. 20, 1948, 80-2, *Record*, p. 4582; Jan. 23, 1948, 80-2, *Record*, p. 485; Sept. 25, 1945, 79-1, *Record*, p. 8954; Feb. 28, 1945, 79-1, *Record*, p. 1544; Jan.11, 1932, 72-1, *Journal*, p. 139, *Record*, p. 1689; Dec. 10, 1928, 70-2, *Record*, p. 340; June 10, 1918, 65-2, *Record*, p. 7571; May 29, 1890, 51-1, *Record*, p. 5423; June 4, 1964, 88-2, *Record*, pp. 12705-06; Mar. 2, 1970, 91-2, *Record*, p. 5531; *see also* Sept. 24, 1977, 95-1, *Record*, pp. 30750-51; Sept. 18, 1951, 82-1, *Record*, p. 11515; May 3, 1950, 81-2, *Record*, pp. 6240, 6242-43; Jan. 23, 1914, 63-2, *Record*, p. 2167; May 7, 1890, 51-1, *Record*, p. 4237; Feb. 3, 1960, 86-2. *Record*, p. 1887; June 22, 1886, 49-1, *Record*, p. 6000; July 20, 1965, 89-1. *Record*, p. 17424; July 20, 1956, 84-2, *Record*, p. 13652; Aug. 2, 1965, 89-1, *Record*, p. 19045; May 25, 1964, 88-2, *Record*, pp. 11851-54; *see also* proceedings on S. 659 for Feb. 22-Feb. 25, 1972 when such procedures were utilized.

[499] Feb. 6, 1956, 84-2, *Record*, p. 2055; July 9, 1937, 75-1, *Journal*, p. 405, *Record*, p. 6981; May 9, 1917, 65-1, *Record*, pp. 2013-15; Mar. 2, 1970, 91-2, *Record*, p. 5531.

In the case of an amendment to strike out and insert, under Rule XV, paragraph 3 the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as original text.[500]

The part of a substitute amendment for a bill to be stricken out by a motion to strike out a section of such substitute is open to amendment and no other part of the substitute amendment would be open to amendment until the motion to strike out that section and all amendments relating thereto had been disposed of.[501]

A perfecting amendment offered to a substitute amendment to which another substitute is pending is in order and takes precedence as a perfecting amendment over both substitutes.[502]

Where an amendment is pending to a committee amendment in the nature of a substitute for the bill, it must be disposed of before an amendment to another part of the substitute would be in order.[503]

When an amendment previously amended has been amended by a substitute amendment, and as so amended is agreed to, the original language as amended is displaced by the language of the substitute amendment.[504]

The original language of a bill, whether amended or not, is replaced by the language of a substitute amendment adopted therefor.[505]

An amendment to strike out a section of a committee substitute for a bill and insert in lieu thereof other matter is an amendment in the first degree and is open to amendment in the second degree; a substitute for that amendment to strike out and insert is an amendment in the second degree and not open to amendment; the language of the committee substitute proposed to be stricken out, however, would be open to amendment.[506]

A substitute for a substitute amendment for a bill is an amendment in the first degree and is open to amendment in one further degree.[507]

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[500] Rule XVIII; Jan. 26, 1928, 70-1, *Journal*, p. 131, *Record*, p. 2073.
[501] Apr. 25, 1967, 90-1, *Record*, p. 10693.
[502] *See* June 9, 1975, 94-1, *Record*, pp. 17855-56.
[503] *See* Aug. 10, 1961, 87-1, *Record*, p. 15413.
[504] June 4, 1964, 88-2, *Record*, pp. 12705-06.
[505] *Ibid.*
[506] *See* Oct. 2, 1970, 91-2, *Record*, pp. 34755-56.
[507] *See* Aug. 2, 1965, 80-1, *Record*, p. 19045.

An amendment to a substitute for a committee substitute for a bill is an amendment in the second degree and not open to amendment.[508]

An amendment (including a substitute amendment) to a substitute amendment for an amendment in the nature of a substitute for a bill is an amendment in the second degree and the vote thereon would come before a vote on either of the two substitutes; after the first vote the question would recur on the substitute amendment, or as amended, if amended, for the amendment in the nature of a substitute for the bill.[509]

Where a House bill has been reported with an amendment in the nature of a substitute for the entire bill, both the House text and the Senate amendment are perfectible by amendment; amendments to the House text have precedence over amendments to the Senate substitute.[510]

A motion to strike out a portion of an amendment, which if agreed to would make that substitute amendment offered as a substitute for a pending substitute for a House passed bill the same as the House bill itself would not make it subject to a point of order. The substitute if it had been offered in the same form in the first instance as the House language would not have been in order, a point of order having been made, since the same end could be accomplished by defeating the substitute.[511]

When the contents of a Senate bill are submitted as an amendment in the nature of a substitute for the language of a House-passed bill, the Senate must vote on the Senate bill before it can become a part of the House bill.[512]

When the language of the Senate bill is offered as a substitute for a pending House bill, the substitute would be open to amendment.[513]

When a committee reports a substitute for an entire bill, an amendment to such substitute is open to amendment.[514]

Amendments in the nature of a substitute for a committee substitute for a bill would be in order after the committee substitute had been amended by perfecting amendments, and the language of the bill proposed to be stricken

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[508] *See* May 17, 1965, 89-1, *Record*, p. 10724.
[509] *See* Aug. 2, 1965, 89-1, *Record*, p. 19045; Sept. 23, 1977, 95-1, *Record*, pp. 30646-47.
[510] *See* Feb. 19, 1921, 66-3, *Record*, p. 3444.
[511] May 27, 1976, 94-2, *Record*, pp. 15867-68.
[512] *See* Oct. 22, 1969, 91-1, *Record*, p. 31017.
[513] *Ibid.*
[514] *See* Feb. 9, 1950, 81-2, *Record*, p. 1721.

out by the committee substitute would be open to amendment in two degrees.[515]

An amendment to a committee substitute for a bill, or to a substitute submitted from the floor therefor, is an amendment in the first degree only, and is subject to amendment.[516]

A substitute for a substitute (including a committee substitute) would be in the first degree and subject to amendment by either a substitute or a perfecting amendment.[517]

A complete substitute for a substitute, as amended, is in order.[518]

An amendment, in the nature of a substitute, proposed for a Senate resolution is subject to amendment by adding at the end of such substitute language identical with that of the original resolution proposed to be stricken out.[519]

An amendment proposed as a substitute for a pending amendment is not in order when it embraces a part of the text of the bill not touched in the original amendment.[520]

The action of the Senate in agreeing to perfecting amendments to a substitute for a bill does not prevent the offering of further amendments thereto.[521]

A substitute for the language of a bill will be in order whether or not perfecting amendments thereto have been adopted.[522]

While an amendment to a substitute for a bill is pending an amendment may be offered to the original bill and will take precedence.[523]

A substitute may be offered at any time for a bill when there is no pending amendment thereto,[524] and perfecting amendments to both the original bill and the substitute therefor have precedence.[525] A substitute amend-

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[515] *See* Oct. 2, 1970, 91-2, *Record*, pp. 34755-56.

[516] Mar. 8, 1960, 86-2, *Record*, p. 4909; Mar. 9, 1946, 79-2, *Record*, p. 2661.

[517] Feb. 20, 1950, 81-2, *Record*, p. 1942; June 16, 1949, 81-1, *Record*, pp. 7798- 7800; *see also* Feb. 3, 1960, 86-2, *Record*, pp. 1887-88.

[518] *See* Mar. 11, 1960, 86-2, *Record*, p. 5275.

[519] *See* Aug. 20, 1959, 86-1, *Record*, p. 16517.

[520] May 18, 1932, 72-1, *Record*, p. 10528.

[521] *See* Apr. 8, 1948, 80-2, *Record*, p. 4248; *see also* Jan. 19, 1950, 81-2, *Record*, pp. 622-23.

[522] *See* July 2, 1960, 86-2, *Record*, pp. 15718-26.

[523] Apr. 5, 1950, 81-2, *Record*, p. 4770.

[524] May 21, 1951, 82-1, *Record*, p. 5496; June 4, 1964, 88-2, *Record*, pp. 12705-06.

[525] June 22, 1937, 75-1, *Record*, p. 6118; July 23, 1937, 75-1, *Record*, p. 7480; Jan. 28, 1942, 77-2, *Record*, pp. 772-775; Aug. 24, 1940, 76-3, *Record*, pp. 10859-60; *see also* Apr. 7, 1947, 80-1, *Record*, p. 3169; June 24, 1946, 79-2, *Record*, p. 7395; May 23 and 24, 1946, 79-2, *Record*, pp. 5490-91, 5613; Dec. 17, 1937, 75-2, *Record*, p. 1703.

ment for a bill is not in order while a perfecting amendment to the bill is pending.[526]

When an amendment to a committee substitute is tabled while amendments to the text of the bill to be stricken are pending, it is not in order to offer another amendment to the substitute until the amendments to the underlying bill are disposed of.[527]

A substitute amendment may be proposed for a bill when no perfecting amendment thereto is pending, but a vote thereon is not in order until other amendments to be offered are disposed of.[528]

The offering of a substitute amendment for a bill is not in order until all committee amendments have been disposed of,[529] unless it is a committee amendment in the nature of a substitute for the bill. Committee amendments have precedence over a substitute for a bill.[530]

A substitute for a substitute may be proposed.[531] If three substitute amendments are pending—a substitute for a substitute for a committee substitute for a bill—the third substitute would be voted on first.[532]

Perfecting amendments may be offered to a bill after a substitute therefor has been rejected; [533] if a substitute for a bill is rejected the bill is still open to amendment; [534] if a substitute is rejected another one may be offered,[535] nor does the rejection of a substitute preclude the offering of a section of the substitute as a perfecting amendment.[536]

When a substitute has been offered for the text of a resolution and then a perfecting amendment is offered to insert a new section at the end of that resolution, an amendment to the perfecting amendment would not be in order when it embraced not only the perfecting amendment but part of the language in the resolution itself; likewise a modified amendment of the latter amendment to the perfecting amendment would not be in order if it

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[526] July 2, 1953, 83-1, *Record*, p. 7885; May 17, 1955, 84-1, *Record*, p. 6448; Apr. 18, 1957, 85-1, *Record*, p. 5993.

