Chapter CCLV.[1]

AMENDMENTS.

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2824. The motion to postpone to a day certain is subject to amendment. An amendment may not be offered to a motion against which a point of order is pending.

On May 15, 1924,[2] the Speaker laid before the House the message from the President returning without his approval the bill (H. R. 7959) providing adjusted compensation for veterans of the World War.

The message having been read, Mr. Nicholas Longworth, of Ohio, moved that consideration be postponed until Monday next, to be taken up on that day immediately after the reading and approval of the Journal.

Mr. Thomas L. Blanton, of Texas, raised a question of order against the motion.

Mr. Elton Watkins, of Oregon, asked recognition to offer an amendment to the motion.

The Speaker[3] said:

The gentleman can not do that while a point of order is pending.

After debate, the Speaker ruled:

The situation seems clear to the Chair. The gentleman from Ohio has made a motion to postpone to a day certain action on the President's veto. Now, the Constitution, as the Chair has already read, provides that "the House shall proceed to consider it." If that meant that the

[1] Supplementary to Chapter CXXV.

[2] First session Sixty-eighth Congress, Record, p. 8663.

[3] Frederick H. Gillett, of Massachusetts, Speaker.

House should proceed immediately to vote upon it, then the action of the House for a great many years has been entirely wrong, because the House has repeatedly entertained and voted on motions to refer it to a committee and to postpone. It seems to the Chair that the language "the House shall proceed to consider it" means that the House shall immediately proceed to consider it under the rules of the House, and that the ordinary motions under the rules of the House—to refer, to commit, or to postpone to a day certain—are in order. One gentleman suggested that such a construction put it in the hands of one gentleman to determine what the House shall do; but, on the contrary, it leaves it entirely in the hands of the House. If the House does not like the motion that is made, it can vote it down, and the House can have its will. It seems to the Chair that is an exact compliance with the Constitution and is also the action which allows the House entire freedom of action. So the Chair overrules the point of order.

2825. For the purposes of amendment, a Senate amendment has the status of an original bill when considered in the House, and the four amendments permitted by the rule may be pending simultaneously.

On February 23, 1921,[1] the House was considering Senate amendment No. 9 to the post office appropriation bill.

The House having receded from its disagreement to the Senate amendment, Mr. Martin B. Madden, of Illinois, moved to concur in the amendment with an amendment.

Mr. Halvor Steenerson, of Minnesota, offered an amendment to the amendment proposed by Mr. Madden.

Mr. Eugene Black, of Texas, made a point of order that the amendment to the amendment was not in order, being in the third degree.

The Speaker[2] held:

The Senate amendment is not considered as an amendment here.

2826. The rule requiring motions to be reduced to writing on the demand of a Member applies to amendments as to other motions and is applicable in the Committee of the Whole as in the House.

While the rules provide for the submission of amendments in writing, under the practice of the House they are frequently presented orally if no Member objects but such presentation is within the discretion of the Chair.

On January 13, 1913,[3] the post office appropriation bill was under consideration in the Committee of the Whole House on the state of the Union.

Several amendments having been dictated to the Clerk from the floor, Mr. J. Hampton Moore, of Pennsylvania, made the point of order that amendments were required to be presented in writing.

The Chairman[4] said:

That is the fact, but, of course, it is of very frequent occurrence that a number of amendments are offered otherwise.

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[1] Third session Sixty-sixth Congress, Record, p. 3717.

[2] Frederick H. Gillett, of Massachusetts, Speaker.

[3] Third session of Sixty-second Congress, Record, p. 1458.

[4] Finis J. Garrett, of Tennessee, Chairman.

The parliamentary clerk at the Speaker's table has just handed to the Chair the following rule:

"RULE XVI

"1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any Member, and it shall be entered on the Journal in the name of the Member making it, unless it is withdrawn the same day."

It would seem that if a Member proposes an amendment it is within the power of any other Member to demand that it shall be reduced to writing. Otherwise it seems to be in the discretion of the Chair.

2827. Amendments must be reduced to writing on demand and the Committee of the Whole is not required to delay its proceedings in order to permit the writing of a proposed amendment even though during the delay thus occasioned the section to which the amendment is proposed may be passed in reading and so preclude consideration of the amendment.

On December 8, 1919,[1] while the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia, was being read for amendment in the Committee of the Whole House on the state of the Union, Mr. Warren Gard, of Ohio, proposed an oral amendment which he proceeded to dictate to the Clerk.

The Chairman[2] requested that the amendment be reduced to writing and sent to the desk.

Mr. Gard demurred:

I think I can state it so it can be read by the Clerk.

The Chairman said:

Amendments must be reduced to writing and sent to the Clerk's desk and read.

The Chair is simply announcing the rule of the House. The gentleman can govern himself accordingly. The Clerk will read.

Thereupon the Clerk read the succeeding section and the proposed amendment was no longer in order.

2828. Amendments are required to be reduced to writing on demand in their entirety and if any portion of a proposed amendment remains to be filled in, it is not in order.

On January 31, 1921,[3] the bill (H. R. 15935) the river and harbor appropriation bill, was being considered in the Committee of the Whole House on the state of the Union.

Mr. John H. Small, of North Carolina, offered an amendment appropriating various amounts due on certain contracts.

A point of order raised by Mr. Thomas L. Blanton, of Texas, against amounts proposed in the amendment being sustained, Mr. Small offered the amendment in modified form leaving blank spaces to be filled in by the Clerk with amounts as ascertained.

Mr. Blanton made the point of order that the entire amendment must be reduced to writing before eligible to consideration.

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[1] First session Sixty-sixth Congress, Record, p. 300.

[2] Philip P. Campbell, of Kansas, Chairman.

[3] Third session Sixty-sixth Congress, Record, p. 2352.

The Chairman [1] sustained the point of order and said:

The gentleman from Texas makes the point of order that the amendment offered by the gentleman from North Carolina is not in proper form in that it has not been reduced to writing in all respects.

The Chair will request the Clerk to advise him if the amendment has been reduced to writing in all respects. The Clerk informs the Chair that it is not in due form as now offered.

2829. Amendments are sometimes submitted orally, but on demand must be reduced to writing and sent to the Clerk's desk.

On February 16, 1929,[2] during consideration of the bill (S. 5094) for the deportation of aliens, Mr. Adolph J. Sabath, of Illinois, addressed the Chair and said:

Mr. Chairman, I offer the following amendment: On page 4 strike out the "ten" and substitute "five" for it.

Mr. Charles G. Edwards, of Georgia, raised a question of order and said:

Mr. Chairman; I make the point of order that there is no amendment pending. The gentleman has not sent it to the desk in writing.

The Chairman [3] sustained the point of order and directed the Clerk to continue the reading of the bill.

2830. Amendments may not be offered by proxy.

On May 23, 1933,[4] the Committee of the Whole House on the state of the Union was considering the bill (H. R. 5661) to provide for the safer and more effective use of the assets of banks, to regulate interbank control, and to prevent the undue diversion of funds into speculative operations.

Mr. John C. Lehr, of Michigan, rising to a parliamentary inquiry, explained that his colleague, Mr. John D. Dingell, of Michigan, who was unavoidably absent on account of illness, had prepared an amendment to the pending paragraph of the bill, and desired that it be proposed in his name. Mr. Lehr inquired if it would be in order for him to offer the amendment as proxy for his colleague, Mr. Dingell.

The Chairman [5] said:

Amendments may not be proposed by proxy. The gentleman may offer the amendment himself.

2831. It is not in order to offer more than one motion to amend at a time.

On October 24, 1921,[6] the bill (H. R. 8762) for refunding foreign obligations was being considered in the Committee of the Whole House on the state of the Union.

Mr. James W. Collier, of Mississippi, offered the following amendment:

Page 1, line 10, after the word "authorized," insert "to enter into agreements with representatives of foreign nations"; and page 2, at the end of section 2, insert *"Provided,* That no agree-

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[1] James W. Husted, of New York, Chairman.

[2] Second session Seventieth Congress, Record, p. 3617.

[3] Robert L. Bacon, of New York, Chairman.

[4] First session Seventy-third Congress, Record, p. 4044.

[5] Clarence Cannon, of Missouri, Chairman.

[6] First session Sixty-seventh Congress, Record, p. 6701.

ment or agreements so entered into with respect to any matter herein authorized shall be deemed to have been completed, nor to have force and effect until it shall have been submitted to the Congress of the United States and embodies in a law passed by Congress."

Mr. William H. Stafford, of Wisconsin, made the point of order that the amendment embodied two substantive propositions, and was virtually two amendments in that it sought to authorize a change in the language of the bill and also to insert an independent proviso.

Mr. Finis J. Garrett, of Tennessee, took issue with this point of view and argued that if there was objection to the form of the amendment it could be reached by a demand for a division of the question.

The Chairman [1] held:

The point of order made by the gentleman from Wisconsin occurs to the Chair as being well taken. The gentleman from Wisconsin makes the point of order that the amendment consists of two parts; that it is an attempt to amend two different portions of the paragraph. The point of order is that we can not consider both amendments at the same time.

Permit the Chair to call the gentleman's attention to the fact that it appears on the face to be a little different from the usual method when amendments of this character are offered. This amendment seeks to authorize a change in the language in a part of the bill, and then follows that with an independent proviso. It hardly seems to the Chair that they can be considered together.

The point of order is sustained by the Chair. The gentleman from Mississippi can decide which amendment he wishes to represent first.

2832. A proposed amendment may not be accepted by the Member in charge of the pending measure, but can be agreed to only by the House.

On December 16, 1918,[2] during consideration of the bill (H. R. 13366) providing for retention of uniforms and personal equipment by honorably discharged soldiers and sailors, an amendment was offered including the phrase "persons who served in the United States Army."

Mr. Julius Kahn, of California, proposed to amend the amendment by substituting for the word "persons" the phrase "enlisted men."

Mr. J. M. C. Smith, of Michigan, the Member in charge of the bill, announced that he would accept the amendment.

The Speaker [3] ruled:

The gentleman from Michigan has no right to accept the amendment.

After debate, the Speaker submitted the question to the House, and Mr. William W. Hastings, of Oklahoma, called attention to the acceptance of the amendment by the Member in charge of the bill.

The Speaker said:

The gentleman from Michigan had no power to accept the amendment.

2833. On December 10, 1921,[4] during consideration of the bill (H. R. 9130) for the appointment of additional judges for certain courts of the United States,

[1] Horace M. Towner, of Iowa, Chairman.

[2] Third session Sixty-fifth Congress, Record, p. 530.

[3] Champ Clark, of Missouri, Speaker.

[4] Second session Sixty-seventh Congress, Record, p. 272.

Mr. John E. Raker, of California, offered an amendment providing that appointment of such judges conform to section 13 of the Judicial Code.

Mr. Andrew J. Volstead, of Minnesota, the Member in charge of the pending bill, said:

The committee accepts that amendment.

Mr. William B. Bankhead, of Alabama, made the point of order that it was not within the province of the Member in charge of the bill to accept an amendment, and it would be necessary for the committee to vote on the proposition.

The Chairman [1] held:

The point of order made by the gentleman from Alabama is well taken. The Chair did not intend to have the amendment adopted merely upon the ipse dixit of the gentleman from Minnesota.

2834. It is not in order to offer an amendment identical with one previously disagreed to.

On March 10, 1924,[2] the Committee of the Whole House on the state of the Union was considered the bill (H. R. 518) to authorize the sale of the Muscle Shoals plant to Henry Ford.

Mr. Olger Burtness, of North Dakota, offered an amendment, against which Mr. W. Frank James, of Michigan, raised the point of order that the amendment had been once voted on and rejected.

In response to an inquiry from the Chairman [3] as to whether the amendment was couched in the identical language in which a previous amendment had been offered, Mr. Burtness replied.

The identical language, but offered to a separate section.

After debate, the Chairman ruled:

The gentleman from North Dakota offers an amendment which he states is in the identical language of that offered by the gentleman from Michigan, Mr. McLaughlin, at an earlier place in the bill. The Chair examined the amendment offered by the gentleman from Michigan somewhat carefully at the time it was offered. It seemed to be an amendment which was germane to the bill, more perhaps than being germane to any particular section. No point of order was raised to the amendment when it was offered as being not germane at the time. The Committee of the Whole had the amendment before it in a definite and concrete way. There would be no end to consideration of a bill in Committee of the Whole if an amendment could be offered and reoffered at different stages during the progress of the bill. The Chair therefore sustains the point of order.

2835. If a proposed amendment is not susceptible to any other interpretation than that which might reasonably be given an amendment previously rejected, it is not admissible.

On May 18, 1916,[4] during consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 15455) to establish a United States

[1] William H. Stafford, of Wisconsin.

[2] First session Sixty-eighth Congress, Record, p. 3923.

[3] Carl E. Mapes, of Michigan, Chairman.

[4] First session Sixty-fourth Congress, Record, p. 8273.

Shipping Board, Mr. William S. Bennet, of New York, offered the following amendment:

Page 2, line 9, after the word "possession," insert the words "but for the purposes of this act the term 'common carrier by water in interstate commerce' shall not include ferryboats running on regular routes."

The question being taken on agreeing to the amendment, it was decided in the negative, yeas 50, nays 61, and the amendment was rejected.

Subsequently Mr. Bennet proposed this amendment:

Page 2, line 4, after the word "carrier," insert the words "except ferryboats running on regular routes."

Mr. Edward W. Saunders, of Virginia, submitted that the amendment had been previously rejected and was not again in order.

Mr. Bennet in combating the point of order said:

If the Chair will look to the precedents, he will find that it is for the committee and not the Chair to say, even if there is a change of as much as one word.

Mr. Chairman, this precise point was ruled upon by Speaker James G. Blaine in this House, and if the Chair will look he will find the ruling. It was made by Speaker Blaine, who was a good parliamentarian. He says that the change of a single word made the new amendment admissible.

After extended discussion, the Chairman [1] held:

The Chair is familiar with that ruling. The Chair thinks the reason Mr. Speaker Blaine ruled that way was that on account of the particular language submitted at that time there was a possibility of there being a different meaning attached to the subsequent amendment from that which was attached to the first amendment. The Chair thinks certainly that was the view of Mr. Speaker Blaine. The Chair thinks it is clear to a man of good ordinary common sense that if the Chair can see that a second amendment is not capable of any other construction than that which would be given to the first amendment that it would be a waste of time to consider it, and for that reason the Chair will sustain the point of order.

There is no doubt that Speaker Blaine was one of the greatest parliamentarians that ever presided over the House. As far as his rulings have been examined by the present occupant of the chair they always seemed to go to the substance, and not to the technical form. The present occupant of the chair is following that principle and wise practice now.

On this specific matter would there be the slightest difference in construction if the amendment now proposed be adopted from what would have been if the amendment proposed a few moments ago had been adopted?

The Chair is simply following the wise rule which provides that an amendment which has once been passed upon shall not be again in order and again be submitted. It is a well-recognized principle of parliamentary law, and the Chair, relying upon reason and common sense, will sustain the point of order.

2836. It is not in order to offer an amendment previously rejected and the mere change of figures carried in an amendment already acted on is insufficient to relieve it of that objection.

On December 12, 1919,[2] the Committee of the Whole House on the state of the Union was considering the army appropriation bill.

A committee amendment was read by the Clerk as follows:

For purchase of Dayton-Wright plant and real estate at Dayton, Ohio, $2,740,228.

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[1] Finis J. Garrett, of Tennessee, Chairman.

[2] Second session Sixty-sixth Congress, Record, p. 496.

The question being taken on agreeing to the committee amendment, the yeas were 58 and the nays were 58 and the Chairman announced that the amendment was not agreed to.

After a time, Mr. Warren Gard, of Ohio, offered this amendment:

Page 10, line 10, insert: "For purchase of Dayton-Wright plant and real estate at Dayton, Ohio, $2,740,000."

Mr. Thomas L. Blanton, of Texas, made the point of order that the amendment has already been passed on.

The Chairman [1] sustained the point of order and said:

The point of order is sustained. There can be no question about it.

The Chair believes that, having disposed of the subject matter of lines 10 and 11 by rejecting them and later having adopted amendments putting on two other propositions, the amendment of the gentleman from Ohio is not in order. The Chair believes that his amendment is substantially the same as the amendment which was rejected, and therefore the Chair sustains the point of order.

2837. It is not in order to offer an amendment previously rejected but to come within the inhibition the amendment proposed must be identical with that previously disposed of.

On March 12, 1920,[2] during consideration of the bill H. R. 12775, the army reorganization bill, Mr. Charles C. Kearns, of Ohio, offered an amendment providing for a separate transportation service.

Mr. Daniel R. Anthony, Jr., of Kansas, raised a question of order against the amendment on the ground that substantially the same amendment had been previously rejected by the Committee of the Whole.

The Chairman [3] ruled:

The Chair will overrule that; it would have to be identically the same amendment, and this is not the identical amendment. The Clerk will report the amendment as modified.

2838. It is in order to offer as an amendment a proposition similar, but not substantially identical, with one previously rejected.

On June 9, 1921,[4] during consideration of the bill (H. R. 661) to establish a veterans' bureau in the Treasury Department, the following amendment offered by Mr. Oscar E. Bland, of Indiana, was rejected.

Page 5, line 10, after the word "exceeding," strike out the work "fifty" and insert in lieu thereof "one hundred and forty."

Subsequently, Mr. Hamilton Fish, Jr., proposed this amendment:

Page 5, line 10, after the word "exceeding," strike out the word "fifty" and insert the words "one hundred."

Mr. Everett Sanders, of Indiana, made the point of order that the amendment was practically the same proposition rejected in the amendment proposed by Mr. Bland and was therefore not in order.

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[1] Martin B. Madden, of Illinois, Chairman.

[2] Second session Sixty-sixth Congress, Record, p. 4241.

[3] John Q. Tilson, of Connecticut, Chairman.

[4] First session Sixty-seventh Congress, Record, p. 2338.

The Chairman [1] ruled:

The Chair thinks it would have been in order when the original proposition was pending to amend that amendment by a further amendment or by a substitute. That was not done. If it had been done, the Chair thinks it would then have been in order to offer a further amendment. But the amendment of the gentleman from Indian having been voted down, the Chair thinks it is in order to offer another amendment not substantially the same as that already voted on. The Chair therefore overrules the point of order.

2839. While not in order to insert by way of amendment a paragraph similar to one already stricken out, an amendment will not be ruled out for that reason unless practically identical.

On February 20, 1923,[2] the House resumed consideration of the bill (H. R. 14270) amending the Federal farm loan act.

The pending question, on an amendment offered by Mr. Nathan L. Strong, of Pennsylvania, to strike out section 5 of the bill, being taken, was decided in the affirmative, yeas 203, nays 117, and the amendment was agreed to, and section 5 was stricken out.

Mr. Otis Wingo, of Arkansas, moved to recommit the bill to the Committee on Banking and Currency with instructions to report it back forthwith with an amendment incorporating in the bill with other matter certain provisions of section 5.

Mr. Thomas L. Blanton, of Texas, raised a question of order against the motion on the ground that the amendment carried in the instructions proposed to insert in the bill provisions of section 5 already stricken out by amendment.

After debate, the Speaker [3] held:

The Chair thinks it very clear that while this does repeat some of the provisions already stricken out, yet it is coupled with new provisions in such a way as to make it quite different. The Chair thinks this comes within the precedents that while, of course, you can not insert the same matter that was stricken out, yet it must be very nearly identical in order to have the point of order apply. The Chair thinks it very clear that this, while in some measure it repeats what the House has already acted upon, changes it so much that the Chair thinks the House is entitled to say that it prefers the change or prefers to leave it as it was. Of course, it is matter for the House to decide. The Chair overrules the point of order.

2840. Similarity of an amendment to one previously rejected will not render it inadmissible if sufficiently different in form to present another proposition.

On January 23, 1923,[4] while the joint resolution (H. J. Res. 314) proposing a Constitutional amendment regulating the issuance of tax-exempt securities, was under consideration in the Committee of the Whole House on the state of the Union, Mr. Marvin Jones, of Texas, proposed this amendment.

Page 2, line 10, after the word "State," insert the following proviso: *"Provided,* This article shall not apply to or affect income derived from securities issued under the provisions of the Federal farm loan act or any amendments thereto."

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[1] Sydney Anderson, of Minnesota, Chairman.

[2] Fourth session sixty-seventh Congress, Journal, p. 246.

[3] Frederick H. Gillett, of Massachusetts, Speaker.

[4] Fourth session Sixty-seventh Congress, Record, p. 2281.

The amendment was rejected, and Mr. John C. Ketcham, of Michigan, offered the following:

Add a new section to the resolution, to be known as section 3, to read as follows:

"Nothing contained in this amendment shall be construed to refer to securities or bonds issued under the terms of the act known as the Federal farm loan act."

Mr. Carl R. Chindblom, of Illinois, objected to consideration of the amendment on the ground that it embodied the same proposition previously rejected in the form of the amendment proposed by Mr. Jones.

The Chairman [1] held:

The amendment proposed by the gentleman from Michigan as a new section in substance is similar to the amendment proposed by the gentleman from Texas, but in form it is not the same. It has been held by occupants of the Chair, including the late Mr. Speaker Clark, that a verbal change sometimes will make an amendment caused a deviation making that second amendment in order. Therefore the Chair will overrule the point of order.

2841. A negative vote on an amendment does not prevent the offering of another amendment embodying a similar proposition in slightly different phraseology.

It is for the House rather than the Chair to decide on the legislative effect of a proposition.

On March 21, 1916,[2] the House was in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12766, the army reorganization bill.

Mr. Julius Kahn, of California, offered this amendment:

After the expiration of two years' service in a first or subsequent enlistment, enlisted men serving within the continental limits of the United States may be furloughed to the Army reserve in the grade in which then serving, or may, in the discretion of the Secretary of War, be reenlisted for a period of seven years: *Provided, however,* That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Army reserve, under such regulations as the Secretary of War may prescribe, in which event he shall not be eligible to reenlist in the service until the expiration of his term of seven years.

The question being taken on agreeing to the amendment, it was decided in the negative and the amendment was rejected.

Thereupon Mr. Augustus P. Gardner, of Massachusetts, proposed the following:

Provided, That after the expiration of one year's honorable service any enlisted man of the Regular Army, whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve, under such regulations as the Secretary of War may prescribe, in which event he shall not be eligible to reenlist in the service until the expiration of his term of seven years.

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[1] Clifton N. McArthur, of Oregon, Chairman.

[2] First session Sixty-fourth Congress, Record, p. 4561.

Mr. James Hay, of Virginia, made the point of order that the amendment was substantially the amendment just disagreed to by the House and it was not in order to again vote on the proposition.

Mr. William S. Bennet, of New York, opposed the point of order and said:

Mr. Chairman, if the Chair will take the House Manual and turn to page 192 he will see that under the decisions of the House if there is a change of even a single word, following the ruling of Mr. Speaker Blaine, it is not for the Chair to pass upon the competence of the amendment, but that is for the House. So long as the amendment is not identical, then the House has the right to say whether it will accept or reject, and, with all due respect, it is not within the province of the Chair. That has been held time and time again in the provisions cited under section 459 of the House Manual.

The Chairman [1] overruled the point of order.

2842. On January 31, 1923,[2] the Committee of the Whole House on the state of the Union resumed consideration of the bill (H. R. 13773) to amend an act regulating radio communication.

Mr. Marvin Jones, of Texas, proposed an amendment providing for the right of appeal from orders of the Secretary of Commerce, to a court of competent jurisdiction.

Mr. Carl R. Chindblom, of Illinois, made the point of order that a similar amendment had previously been offered to the bill and rejected by the committee.

After debate the Chairman [3] ruled:

A distinction should be made in passing upon the question whether the same provision has been acted upon heretofore, as to whether the amendment has been voted up or voted down. If it has been voted into the bill and then it is offered again, with a slight modification by the addition of a word or two or a phrase or clause, that would not entitle it to be held in order for the reason that the subject matter was under consideration and opportunity had been given to offer and have adopted any germane amendment. But where an amendment is voted down, as in this case, and it is again proposed with a modification which makes it different from the form in which it was offered before, the Chair holds that it is within the province of the Member to offer the amendment in the changed form. Therefore the Chair overrules the point of order.

2843. A proposition offered as a substitute amendment and rejected, may nevertheless be offered again as an amendment in the nature of a new section.

On April 8, 1922,[4] the Committee of the Whole House on the state of the Union having under consideration the Departments of State and Justice appropriation bill, Mr. Ben Johnson, of Kentucky, proposed as a new section an amendment previously offered to the preceding paragraph and rejected.

Mr. James W. Husted, of New York, made the point of order that the amendment had just been rejected in the precise form in which now offered and was not again in order.

The Chairman [5] referred to section 5797 of Hinds' Precedents, holding that a proposition, though rejected when offered as a substitute amendment, might

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[1] Finis J. Garrett, of Tennessee, Chairman.

[2] Fourth session Sixty-seventh Congress, Record, p. 2781.

[3] William H. Stafford, of Wisconsin, Chairman.

[4] Second session Sixty-seventh Congress, Record, p. 5211.

[5] Cassius C. Dowell, of Iowa, Chairman.

nevertheless be offered again as an amendment in the nature of a new section, and overruled the point of order.