[527] *See* Sept. 15, 1982, 97-2, *Record*, pp. 23617-18.

[528] June 4, 1964, 88-2, *Record*, pp. 12705-06.

[529] Mar. 26, 1952, 82-2, *Record*, p. 2885; Mar. 25, 1959, 86-1, *Record*, p. 5181; *see also* Mar. 10, 1952, 82-2, *Record*, p. 2023.

[530] Mar. 25, 1959, 86-1, *Record*, p. 5181.

[531] Feb. 15, 1932, 72-1, *Record*, p. 3938.

[532] *See* Feb. 3, 1960, 86-2, *Record*, pp. 1887-88.

[533] *See* Mar. 10, 1952, 82-2, *Record*, p. 2024.

[534] *See* Aug. 28, 1951, 82-1, *Record*, p. 10745.

[535] *See* Aug. 24, 1940, 76-3, *Record*, p. 10860; May 16, 1962, 87-2, *Record*, pp. 8554-55.

[536] Sept. 27, 1951, 82-1, *Record*, p. 12245; Sept. 28, 1951, 82-1, *Record*, pp. 12365-66.

encompassed the text of the resolution as opposed to the language of the perfecting amendment.[537]

In 1940, under unanimous consent, a bill was reported with a substitute, referred to a different committee, which reported an amendment to the substitute; the bill as reported from the latter committee, by unanimous consent, was considered as an original bill, and the amendment presumed to have been agreed to.[538]

In 1939, a resolution was reported as a substitute for two resolutions pending in the committee.[539]

Third Degree—Out of Order:

See also "Degrees of, in Order at One Time and Order of Voting Thereon," pp. 76-77; and "First and Second Degree Amendments," p. 62.

An amendment to an amendment to an amendment (including committee amendments which are not a substitute for a bill) is in the third degree,[540] and is not in order.[541]

An amendment to a second degree amendment is not in order, since it would be a third degree amendment.[542]

When an amendment to an amendment inserting matter is pending, perfecting amendments are not in order, being in the third degree.[543]

An amendment in the third degree is not in order; therefore, if a substitute amendment (not to strike out all after the enacting clause) has been offered to an amendment, the first amendment would be open to a perfecting amendment in one degree, but the substitute for the

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[537] Aug. 20, 1959, 86-1, *Record*, pp. 16525-26.

[538] Feb. 9 and 13, 1940, 76-3, *Record*, pp. 1270, 1404.

[539] Jan. 4, 1939, 76-1, *Record*, p. 1274.

[540] Apr. 21, 1933, 73-1, *Journal*, p. 108; Mar. 13, 1935, 74-1, *Journal*, p. 188; Mar. 14, 1935, 74-1, *Journal*, p. 192; *see* July 16, 1979, 96-1, *Record*, p. 18693.

[541] Feb. 27, 1934, 73-2, *Record*, p. 3306; Mar. 13, 1935, 74-1, *Journal*, p. 188, *Record*, p. 3524; Jan. 21, 1960, 86-2, *Record*, p. 1008; Sept. 11, 1959, 86-1, *Record*, p. 19089-92; June 10, 1952, 82-2, *Record*, pp. 6906-07; Sept. 22, 1951, 82-1, *Record*, p. 11901; June 28, 1951, 82-1, *Record*, p. 7329; Jan. 19, 1950, 81-2, *Record*, p. 624; Mar. 19, 1946, 79-2, *Record*, p. 2415; June 11, 1945, 79-1, *Record*, p. 5875; Sept. 23, 1942, 77-2, *Record*, p. 7325; June 10 and 11, 1941, 77-1, *Record*, pp. 4943, 5001, 5002; June 18, 1940, 76-3, *Record*, p. 8497; Mar. 14, 1935, 74-1, *Journal*, p. 192, *Record*, pp. 3605-06; Mar. 4, 1922, 67-2, *Record*, pp. 3376, 3378, 3382; June 10, 1914, 63-2, *Record*, pp. 10128-32; *see also* Feb. 15, 1954, 83-2, *Record*, pp. 1749-50; July 9, 1953, 83-1, *Record*, p. 8355; June 8, 1951, 82-1, *Record*, pp. 6297-98; Apr. 9, 1951, 82-1, *Record*, p. 3489; Mar. 25, 1947, 80-1, *Record*, p. 2520; Sept. 30, 1942, 77-2, *Record*, pp. 7619-20; Aug. 24, 1942, 77-2, *Record*, p. 6931: Aug. 3, 1953, 83-1, *Record*, p. 11038; Sept. 24, 1942, 77-2, *Record*, p. 7428; Sept. 30, 1942, 77-2, *Record*, p. 7622; Oct. 10, 1942, 77-2, *Record*, p. 8036; Sept. 15, 1943, 78-1, *Record*, p. 7576; *see* July 16, 1979, 96-1, *Record*, p. 18693.

[542] *See* July 30, 1986, 99-2, *Record*, p. 18062.

[543] June 11, 1945, 79-1, *Record*, p. 5875.

amendment in the first degree would not be open to amendment since that would be an amendment in the third degree.[544]

A substitute amendment for a second degree amendment is a third degree amendment, and is out of order, and the Chair will hold such an amendment out of order on its own initiative.[545]

Numbering of Amendments for Identification Purposes:

On June 7, 1976, the Secretary of the Senate announced, as printed in the *Record*, that thereafter printed and unprinted amendments for Senate consideration would be numbered in separate series beginning with No. 1, at each new Congress, for identification purposes.[546] This policy was changed on April 20, 1983, when the Secretary of the Senate decided, as so announced by the Majority Leader, that amendments would no longer be sent to the Government Printing Office for printing, but would be printed in the *Record* only, resulting in only one series of numbered amendments. A copy of each amendment would be kept at the Secretary's desk.[547]

Ordering of Yeas and Nays on:

See "Ordering of the Yeas and Nays," pp. 1415–1423.

Pass Over (Temporarily):

A motion to pass over temporarily a pending amendment to a bill is not in order,[548] but under Rule XXII, paragraph 1, it could be postponed to a time certain.

During the consideration of a tariff bill, when a schedule is reached, unanimous consent is not required to pass over such schedule and proceed to the consideration of another schedule, but such action can be taken by a majority vote of the Senate.[549]

A part of a title of a bill having been passed over by unanimous consent and objection having been made to

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[544] *See* Sept. 27, 1973, 93–1, *Record*, pp. 31896–97.
[545] Oct. 2, 1984, 98–2, *Record*, p. 28382; July 22, 1982, 97–2, *Record*, p. 17649.
[546] *See* June 7, 1976, 94–2, *Record*, p. 16816.
[547] Apr. 20, 1983, 98–1, *Record*, p. 9102.
[548] June 19, 1911, 62–1, *Record*, pp. 2279–81.
[549] *See* Nov. 14, 1929, 71–1, *Record*, pp. 5548, 5549.

passing over the remaining part, a motion to pass over the same was agreed to.[550]

Perfecting Amendments:

See "Perfecting Amendments," pp. 78, 99–102.

Points of Order—Precedence Over Another Amendment:

See also "Points of Order," pp. 987–996.

A point of order having been made against an amendment to a general appropriation bill, an amendment to the amendment cannot be offered until the point of order has been decided.[551]

Points of Order, When in Order:

A point of order may be made against an amendment to which a second degree amendment is pending, and if sustained both the first and second degree amendments fall.[552]

While an amendment to a paragraph is pending, a point of order cannot be made against another part of the paragraph.[553] A point of order cannot be made against a portion of an amendment, but must be made against the entire amendment.[554]

Under a unanimous consent agreement limiting debate and controlling time, a Senator cannot make a point of order against an amendment, on the ground that it was not germane, until debate thereon has been concluded,[555] or the time has been exhausted or yielded back;[556] at least while the proponent of an amendment has time remaining for debate, it is not in order for another Senator to make a point of order against the amendment on the ground of nongermaneness.[557]

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[550] Oct. 12, 1921, 67–1, *Record*, pp. 6268, 6276.
[551] Feb. 20, 1901, 56–2, *Record*, p. 2685.
[552] June 18 1984, 98–2, *Record*, p. 16913.
[553] Mar. 5, 1947, 80–1, *Record*, pp. 1683–84.
[554] July 12, 1916, 64–1, *Record*, pp. 10856–62.
[555] June 10, 1952, 82–2, *Record*, pp. 6910, 6918; June 19, 1952, 82–2, *Record*, pp. 7608–10.
[556] Mar. 16, 1956, 84–2, *Record*, p. 4953.
[557] May 28, 1952, 82–2, *Record*, pp. 6107–08.

Points of Order Against Language Previously Agreed to:

A point of order will lie against an amendment (offered to a House amendment) even though the identical language had been agreed to during earlier consideration of that measure.[558]

Points of Order Will Not Lie Against:

An amendment on which there has been no Senate action may be withdrawn by its sponsor in the face of a point of order but before the Chair rules on the point of order.[559]

Where a bill other than a general appropriation bill is under consideration, an amendment proposed thereto is not subject to a point of order to the effect that it has not been reported by a standing committee or authorized by the Senate; such a point of order would apply only in the case of a general appropriation bill.[560]

A point of order will not lie against an amendment adding a subdivision to a section of a revenue bill which the Senate previously had refused on motion to strike out;[561] it will not lie against an amendment on the ground that it is inconsistent with other provisions of a measure[562]—that is to be determined by the Senate;[563] nor will it lie in the Senate against an amendment of the House of Representatives to a Senate amendment to a general appropriation bill.[564]

A point of order may be made against a Senate amendment to a general appropriation bill after it has been debated on its merits,[565] but if the point of order is interposed during a yea and nay vote thereon, it is not in order as having been made too late;[566] the same is true of an amendment, to a general appropriation bill which has been agreed to.[567]

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[558] Mar. 22, 1983, 98-1, *Record*, p. 6628.
[559] Oct. 2, 1984, 98-2, *Record*, p. 28339.
[560] July 12, 1932, 72-1, *Journal*, p. 710, *Record*, p. 15108.
[561] Jan. 19, 1944, 78-1, *Record*, p. 377.
[562] May 28, 1947, 80-1, *Record*, p. 5924; Oct. 24, 1942, 77-2, *Record*, pp. 8650-51; Mar. 27, 1947, 80-1, *Record*, pp. 2724-25; *see also* May 18, 1956, 84-2, *Record*, p. 8471.
[563] *See* Aug. 2, 1957, 85-1, *Record*, p. 13450.
[564] *See* Aug. 15, 1949, 81-1, *Record*, pp. 11448-49.
[565] Feb. 24, 1914, 63-2, *Record*, pp. 3833-36.
[566] May 20, 1896, 54-1, *Record*, p. 5456.
[567] Mar. 24, 1904, 58-2, *Record*, pp. 3621-22.