2844. An amendment once rejected may be again proposed at another place in the bill to which germane.

On February 26, 1921,[1] the House was considering an amendment of the Senate to the executive, legislative and judicial appropriation bill, providing for an annual bonus of $240 per annum to civilian employees of the Government.

Mr. William R. Wood, of Indiana, moved to concur in the Senate amendment in the nature of a substitute providing for a bonus of varying amounts graduated in proportion to salary received, and exempting certain employees from the benefits of the proposed law.

Mr. James W. Dunbar, of Indiana, moved to amend the substitute with a provision limiting the amount of bonus payable to employees of the Bureau of War Risk Insurance receiving less than $400 per annum.

Mr. Adolph J. Sabath, of Illinois, as a parliamentary inquiry, asked if it would be in order, in event of the rejection of the amendment to the substitute, for Mr. Dunbar to again offer it as an original amendment.

The Speaker pro tempore[2] held it would not be in order to again offer the amendment to the substitute, but should the substitute be defeated it would then be in order to offer the same amendment to the Senate amendment.

2845. A negative vote on an amendment offered to a preceding paragraph does not prevent the offering of a similar amendment as a new section.

On May 12, 1992,[3] the Committee of the Whole House on the state of the Union was considering the bill (H. R. 10972) providing for the readjustment of pay of the Army, Navy, and Marine Corps.

Mr. Oscar E. Bland, of Indiana, offered an amendment authorizing the computation of 5 per cent of National Guard service by commissioned officers for longevity pay.

Mr. William H. Stafford of Wisconsin, raised a question of order against the amendment and said:

I wish to call the Chair's attention to the fact that on yesterday when section 1 was under consideration, that part which provides for longevity pay to which this amendment directly relates, this amendment in substance was offered twice in a different form and rejected by the committee. Twice was it offered and by this committee rejected. It is substantially the same amendment.

The Chairman[4] held:

The Chairman is not convinced that there is delay in legislation by permitting the amendment to be introduced in a different form from that of the day before. Therefore The Chair will overrule the point of order.

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[1] Third session Sixty-sixth Congress, Record, p. 4001.

[2] Joseph Walsh, of Massachusetts, Speaker pro tempore.

[3] Second session Sixty-seventh Congress Record, p. 6848.

[4] Simeon D. Fess, of Ohio, Chairman.

2846. A motion to strike out a paragraph being pending, and the paragraph then being perfected by an amendment in the nature of substitute, the motion to strike out necessarily falls.

On May 12, 1922,[1] while the bill (H. R. 10972) for readjustment of army pay, was under consideration in the Committee of the Whole House on the state of the Union, Mr. Frank W. Mondell, of Wyoming moved to strike out the pending paragraph.

Mr. William H. Stafford, of Wisconsin, offered an amendment in the nature of a substitute for the entire paragraph.

The substitute having been agreed to, Mr. Joseph Walsh, of Massachusetts, made a point of order that the question recurred on the motion to strike out the paragraph.

The Chairman[2] ruled:

The amendment agreed to was in the nature of a substitute, and, therefore the motion to strike out has no effect.

A motion to strike out a paragraph being pending and the paragraph then being perfected by an amendment in the nature of a substitute, a motion to strike out necessarily falls.

2847. To a motion to strike out certain words in a bill and insert others, a simple motion to strike out the words in the bill may not be offered as a substitute.

On August 19, 1921,[3] while the bill H. R. 8245, the revenue bill, was under consideration in the Committee of the Whole House on the state of the Union, Mr. Nicholas Longworth, of Ohio, moved to strike out lines 12 to 17, inclusive, on page 2 of the bill, and insert a paragraph in lieu therof.

Mr. Edward J. King, of Illinois, offered, as a substitute for the proposed amendment, the following:

Page 2, strike out, beginning with line 12, up to and including line 17.

The Chairman[4] held that the motion to strike out was not in order as a substitute for the motion to strike out and insert as the latter motion was not divisible.

2848. When it is proposed to strike out certain words in a paragraph, it is not in order to amend by adding to them other words of the paragraph.

To an amendment relating to the molasses schedule in a tariff bill an amendment affecting the sugar schedule in the same paragraph of the bill is not germane.

On May 25, 1929,[5] the Committee of the Whole House on the state of the Union was considering the bill H. R. 2667, the tariff bill.

Mr. Charles B. Timberlake, of Colorado, for the Committee, offered an amendment to strike out certain language in the molasses schedule.

To this amendment Mr. Fiorello H. LaGuardia, of New York, proposed to offer a substitute striking out additional language of the paragraph in the sugar schedule.

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[1] Second session Sixty-seventh Congress, Record, p. 6843.

[2] Simeon D. Fess, of Ohio, Chairman.

[3] First session Sixty-seventh Congress, Record, p. 5285.

[4] Joseph Walsh, of Massachusetts, Chairman.

[5] First session Seventh-first Congress, Record, p. 1937.

Mr. Willis C. Hawley, of Oregon, raised a question of order against the substitute.

The chairman [1] held:

In the opinion of the Chair, the amendment offered by the gentleman from New York is not in accord with the ruling made by Chairman Olmstead, which may be found in Volume V, section 5768, of Hinds' Precedents. Chairman Olmstead in effect rules that when it is proposed to strike out certain words in a paragraph it is not in order to amend by adding to them other words of the paragraph. Another objection that the Chair can see in the amendment offered by the gentleman from New York is that it is not germane to the committee amendment. The committee amendment affects only the blackstrap schedule. The amendment of the gentleman from New York affects the sugar schedule. For these reasons the Chair does not think the amendment to be in order and sustains the point of order.

2849. The motion to strike out and insert is a perfecting amendment and takes precedence of a simple motion to strike out.

A motion to strike out and insert is not in order as a substitute for a simple motion to strike out.

On May 25, 1929,[2] during consideration oft he bill H. R. 2667, the tariff bill, in the Committee of the Whole House on the state of the Union, Mr. Charles B. Timberlake, of Colorado, offered an amendment to strike out certain provision in the sugar schedule.

To this amendment Mr. William E. Hull, of Illinois, offered a substitute inserting language in lieu of that proposed to be stricken out.

Mr. Carl R. Chindblom, of Illinois, made the point of order that the purported substitute was not, in fact, a substitute.

The Chairman [3] ruled:

The amendment offered by the gentleman from Colorado is to strike out certain words. To this the gentleman from Illinois has offered a substitute amendment to strike out and insert.

This is offered as a substitute for the amendment offered by the gentleman from Colorado.

In the opinion of the Chair, a motion to strike out and insert is not in order as a substitute amendment to a simple motion to strike out. If the gentleman from Illinois had offered him amendment as a perfecting amendment, the present occupant of the Chair would have ruled it in order.

The Chair sustains the point of order.

2850. While it is not in order to submit for consideration by way of amendment a proposition previously passed on, an amendment raising the same question, but in other words, is admissible.

On October 3, 1918,[4] the House resumed consideration of the bill (H. R. 12404) authorizing a building for the public health service, coming over from the preceding day with the previous question ordered.

A committee amendment authorizing the purchase of material in the open market was agreed to, and the bill was read a third time.

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[1] Earl C. Michener, of Michigan, Chairman.

[2] First session Seventy-first Congress, Record, p. 1926.

[3] Bertrand H. Snell, of New York, Chairman.

[4] Second session Sixty-fifth Congress, Record, p. 11098.

Mr. James W. Good of Iowa, moved to recommit the bill with instruction to report back forthwith with an amendment forbidding the purchase of material on a cost-plus basis.

Mr. Finis J. Garrett, of Tennessee, made the point of order that amendment embodied a proposition already passed upon by the House in the adoption of the committee amendment just agreed to, and was not admissible.

The Speaker [1] cited a decision by Mr. Speaker Blaine on a similar question and overruled the point of order.

2851. A motion to strike out an amendment just inserted is not in order.

On January 5, 1921,[2] during consideration of the sundry civil appropriation bill in the Committee of the Whole House on the state of the Union, an amendment proposed by Mr. James W. Good, of Iowa, was agreed to providing fro transportation facilities on inland and coastwise waterways.

Mr. James A. Frear, of Wisconsin, moved to strike out the amendment as adopted.

The Chairman [3] declined to recognize the gentleman for that purpose.

2852. After a vote to insert a proposition in a bill it is too late to perfect the proposition by amendment.

On January 24, 1928,[4] during the consideration of the independent offices appropriation bill, in the Committee of the Whole House on the state of the Union, an amendment was agreed to changing the amount of the United States Shipping Board fund from $12,000,000 to $13,400,000.

Subsequently, Mr. Henry A. Cooper, of Wisconsin, offered an amendment proposing to change the amount to $12,300,000.

Mr. William R. Wood, of Indiana, made the point of order that after the original amendment had been inserted in the bill it was then too late to offer amendments proposing to perfect the language embodied in the amendment.

The Chairman [5] sustained the point of order.

2853. Words inserted by amendment may not afterwards be changed. It is not in order to strike out an amendment already agreed to by the House.

On June 23, 1919,[6] the joint resolution (H. J. Res. 104) for the appointment of clerks to Members was under consideration in the Committee of the Whole House on the state of the Union.

An amendment in the nature of a substitute recommended by the Committee on Accounts, reporting the bill was agreed to as follows:

Strike out all after the enacting clause and insert the following:

That the appropriation in the legislative, executive, and judicial appropriation act, approved March 1, 1919, for clerk hire for Members, Delegates, and Resident Commissioners may

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[1] Champ Clark, of Missouri, Speaker.

[2] Third session Sixty-sixth Congress, Record, p. 999.

[3] Joseph Walsh, of Massachusetts, Chairman.

[4] First session Seventieth Congress, Record, p. 1967.

[5] Cassius C. Dowell, of Iowa, Chairman.

[6] First session Sixty-sixth Congress, Record, p. 1606.

be paid by the Clerk of the House of Representative to one or two persons to be designated by each Member, Delegate, and Resident Commissioner, the names of such persons to be placed upon the roll of employees, of the House of Representatives, together with the amount to be paid each, and Representatives and Delegates elect to Congress shall likewise be entitled to make such designations: *Provided,* That such person shall be subject to removal at any time by such Member, Delegate, or Resident Commissioner with or without cause.

The joint resolution having been read a third time, Mr. Martin B. Madden, of Illinois, moved to recommit the joint resolution to the Committee on Accounts with instructions to that committee to report it back to the House forthwith with an amendment striking out all after the enacting clause and inserting the following:

That hereafter each Member, Delegate, and Resident Commissioner of the House of Representatives shall be allowed for clerical assistance necessarily employed by him in the discharge of his official and Representative duties $3,200 per annum, payable in monthly installments, the name or names of such person or persons, with the address of each so employed, to be filed with the Clerk of the House, together with the amount or amounts paid or to be paid such person or persons.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the amendment proposed in the motion to recommit involved the striking out of an amendment already agreed to by the House.

The Speaker [1] sustained the point of order and said:

The Chair thinks the point of order is well taken; that the committee has already substituted an amendment for everything after the enacting clause, and what the committee has already inserted can not be taken out.

The Chair will state that this is a peculiar situation. The Committee of the Whole has stricken out the entire resolution as it originally stood has reported a substitute. Now that substitute is an amendment, and the House can not strike out an amendment which already has been adopted by the committee and by the House.

2854. It is not in order to strike out a paragraph previously inserted by amendment.

A motion to strike out a paragraph being pending, and the paragraph being then perfected by an amendment in the nature of a substitute, the motion to strike out necessarily falls.

To a motion to strike out certain words and insert others a simple motion to strike out the words in the bill may not be offered as a substitute.

A motion to strike out and insert takes precedence of a simple motion to strike out the same language.

On August 19, 1921, [2] the House in the Committee of the Whole House on the state of the Union was considering the bill H. R. 8245, the revenue bill.

Mr. Edward J. King, of Illinois, offered an amendment to strike out the pending paragraph.

Mr. Nicholas Longworth, of Ohio, offered as preferential, a motion to strike out the pending paragraph and insert certain language in lieu thereof.

The Chairman [3] held that the motion to strike out and insert took precedence of the motion to strike out.

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[1] Frederick H. Gillett, of Massachusetts, Speaker.

[2] First session Sixty-seventh Congress, Record, p. 5284.

[3] Joseph Walsh, of Massachusetts, Chairman.

The motion to strike out and insert being put was agreed to.

Mr. King requested that the question then be taken on his motion to strike out the paragraph.

The Chairman said:

The amendment of the gentleman from Ohio was to strike out the paragraph and insert new language. That motion being carried the pending motion to strike out the paragraph falls.

Mr. King moved to strike out the paragraph as amended.

The Chairman rules:

The motion is not in order. The rulings, in the recollection of the Chair, state that a committee having stricken out language and inserted language and substituted an entire new paragraph, that a pending motion to strike out falls by the action of the committee. That action upon the motion to strike out the entire paragraph could only be had on the failure of the motion to strike out and insert.

Mr. Finis J. Garrett, of Tennessee, having appealed, the decision of the chair was sustained, yeas 110, nays 76.

2855. While an amendment which has been agreed to may not be modified, a proposition to strike it from the bill with other language of the original text is in order.

April 23, 1928,[1] the Committee of the Whole House on the state of the Union had under consideration the bill (S. 3740) for the control of floods of the Mississippi River and its tributaries.

A committee amendment to section 3 of the bill was agreed to, when Mr. Martin B. Madden, of Illinois, offered an amendment to strike out section 3, including the amendment just adopted.

Mr. Frank R. Reid, of Illinois, made the point of order that an amendment having been inserted in the bill, it was not in order to propose further disposition by amendment.

The Chairman[2] ruled:

The Chair is read to dispose of any point of order. It is quite in order to strike out a section that has been amended and insert new language.

2856. It is not in order to amend an amendment agreed to by the House.

On June 28, 1922,[3] the Committee of the Whole House on the state of the Union reported to the House the bill (S. 3425) to continue certain land offices, with the recommendation that it be agreed to with an amendment closing designated land offices.

The amendment having been agreed to by the House and the bill being read a third time, Mr. Louis C. Cramton, of Michigan, moved to recommit the bill with instructions to report it back forthwith with an amendment restoring the land offices affected by the amendment just agreed to by the House.

Mr. James R. Mann, of Illinois, raised a question of order against the motion.

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[1] First session Seventh Congress, Record, p. 7022.

[2] Frederick R. Lehlbach, of New Jersey, Chairman.

[3] Second session Sixty-seventh Congress, Record, p. 9640.

The Speaker [1] sustained the point of order and said:

The House has adopted this amendment. It is not the act of the committee, but an act of the House, and after it has been adopted the House can not amend it.

The Chair sustains the point of order.

2857. After a vote to insert a new section in a bill, it is too late to perfect the section by amendment.

On June 6, 1929, [2] the Committee of the Whole House on the state of the Union was considering the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. John Q. Tilson, of Connecticut, offered an amendment proposing a substitute for section 22 of the bill.

The question being taken, on division, there appeared yeas 212, noes 102. So the amendment was agreed to.

Thereupon, Mr. William B. Bankhead, of Alabama, proposed an amendment to the new section just adopted.

Mr. Carl E. Mapes, of Michigan, made the point of order that amendments proposing to perfect the new section came too late after the vote on its adoption.

The Chairman [3] sustained the point of order and said:

The point of order is well taken. The committee has agreed to the amendment offered by the gentleman from Connecticut.

It should have been offered before it was adopted.

The amendment is now out of order on the ground that the proposition to which the amendment is offered has just been agreed to, and has been adopted by the committee as a substitute for section 22 of the bill.

2858. A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words.

On March 21, 1930, [4] the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, was being considered in the Committee of the Whole House on the state of the Union.

Mr. George Huddleston, of Alabama, moved to strike out all of section 9 of the bill.

The amendment having been rejected, Mr. Merlin Hull, of Wisconsin, proposed to strike out subsection (b) of section 9.

Mr. Carl E. Mapes, of Michigan, made the point of order that the question of striking out the subsection had been passed on by the Committee in refusing to strike out the section.

The Chairman [5] said:

The Chair overrules the point of order inasmuch as this strikes out a part of the section.

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[1] Frederick H. Gillett, of Massachusetts, Speaker.

[2] First session Seventy-first Congress, Record, p. 2454.

[3] Carl R. Chindblom, Chairman.

[4] Second session Seventy-first Congress, Record, p. 5881.

[5] Earl C. Michener, of Michigan, Chairman.

2859. In the Committee of the Whole an amendment once offered may not be modified except by unanimous consent.

On January 31, 1921,[1] during consideration of the river and harbor bill, Mr. John H. Small, of North Carolina, offered an amendment making appropriations for a number of river and harbor projects, including the construction of locks on the Allegheny River, with the proviso that the appropriation for the latter project should not be available until the bridges across this river at Pittsburgh had been raised to permit navigation.

Subsequently, and before debate had begun on the amendment, Mr. Small asked to modify his amendment by striking out the proviso.

Mr. Thomas L. Blanton, of Texas, objected.

Mr. Finis J. Garrett, of Tennessee, as a parliamentary inquiry, asked if the modification might not be made by the proponent before action on the amendment by the committee as a matter of right.

The Chairman[2] said:

It requires unanimous consent to modify an amendment in Committee of the Whole, whether debate has proceeded or not.

2860. A perfecting amendment, has precedence of a motion to strike out and must be first voted on when both are pending, but a member recognized on a motion to strike out may not be deprived of the floor by another member proposing a perfecting amendment.

On April 29, 1918,[3] the bill (H. R. 11259) relative to minerals and metals for war purposes, was being read for amendment in the Committee of the Whole House on the state of the Union.

Mr. Sydney Anderson, of Minnesota, being recognized moved to strike out the section.

Mr. William E. Cox, of Indiana, offered as preferential, a motion to perfect the section proposed to be stricken out, and proceeded in debate.

The Chairman[4] said:

The Chair wishes to make a statement as to a matter which seems to be somewhat misapprehended. The impression seems to prevail that anyone offering an amendment to perfect the text has a preferential right to the floor as against some one else who has been recognized and made a motion to strike out the section. That is a mistake. No one seeking to offer a perfecting amendment, has a right to recognition as against another who has been recognized, and moved to strike out the section or paragraph proposed to be perfected. There is a relation of priority in the matter, but it relates to the order in which the motions shall be submitted. No one who has obtained the floor on a motion to strike out a section, can be taken from its feet by another Member seeking to offer an amendment to perfect the text. The Member offering an amendment to strike out has a right to proceed with his argument to conclusion, and then before the motion is put if some one else wishes to offer a perfecting amendment, he can be recognized to submit, and speak to the same. Two amendments will then be pending, but under the rules, the perfecting amendment must be put before the amendment to strike out. The Chair makes this statement because there seems to be a misapprehension as to the relative rights of Members of the committee in this connection.

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[1] Third session Sixty-sixth Congress, Record, p. 2351.

[2] James W. Husted, of New York, Chairman.

[3] Second session Sixty-fifth Congress, Record, p. 5790.

[4] Edward Saunders, of Virginia, Chairman.

2861. An amendment in the nature of a substitute having been proposed, amendments to the original text proposed to be stricken out are in order and are voted on before the question is taken on the substitute.

It is in order to perfect words proposed to be stricken out and a perfecting amendment is admissible after debate on the motion to strike out has begun.

On January 9, 1919,[1] the Committee of the Whole House on the state of the Union was considering the bill (H. R. 13274) for the relief of informal war contracts.

Mr. J. Hampton Moore, of Pennsylvania, offered a motion proposing a substitute for the bill.

Mr. William H. Stafford, of Wisconsin, proposed to offer an amendment to perfect the text proposed to be stricken out and submitted a parliamentary inquiry as to the status of such an amendment.

The Chairman[2] said:

> The Chair would state that the substitute, of course, is nothing but an amendment, and the Chair thinks it is in order at this time to offer an amendment in the nature of a substitute. The Chair, however, believes that if any of the Members have an amendment to perfect the text those amendments should be voted on before the vote is taken on the substitute.

Mr. Stafford then asked if it would be in order to offer an amendment to perfect the text after a substitute had been proposed and debated.

The Chairman replied in the affirmative.

2862. Amendments reported by a committee are acted on before those offered from the floor.

On January 7, 1919,[3] the House was considering, as in the Committee of the Whole, the bill (H. R. 8625) to accept lands for the construction of a military road.

While a number of amendments recommended by the Committee on Public Lands were still pending, Mr. Nicholas J. Sinnott, or Oregon, proposed to offer an amendment from the floor.

The Speaker pro tempore[4] declined recognition for that purpose and said:

> The committee amendments will be first disposed of and then the Chair will recognize the gentleman to offer an amendment. The Clerk will first report the committee amendment.

2863. On September 21, 1917,[5] the bill (S. 2156) to authorize exploration for potassium, was being considered in the House as in the Committee of the Whole.

During the consideration of amendments recommended by the Committee on Public Lands, reporting the bill, Mr. John E. Raker, of California, proposed to offer an amendment from the floor.

The Speaker[6] said:

> The practice is to take up the committee amendments first. The Chair will recognize the gentleman later. The Clerk will report the next committee amendment.

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[1] Third session Sixty-fifth Congress, Record, p. 1207.

[2] Charles R. Crisp, of Georgia, Chairman.

[3] Third session Sixty-fifth Congress, Record, p. 1123.

[4] Charles R. Crisp, of Georgia, Speaker pro tempore.

[5] First session Sixty-fifth Congress, Record, p. 7308.

[6] Champ Clark, of Missouri, Speaker.

2864. Amendments recommended by the committee reporting the bill are read following the first reading of the bill in Committee of the Whole.

On December 3, 1918,[1] the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12917) for the establishment of a sanitarium for discharged soldiers and sailors.

Mr. Frank Clark, of Florida, asked unanimous consent to dispense with the first reading of the bill.

Objection having been made, the bill was read in full, when the Chairman[2] directed the Clerk to read the proposed committee amendments.

Mr. Clark inquired if the reading of the committee amendments was necessary.

The Chairman held that the reading of the committee amendments in full was essential and directed the Clerk to complete the reading.

2865. Amendments recommended by the committee reporting a bill must be passed upon by the House and portions of the bill recommended to be stricken out remain in the bill until acted upon by the House and must be read with the remainder of the bill at the first reading, even though omitted in the committee print.

A motion in the Committee of the Whole House to take up for consideration a designated bill is not subject to amendment and is not debatable.

The Committee of the Whole House determines the order in which it will consider bills on its calendar.

In the Committee of the Whole House the chairman of the standing committee reporting business in order on the current day is entitled to prior recognition to offer motions relative to the order of business, but such motions being rejected, the right to recognition passes to the leading Member in opposition.

On Friday, February 17, 1911,[3] on motion of Mr. George W. Prince, of Illinois, the House resolved itself into the Committee of the Whole House for the consideration of bill son the Private Calendar.

Mr. Prince offered a motion to take up for consideration the bill (H. R. 26121) for the relief of Edward F. Kearns.

Mr. Thetus W. Sims, of Tennessee, asked recognition to move to take up the bill (S. 7971), the omnibus claims bills.

The Chairman[4] ruled that Mr. Prince, as chairman of the Committee on Claims, the committee reporting bills in order on that day, was entitled to prior recognition to offer a motion relating to the order of business.

The motion proposed by Mr. Prince to take up the bill (H. R. 26121), having been read by the Clerk, Mr. Sims moved to amend by substituting the omnibus claims bill.

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[1] Third session Sixty-fifth Congress, Record, p. 52.

[2] Martin D. Foster, of Illinois, Chairman.

[3] Third session Sixty-first Congress, Record, p. 2803.

[4] Frank D. Currier, of New Hampshire, Chairman.

Mr. James R. Mann, of Illinois, made the point of order that the motion was not subject to amendment.

The Chairman held:

The Chair so understands. A substitute is in the nature of an amendment. The Chair can not see that it will expedite business any to entertain the motion to the gentleman to amend by substituting another bill, since it is just as easy to vote down the motion made by the gentleman from Illinois. The Chair does not think that the motion made by the gentleman from Illinois is either debatable or amendable.

The question being taken on the pending motion, the yeas were 61 and the nays were 82, and the motion was not agreed to.

Mr. Sims submitted that he was entitled to recognition.

The Chairman recognized Mr. Sims who moved to take up for consideration the omnibus claims bill.

Mr. Augustus P. Gardner, of Massachusetts, as a parliamentary inquiry desired to know if the motion was debatable.

The Chairman said:

The motion is not debatable.

The motion was agreed to, and Mr. Mann demanded the reading of the bill in full.

When the section relating to the French spoliation claims was reached, Mr. Sims called attention to the report of the Committee on Claims recommending that this portion of the bill be stricken out, and explained that it had omitted from the committee print of the bill, and submitted that it was not necessary to read it.

The Chairman ruled:

It is a part of the bill and the Clerk will continue the reading.

2866. Bills are read for amendment in Committee of the Whole by sections or paragraphs and amendments are not in order until the reading of the section or paragraph has been completed.

On December 18, 1917,[1] the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 195) to levy a war tax on excess profits.

At the close of general debate the Clerk proceeded to read the bill amendment and had read a clause of the first paragraph when Mr. John W. Langley, of Kentucky, interrupted the reading and moved to strike out the last word.