Postpone:

See "Postpone, Motion To," pp. 997–1003.

Preamble of Bill or Resolution, Amendments to:

See "Preambles," pp. 1005–1007.

Precedence of Amendments

Committee Amendments:

Committee amendments take precedence over amendments offered from the floor.

See also "Committee Amendments, Offering and Disposition of," pp. 35–39; "Floor Amendments," pp. 40, 99.

Floor Amendments:

See also "Floor Amendments," p. 40.

There is no preference in consideration of individual amendments (floor amendments), it depending upon the matter of recognition;[568] but such amendments not amendments to committee amendments, but to the text of a bill, are not in order until all committee amendments have been disposed of,[569] except by unanimous consent.[570]

Perfecting Amendments:

See also "Number and Kind of Amendments in Order at One Time," pp. 72–96; "Perfecting Amendments," p. 78.

A perfecting amendment takes precedence over a vote on the question of agreeing to an original amendment;[571] it takes precedence over a substitute,[572] even though the latter may have been first offered;[573] and the rejection of a substitute amendment does not preclude the offering of

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[568] Feb. 24, 1950, 81–2, *Record*, pp. 2355–56.

[569] Sept. 15, 1944, 78–2, *Record*, p. 7798; June 25, 1954, 83–2, *Record*, p. 8917; July 3, 1952, 82–2, *Record*, p. 9144; June 27, 1952, 82–2, *Record*, pp. 8270–71; June 6, 1952, 82–2, *Record*, p. 6690; July 17, 1950, 81–2, *Record*, p. 10378; July 12, 1950, 81–2, *Record*, pp. 10010–11; Jan. 19, 1950, 81–2, *Record*, p. 622; *see also* June 26, 1952, 82–2, *Record*, p. 8108; June 9, 1944, 78–2, *Record*, p. 5623.

[570] *See* June 26, 1952, 82–2, *Record*, p. 8108.

[571] *See* Sept. 25, 1951, 82–1, *Record*, p. 12039.

[572] Apr. 8, 1948, 80–2, *Record*, p. 4248; Apr. 5, 1950, 81–2, *Record*, pp. 4767, 4770; Nov. 22, 1943, 78–1, *Record*, p. 9799; Sept. 17, 1943, 78–1, *Record*, p. 7613; May 14, 1943, 78–1, *Record*, pp. 4415, 4426; Aug. 4, 1937, 75–1, *Record*, pp. 8174–75; *see also* Dec. 1, 1943, 78–1, *Record*, pp. 10166, 10174; Aug. 15, 1961, 87–1, *Record*, pp. 15903–05.

[573] Jan. 24, 1931, 71–3, *Record*, p. 3048; *see* June 25, 1969, 91–1, *Record*, pp. 17219–20.

a section of such substitute as a perfecting amendment.[574]

While a perfecting amendment to the language proposed to be stricken by a simple motion to strike out is pending, a motion to strike out the whole section and insert new language for the whole section proposed to be stricken out by a simple motion to strike is not in order; such a motion to strike out and insert would be in order after the pending perfecting amendment was disposed of.[575]

A perfecting amendment to the language proposed to be stricken by a committee amendment in the nature of a substitute takes precedence over an amendment to the language proposed to be inserted.[576]

An amendment agreed to by the Senate added as a new title to a committee substitute for a bill will fall if the committee substitute as amended is rejected, but it may then be offered to the original text.[577]

Perfecting amendments to a committee amendment take precedence over a substitute for said amendment.[578]

A perfecting amendment to an amendment takes precedence over a substitute.[579]

A perfecting amendment to the text of a bill, where there is pending an amendment in the nature of a substitute for the bill, may be proposed at any time before a vote on the substitute,[580] and will have precedence.[581]

A substitute amendment for a bill will, for the purpose of amendment, be regarded as text, and perfecting amendments thereto have precedence; [582] they also have precedence over the question of voting on the substitute.[583]

A perfecting amendment to a portion of a bill for which a substitute is offered has precedence over such substitute or any amendment proposed thereto.[584]

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[574] Sept. 27, 1951, 82-1, *Record*, p. 12245.
[575] June 28, 1978, 95-2, *Record*, pp. 19229-48.
[576] *See* Dec. 18, 1970, 91-2, *Record*, pp. 42406-08.
[577] Aug. 22, 1958, 85-2, *Record*, pp. 19075-78.
[578] *See* July 30, 1937, 75-1, *Record*, p. 7893.
[579] *See* Apr. 19, 1967, 90-1, *Record*, pp. 10207-08; Feb. 17, 1970, 91-2, *Record*, pp. 3587-89.
[580] *See* Feb. 15, 1932, 72-1, *Record*, p. 3921.
[581] Apr. 2, 1952, 82-2, *Record*, pp. 3354-55.
[582] Sept. 25, 1945, 79-1, *Record*, p. 8954.
[583] *See* Feb. 9, 1950, 81-2, *Record*, p. 1721.
[584] June 23, 1949, 81-1, *Record*, p. 8202.

Perfecting amendments to a substitute take precedence and must be offered, if they are to be considered, before voting on the substitute.[585]

Where a substitute is offered for a committee amendment in the nature of a substitute, the same language offered as an addition to the committee substitute is in the nature of a perfecting amendment and has precedence over the substitute for the committee substitute.[586]

A perfecting amendment to a substitute amendment for a bill would take precedence over a substitute for the first substitute, and would be in the first degree, and a perfecting amendment thereto would be in order.[587]

Amendments to the text of a bill take precedence over amendments proposed to a committee amendment in the nature of a substitute therefor.[588]

Perfecting amendments offered to the original text to be stricken take precedence over a vote on a substitute for a bill or paragraph of a bill, even though subsequently proposed, or over an amendment to the substitute,[589] whether proposed by a committee or offered from the floor.[590]

While an amendment is pending and a perfecting amendment to that amendment is also pending, a substitute for the original amendment is not in order since a second degree perfecting amendment takes precedence over a second degree substitute amendment.[591]

When a substitute has been offered for an amendment, a perfecting amendment for the language proposed to be stricken out by the substitute may be offered and has precedence; [592] or a perfecting amendment to language to be stricken by a substitute for the original amendment is in order and takes precedence over the substitute.[593]

When a second degree substitute for a first degree amendment to insert is pending, it is in order to offer a

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[585] Mar. 29, 1950, 81-2, *Record*, p. 4299; *see also* Feb. 9, 1950, 81-2, *Record*, p. 1721; Aug. 28, 1951, 82-1, *Record*, p. 10745; June 10, 1975, 94-1, *Record*, pp. 18206-07.

[586] *See* Apr. 18, 1952, 82-2, *Record*, pp. 4093-94.

[587] *See* June 16, 1949, 81-1, *Record*, pp. 7798-7800.

[588] June 18, 1932, 72-1, *Record*, p. 13349.

[589] Feb. 28, 1945, 79-1, *Record*, p. 1544; May 12, 1949, 81-1, *Record*, p. 6082; Apr. 3, 1952, 82-2, *Record*, p. 3432; Apr. 2, 1952, 89-2, *Record*, pp. 3354-55; Sept. 18, 1945, 79-1, *Record*, p. 8669; *see also* Mar. 10, 1952, 82-2, *Record*, p. 2024; Mar. 15, 1949, 81-1, *Record*, p. 2510.

[590] *See* Aug. 11, 1913, 63-1, *Record*, p. 3252.

[591] Sept. 29, 1982, 97-2, *Record*, p. 25698.

[592] July 24, 1972, 92-2, *Record*, pp. 25069-70; *see* Feb. 17, 1970, 91-2, *Record*, pp. 3587-89; June 10, 1952, 82-2, *Record*, pp. 6891-92.

[593] July 24, 1972, 92-2, *Record*, pp. 25069.

perfecting amendment to the language to be inserted by the amendment and this second degree perfecting amendment will be voted on before the substitute.[594]

An amendment to perfect the language proposed to be stricken out by a committee amendment,[595] by a substitute amendment,[596] or to perfect an entire paragraph, or portion thereof, of a bill proposed to be stricken out [597] takes precedence; pending a motion to strike out, a perfecting amendment is in order.[598]

A perfecting amendment to language proposed to be stricken out is in order and has precedence over the original motion to strike out,[599] or over a vote on substitute language to be inserted therefor.[600]

When a perfecting amendment to a title or section of a bill is pending, a substitute for that title or section is not in order.[601]

Perfecting amendments have precedence over a motion to strike out and insert.[602]

Stricken-Out Part Over Inserted Part, Amendments to:

See also "Strike Out (Including Amendments Proposed by Committees)," pp. 78–82; "Strike Out and Insert (Substitute Amendment)," pp. 82–87; "Strike Out and Insert (Substitute for Bill)," pp. 88–95.

In the case of a substitute amendment for a bill, the language of the original bill and the language of the substitute therefor are each open to amendment before a vote on the substitute amendment is had, and an amendment to the part to be stricken out has precedence over an amendment to the part to be inserted (substitute).[603]

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[594] *See* Apr. 18, 1983, 98–1, *Record*, p. 8801.

[595] June 18, 1952, 82–2, *Record*, p. 7527.

[596] May 20, 1946, 79–2, *Record*, p. 5276; *see also* Apr. 20, 1948, 80–2, *Record*, p. 4603; Apr. 15, 1948, 80–2, *Record*, pp. 4493–94; Apr. 15, 1948, 80–2, *Record*, p. 4492; Jan. 7, 1915, 63–3, *Record*, p. 1096.