Mr. J. Hampton Moore, of Pennsylvania, made the point of order that the reading of the paragraph had not been concluded and it was not in order to offer amendments until the paragraph had been read in full.

The Chairman[2] sustained the point of order and said:

The gentleman from Pennsylvania has raised a point of order which the Chair thinks is well taken. The Chairman will recognize the gentleman from Kentucky when the first paragraph is really read.

[1] Second session Sixty-fifth Congress, Record, p. 527.

[2] Walter A. Watson, of Virginia, Chairman.

2867. In reading a bill for amendment under the five minute rule a paragraph is passed when an amendment proposing the adoption of a new section is entertained, but if such amendment is ruled out on a point of order, the paragraph last read is still pending.

On March 21, 1908,[1] the fortifications appropriation bill was under consideration in the Committee of the Whole House on the state of the Union.

Mr. Harry L. Maynard, of Virginia, offered an amendment to the pending paragraph to be inserted as a new section, which was ruled out on a point of order.

Mr. David A. DeArmond, of Missouri, then proposed an amendment to the paragraph last read.

Mr. Walter I. Smith, of Iowa, made the point of order that an amendment in the form of a new section having been offered, the paragraph last read had been passed and it was now too late to propose to amend it.

The Chairman[2] held:

The gentleman from Virginia having offered an amendment by a new paragraph if that had been entertained, the motion of the gentleman from Missouri would be too late beyond question; but that not having been entertained, it can scarcely be held that the paragraph is passed, and consequently the Chair overrules the point of order.

2868. An amendment to perfect the pending section takes precedence of an amendment offered as a new paragraph.

On July 19, 1919,[3] the bill (H. R. 6810) the prohibition enforcement bill, was under consideration in the Committee of the Whole house on the state of the Union, under the five-minute rule.

Mr. John F. Miller, of Washington, offered an amendment to be inserted as a new paragraph to follow the pending section.

Mr. Edward W. Saunders, of Virginia, raised a question of order against the amendment on the ground that several Members desired to offer amendments to perfect the pending section.

The Chairman[4] sustained the point of order.

2869. On September 12, 1919,[5] the bill (H. R. 8778) to amend the war risk insurance act, was being considered in the Committee of the Whole House on the state of the Union.

Mr. Roscoe C. McCulloch, of Ohio, proposed an amendment to be inserted as a new section.

Mr. Fred H. Dominick, of South Carolina, requested recognition to offer an amendment to perfect the pending section.

The Chairman[6] held:

The Chair rules that the original section can be amended as long as any gentleman desires to offer an amendment to it.

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[1] First session Sixtieth Congress, Record, p. 3729.

[2] Irving P. Wanger, of Pennsylvania, Chairman.

[3] First session Sixty-sixth Congress, Record, p. 2875.

[4] James W. Good, of Iowa, Chairman.

[5] First session Sixty-sixth Congress, Record, p. 5328.

[6] John Q. Tilson, of Connecticut, Chairman.

An amendment to perfect the text of the section would take precedence over an amendment offered as a new section.

2870. During the reading of a bill for amendment, a paragraph or amendment when once reported may not be read a second time except by order of the committee.

On January 22, 1924,[1] the Committee of the Whole House on the state of the Union was considering the Interior Department appropriation bill.

The Clerk read a paragraph proposing to close certain land offices.

Mr. Louis C. Cramton, of Michigan, offered an amendment providing for continuance of the land offices at Sacramento, California, Great Falls, Montana, and Alliance, Nebraska.

Mr. Frank Clark, of Florida, asked that the paragraph and amendment be read as it would appear if the amendment was adopted.

Mr. Thomas L. Blanton, of Texas, objected.

Mr. Otis Wingo, of Arkansas, made the point of order that it was in order for a Member to demand, as a matter of right, the reading of an amendment upon which he was required to vote.

The Chairman[2] held that a second reading was in order only by unanimous consent, and overruled the point of order.

2871. A motion to suspend the rules and pass a bill with amendments is a proposal to suspend all rules and it is not necessary to read the bill in its original form.

On June 27, 1921,[3] Mr. Thomas B. Dunn, of New York, moved to suspend the rules and pass the bill (S. 1072) providing for rural post roads, with certain amendments proposed by the Committee on the Post Office and Post Roads, reporting the bill.

The Clerk proceeded to read the bill as amended when Mr. Finis J. Garrett, of Tennessee, made the point of order that the Senate bill should first be read in its original form.

The Speaker[4] ruled:

It seems to the Chair that the practical purpose is best effected by simply reading the portion of the bill which it is expected to have enacted, because the motion to suspend the rules does not allow more than one vote. In ordinary cases the Senate bill is reported and then the House amendments. Then the vote comes first on the amendments and then on the bill as amended. Of course, under a suspension there is only one vote, and that is on the passage of whatever has been read. That has been the practice, and the Chair thinks that conforms to the convenience of the House. Only the matter is read which the House is to pass upon. It seems to the Chair to be clearly a waste of time to read the Senate bill and then the amendments. Inasmuch as the practice is in the way the Chair has suggested, the Chair is disposed to rule that all the Clerk ought to report is the title of the Senate bill and then the portion that may have been left by the House committee, and the amendment of the House committee.

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[1] First session Sixty-eighth Congress, Record, p. 1293.

[2] John Q. Tilson, of Connecticut, Chairman.

[3] First session Sixty-seventh Congress, Record, p. 3081.

[4] Frederick H. Gillett, of Massachusetts, Speaker.

2872. An amendment read for information is not pending and in order to be considered must again be read when the paragraph to which proposed is reached in the bill.

On July 19, 1919,[1] the Committee of the Whole House on the state of the Union had under consideration the bill H. R. 6810, the prohibition enforcement bill.

Mr. Andrew J. Volstead, of Minnesota, asked that amendments which had previously been read for information, be considered as pending.

Mr. Joseph Walsh, of Massachusetts, made the point of order that in order to be considered the amendments would have to be again reported.

The Chairman[2] sustained the point of order.

2873. During the reading of a bill for amendment in Committee of the Whole, it is not in order to interrupt the reading of a paragraph or section with a parliamentary inquiry.

On August 29, 1918,[3] the bill S. 1419, the water power bill, was being read for amendment in the Committee of the Whole House on the state of the Union.

The Clerk was reading the second section of the bill when Mr. John E. Raker, of California, interposed and proposed to submit a parliamentary inquiry.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the reading of a section could not be interrupted by a parliamentary inquiry.

The Chairman[4] sustained the point of order and directed the Clerk to complete the reading of the section.

2874. A pro forma amendment must be voted on unless withdrawn.

On April 18, 1908,[5] the diplomatic and consular appropriation bill was being considered in the Committee of the Whole House on the state of the Union.

Mr. Gustav Kustermann, of Wisconsin, for the purpose of securing the floor in debate, moved to strike out the last word of the pending paragraph.

After debate, the Chairman directed the Clerk to continue the reading of the bill.

Mr. John Sharp Williams, of Mississippi, made the point of order that further reading of the bill was not in order until the pending amendment was voted on.

The Chairman[6] said:

> The Chair will say to the gentleman from Mississippi that the method by which we proceed when a motion is made to strike out the last word has become a custom almost, but the Chair stands corrected by the gentleman from Mississippi, and now announces that the pro forma amendment to strike out the last word will, without objection, be considered as having been withdrawn.

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[1] First session Sixty-sixth Congress, Record, p. 2860.

[2] Cassius C. Dowell, of Iowa, Chairman.

[3] Second session Sixty-fifth Congress, Record, p. 9663.

[4] Edwin Y. Webb, of North Carolina, Chairman.

[5] First session Sixtieth Congress, Record, p. 4926.

[6] Adin B. Capron, of Rhode Island, Chairman.

2875. It is in order, by a motion to insert, to effect a transfer of paragraphs from the latter to the first portion of a bill.

On December 8, 1919,[1] during consideration in the Committee of the Whole House on the state of the Union, of the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia, Mr. William B. Bankhead, of Alabama, being recognized, said:

Mr. Chairman, a few moments ago I submitted a parliamentary inquiry to the Chair, who decided that it was not in order to move a transposition of sections 1 and 31. I am now informed that the Chair thinks possibly he was inadvertent in that ruling, and in order to raise that question in its appropriate place, I ask unanimous consent to return to section 1, so that I may offer that motion.

Whereupon, the Chairman[2] announced:

The Chair will announce that when the parliamentary inquiry was made by the gentleman from Alabama the Chair stated that a subsequent section could only be inserted in the portion of the bill under consideration by unanimous consent. The Chair thinks he was in error, if the matter desired to be transposed is proper for consideration at the portion of the bill under discussion. It has been held in the consideration of bills in the House that a subsequent section might be offered in connection with the section then under consideration. The Chair wants to make that statement in connection with the present request of the gentleman from Alabama.

2876. The pagination and marginal numerals are no part of the text of a bill and, after amendment, are altered, changed or transposed by the clerk to conform to the amended text without order.

On September 13, 1917,[3] during consideration of the bill (H. R. 5723) amending the war risk insurance act, Mr. Sam Rayburn, of Texas, offered an amendment to be inserted after a certain word in line 15 of the bill.

Mr. William W. Rucker, of Missouri, called attention to the adoption of an amendment which had moved this word from line 15 and as a parliamentary inquiry, asked if it would be necessary to modify the proposed amendment to conform to this change.

The Chairman[4] said:

The Chair will state to both gentlemen in answer to the parliamentary inquiry, that this is a clerical proposition. The amendment is offered in the correct form and when it comes to the enrollment of the bill, under the rules and practice it will be properly enrolled.

2877. Instance in which the title of a bill was amended on a day subsequent to its passage.

On July 29, 1916,[5] following the reading and approval of the Journal, Mr. James R. Mann, of Illinois, said:

Mr. Speaker, on Thursday last the House passed the bill H. R. 16912, granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio. The bill was amended but the title was not amended, and I ask unanimous consent that the title be amended by striking out the words "the county, commissioners of."

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[1] Second session Sixty-sixth Congress, Record, p. 301.

[2] Philip P. Campbell, of Kansas, Chairman.

[3] First session Sixty-fifth Congress, Record, p. 7077.

[4] Finis J. Garrett, of Tennessee, Chairman.

[5] First session Sixty-fourth Congress, Record, p. 11807.

The question being submitted to the House, there was no objection and the motion was agreed to.

2878. If a portion of a proposed amendment is out of order, the whole of it must be ruled out.

On February 1, 1909,[1] the House was considering the Army appropriation bill in the Committee of the Whole House on the state of the Union.

The clerk read a paragraph making an appropriation for shooting ranges, including a proviso authorizing the acquisition of additional land for the target range at Fort Leavenworth, and further providing that the appropriation be immediately available.

Mr. John J. Fitzgerald, of New York, raised a question of order against the paragraph.

After debate, the Chairman[2] ruled:

In reference to the point of order that is raised, the Chair is of opinion that a certain portion of the paragraph is subject to a point of order, but only a certain portion. The Chair thinks that the acquisition of 320 acres, under the rules of the House and its procedure, is not subject to a point of order. The Chair will, however, state that the second proviso is subject to the point of order. The Chair refers to that portion of the section which provides that the funds herein provided, or so much thereof as may be necessary, shall be immediately available. Under that provision this appropriation should go on the deficiency appropriation bill; and, therefore, if the point of order is insisted upon against the whole paragraph, it would be necessary to strike it out because the second portion is obnoxious to the rule.

2879. A decision as to what constitutes a substitute.

To qualify as a substitute an amendment must treat in the same manner the same subject matter carried by the text for which proposed.

On June 7, 1921,[3] the Committee of the Whole House on the state of the Union was considering the bill (H. R. 6611) to establish a veterans' bureau in the Treasury Department.

The Clerk read:

Such regional offices may exercise such powers for hearing complaints and for examining rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable after care, making insurance awards, granting vocational training, and all other matters delegated to them by the director as could be performed lawfully under this act by the central office.

Mr. Burton E. Sweet, of Iowa, offered this amendment:

After the word "powers" insert ("as may be delegated to them by the director.")

Mr. John Jacob Rogers, of Massachusetts, proposed, as a substitute for the amendment, the following:

Strike out the sentence and insert in lieu thereof the following: Such regional offices shall, under the control of the director, have the power to hear complaints, to examine, rate, and award compensation claims; to grant medical, surgical, dental, hospital, and convalescent care and necessary and reasonable after care; to make reasonable awards; to grant vocational training; and, if delegated to them by the director, may exercise such other powers as could be performed lawfully under this act by the central office.

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[1] Second session Sixtieth Congress, Record, p. 1700.

[2] James B. Perkins, of New York, Chairman.

[3] First session Sixty-seventh Congress, Record, p. 2220.