[597] June 28, 1919, 66–1, *Record*, pp. 1977–78; July 28, 1939, 76–1, *Record*, p. 10348; Apr. 22, 1935, 74–1, *Record*, pp. 6135, 6136; Feb. 7, 1935, 74–1, *Record*, p. 1652; May 9, 1917, 65–1, *Record*, pp. 2013–15; *see also* Mar. 2, 1932, 72–1, *Record*, pp. 5100–01.

[598] *See* Sept. 22, 1951, 82–1, *Record*, p. 11896.

[599] June 28, 1939, 76–1, *Record*, p. 10348; Mar. 5, 1940, 76–3, *Record*, p. 2363.

[600] *See* Apr. 5, 1962, 87–2, *Record*, pp. 6047–48.

[601] Nov. 7, 1979, 96–1, *Record*, p. 31211.

[602] June 5, 1952, 82–2, *Record*, p. 6596; *see also* June 5, 1952, 82–2, *Record*, p. 6612.

[603] Aug. 12, 1912, 62–2, *Journal*, p. 533, *Record*, pp. 10706, 10707; June 22, 1916, 64–1, *Record*, p. 9774; Feb. 21, 1920, 66–1, *Record*, p. 3236; May 9, 1917, 65–1, *Record*. pp. 2013–15; June 1, 1916, 64–1, *Record*, p. 9021; Mar. 29, 1916, 64–4, *Record*, p. 5091.

An amendment to the original text of a resolution has precedence over a substitute therefor or an amendment to the substitute.[604]

Amendments to the House text of a bill for which a substitute was reported have precedence over amendments to the Senate substitute, but both the House text and the Senate amendment are perfectible by amendment.[605]

If a substitute amendment has been proposed for a subsection of a committee amendment, an amendment perfecting the language proposed to be stricken out is in order, and has precedence.[606]

While an amendment to a substitute is pending, an amendment may be offered to the original text (proposed to be stricken out) and will take precedence; [607] upon disposition of the latter amendment, the question will recur on any amendment to the substitute (text proposed to be inserted).[608]

Pending a motion to strike out a whole section of a bill, an amendment to strike out only a part of the section is in order as a perfecting amendment to the whole section to be stricken out and has precedence over the original motion,[609] and if agreed to, the question would recur on the motion to strike out the remaining language of that section.[610]

Strike Out and Insert (Substitute Amendment):

See also "Strike Out and Insert (Substitute Amendment)," pp. 82-87; "Perfecting Amendments," pp. 78, 99-102.

A motion to strike out certain language and insert new language in lieu thereof takes precedence over a simple motion to strike out the language,[611] and if agreed to eliminates a vote on the simple motion to strike.[612]

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[604] *See* Mar. 15, 1949, 81-1, *Record*, p. 2510; May 12, 1949, 81-1, *Record*, p. 6082.
[605] *See* Feb. 19, 1921, 66-3, *Record*, p. 3444.
[606] *See* Apr. 9, 1951, 82-1, *Record*, p. 3490.
[607] Apr. 5, 1950, 81-2, *Record*, pp. 4767, 4770.
[608] *Ibid.*
[609] Sept. 4, 1962, 87-2, *Record*, pp. 18494-96.
[610] *Ibid.*, Oct. 19, 1977, 95-1, *Record*, pp. 34541-58.
[611] *See* Sept. 22, 1980, 96-2, *Record*, p 26616; July 18, 1935, 74-1, *Record*, p. 11392; Dec. 16, 1904, 58-3, *Record*, pp. 358-359; May 18, 1932, 72-1, *Journal*, p. 487, *Record*, p. 10525; *see also* May 16, 1941, 77-1, *Record*, p. 4158; June 28, 1939; 76-1, *Record*, p. 8043; May 10, 1917, 65-1, *Record*, p. 2071; Jan. 26, 1970, 91-2, *Record*, pp. 1174-76.
[612] *See* Sept. 22, 1980, 96-2, *Record*, p. 26616. This is covered more fully at pp. 78-82, under section on "Strike Out," etc.; *see also* Mar. 23, 1976, 94-2, *Record*, p. 7620.

Amendments proposed to perfect the part to be stricken out have precedence over the question of agreeing to the substitute (the part to be inserted); [613] for amendments, proposed to the substitute (the part to be inserted).[614]

A substitute for a committee amendment is in order, and has precedence over the question of agreeing to the committee amendment.[615]

When an amendment to strike out and insert is pending, amendments to the language proposed to be stricken are in order even though there is a unanimous consent agreement limiting debate on the amendment and amendments thereto, since such amendments are a part thereof.[616]

Where a committee amendment proposes to strike out a part only of a joint resolution and insert other language, a substitute for the part to be inserted is regarded as a perfecting amendment and has precedence over the committee amendment; [617] also perfecting amendments to the language proposed to be stricken out have precedence over a vote on the substitute,[618] or over a motion to strike out.[619]

A committee amendment proposing to strike out a paragraph of a bill and insert other matter has precedence over and will be voted on before a substitute for the bill would be in order.[620]

If perfecting amendments have been offered to language proposed to be stricken out, a vote will be had on the motion to strike out regardless of action on the perfecting amendments.[621]

Strike Out and Insert (Substitute for Bill):

See also "Strike Out and Insert (Substitute for Bill)," pp. 88–95.

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[613] Feb, 10, 1913, 62–3, *Record*, pp. 2920–21; Jan. 25, 1895, 53–3, *Record*, p. 1341; *see also* Aug. 22, 1958, 85–2, *Record*, pp. 19075–78; Jan. 7, 1915, 63–3, *Record*, p. 1096.

[614] Dec. 10, 1913, 63–2, *Record*, pp. 619–20; *see also* May 3, 1950, 81–2, *Record*, pp. 6240, 6242–43; June 16, 1949, 81–1, *Record*, pp. 7798–7800.

[615] Mar. 1, 1923, 67–4, *Record*, p. 4982.

[616] *See* Jan. 24, 1972, 92–2, *Record*, pp. 951–52.

[617] Jan. 30, 1913, 62–3, *Record*, pp. 2274–75.

[618] Feb. 11, 1954, 83–2, *Record*, pp. 1667–68; *see also* Aug. 19, 1959, 86–1, *Record*, pp. 16383–84.

[619] June 6, 1958, 85–2, *Record*, pp. 10441–42; *see also* June 16, 1958, 85–2, *Record*, p. 11325; July 17, 1958, 85–2, *Record*, p. 14134.

[620] Feb. 10, 1913, 62–3, *Record*, pp. 2920–21.

[621] *See* June 28, 1956, 84–2, *Record*, p. 11261.

When an amendment proposes to strike out all after the enacting clause and insert a substitute, the part to be stricken out and the part to be inserted are each open to amendment before a vote comes on the substitute.[622]

In a case where a committee reports a bill with an amendment in the nature of a complete substitute for the bill, under the practices of the Senate, the amendment is regarded as original text for the purpose of amendment. A substitute amendment for a section of that substitute for the bill, as reported by the committee, would be an amendment in the first degree. The part to be stricken out by the substitute and the part to be inserted would each be open to amendment, with precedence given to a motion to amend the part to be stricken out, as a perfecting amendment; this amendment therefore would take precedence over the substitute amendment for a section of the reported committee substitute.[623]

A substitute for a committee substitute for a bill may be proposed while no perfecting amendment is pending; perfecting amendments, however, when offered, will have precedence over a substitute for a bill previously offered.[624]

An amendment to the original text of a bill has precedence over an amendment to a substitute for such bill.[625]

When a substitute amendment has been offered for an amendment in the nature of a substitute for a bill, the vote comes first on the substitute amendment, or the last amendment offered.[626]

Where a substitute was voted upon by unanimous consent, prior to the consideration of perfecting amendments,[627] and rejected, the regular order would be the consideration of amendments to the bill—would be the same as if the substitute had never been offered.[628]

The text of a Senate bill as amended which has been proposed as a substitute for the text of a similar House bill is subject to amendment.[629]

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[622] Mar. 29, 1916, 64-1, *Record*, p. 5091; *see also* July 17, 1939, 76-1, *Record*, p. 9254.
[623] Mar. 27, 1946, 79-1, *Record*, pp. 2659-60.
[624] *See* Feb. 3, 1960, 86-2, *Record*, p. 1887.
[625] *See* June 30, 1960, 86-2, *Record*, p. 15158; *see also* footnote 603, *supra*.
[626] *See* July 22, 1965, 89-1, *Record*, p. 17846.
[627] Mar. 10, 1948, 80-2, *Record*, pp. 2458-59.
[628] *See* May 29, 1952, 82-2, *Record*, p. 6235.
[629] *See* May 8, 1933, 73-1, *Record*, p. 2995.

Precedence of, Over Motions:

See under various subjects as Commit, Postpone, Recommit, Reconsider, Refer, Rule XXII, Table, etc.

Presiding Officer Takes Initiative:

See "Chair Takes Initiative," pp. 49–50.

Printed Amendments, Discrepancy in:

Where there is a discrepancy or contradiction between the provisions in a committee report and a printed amendment in a bill, the amendment as printed in the bill is controlling.[630]

Printed Amendments—No Parliamentary Standing:

See also "Amendments on Table," pp. 32–33.

An amendment submitted, ordered to lie on the table and be printed, has no parliamentary standing or status, and while submitted by one Senator and ordered printed, any Senator may call it up in his own name regardless of who offered it, when such an amendment is in order.[631]

Such amendments have no parliamentary status and may be called up by any Senator, if it is otherwise in order, when he is properly recognized.[632]

When a motion to proceed to the consideration of a bill is pending, a Senator may send amendments intended to be offered to that bill to the desk for printing.[633]

Pro Forma Amendment:

A motion to strike out the words "and before the expression," was offered on December 13, 1937, and rejected,[634] but the Chair, following the rejection of one such amendment while operating under a unanimous consent agreement, stated that the offering of such amendments was a violation of the spirit of the unanimous consent agreement limiting debate even if within the letter of the

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[630] *See* Sept. 27, 1949, 81-1, *Record*, p. 13341.

[631] June 29, 1970, 91-2, *Record*, p. 21993; *see* July 23, 1970, 91-2, *Record*, pp. 25604-07.

[632] *See* July 23, 1970, 91-2, *Record*, pp. 25604-07.