Mr. William H. Stafford, of Wisconsin, made the point of order that the proposition purporting to be offered as a substitute treated of a subject different from that under consideration and was not in fact a substitute but an entirely independent proposition.

The Chairman [1] ruled:

The amendment of the gentleman from Iowa perfects the text with respect to two propositions. It strikes out no language in the text, but the amendment of the gentleman from Massachusetts strikes out all of the sentence. It amends the text of the bill in many particulars not touched at all by the amendment of the gentleman from Iowa. The Chair thinks that the amendment offered by the gentleman from Massachusetts is not a substitute and sustains the point of order.

2880. An amendment striking out language other than in the pending amendment is not in order as a substitute for an amendment inserting language.

On May 13, 1926,[2] the bill (H. R. 11603) to establish a Federal Farm Board to aid in orderly marketing and in the control and disposition of surplus agricultural commodities was under consideration in the Committee of the Whole House on the state of the Union, when Mr. Melvin O. McLaughlin, of Nebraska, proposed an amendment inserting a new provision in section 8 of the bill.

Mr. Marvin Jones, of Texas, offered as a substitute for the amendment a proposition to strike out a portion of section 8.

The Chairman [3] declined to entertain the amendment and said:

The Chair does not think the amendment will be in order until the perfecting amendment is disposed of. The amendment of the gentleman from Texas strikes out—

The amendment of the gentleman from Nebraska did not propose to strike out anything, but adds to the language in the bill, and is a perfecting amendment.

2881. On January 10, 1933,[4] in the course of the consideration of the bill H. R. 13991, the farm relief bill, in the Committee of the Whole House on the state of the Union, Mr. D. D. Glover, of Arkansas, offered this amendment:

Page 2, line 17, after the word "wheat", insert a comma and the word "rice."

Subsequently, Mr. Fiorello H. LaGuardia, of New York, proposed a substitute to the amendment offered by Mr. Glover, as follows:

Page 2, line 18, after the letters "ble," strike out "solely with respect to wheat, cotton, tobacco, and hogs" and insert in lieu thereof the following: "to certain commodities hereinafter specified."

Mr. William H. Stafford, of Wisconsin, made the point of order that the amendment proposed as a substitute was not in fact a substitute, and was not in order.

The Chairman [5] sustained the point of order and said:

The point of order is made by the gentleman from Wisconsin that this is not a substitute. The Chair does not think that it is a substitute for the pending amendment. The pending amendment seeks to include rice only, while the gentleman's substitute seeks to strike out certain lan-

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[1] Sydney Anderson, of Minnesota, Chairman.

[2] First session Sixty-ninth Congress, Record, p. 9396.

[3] Carl E. Mapes, of Michigan, Chairman.

[4] Second session Seventy-second Congress, Record, p. 1530.

[5] Lindsay C. Warren, of North Carolina, chairman.

guage in the section and insert in lieu thereof other language. The Chair sustains the point of order that it is not a substitute for the pending amendment.

Mr. LaGuardia inquired when it would be in order for him to offer his proposition.

The Chairman said:

As soon as the Glover amendment is disposed of. The question is on the amendment offered by the gentleman from Arkansas.

2882. A proposition to strike out all after the first two words of an amendment and insert a new text in lieu thereof was held to be an amendment and not a substitute.

On April 28, 1924,[1] the bill (H. R. 7962) to regulate rents in the District of Columbia, was being considered in the Committee of the Whole House on the state of the Union.

Mr. Florian Lampert, of Wisconsin, offered an amendment proposing to strike out all after the enacting clause and insert a new text.

Mr. Henry L. Jost, of Missouri, proposed as a substitute to strike out all after the first two words of the pending amendment and insert new language.

A question having been raised as to the order in which the pending amendments should be voted on, the Chairman[2] said:

The Chair finds on close inspection that the Jost amendment is not a substitute. The Chair at first blush thought it was, but on looking at it the Chair observed this peculiarity about the motion: It does not strike out all of the Lampert substitute, but says "after the word 'it' insert the following language." In other words, the amendment does not cut out the first two words of the Lampert substitute, and although that is extremely technical, yet at the same time it makes the Jost amendment a perfecting amendment.

In response to an inquiry by Mr. Charles L. Abernethy, of North Carolina, as to whether it would be necessary to vote on the amendment offered by Mr. Lampert in event the amendment proposed by Mr. Jost was agreed to, the Chairman held:

The passage of the Jost amendment simply amends the original proposition.

It operates as an amendment of it, and then the question will arise on the Lampert amendment as amended.

2883. Under the recent practice of the House the substitute provided for in Rule XIX has been construed as a substitute for the amendment and not a substitute for the text.

A substitute can be entertained only after an amendment is pending.

When an amendment is pending only one substitute for the amendment is in order.

There may be pending simultaneously, the original text, an amendment to the text, an amendment to the amendment, a substitute for the amendment and an amendment to the substitute.

On October 17, 1921,[3] the House was considering the bill (H. R. 7761) to amend the law relative to contested-election cases.

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[1] First session Sixty-eighth Congress, Record, p. 7421.

[2] George S. Graham, of Pennsylvania.

[3] First session Sixty-seventh Congress, Record, p. 6401.

Mr. Frederick W. Dallinger, of Massachusetts, offered an amendment striking out all of section 2 of the bill and inserting other language in lieu thereof.

To this amendment, Mr. Everett Sanders, of Indiana, offered an amendment modifying the language proposed to be inserted.

Mr. John E. Raker, of California, proposed to offer a substitute for the original amendment offered by Mr. Dallinger.

Mr. William H. Stafford, of Wisconsin, made a point of order against the substitute proposed by Mr. Raker.

In debating the question, Mr. Sanders said:

Rule XIX says:

"And it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered."

The Speaker [1] held:

That means a substitute for the amendment.

Mr. Joseph Walsh, of Massachusetts, continuing debate on the pending point of order said:

There is no such thing as an amendment by way of a substitute for the original text. A substitute is always offered in place of an amendment which has been offered and not for the original text.

The original amendment was a motion to strike out and insert. Now, to that amendment one substitute can be offered, and there can be an amendment to that substitute. But gentlemen get confused by calling the amendment of the gentleman from Massachusetts a substitute, which it is not. It is an amendment. A substitute can only be offered when an amendment has been offered.

The word "substitute" as used in the rule, as gentlemen will see by careful reading applies to an amendment that has already been offered. If you read the language read by the gentleman from Indiana, Mr. Sanders, you will see from what he read that when an amendment is offered only one substitute to that amendment can be offered.

I do not see how you can offer a substitute when an amendment has not been offered.

The Speaker approved:

The gentleman from Massachusetts, Mr. Walsh, has stated substantially what the Chair has been attempting to state.

The Chair overrules the point of order.

2884. A substitute for an entire bill should be offered after the reading of the first section or at the conclusion of the reading of the bill, and it is not in order after an intermediate section is read.

On May 3, 1928,[2] the bill (S. 3555) to establish a Federal Farm Board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce was under consideration in the Committee of the Whole House on the state of the Union.

Following the reading of the second section of the bill, Mr. John C. Ketcham, of Michigan, moved to strike out the section and insert a new bill providing for the export-debenture plan.

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[1] Frederick H. Gillett, of Massachusetts, Speaker.

[2] First session Seventieth Congress, Record, p. 7731.

Mr. C. William Ramseyer, of Iowa, made the point of order that a substitute for the entire bill should be offered after the reading of the first section or at the conclusion of the reading of the bill for amendment.

The Chairman [1] sustained the point of order.

2885. On August 23, 1922,[2] the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 12377) to create a national coal commission.

To the pending committee amendment striking out all after the enacting clause and inserting a new bill, Mr. Oscar E. Bland, of Indiana, offered an amendment striking out all of the proposed amendment and substituting other language.

Mr. William H. Stafford, of Wisconsin, raised a question of order against the amendment proposed by Mr. Bland.

Mr. James R. Mann, of Illinois, in discussing the point of order said:

Rule XIX reads as follows:

"When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon."

Does not that entirely cover the question? Here is an original proposition before the House, the original bill, to which the committee has offered an amendment. An amendment may be offered to that amendment under this rule, and a substitute may be offered to the committee amendment under that rule. An amendment may be offered to the substitute under that rule, but the original text shall be perfected before these substitute amendments are voted on. Does not that absolutely cover the case?

You can have pending an original proposition, an amendment to it, and amendment to the amendment, a substitute, and an amendment to the substitute. That makes five.

The Chairman [3] ruled:

The text is the original proposition. The committee offers an amendment in the nature of a substitute. There may be a substitute for the committee amendment; there may be an amendment to the substitute; there may be an amendment to the committee amendment as the matter now stands. So the Chair thinks that we may proceed in order to the consideration of the substitute offered by the gentleman from Indiana for the committee amendment. And the Chair overrules the point of order.

2886. The original resolution, for which a substitute is recommended by the standing committee reporting the same, must be read before the substitute is read unless such reading is dispensed with by unanimous consent.

On June 6, 1911,[4] Mr. Robert L. Henry, of Texas, from the Committee on Rules, reported the resolution (H. Res. 154) providing for an investigation of methods of tax assessments in the District of Columbia.

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[1] Carl E. Mapes, of Michigan, Chairman.

[2] Second session Sixty-seventh Congress, Record, p. 11711.

[3] Philip P. Campbell, of Kansas, Chairman.

[4] First session Sixty-second Congress, Record, p. 1718.

The Clerk having read the title of the resolution, Mr. Henry interrupted and explained that the Committee on Rules had recommended the adoption of a substitute, and submitted a parliamentary inquiry as to whether it was necessary to read the original resolution or merely the substitute resolution proposed by the committee.

The Speaker pro tempore [1] held:

> The original resolution will first have to be read and then the substitute unless dispensed with. The gentleman from Texas asks unanimous consent that the substitute may be read in lieu of the original resolution. Is there objection?

2887. There may be pending with the amendment, and the amendment to it, another amendment in the nature of a substitute and an amendment to the substitute.

On December 4, 1918,[2] the bill (H. R. 12917) to provide a sanitarium for soldiers and sailors was under consideration in the Committee of the Whole House on the state of the Union.

Mr. Cassius C. Dowell, of Iowa, offered an amendment striking from the bill the provision that the proposed sanitarium should be located at Dawson Springs, Kentucky.

Mr. Halvor Steenerson, of Minnesota, offered a substitute for the amendment authorizing the location of the sanitarium on public land in Minnesota.

Mr. Marvin Jones, of Texas, proposed an amendment to the substitute providing for the location of the sanitarium in Amarillo, Potter County, Texas.

Mr. Caleb Powers, of Kentucky, raised a question of order against the proposition to amend the substitute on the ground that it constituted an amendment in the third degree.

The Chairman [3] overruled the point of order and said:

> The rules provide that you can have an amendment and a substitute to the amendment and then there can be an amendment to the original amendment and an amendment to the substitute all pending at one time.

2888. While there may be pending an amendment, an amendment to it, and another amendment in the nature of a substitute, an amendment in the third degree may not be admitted under the guise of a substitute.

On February 26, 1924,[4] the revenue bill was being considered in the Committee of the Whole House on the state of the Union.

Mr. William R. Green, of Iowa, offered an amendment to be inserted as a new section providing rates of taxation on gifts, including the following:

> One per cent of the amount of gifts not in excess of $50,000;
> Two per cent of the amount by which the gifts exceed $50,000 and not to exceed $100,000.

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[1] Charles L. Bartlett, of Georgia, Speaker pro tempore.

[2] Third session, Sixty-fifth Congress, Record, p. 113.

[3] Martin D. Foster, of Illinois, Chairman.

[4] First session, Sixty-eighth Congress, Record, p. 3174.

To this amendment Mr. Ogden L. Mills, of New York, offered an amendment striking out "1 per cent" and inserting "2 per cent."

Mr. Thomas L. Blanton, of Texas, proposed as a substitute for the original amendment that the rate be made "one-half of one per cent."

Mr. Allen T. Treadway, of Massachusetts, made the point of order that the proposal comprised an amendment in the third degree.

The Chairman [1] considered the proposal an amendment to the amendment offered by Mr. Mills and not a substitute for the original amendment, and sustained the point of order.

2889. A substitute for an amendment to an amendment is in the third degree and is not permissible.

On April 12, 1926,[2] the Committee of the Whole House on the state of the Union was considering the bill (S. 41) to encourage and regulate the use of aircraft in commerce.

A committee amendment was pending, to which Mr. George Huddleston, of Alabama, had proposed a perfecting amendment.

Mr. Hoch, of Kansas, offered an amendment in the nature of a substitute for the perfecting amendment.

A question of order being raised by the Chairman, on the ground that the substitute constituted an amendment in the third degree, Mr. Hoch took the position that while an amendment to the perfecting amendment would not be admissible, a substitute for the perfecting amendment was in order.

The Chairman [3] ruled:

The Chair will state that the amendment offered by the gentleman from Alabama is an amendment in the second degree.

The Chair finds the reference he had in his mind, which is in the Manual on page 356, reading as follows:

"An amendment in the third degree is not specified by the rule and is not permissible even when the third degree is in the nature of a substitute for an amendment to a substitute."

2890. On March 12, 1928,[4] the Committee of the Whole House on the state of the Union was considering the bill (S. 2317) continuing for one year the authority of the Federal Radio Commission.

To a committee amendment allocating broadcasting licenses among the States Mr. Wallace H. White, jr., of Maine, offered an amendment adding to the States the District of Columbia.

Pending the vote on the amendment, Mr. Anthony J. Griffen, of New York, proposed a substitute therefor.

Mr. Eugene Black, of Texas, made the point of order that the substitute amounted to an amendment in the third degree.

The Chairman [3] sustained the point of order.

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[1] William J. Graham, of Illinois, Chairman.

[2] First session Sixty-ninth Congress, Record, p. 7328.

[3] Carl R. Chindblom, of Illinois, Chairman.

[4] First session Seventieth Congress, Record, p. 4588.

2891. In considering an amendment to a committee amendment, an amendment in the nature of a substitute for the pending amendment was not admitted, being in the third degree.

On May 26, 1920,[1] the Committee of the Whole House on the state of the Union was considering the bill (S. 3451) for payment of claims to wooden-ship builders.

The pending committee amendment provided in part:

That the United States Shipping Board be, and it is hereby, authorized and directed to investigate, adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation after April 6, 1917.

Mr. Erwin L. Davis, of Tennessee, offered an amendment to strike out the words "and directed."

Mr. Marvin Jones, of Texas, proposed to offer a substitute for the amendment striking out the words "authorized and directed" and inserting in lieu thereof, the words "directed to investigate and authorized to liquidate."

The Chairman[2] held:

The motion of the gentleman from Texas is not in order at this time.

The Chair will read from the House Manual and Digest.

"An amendment in the third degree is not specified by the rule and is not permissible, even when the third degree is in the nature of a substitute for an amendment to a substitute."

It is a substitute.

The Chair is of the opinion that the motion of the gentleman from Texas is not in order and so holds.

Mr. Jones having appealed, the decision of the chair was sustained.

2892. When the four amendments in order under the rule are pending, the vote is taken first on the amendment to the amendment and then on the amendment to the substitute.

On December 10, 1920,[3] the bill (H. R. 14461) the immigration bill, was being considered in the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

Except as otherwise provided in this act, from 60 days after the passage of this act, and until the expiration of two years next after its passage, the immigration of aliens to the United States is prohibited.

Mr. Isaac Siegel, of New York, offered an amendment changing the period from 60 days to two years.

Mr. Warren Gard, of Ohio, moved to amend the proposed amendment by changing the period to one year.

Mr. Thomas L. Blanton, of Texas, proposed a substitute to strike out "two year" and insert "26 months".

Mr. James R. Mann, of Illinois, offered an amendment to the substitute changing the period to fourteen months.

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[1] Second session Sixty-sixth Congress, Record, p. 7694.

[2] Clifton N. McArthur, of Oregon, Chairman.

[3] Third session Sixty-sixth Congress, Record, p. 184.

After debate, the Chairman[1] put the question first on the amendment to the substitute.

Subsequently, the Chairman announced:

A few moments ago an amendment was pending, and an amendment to that amendment, a substitute, and an amendment to the substitute. The Chair started to put those amendments in their usual order, putting the amendment to the amendment first, then the amendment to the substitute, then the substitute, and finally the amendment as amended, whereupon a storm of protest arose, joined in by such veteran parliamentarians as the ex-Speaker of the House, the gentleman from Missouri, Mr. Clark, the gentleman from Illinois, Mr. Mann, and the gentleman from Massachusetts, Mr. Walsh. The parliamentary clerk at that time had had no opportunity to look up the precedents in the matter. Under such pressure the Chair yielded, and put the question upon the amendment to the substitute before putting the amendment to the amendment. In doing this the Chair erred. I wish to make this correction now, so that it will not hereafter be considered as a precedent.

2893. On June 9, 1921,[2] the bill (H. R. 6611) to establish a veterans' Bureau in the Treasury Department was under consideration in the Committee of the Whole House on the state of the Union.

Mr. Samuel E. Winslow, of Massachusetts, moved the debate on the pending section and all amendments thereto be terminated in 30 minutes.

Mr. Oscar E. Bland, of Indiana, offered as a amendment to the motion a proposition to limit debate to 45 minutes.

Mr. Hamilton Fish, Jr., of New York, proposed as a substitute for the motion to close debate in one hour.

Mr. John E. Rankin, of Mississippi, offered an amendment to the substitute, providing for extension of the time to two hours.

The Chairman[3] said:

The Chair holds that all the amendments that are in order have been offered, and the question, therefore, comes on the amendment to the amendment offered by the gentleman from Indiana that the time for debate on this paragraph and all amendments thereto be closed in 45 minutes.

Mr. Bland inquired if the vote should not come first on the proposal last made to limit debate to two hours.

The Chairman said:

No; the first question is on the amendment offered by the gentleman from Indiana that debate on this section and all amendments thereto close at the end of 45 minutes instead of 30, as proposed by the gentleman from Massachusetts.

The Chair thinks the next question in order would be a vote on the 2-hour proposition.

The question is on the amendment of the gentleman from Indiana to the motion of the gentleman from Massachusetts.

2894. An original proposition may be perfected by amendments before the vote is taken on the substitute.

On February 10, 1910,[4] the House was considering the resolution (H. Res. 371) relating to the privileges of the House, to which was pending an amendment offered

[1] John Q. Tilson, of Connecticut, Chairman.

[2] First session Sixty-seventh Congress, Record, p. 2328.

[3] Sydney Anderson, of Minnesota, Chairman.

[4] Second session Sixty-first Congress, Record, p. 1750.

by Mr. R. Wayne Parker, of New Jersey, and a substitute proposed by Mr. Henry D. Clayton, of Alabama.

The question having been raised by Mr. Clayton as to which of the two should first be voted on, the Speaker[1] held that the amendment to perfect the original resolution should be disposed of before voting upon the substitute.

2895. A substitute for an amendment is not voted on until after amendments to the amendment have been disposed of.

On April 7, 1922,[2] the Departments of State and Justice appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, under the five-minute rule.

Mr. Edward E. Denison, of Illinois, offered an amendment prohibiting the expenditure of amounts appropriated by the bill in payment for legal service in proceedings brought to prevent labor organizations from striking.

Mr. Ben Johnson, of Kentucky, proposed a substitute for the amendment prohibiting the expenditure of any money appropriated by the bill in preventing labor organizations from entering into combinations to better conditions of labor, or to prevent farm organizations from cooperating to secure a fair price for agricultural products.

Mr. Meyer London, of New York, offered an amendment modifying the phraseology of the amendment.

After debate, the Chairman was stating the question, when Mr. Johnson submitted that the question came first on the substitute.

The Chairman[3] held:

The amendment of the gentleman from New York, Mr. London, is first in order. The question is on the amendment of the gentleman from New York.

The question having been put, the amendment proposed by Mr. London was rejected, and the Chairman announced:

The question recurs upon the substitute of the gentleman from Kentucky, Mr. Johnson.

2896. An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until after such amendments have been disposed of.

On June 10, 1921,[4] while the bill (H. R. 6611) to establish a veterans' bureau in the Treasury Department was under consideration in the Committee of the Whole House on the state of the Union, the Clerk read a section providing for payment of compensation for disabilities.

Mr. Walter W. Magee, of New York, offered the following amendment:

If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, not exceeding $50 a month, as the director may deem reasonable.

Mr. Horace M. Towner of Iowa, offered the following amendment to the amendment:

Strike out the figures "$50" and insert in lieu thereof the figures "$100."

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[1] Joseph G. Cannon, of Illinois, Speaker.

[2] Second session Sixty-seventh Congress, Record, p. 5203.

[3] Cassius C. Dowell, of Iowa, Chairman.

[4] First session Sixty-seventh Congress, Record, p. 2404.

Mr. Hamilton Fish, Jr., New York, proposed as a substitute for the original amendment the following:

If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month.

Mr. Towner made the point of order that it was not in order to propose a substitute until the pending amendments had been voted on.

The Chairman [1] held:

It is in order to offer a substitute for the original amendment before a vote is taken upon a perfecting amendment, and when the vote is finally taken the vote will come first upon the perfecting amendment.

2897. On May 24, 1924,[2] the bill H. R. 9033, the farm relief bill, was being considered in the Committee of the Whole House on the state of the Union.

The first section having been read by the Clerk, Mr. James B. Aswell, of Louisiana, moved to strike out the section and insert an amendment in the nature of a substitute for the entire bill, with notice that if the motion prevailed he would move to strike out the remaining sections of the bill as read.

Mr. Thomas L. Blanton, of Texas, requested recognition to offer an amendment to the pending section, and submitted that as the proponent of a perfecting amendment he was entitled to precedence in recognition of a Member proposing to strike out the section.

The Chairman [3] held:

The rule is that a perfecting amendment takes precedence over a substitute amendment, but if the amendment by way of substitute has been offered, the Member obtaining recognition, and then some one else subsequently obtains recognition and says he has a preferential amendment to offer, the preference relates only to the action by the committee upon the amendment and not to the method of offering it. The Chair will later recognize the gentleman from Texas to offer his amendment, but at the present time the amendment of the gentleman from Louisiana may be reported.

2898. When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered by paragraphs, the substitute may be moved to the first paragraph with notice that if agreed to, motions will be made to strike out the remaining paragraphs when read.

In reading a bill for amendment it is not in order to return to a paragraph already acted on.

A point of order having been reserved and withdrawn, the Chairman maintained the right as a member of the committee to renew and rule upon it.

On February 25, 1920,[4] the legislative, executive, and judicial appropriation bill was being read for amendment in the Committee of the whole House on the state of the Union.

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[1] Sydney Anderson, of Minnesota, Chairman.

[2] First session Sixty-eighth Congress, Record, p. 9435.

[3] Everett Sanders, of Indiana, Chairman.

[4] Second session Sixty-sixth Congress, Record, p. 3469.

Mr. Edmund Platt, of New York, moved to strike out the pending paragraph and with it preceding paragraphs already passed in the reading of the bill, and insert in lieu thereof an amendment in the nature of a substitute.

Mr. Edward W. Saunders, of Virginia, made the point of order that it was too late to propose amendments to paragraphs already acted on.

After discussion, Mr. Saunders withdrew the point of order.

The Chairman,[1] however, proceeded to rule, and said:

The Chair thinks that inasmuch as this amendment strikes out the language already adopted in the bill and paragraphs already passed, it is not in order.

Mr. Thomas L. Blanton, of Texas, submitted that the point of order having been withdrawn it was not within the province of the chair to entertain it.

The Chairman said:

Unquestionably. The Chair is a member of the Committee of the Whole.

It seemed to the Chair under the circumstances, the point of order having been made and reserved, it being so clear to the Chair that this amendment was not in order. The motion should not be entertained.

Continuing, the Chairman cited section 5795 of Hinds' Precedents, and said:

The Chair has that entire ruling before him, and the Chair is not aware of any precedent to the contrary. If any gentleman can cite to the Chair any precedent which will authorize the offering of an amendment to a paragraph that has been acted upon, the Chair will be glad to have the citation.

The gentleman seeks to strike out language before the proviso relating to the organization of the Federal Farm Loan Bureau. The gentleman could have risen when the first paragraph was read and given notice that if that motion were agreed to he would move to strike out the subsequent paragraph.

The Chair thinks it would be a very bad precedent to hold that the committee could go back and amend paragraphs which it has already adopted.

2899. On November 13, 1919,[2] while the bill H. R. 10453, the railway control bill, was under consideration in the Committee of the Whole House on the state of the Union, Mr. Albert Johnson, of Washington, proposed to offer a substitute for Title III of the bill, embracing a number of sections.

The Chairman[3] said:

The gentleman can not offer a substitute for the entire title. It will have to be done as the sections are read. The gentleman might offer the substitute to the first section in Title III.

Mr. J. Stanley Webster, of Washington, moved an amendment, which the Chairman entertained, and stated as follows:

The gentleman from Washington offers a substitute for section 300, just read, giving notice that if the substitute for that section is adopted he will move to strike the other sections from the bill. The Clerk will report the substitute.

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[1] Nicholas Longworth, of Ohio, Chairman.

[2] First session Sixty-sixth Congress, Record, p. 8479.

[3] Joseph Walsh, of Massachusetts, Chairman.