[633] Mar. 19, 1986, 99-2, *Record*, p. 5391.

[634] Dec. 13, 1937, 75-2, *Record*, pp. 1357, 1360.

agreement.[635] The Chair has held that a pro forma amendment ("strike out the last word") is not in order to a bill being considered under a unanimous consent agreement limiting debate,[636] since it would violate the spirit of the agreement.

Reading of:

See "Reading," pp. 43–45.

Recall of Amendments:

Amendments which have been printed and made available may be recalled by their author, thus removing them from potential consideration.[637]

Recognition After Amendment Offered:

See "Amendments, Debate of," p. 724; "Chair Recognizes," pp. 1092–1097.

Recommit, Motion Takes Precedence Over Amendments:

For details and effects on amendments, *see* "Recommit," pp. 1106–1123.

Pending action on a motion to recommit a measure, amendments may be offered only by unanimous consent; [638] if such a motion is not agreed to, the status of the bill is not changed, and it would be open to further amendments.[639]

Reconsideration of:

For details on, *see* "Reconsideration," pp. 1124–1149.

Reduced to Writing:

See also "Written," pp. 123–124.

All proposals to amend a pending question shall be reduced to writing, "if desired by the Presiding Officer or by any Senator." [640]

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[635] Dec. 14, 1937, 75-2, *Record*, pp. 1458-59; Dec. 15, 1937, 75-2, *Record*, p. 1531.
[636] Apr. 22, 1968, 90-2, *Record*, p. 10179.
[637] *See* Feb. 24, 1982, 97-1, *Record*, p. 2341-42.
[638] Mar. 31, 1914, 63-2, *Record*, p. 5612.
[639] *See* Oct. 16, 1951, 82-1, *Record*, p. 13234.
[640] Rule XV, paragraph 1; Oct. 3, 1972, 92-2, *Record*, pp. 33457-58.

Reference, Motion for:

A motion to refer takes precedence over offering or action on amendments; *see* "Reference," "Motions to Refer," pp. 1162–1164.

Reference of Pending Amendment Not in Order:

For details on reference of amendments, *see* "Amendments to a Bill, Reference of," pp. 1152–1153; motion to refer amendable only by instructions, *see* Rule XVII, paragraph 2.

Regular Order:

See "Laid Aside for Consideration of Another Amendment," pp. 41–43.

Rejection of, Amendment to Amendment:

If an amendment to an amendment is rejected, the question will then recur on the amendment itself.[641]

Reoffering of:

See "Reoffering of," pp. 46–48.

Resolutions, Amendments to:

See also "Resolutions," pp. 1202–1213.

An amendment offered to a resolution to apply, by unanimous consent, only to "part A" could be reoffered as an amendment to "part B" after the resolution has been divided, which would present a new question to the Senate.[642]

Resolving Clause:

An amendment may not contain a resolving clause.[643] "No enacting or resolving words shall be used in any section of an Act or resolution of Congress except in the first." [644]

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[641] *See* June 24, 1953, 83–1, *Record*, p. 7132.
[642] June 22, 1967, 90–1, *Record*, 16996.
[643] June 18, 1984, 98–2, *Record*, p. 16913.
[644] *See* 61 Stat. 637, 1 U.S.C. 103, p. 226, infra.

Revenue Amendments:

See "Revenue," pp. 1214–1216.

Rules, Amendments to:

See "Rules," pp. 1217–1227.

Second Degree Amendments:

See "First and Second Degree Amendments," p. 62.

Set Aside Temporarily:

See also "Pass Over (Temporarily)," pp. 96–97; "Laid Aside for Consideration of Another Amendment," pp. 41–43.

It takes unanimous consent to set aside a pending amendment and take up another, if the Senate has taken no action on a pending amendment, the author may withdraw it.[645]

Sponsorship of Amendment:

An amendment offered by one Senator on behalf of another Senator is considered to be sponsored by the first Senator.[646] When a unanimous consent agreement provides for an exclusive list of amendments, one of which is identified by the names of two Senators, either of those Senators may offer the amendment.[647]

Statement of Purpose:

The statement of purpose of an amendment is not a formal part of that amendment in the sense that it is not subject to floor amendments to change it. However, it may be changed by unanimous consent.[648]

Strike Out:

See "Strike Out (Including Amendments Proposed by Committees)," pp. 78–82; *also* "Committee Amendments, Offering and Disposition of," pp. 35–39; "Precedence of Amendments," pp. 99–105.

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[645] Sept. 28, 1978, 95-2, *Record*, pp. 32167–68; Oct. 5, 1978, 95-2, *Record*, pp. 33879–80.
[646] Sept. 29, 1984, 98-2, *Record*, pp. 27826–34.
[647] *See* Nov. 13, 1985, 99-1, *Record*, p. 31664.
[648] June 6, 1984, 98-2, *Record*, p. 15035.

Substitute Amendments:

See "Strike Out and Insert (Substitute Amendment)," pp. 82–87, 103–104; "Strike Out and Insert (Substitute for Bill)," pp. 88–95, 104–105.

Suspension of Rules To Offer Amendments to Appropriation Bills, and Conditions Thereof:

See "Suspend Rules," p. 177.

Table:

See also "Amendments, Tabling of," pp. 1274–1277.

After motion to table an amendment has been made, it is not in order to propose an amendment to the amendment, and the Chair should enforce this without a point of order being necessary.[649]

Third Degree:

See "Third Degree—Out of Order," pp. 95–96.

Third Reading, After Engrossment and Third Reading of a Bill, Amendments Are Not in Order:

See "Third Reading," pp. 245–247; "Degrees of, in Order at One Time and Order of Voting Thereon," pp. 76–77.

Titles of Bills, Acted on [or Amended] After Passage of Bill:

See "Titles of Bills and Resolutions," p. 1293.

Treaties, Amendment to:

See "Treaties," pp. 1294–1310.

Unanimous Consent Procedures on:

See "Unanimous Consent Agreements," pp. 1311–1369.

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[649] June 3, 1986, 99–2, *Record*, p. 12190.

Vote on Adoption:

A majority vote only, and not a two-thirds vote, is required for the adoption of an amendment, even though a two-thirds vote is required on final passage of the measure.[650]

Vote on, Majority and Two-Thirds Votes Cannot Be Mixed:

A motion to recommit which requires a majority vote cannot be amended by adding instructions to make the bill a special order which requires a two-thirds vote.[651]

When in Order

Amendments in Order:

See "Call Up for Senate Consideration," pp. 33–49.

Amendments to, After Reconsideration by Senate:

After an amendment has been agreed to and reconsidered, it may be amended.[652]

Amendments to Modified Amendment:

See "Modification of," pp. 64–70.

Yeas and Nays Ordered on:

See "Ordering of the Yeas and Nays," pp. 1415–1423.

When Not in Order

See also, "Cloture," "Amends Measure in Two or More Places," pp. 285–286.

Amends Amendment and Bill:

See also "Amends Bill at Different Places," pp. 112–114.

It is not in order, except by unanimous consent, to consider an amendment which amends both an amendment and text of a bill.[653]

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[650] *See* Nov. 10, Dec. 1, 1954, 83-2, *Record*, pp. 15939–42, 16339–40.
[651] Mar. 15, 1940, 76-3, *Record*, pp. 2932–34.
[652] *See* June 30, 1941, 77-1, *Record*, p. 5737.
[653] Nov. 4, 1981, 97-1, *Record*, p. 26437.

Amends Bill at Different Places:

See "Set Aside Temporarily," p. 109.

It takes unanimous consent to consider an amendment which hits a bill in more than one place.[654]

When an amendment is pending, it is not in order to consider another amendment unless it is to the pending amendment or to language affected thereby, and the Chair should take initiative to enforce that prohibition.[655]

An amendment that hits a bill in more than one noncontiguous place is technically out of order, and if the Senate is operating under cloture the Chair is required to hold such an amendment out of order on its own initiative.[656]

While an amendment to a bill is pending, an amendment thereto which embraces a portion of the bill not affected by the pending amendment,[657] or an amendment to a different portion of the bill, is not in order except by unanimous consent,[658] but the pending amendment would be open to amendment to the second degree.[659] An amendment consisting of two or more parts to amend the bill at two or more places, and that not being contiguous, is in fact two or more amendments and cannot be offered as one amendment if a point of order is raised against it and sustained,[660] except by unanimous consent.[661]

Under cloture procedure on one occasion, the Chair held that an amendment which hits one place in a bill but added a line that the succeeding sections of the bill should be renumbered accordingly was tantamount to hitting the bill in more than one place and, therefore, subject to a point of order.[662] But an amendment was held in order

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[654] *See* Sept. 12, 1984, 98-2, *Record*, p. 24967.

[655] Dec. 10, 1980, 96-2, *Record*, pp. 33294-98.

[656] Sept. 13, 1984, 98-2, *Record*, p. 25291.

[657] Apr. 21, 1949, 81-1, *Record*, pp. 4886-87; June 21, 1972, 92-2, *Record*, pp. 21888-89; *see also* July 22, 1957, 85-1, *Record*, p. 12325; July 7, 1969, 91-1, *Record*, pp. 18482-84; July 27, 1979, 96-1, *Record*, p. 21110; July 15, 1971, 92-1, *Record*, p. 25429.

[658] Jan. 6, 1950, 81-2, *Record*, p. 124; July 28, 1950, 81-2, *Record*, p. 11319; Apr. 21, 1949, 81-1, *Record*, pp. 4886-87; June 20, 1973, 93-1, *Record*, pp. 20407-08; *see also* June 11, 1941, 77-1, *Record*, p. 5026; Mar. 17, 1949, 81-1, *Record*, p. 2715.

[659] *See* June 11, 1941, 77-1, *Record*, p. 5026.

[660] June 27, 1980, 96-2, *Record*, pp. 17481-87; Sept. 26, 1977, 95-1, *Record*, pp. 30877-80; Sept. 28, 1977, 95-1, *Record*, pp. 31257-62 (several decisions on this question were resolved); Sept. 26, 1977, 95-1, *Record*, p. 30828; Mar. 12, 1940, 76-3, *Record*, pp. 2705, 2706; Apr. 11,1972, 92-2, *Record*, p. 12154; June 10, 1976, 94-2, *Record*, pp. 17438-39.

[661] Apr. 27, 1949, 81-1, *Record*, pp. 5106-07; Mar. 12, 1956, 84-2, *Record*, pp. 4477-78; July 24, 1975, 94-1, *Record*, pp. 24723, 24750-52.

[662] Sept. 28, 1977, 95-1, *Record*, pp. 31257-62.

when it hit only one place in the bill and provided for renumbering of the next section, which is continuous in nature.[663]

An amendment proposed to a bill is not subject to amendment by an amendment to language occurring in a different portion of the bill, except by unanimous consent.[664] An amendment hitting two areas of a bill already amended by the Senate will not be in order.[665]

An amendment offered by unanimous consent by a Senator to a pending amendment as a substitute therefor, which in fact proposes to amend a part of the bill not affected by the original amendment, was held by the Presiding Officer to be a separate amendment.[666]

While a perfecting amendment adding a new section to a substitute amendment to a bill is pending, an amendment touching matters not embraced in the perfecting amendment is not in order.[667]

When an amendment to a bill is pending, an amendment which embraces a portion of the bill not affected by or addressed to the pending amendment is not in order except by unanimous consent.[668]

While an amendment is pending, another amendment which hits at another place in the bill is not in order.[669]

A pending amendment to a bill must be disposed of before it is in order to offer another amendment to the bill itself; an amendment to a pending amendment would be in order.[670]

An amendment proposed to amend two separate committee amendments to a bill is not in order unless divided and submitted as two amendments.[671]

When an amendment is pending, it is not in order to offer an amendment which is directed to language neither proposed to be stricken by nor inserted by that amendment.[672]

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[663] Sept. 28, 1977, 95-1, *Record*, pp. 31249-50.
[664] July 29, 1958, 85-2, *Record*, p. 15403; July 7, 1969, 91-1, *Record*, pp. 18482-84.
[665] Nov. 9, 1979, 96-1, *Record*, p. 31902.
[666] *See* July 23, 1964, 88-2, *Record*, pp. 16719-20.
[667] Aug. 20, 1959, 86-1, *Record*, pp. 16525-26.
[668] Nov. 1, 1979, 96-1, *Record*, pp. 30648-49; Apr. 21, 1949, 81-1, *Record*, pp. 4886-87, *see* June 9, 1971, 92-1, *Record*, pp. 18921-23.
[669] Aug. 12, 1969, 91-1, *Record*, p. 23513; July 15, 1971, 92-1, *Record*, p. 25429; July 24, 1973, 93-1, *Record*, p. 25677.
[670] Apr. 23, 1975, 94-1, *Record*, p. 11450.
[671] Apr. 5, 1950, 81-2, *Record*, p. 4745.
[672] Oct. 31, 1985, 99-1, *Record*, p. 29998.

An amendment to be in order must be directed to that amendment which it purports to amend; if it would amend the affected text of the pending measure while another amendment is pending it would not be in order.[673]

Two independent amendments may not be pending at the same time; [674] nor can one amendment be amended by another to attach language to another part of a bill.[675]

A pending amendment to a committee amendment cannot be amended by a motion to strike out language not included in its provisions, since such a motion would be tantamount to the offering of a second amendment.[676]

Pending the consideration of a committee amendment, a motion to strike out a part of the text, not included in the committee amendment, is not in order.[677]

A proposed substitute for an amendment which is inserted at a different place in the bill is not in order; [678] it must touch the same places in the bill if it is to be in order.[679]

Substitute amendments must lie only to the amendment to which it was offered and may not touch the text of the bill itself at any other point.[680]

Where an amendment is pending to a committee amendment in the nature of a substitute, it must be disposed of before an amendment to another part of the substitute would be in order.[681]

A proposed substitute amendment which strikes out a part of the text not embraced within the scope of the original amendment is not in order.[682]

It is not in order to propose to a pending amendment an amendment which strikes out and inserts language in a part of a joint resolution not touched or affected by the pending amendment.[683]

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[673] June 11, 1975, 94-1, *Record*, p. 18383.

[674] May 20, 1947, 80-1, *Record*, p. 5501; Apr. 21, 1949, 81-1, *Record*, pp. 4886-87; *see also* June 26, 1943, 78-1, *Record*, p. 6559; Dec. 10, 1979, 96-1, *Record*, p. 35257.

[674] May 28, 1952, 82-2, *Record*, p. 6094.

[676] Oct. 25, 1921, 67-1, *Journal*, p. 290, *Record*, p. 6742.

[677] Mar. 5, 1918, 65-2, *Record*, pp. 3040-41.

[678] Mar. 7, 1939, 76-1, *Record*, p. 2368; July 11, 1961, 87-1, *Record*, p. 12285; July 15, 1971, 92-1, *Record*, p. 25429; *see* Apr. 3, 1963, 88-1, *Record*, pp. 5608-09.

[679] Oct. 2, 1969, 91-1, *Record*, p. 28221.

[680] Aug. 26, 1966, 89-2, *Record*, p. 20788.

[681] Aug. 10, 1961, 87-1, *Record*, p. 15413.

[682] July 21, 1939, 76-1, *Record*, p. 9660.

[683] Jan. 28, 1939, 76-1, *Record*, pp. 943-44.

Amends Language Already Agreed to:

Any language of a bill already adopted by the Senate is not open to amendment but any language of a part of a bill not amended is open to amendment.[684] A substitute amendment for an amendment having been agreed to, no further amendment to that amendment is in order.[685]

The Chair will take the initiative to rule out of order an amendment that amends language which has already been agreed to.[686]

It is not in order to propose an amendment to an amendment previously agreed to except by unanimous consent; [687] and the Presiding Officer is obligated to enforce this.[688]

An amendment to a part of the bill already amended is not in order.[689]

When an amendment which is actually a series of amendments is sent to the desk, if any part of that amendment amends language already agreed to, the entire amendment will be held out of order by the Chair on its own initiative.[690]

An amendment, even one on which a unanimous consent has been obtained, is not in order if it amends language that has already been agreed to, and the Chair will hold the amendment out of order on its own initiative.[691]

Amends Own Amendment:

See "Senator Cannot Amend Own Amendment Unless," p. 117.

Bills Having Been Passed, Amendments Not in Order Except by Unanimous Consent:

See also "Third Reading," pp. 245–247; "Substitute for Bill Adopted," pp. 117–118.

In 1888 after the passage of a bill, it was amended by unanimous consent, and an order was made under a unanimous consent agreement that the *Journal* show the bill was amended, prior to its third reading and passage.[692]

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[684] Sept. 16, 1980, 96–2, *Record*, p. 25496; Sept. 28, 1977, 95–1, *Record*, p. 31411.
[685] *See* May 16, 1974, 93–2, *Record*, pp. 15076–80.
[686] Aug. 10, 1984, 98–2, *Record*, pp. 23693–94.
[687] Sept. 19, 1984, 98–2, *Record*, p. 26004; Dec. 11, 1980, 96–2, *Record*, p. 33552.
[688] Dec. 11, 1980, 96–2, *Record*, p. 33552.
[689] Sept. 16, 1980, 96–2, *Record*, p. 25496.
[690] Mar. 11, 1983, 98–1, *Record*, p. 4928.
[691] Dec. 17, 1982, 97–2, *Record*, p. 31470.
[692] Apr. 4, 1888, 50–1, *Record*, p. 2683.

Committee Amendment—Substitute for:

Where a committee has reported a substitute for title I of a House bill, it is not in order to offer the language proposed to be stricken out by the committee amendment as a substitute for the committee amendment.[693] An amendment is not in order which proposes to insert the same language in the bill that a committee amendment proposes to strike out; the issue should be resolved by voting up or down the committee amendment, which proposes to strike out that language.[694]

When a substitute amendment for a committee substitute for a resolution is pending, language identical to that committee substitute may not be offered as a substitute for a substitute amendment which would strike out the committee substitute.[695]

Degree, Third, Not in Order:

See "Number and Kinds of Amendments in Order at One Time," pp. 72–96.

Drafted Improperly:

See also "Drafted Improperly," pp. 287–288.

The Chair on its own initiative will rule out of order amendments which are technically impossible, such as an amendment drafted to another amendment when no other amendment is pending.[696]

House Passed Bills, Amendments Not in Order:

See also "Committee Amendment—Substitute for," p. 116.

An amendment to a House bill to insert the identical language of the House passed bill for a pending substitute to the House passed bill is not in order since that could be accomplished by defeating the Senate substitute therefor.[697]

Motion to Table Pending:

See also "Precedence of Motion to Table," pp. 1281–1282.

After a motion to table an amendment has been made, it is not in order to propose an amendment to the amend-

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[693] Sept. 22, 1978, 95–2, *Record*, p. 30884; *see* May 28, 1956, 84–2, *Record*, pp. 9074–75.
[694] Sept. 22, 1978, 95–2, *Record*, p. 30884.
[695] June 11, 1975, 94–1, *Record*, pp, 18386–87.
[696] *See* Sept. 19, 1986, 99–2, *Record*, p. 24917.
[697] Oct. 13, 1978, 95–2, *Record*, p. 37493.

ment, and the Chair takes the initiative to enforce this.[698]

Postpone Bill, When Motion To, Pending:

See "Amendments to Bill," pp. 997–998.

Senator Cannot Amend Own Amendment Unless:

See also "Modification of," pp. 64–70.

As a general rule a Senator may not propose an amendment to his or her own amendment.[699] A Senator must have lost the right to modify his or her own amendment before he or she can propose an amendment to it; [700] until a Senator has lost the right to modify his own amendment he or she is precluded from offering an amendment thereto and this should be enforced at the initiative of the Presiding Officer; [701] to put it another way, Senators cannot amend their own amendment, except by unanimous consent, unless the right to modify it is lost.[702]

A Senator who has retained the right to modify his own amendment may not propose an amendment to it.[703]

Strike Out:

A motion to strike out the part to be inserted by a committee amendment is not in order.[704]

It is not in order to propose to strike a pending amendment to insert.[705]

Substitute for Bill Adopted:

See also "Adoption of, Procedural Effects of," pp. 28–30.