2900. On May 2, 1928,[1] the House was in the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3550) to establish a Federal Farm Board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The Clerk having read the first section of the bill, Mr. James B. Aswell, of Louisiana, offered a substitute for the bill with notice that if the substitute was agreed to he would move to strike out subsequent sections as read.

Mr. Cassius C. Dowell, of Iowa, made the point of order that committee amendments should be first considered, and therefore the proposed substitute was not in order.

The Chairman[2] overruled the point of order and said.

The Chair will state to the gentlemen from Iowa that he has recognized the gentleman from Louisiana.

The gentleman from Louisiana offers an amendment, which the Clerk will report.

2901. When it is proposed to offer an amendment to strike out a section consisting of several paragraphs, of a bill which is being considered by paragraphs, the amendment may be moved to the first paragraph with notice that if it be agreed to, a similar motion will be made to strike out the succeeding paragraphs as they are reached.

On February 20, 1924,[3] the bill (H. R. 7615), the revenue bill, was being read for amendment in the Committee of the Whole House on the state of the Union.

The Clerk read severally the three paragraphs comprising section 209 of the bill. At the conclusion of the reading of the third paragraph Mr. Eugene Black, of Texas, offered an amendment striking out portions of all three paragraphs.

Mr. William R. Green, of Iowa, made the point of order that the first two paragraphs of the section had been read and the amendment came too late.

The Chairman[4] ruled:

The Chair is constrained to rule that under the practice, where a bill is being read by paragraphs and it is desired to strike out the section, the proper thing to do is to move to strike out the section in the first place or to wait until the first paragraph is read and then move to strike it out, with notice that a similar motion will be made to each succeeding paragraph as it is reached. In view of the matter, in which I am confirmed by consultation with the parliamentarian, the Chair is constrained to sustain the point of order.

2902. When it is proposed to offer a single substitute for the entire bill, the substitute may be moved to the first paragraph with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs.

On May 22, 1922,[5] the bill (S. 2919) for the extension of the District of Columbia rents act, was being considered in the Committee of the Whole House on the state of the Union.

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[1] First session Seventieth Congress, Record, p. 7648.

[2] Carl E. Mapes, of Michigan, Chairman.

[3] First session Sixty-eighth Congress, Record, p. 2854.

[4] William J. Graham, of Illinois, Chairman.

[5] Second session Sixty-seventh Congress, Record, p. 7417.

Mr. Stuart F. Reed, of West Virginia, offered an amendment which the Clerk read as follows:

With notice that if adopted he will move to strike out subsequent sections of the bill when read, namely: "Strike out all of section 1 and lieu thereof insert the following:

"That it is hereby declared that the emergency described in Title II of the food control and the District of Columbia rents act still exists and continues in the District of Columbia, and that the present housing and rental conditions therein require the further extension of the provisions of such title."

Mr. Thomas L. Blanton, of Texas, interrupted the reading of the amendment and made the point of order that it was not in order at this time to offer a substitute for the entire bill.

The Chairman [1] overruled the point of order.

2903. When it is proposed to offer a substitute for the entire bill the substitute may be moved to the first paragraph with notice that if adopted motions will be made to strike out subsequent sections as reached, but the motion to strike out all after the enacting clause is not in order until the entire bill has been read.

On November 16, 1921,[2] the bill (H. R. 8928) to provide for the classification of civilian Government positions, was under consideration in the Committee of the Whole House on the state of the Union.

The first section of the bill having been read, Mr. William R. Wood, of Indiana, moved to strike out all after the enacting clause and insert a substitute in lieu thereof.

Mr. Frederick, R. Lehlbach, of New Jersey, made the point of order that the motion was not in order until the remaining sections of the bill had been read and opportunity afforded to offer perfecting amendments.

The Chairman [3] ruled:

The gentleman from Indiana has offered an amendment to strike out all of the bill after the enacting clause and substitute an entirely new bill. The first section of the bill has been read. It is clear under the precedent that the gentleman can not offer a motion to strike out all of the sections, when only the first section has been read.

The Chair sustains the point of order.

Thereupon, Mr. Wood moved to strike out the first section and insert the substitute just proposed with notice that if agreed to he would move to strike out remaining sections of the bill as read.

The Chairman entertained the motion and said:

The gentleman from Indiana offers an amendment to the first section to strike out the section and substitute the entire bill which he has sent to the desk, giving notice that he will subsequent offer motions to strike out the subsequent paragraphs when read. The Clerk is now reading the amendment offered, which would be an entire substitute, with notice given in the event the amendment is carried that he will thereafter offer motions to strike out subsequent paragraphs of the pending bill.

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[1] Nicholas Longworth, of Ohio, Chairman.

[2] First session Sixty-seventh Congress, Record, p. 7818.

[3] Everett Sanders, of Indiana, Chairman.

2904. Substitutes for an entire bill may be offered following the reading of the first paragraph or at the conclusion of the reading of the entire bill.

A substitute offered after the reading of a bill has been concluded is in order regardless of whether it includes language stricken from the bill or inserted in the bill when read for amendment.

On June 28, 1922,[1] the Committee of the Whole House on the state of the Union was considering the bill (S. 3425) to continue certain land offices.

During the reading of the bill for amendment various modifications were agreed to, some striking out language and others inserting provisions as new paragraphs.

The reading of the bill having been concluded, Mr. James R. Mann, of Illinois, offered a substitute for the entire bill which in effect proposed the original bill with modifications changing amendments previously agreed to.

Mr. Louis C. Cramton, of Michigan, made the point of order that the substitute was in contravention of action already taken by the committee.

The Chairman[3] held:

There are two methods by which substitutes for the entire bill may be offered. The first is to offer after the first paragraph has been read, a substitute for the entire bill, with the notice that with regard to the succeeding sections of the bill, as they are read, a motion will be made to strike them out. That method has been used in a good many instances. In that case gentleman will notice that, of course, there is no opportunity for amending any subsequent section of the bill, provided the substitute is agreed to.

The other method is to offer the substitute for the entire bill at the conclusion of the reading of the entire bill as was done in this instance by the gentleman from Illinois. Of course, in that case all of the amendments that have been adopted by the committee, whatever they may be, are stricken out if the substitute is adopted. If the substitute contains in effect or in actual language some of the amendments that are already agreed to, that does not deprive the mover of the substitute of the consideration of his substitute. That applies practically to the case that we have before us, in the opinion of the Chair. No matter what the effect of this substitute may be, it is the right of the committee to vote down or to support the motion of the gentleman from Illinois. The point of order is, therefore, overruled.

2905. A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.

It is in order to propose as a substitute for a section an amendment inserting the same section with modifications and omitting amendments to the section previously agreed to by the Committee of the Whole.

On June 6, 1929,[3] The House in Committee of the Whole House on the state of the Union was considering the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

At the close of the reading of section 22 of the bill, and after two amendments to the section had been adopted, Mr. John Q. Tilson, of Connecticut, offered as a substitute for section 22 an amendment practically identical with the original section with minor modifications, but omitting the two amendments just agreed to.

[1] Second session Sixty-seventh Congress, Record, p. 9637.

[2] Horace M. Towner, of Iowa, Chairman.

[3] First session Seventy-first Congress, Record, p. 2450.

Mr. John E. Rankin, of Mississippi, made the point of order that the amendment in effect proposed to strike out language already inserted in the bill.

The Chairman [1] ruled:

The Chair has examined the amendment and compared it with the text of section 22 and finds a considerable number of changes in form and to some extent in substance, which, in the opinion of the Chair, would make the amendment in order.

The only question, it seems to the Chair, that might remain to be determined would be whether the fact that this proposed substitute omits some of the amendments already adopted by the committee has any bearing, and upon that question the Chair has a very complete and distinguished precedent and authority which is within the recollection of the present occupant of the chair. It occurred on June 28, 1922. The Committee of the Whole had before it a bill relating to certain land offices and amendments had been adopted eliminating certain such offices and adding others, when the gentleman from Illinois, Mr. Mann—recognized, I think, by all of us as one of the greatest parliamentarians and legislators in the history of this body—offered an amendment in the nature of a substitute which struck out everything after the enacting clause and inserted in lieu thereof the original bill as amended by amendments offered on behalf of the standing committee, but eliminated an amendment offered by the gentleman from Idaho, Mr. French, which had been adopted in the Committee of the Whole, and had materially changed the principal section of the bill. Mr. Mann stated frankly that his purpose was "to give the committee an opportunity to practically pass upon this same question again, but in a parliamentary way and one that is in order." Mr. Mann stated that if the House should adopt the French amendment he was afraid that no opportunity would be afforded for voting on some of the committee amendments. As a matter of fact, the French amendment, which had been adopted by the committee, itself struck out some of the committee amendments which had previously been approved by the Committee of the Whole.

The Chairman then read the decision [2] by Chairman Towner and continued:

While the decision of the Chair in that instance related to a substitute for an entire bill, in the pending case the substitute relates to an entire section and proposes a substitute for that section, and in this particular case, as the Chair has already observed in rulings upon section 1—and this may become important hereafter—this bill is composed of two parts. Sections 1 to 21 relate entirely to the taking of the census. Section 22 relates entirely to the apportionment of the Members of the House among the States. So that, to all intents and purposes, section 22 is a bill all by itself; in fact, it is well known that in the Senate the census bill and the reapportionment bill were consolidated and section 22 is practically the reapportionment bill which this House passed in January of this year.

Therefore the Chair is constrained to the conclusion that the question now before the Chair is practically on all fours with the case decided in 1922, and the Chair overrules the point of order.

2906. Amendments to the title of a bill are in order after its passage.

On January 21, 1930,[3] Mr. Earl C. Michener, of Michigan, by direction of the Committee on Rules, called up the joint resolution (S. J. Res. 7) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

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[1] Carl R. Chindblom, of Illinois, Chairman.

[2] Sec. 2904 of this work.

[3] Second session Seventy-first Congress, Record, p. 2088.

At the conclusion of the consideration of the joint resolution, Mr. Earl C. Michener, of Michigan, rising to a parliamentary inquiry, asked:

Mr. Speaker, this is a peculiarly drawn resolution. The various services are mentioned only in the title of the joint resolution. As I recall the rules of the House, the title to a joint resolution or bill can be amended only after the joint resolution or bill has been passed. If that is true, then would it not be proper to agree to the joint resolution, and after the joint resolution is agreed to then ask unanimous consent to amend the title?

The Speaker [1] held that it was in order to amend the title after the joint resolution had been passed.

The previous question having been ordered, the joint resolution was read a third time and passed. Whereupon, on motion of Mr. Michener, by unanimous consent, the title was amended to conform to the text of the amended joint resolution.

2907. Amendments to the title of a bill are in order after its passage, and are not debatable.

On December 21, 1932,[2] the bill (H. R. 13742) to provide revenue by the taxing of nonintoxicating liquor was under consideration in the Committee of the Whole House on the state of the Union, when Mr. Grant E. Mouser, jr., of Ohio, offered an amendment to modify the title of the bill.

Mr. Frederick R. Lehlbach, of New Jersey, made the point of order that the title was not before the committee and amendments to the title were not in order prior to the passage of the bill.

The Chairman [3] said:

The gentleman from Ohio has evidently overlooked the provision of the rules of the House that the amending of the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate. Therefore the Chair sustains the point of order.

Consideration of the bill was concluded and it was passed, yeas 230, nays 165. On motion of Mr. Henry T. Rainey, of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

Whereupon, Mr. Olger B. Burtness, of North Dakota, proposed to offer a motion to amend the title and inquired if the motion was in order at this time.

The Speaker [4] said:

That is permissible. The Clerk will report the amendment.

2907a. On June 6, 1932,[5] it being a day when the call of the Consent Calendar was in order, the bill (H. R. 7123) to provide for the manufacture of and sale of industrial beverage alcohol for lawful purposes in Osage County, Okla., was considered and the committee amendments were agreed to.

Mr. Wesley E. Disney, of Oklahoma, asked unanimous consent that the title of the bill be amended.

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[1] Nicholas Longworth, of Ohio, Speaker.

[2] Second session Seventy-third Congress, Record, p. 857.

[3] William B. Bankhead, of Alabama, Chairman.

[4] John N. Garner, of Texas, Speaker.

[5] First session Seventy-second Congress, Record, p. 12097.

Mr. William H. Stafford, of Wisconsin, objected and the Speaker [1] ruled:

That amendment should be offered after the passage of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time and passed, when Mr. Thomas L. Blanton, of Texas, offered the following amendment:

Strike out the title and insert in lieu thereof the following:
"A bill to amend the act of March 2, 1917."

The amendment was agreed to; and on motion of Mr. Disney a motion to reconsider the vote by which the bill passed was laid on the table.

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[1] John N. Garner, of Texas, Speaker.