A bill is not open to further amendment if a committee amendment, or any amendment, in the nature of a substi-

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[698] *See* June 3, 1986, 99–2, *Record*, p. 12190.
[699] *See* Oct. 23, 1985, 99–1, *Record*, p. 28550.
[700] Dec. 3, 1981, 97–1, *Record*, p. 29451.
[701] May 22, 1984, 98–2, *Record*, p. 13181; July 25, 1984, 98–2, *Record*, p. 20797.
[702] Mar. 1, 1984, 98–2, *Record*, p. 4069; Aug. 11, 1982, 97–2, *Record*, p. 20419.
[703] Aug. 8, 1986, 99–2, *Record*, p. 20131; Dec. 17, 1982, 99–2, *Record*, pp. 31424, 31427.
[704] Mar. 7 and 8, 1940, 76–3, *Record*, pp. 2486, 2556, 2564.
[705] Oct. 23, 1985, 99–1, *Record*, pp. 28511, 28515.

tute for the bill has been agreed to;[706] necessarily the vote then comes on the passage of the bill as amended.[707]

The text of a Senate bill, as amended, is not open to amendment after it has been substituted for a House bill.[708]

If an amendment in the nature of a substitute for a bill has been adopted and the bill has been engrossed and read a third time, before it would be in order to offer another amendment to the bill, the engrossment and third reading, as well as the adoption of the substitute amendment, would have to be reconsidered or rescinded.[709]

Substitute for Substitute Adopted:

When a substitute amendment to a committee substitute for a resolution is agreed to the language of the committee substitute is wiped out and the question recurs on the committee substitute as amended for the original resolution. The original resolution proposed to be stricken out by the substitute is open to perfecting amendments until the Senate proceeds to vote on the committee substitute, as amended. The committee substitute, as amended, is not open to amendment.[710]

Third Degree:

See "Degrees of, in Order at One Time and Order of Voting hereon," pp. 76–77.

Third Reading and Engrossment, Amendments Not in Order After:

See "Third Reading," pp. 245–247.

Two Independent Amendments Not in Order at the Same Time:

See "Amends Bill at Different Places," pp. 112–114.

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[706] *See* Oct. 12, 1978, 95-2, *Record*, p. 36244; Mar. 13, 1968, 90-2, *Record*, p. 6379; Apr. 3, 1939, 76-1, *Record*, p. 3699; Apr. 23, 1952, 82-2, *Record*, p. 4253; *see also* Feb. 29, 1960, 86-2, *Record*, pp. 3799-3800; Feb. 3, 1960, 86-2, *Record*, pp. 1887-88; Aug. 20, 1959, 86-1, *Record*, p. 16517; Feb. 4. 1959, 86-1, *Record*, p. 1769; Feb. 25, 1954, 83-2, *Record*, p. 2263; July 21, 1953, 83-1, *Record*, p. 9384; Mar. 10, 1952, 82-2, *Record*, p. 2024; Aug. 31, 1951, 82-1, *Record*, p. 10875; Feb. 28, 1951, 82-1, *Record*, p. 1677; Jan. 12, 1950, 81-2, *Record*, pp. 341, 344; Sept. 30, 1949, 81-1, *Record*, p. 13599; Sept. 28, 1949, 81-1, *Record*, p. 13394; Dec. 1, 1943, 78-1, *Record*, p. 10166; Feb. 11, 1936, 74-2, *Record*, p. 1778; Feb. 15, 1932, 72-1, *Record*, p. 3921; Sept. 8, 1961, 87-1, *Record*, pp. 18769-70; July 22, 1963, 88-1, *Record*, p. 13087; June 28, 1978, 95-2, *Record*, p. 19192.

[707] *See* Feb. 11, 1936, 74-2, *Record*, p. 1778.

[708] *See* May 8, 1933, 73-1, *Record*, p. 2995.

[709] July 21, 1965, 89-1, *Record*, p. 17788.

[710] June 6, 1979, 96-1, *Record*, p. 13704.

Unanimous Consent Agreement:

When operating under a unanimous consent agreement limiting the time on each amendment, an amendment to an amendment is not in order until the time on the first amendment has expired. *See* "Amendments—Consideration of Under Unanimous Consent Agreements," pp. 1314–1323.

Unanimous Consent Agreement to Adopt Amendment En Bloc and Treat as Original Text:

See also "En Bloc Consideration and Adoption," pp. 59–61.

It is a common practice during the consideration of general appropriation bills to request unanimous consent to adopt committee amendments to a bill en bloc and treat the bill as amended as original text for the purpose of further amendments.

Withdrawal of Amendments:

An amendment may be withdrawn by the mover thereof in his own right until the Senate takes some action thereon,[711] even as soon as it has been read,[712] but the amendment must be before the Senate to be withdrawn;[713] likewise the bill to which an amendment is pending must be before the Senate for a Senator to exercise his right to withdraw the amendment.[714] And the Senator offering the amendment must have the floor in order to withdraw the amendment.[715] A Senator who has the right to withdraw an amendment may do so, and retains the floor for purposes of introducing another amendment.[716] An amendment on which there has been no Senate action may be withdrawn by its sponsor in the face of a point of order but before the Chair rules on the point of order.[717]

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[711] June 8, 1914, 63–2, *Record*, p. 9993; Apr. 23, 1959, 86–1, *Record*, p. 6532; June 6, 1958, 85–2, *Record*, p. 10446; July 20, 1965, 89–1, *Record*, p. 17441; *see also* June 28, 1951, 82–1, *Record*, p. 7351; June 27, 1962, 87–2, *Record*, p. 11898; Aug. 4, 1971, 92–1, *Record*, p. 29296; Mar. 3, 1978, 95–2, *Record*, p. 5460.

[712] Apr. 14, 1950, 81–2, *Record*, p. 5217.

[713] *See* July 30, 1942, 77–2, *Record*, p. 6685.

[714] July 20, 1966, 89–2, *Record*, p. 16462.

[715] Nov. 8, 1979, 96–1, *Record*, p. 31589.

[716] Mar. 2, 1988, 100–2, *Record*, p. S 1717.

[717] Oct. 2, 1984, 98–2, *Record*, p. 28339.

An amendment may not be withdrawn by a Senator in his own right after the Senate has taken action thereon; he could withdraw it by unanimous consent.[718]

Until the precedent in 1977 while the energy bills were being considered under cloture procedure, no effort had ever been made to withdraw amendments before they were called up for consideration except by unanimous consent.[719] During the consideration of the Panama Canal Treaty in 1978 under cloture such a request was accomplished by unanimous consent with the proviso that no one else be permitted to call them up.

If an amendment is offered to a general appropriation bill and a point of order is made against it, the mover of the amendment prior to a ruling by the Chair thereon, may withdraw his amendment.[720]

An amendment on which no Senate action has occurred and against which a point or order has been made may be withdrawn by its sponsor before the Chair rules on the point of order.[721]

An amendment on which there has been no Senate action may be withdrawn by its sponsor in the face of a point of order before the Chair rules on that point of order.[722]

A Senator may withdraw an amendment against which a point of order is pending if no Senate action has occurred on the amendment, and the pendency of a motion to waive the Congressional Budget Act of 1974 on which the yeas and nays have been ordered does not constitute Senate action.[723]

A Senator in his own right may not withdraw another Senator's amendment which is pending; he may get unanimous consent to do so.[724]

After the yeas and nays have been ordered on an amendment the mover loses his right to withdraw his amendment; [725] the same is true after an agreement has

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[718] Sept. 29, 1971, 92-1, *Record*, p. 34024; Mar. 23, 1972, 92-2, *Record*, p. 9907; June 22, 1971, 92-1, *Record*, p. 21278.

[719] *See* Mar. 3, 1978, 95-2, *Record*, p. 5460.

[720] June 19, 1951, 82-1, *Record*, p. 6738.

[721] June 6, 1986, 99-2, *Record*, p. 12898.

[722] Oct. 2, 1984, 98-2, *Record*, p. 28339.

[723] Sept. 29, 1986, 99-2, *Record*, pp. 26940-41.

[724] Sept. 23, 1977, 95-1, *Record*, p. 30638.

[725] Feb. 15, 1954, 83-2, *Record*, pp. 1748-49; Aug. 31, 1951, 82-1, *Record*, pp. 10950-51; Mar. 9, 1956, 84-2, *Record*, p. 4432; July 25, 1973, 93-1, *Record*, p. 25971; *see also* Aug. 31, 1960, 86-2, *Record*, p. 18639; Dec. 5, 1967, 90-1, *Record*, pp. 35090-91.

been made to vote upon an amendment to the mover's amendment, except by unanimous consent,[726] nor can an amendment which has been amended be withdrawn by the mover thereof.[727]

When the Senate is operating under a unanimous consent agreement to consider a specific amendment or setting time for debate of a specific amendment that is action by the Senate on said amendment and subsequently it would take unanimous consent to withdraw the same.[728]

An amendment may not be withdrawn by the mover if the rules have been suspended for the purpose of offering it.[729]

If the vote agreeing to an amendment has been reconsidered, the mover of the amendment loses his right of withdrawal.[730]

The withdrawal of an amendment does not preclude its being reoffered at a subsequent time.[731]

When a pending amendment is withdrawn any amendment which has been offered thereto is carried with it; [732] withdrawal of a first degree amendment takes with it a pending second degree amendment.[733]

A Senator may withdraw an amendment against which a second degree amendment is pending, if no Senate action has occurred on the underlying amendment.[734] A Senator has a right to withdraw his amendment, which was brought up under a unanimous consent agreement scheduling it for consideration, and to which a second degree amendment is pending, if no Senate action has occurred on the first degree amendment.[735] A Senator who proposed an amendment has the right to withdraw it, even though a second degree amendment is pending thereto, and a motion to table the second degree amendment had failed.[736]

An amendment to a bill on which the yeas and nays have not been ordered nor any action taken thereon may be withdrawn, in which case it would carry with it any

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[726] *See* June 24, 1939, 76-1, *Record*, p. 7837.
[727] May 6, 1953, 83-1, *Record*, p. 4612.
[728] Sept. 29, 1971, 92-1, *Record*, p. 34024; June 22, 1971, 92-1, *Record*, p. 21278.
[729] *See* Aug. 4, 1939, 76-1, *Record*, pp. 11017-18, 11020.
[730] May 15, 1906, 59-1, *Record*, p. 6902.
[731] May 18, 1956, 84-2, *Record*, p. 8469.
[732] July 1, 1980, 96-2, *Record*, p. 18134; Nov. 8, 1979, 96-1, *Record*, p. 31589.
[733] July 1, 1980, 96-2, *Record*, p. 18134.
[734] Oct. 6, 1987, 100-1, *Record*, pp. S 13563-64.
[735] July 14, 1987, 100-1, *Record*, p. S 9803.
[736] Oct. 7, 1988, 100-2, *Record*, pp. S 15108, 15118.

pending amendment which has been offered thereto.[737] An amendment may be withdrawn by its sponsor after the yeas and nays have been denied thereon, if the sponsor has the floor.[738]

An amendment to an amendment on which the yeas and nays have been ordered will fall if the amendment to which it is offered, on which the yeas and nays have not been ordered, is withdrawn; the same would be true if the yeas and nays had been ordered but later withdrawn.[739]

A proposed committee amendment, where there has been no decision thereon—amendment thereto, or ordering of the yeas and nays, etc.—may be withdrawn under Rule XV, paragraph 2 by a Senator in charge of the bill when such withdrawal was authorized by the committee.[740] A Senator in his individual capacity has no authority to withdraw such an amendment; [741] but at the direction of the committee such an amendment may be withdrawn,[742] or such an amendment may be withdrawn by unanimous consent.[743]

A chairman of a committee has no right of his own to withdraw a committee amendment.[744]

The withdrawal of an amendment for which a substitute has been proposed carries with it such substitute.[745]

When a motion to table an amendment in the first degree is made, to which an amendment in the second degree is offered and on which no action has been taken, a Senator may withdraw his amendment in the second degree even though the yeas and nays have been ordered on the motion to table the amendment in the first degree, because no action had been taken on the amendment in the second degree.[746]

In the case of substitute amendments, where the language proposed to be stricken out is amended, the with-

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[737] Nov. 8, 1979, 96-1, *Record*, p. 31589; *see* Aug. 31, 1960, 86-2, *Record*, p. 18639; July 25, 1972, 92-2, *Record*, pp. 25239-40.

[738] Sept. 17, 1987, 100-1, *Record*, p. S 12251.

[739] Dec. 5, 1967, 90-1, *Record*, pp. 35090-91.

[740] Dec. 3, 1902, 57-2, *Record*, p. 25; Sept. 4, 1890, 51-1, *Record*, p. 9655; July 23, 1973, 93-1, *Record*, p. 25359; *see also* Apr. 18, 1932, 72-1, *Record*, p. 8389; Feb. 6, 1891, 51-2, *Record*. p. 2247.

[741] July 16, 1942, 77-2, *Record*, p. 6243; *see also* July 15, 1942, 77-2, *Record*, pp. 6168, 6171.

[742] Aug. 17, 1914, 63-2, *Record*, p. 13849; Mar. 24, 1944, 78-2, *Record*, p. 3037; Apr. 25, 1951, 82-1, *Record*, pp. 4350-51; *see also* Mar. 26, 1952, 82-2, *Record*, p. 2889.

[743] June 30, 1965, 89-1, *Record*, p. 15331; Mar. 10, 1950, 81-2, *Record*, p. 3148; *see also* Mar. 26, 1952, 82-2, *Record*, p. 2889.

[744] June 30, 1965, 89-1, *Record*, 15331.

[745] July 8, 1932, 72-1, *Record*, p. 14866.

[746] Oct. 6, 1971, 92-1, *Record*, pp. 35261-62.

drawal of the substitute will not affect the status of the language amended by the perfecting amendments.[747]

When unanimous consent is granted to lay aside one amendment to consider another, this does not constitute Senate action on the latter amendment, and that amendment may be withdrawn by the sponsor thereof as a matter of right.[748]

Unanimous consent to lay aside an amendment does not constitute Senate action thereon, and upon its recurrence such amendment may be withdrawn by its sponsor as a matter of right.[749]

An amendment that is set aside temporarily and thereafter recurs upon a call for the regular order, can still be withdrawn by its sponsor as a matter of right if no Senate action has occurred thereon, since neither setting aside an amendment nor its subsequent recurrence on a call for the regular order constitutes such Senate action.[750]

Withdrawal of Committee Amendments:

See also "Committee Amendments, Offering and Disposition of," pp. 35–39.

A Senator has no authority to withdraw a proposed committee amendment; [751] but such an amendment may be withdrawn at the direction of the committee or by unanimous consent.[752]

A meeting of a committee is not necessary for that committee to authorize a Senator to withdraw a committee amendment.[753]

The majority leader, who was not a member of the committee that reported a bill, was authorized by that committee to withdraw the pending committee substitute amendment.[754]

Written:

See also "Reduced to Writing," p. 107.

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[747] *See* June 5, 1952, 82–2, *Record*, p. 6597.
[748] Mar. 18, 1983, 98–1, *Record*, pp. 6097–6102.
[749] *See* July 1, 1982, 97–2, *Record*, p. 15629.
[750] Apr. 22, 1987, 100–1, *Record*, p. S 5313.
[751] July 16, 1942, 77–2, *Record*, p. 6243; *see also* July 15, 1942, 77–2, *Record*, pp. 6168, 6171.
[752] Aug. 17, 1914, 63–2, *Record*, p. 13849; Mar. 24, 1944, 78–2, *Record*, p. 3037; Apr. 25, 1951, 82–1, *Record*, pp. 4350–51; *see also* Mar. 26, 1952, 82–2, *Record*, p. 2889; Aug. 23, 1962, 87–2, *Record*, p. 17364.
[753] *See* Dec. 14, 1982, 97–2, *Record*, pp. 30686, 30733.
[754] Dec. 14, 1982, 97–2, *Record*, p. 30686.

All proposals to amend a pending question shall be reduced to writing "if desired by the Presiding Officer or by any Senator" and read before it is debated under Rule XV, paragraph 1.[755]

Yeas and Nays—Extended to Modification:

An order for the yeas and nays upon an amendment will be extended to the amendment when modified.[756]

Yeas and Nays Ordered on, Amendments in Order:

See also "Modification of," pp. 64-70; "Ordering of the Yeas and Nays," pp. 1415-1423.

Once the yeas and nays are ordered on an amendment, they stay ordered until the amendment is disposed of unless withdrawn by unanimous consent.[757]

An amendment is subject to amendment even after the yeas and nays have been ordered thereon.[758]

The ordering of the yeas and nays would have no effect on offering a perfecting amendment to the original amendment for which a substitute has been offered.[759]

It is not in order to order the yeas and nays on an amendment until the amendment is the pending question before the Senate.[760]

A request for the yeas and nays on an amendment is not in order when an amendment to that amendment is pending.[761]

After the yeas and nays have been ordered on a motion to refer, and a response has been made, it is too late to move to amend the motion, and the rollcall must proceed.[762]

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[755] Mar. 24, 1954, 84-1, *Record*, p. 3781; July 30, 1955, 84-1, *Record*, p. 12244.

[756] *See* July 8, 1959, 86-1, *Record*, pp. 12949-50.

[757] Mar. 10, 1970, 91-2, *Record*, p. 6622.

[758] Dec. 2, 1943, 78-1, *Record*, pp. 10215-16; Oct. 22, 1945, 79-1, *Record*, p. 9897; June 22, 1950, 81-2, *Record*, p. 9069; Apr. 7, 1884, 48-1, *Record*, p. 2695; *see also* Feb. 4, 1960, 86-2, *Record*, p. 2026; July 22, 1958, 85-2, *Record*, p. 14590; Mar. 9, 1956, 84-2, *Record*, p. 4396; June 22, 1955, 84-1, *Record*, p. 8944; Sept. 26, 1951, 82-1, *Record*, p. 12152; Sept. 25, 1951, 82-1, *Record*, p. 12039; July 25, 1951, 82-1, *Record*, p. 8857; June 4, 1946, 79-2, *Record*, pp. 6225-26; Aug. 22, 1940, 76-3, *Record*, p. 10710; Mar. 4, 1916, 64-1, *Record*, pp. 3520-21; *see* Apr. 3, 1963, 88-1, *Record*, pp. 5607, 5681; Feb. 6, 1962, 87-2, *Record*, p. 1805.

[759] *See* Feb. 17, 1970, 91-2, *Record*, pp. 3587-89.

[760] Dec. 7, 1979, 96-1, *Record*, p. 35085; July 12, 1965, 89-1, *Record*, p. 16502; Apr. 8, 1965, 89-1, *Record*, p. 7572; Apr. 12, 1967, 90-1, *Record*, p. 9293.

[761] Feb. 26, 1947, 80-1, *Record*, p. 1443.

[762] *See* May 23, 1908, 60-1, *Record*, p. 6805.

A motion to lay an amendment on the table is in order, notwithstanding the yeas and nays have been ordered on the question of agreeing to the same,[763] since ordering the yeas and nays in no way affects a subsequent motion to lay an amendment on the table.[764]

If the yeas and nays have been ordered upon an amendment, that order does not apply to a subsequent motion, to lay the amendment on the table, but the latter would require a separate order.[765]

The ordering of the yeas and nays on an amendment does not preclude the ordering of the yeas and nays on an amendment to that amendment.[766]

If objection is made to a modification by a Senator of his amendment after the ordering of the yeas and nays, that Senator or any other Senator would have the right to propose an amendment thereto; [767] also, if the order for the yeas and nays is vacated, unanimous consent for modification would not be required.[768]

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[763] Feb. 17, 1923, 67-4, *Record*, p. 3833; *see* Aug. 18, 1961, 87-1, *Record*, p. 16384.
[764] *See* Aug. 18, 1961, 87-1, *Record*, p. 16384.
[765] *See* June 3, 1938, 75-3, *Record*, p. 8097.
[766] *See* Feb. 6, 1962, 87-2, *Record*, p. 1805.
[767] Sept. 26, 1951, 82-1, *Record*, p. 12161; June 16, 1958, 85-2, *Record*, p. 11330; June 14, 1958, 85-2, *Record*, pp. 11194-95.
[768] *See* June 10, 1952, 82-2, *Record*, pp. 6907-08.