§821. Requirement that reports of committees be in writing and be printed.

2. * * * and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

This clause was adopted in 1880 (V, 5647).

The House insists on observance of this rule (IV, 4655) and does not receive verbal reports as to bills (IV, 4654). But the sufficiency of a report is passed on by the House and not by the Speaker (II, 1339; IV, 4653). A report is not necessarily signed by all those concurring (II, 1274) or even by any of those concurring, but minority, supplemental and additional views are signed by those submitting them (IV, 4671; VIII, 2229; see clause 2(l)(5) of rule XI). Under this rule, the printing requirement is not a condition precedent to consideration of the matter reported (VIII, 2307–2309), but see clause 7 of rule XXI, which states that no general appropriation bill shall be considered until printed hearings and report thereon have been available for three calendar days, and clause 2(l) of rule XI, pertaining to the consideration of matters reported by committees, and clause 2 of rule XXVIII, pertaining to the requirement that conference reports and amendments reported in disagreement from conference be available before consideration.

RULE XIX.

OF AMENDMENTS.

§822. Amendments to text and to title.

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one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon. Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate.

This rule was adopted in 1880, with an amendment adding the portion in relation to the title in 1893. The rule of 1880, however, merely stated in form of rule what had been the practice of the House for many years (V, 5753).

§ 823. Conditions of the motion to amend.

It is not in order to offer more than one motion to amend of the same nature at a time (V, 5755; VIII, 2831), and two independent amendments may be voted on at once only by unanimous consent of the House (V, 5779). Amendments en bloc, once pending, are open to perfecting amendment at any point (June 12, 1991, p. ——). An amendment must contain instructions to the Clerk as to the portion of the bill it seeks to amend and is subject to a point of order if not in proper form (Oct. 3, 1985, pp. 25970–71). A Member may not amend or modify his own amendment except by unanimous consent (Oct. 1, 1985, p. 25453); and where the Chair recognizes the proponent of an amendment to propound such a unanimous consent request before commencing debate, the Chair does not charge time consumed under a reservation of objection against the proponent's time for debate on the amendment (Feb. 3, 1993, p. ——; May 27, 1993, p. ——). Discrete propositions to strike out and insert provisions on diverse pages and lines of a bill and to insert a new section on a separate subject may constitute separate amendments which may be offered en bloc only by unanimous consent, even when the bill has been considered as read and open to amendment at any point (Sept. 16, 1981, Deschler's Precedents, vol. 9, ch. 27, sec. 11.26). But the four motions specified by the rule may be pending at one and the same time (V, 5793; VIII, 2883, 2887). Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment (June 20, 1991, p. ——), and all such amendments are disposed of prior to voting on substitutes for the original amendment and amendments thereto (July 26, 1984, p. 21253). An amendment in the third degree is not specified by the rule and is not permissible (V, 5754; VIII, 2580, 2888, 2891), even when the third degree is in the nature of substitute for an amendment to a substitute (V, 5791; VIII, 2889). However, a substitute amendment may be amended by striking out all after its first word and inserting a new text (V, 5793, 5794), as this, while in effect a substitute, is not technically so, for the substitute always proposes to strike out all after the enacting or resolving words in order to insert a new text (V, 5785, footnote) or to replace all the words of an amendment; and the Chair will not look behind the form of the amendment in determining whether it is a perfecting amendment or a substitute (June 13, 1994, p. ——). To qualify as a substitute an amendment must treat in the same manner the same subject carried by the amendment for which offered (VIII, 2879), and for an amendment inserting new text in a bill, a proposition not only inserting similar language but also striking out original text of the bill is not in order as a substitute (VIII, 2880; Sept. 8, 1976, pp. 29237–38). To an amendment adding a new section, an amendment making perfecting

changes in the bill rather than in the amendment is not a proper perfecting amendment, but may if germane be offered as a substitute for the amendment (Apr. 26, 1984, p. 10213). Where, pursuant to a special rule, a committee amendment in the nature of a substitute, printed in the bill, is being read as original text for purpose of amendment, there may be pending to that text the four stages of amendment permitted by this rule (Apr. 23, 1969, p. 10066). An amendment in the nature of a substitute may be proposed before amendments to the pending portion of original text have been acted on, but may not be voted on until such amendments have been disposed of (V, 5753, 5787). When a bill is considered by sections or paragraphs an amendment in the nature of a substitute is properly offered after the reading for amendment is concluded (V, 5788). But when it is proposed to offer a single substitute for several paragraphs of a bill that 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 (V, 5795; VIII, 2898, 2900–2903; July 29, 1969, pp. 21218–19). The substitute amendment, as well as the original proposition, may be perfected by amendments before the vote on it is taken (V, 5786). Where there is pending an amendment in the nature of a substitute, it is in order to offer a perfecting amendment to the pending portion of original text (VIII, 2861; Apr. 27, 1976, p. 11411; see also Procedure, ch. 27, sec. 13.8). An amendment in the nature of a substitute having been agreed to, the vote is then taken on the original proposition as amended (II, 983; V, 5799, 5800), and no further amendment is in order (Speaker O'Neill, Mar. 26, 1985, pp. 6274–75). The substitute provided for in this rule has been construed as a substitute for the amendment and not as a substitute for the original text (VIII, 2883). If a perfecting amendment to an amendment in the nature of a substitute, striking out all after the short title and inserting a new text, is agreed to, further amendments to the text so perfected are not in order, but amendments are in order to add new language at the end of the amendment in the nature of a substitute as amended (May 16, 1979, p. 11420). An amendment offered as a substitute and rejected may again be offered as an original amendment without presenting an equivalent question, since in the first case the question is the relationship between the substitute and the amendment to which offered and in the second case the question is the relationship between the original amendment and the text of the bill (V, 5797; VIII, 2843), and an amendment considered with others en bloc and rejected may be offered separately at a subsequent time (Deschler's Precedents, vol. 9, ch. 27, sec. 35.15; Nov. 4, 1991, p. ——). Thus, while an amendment that is amended by a substitute and then adopted as amended may not be reoffered in its original form if it would directly change the amended portion of the bill, where an amendment inserting new language in a bill is amended by a substitute inserting language in a different part of the bill and then adopted as amended, the original amendment may again be offered to the bill notwithstanding its displacement by the substitute,

as the vote on the amendment as amended by the substitute is not equivalent to a direct vote on the original amendment (June 25, 1987, p. 17416). Under a "modified closed" rule permitting only amendments printed in the report accompanying the rule, the Chair will permit an amendment to be offered in the form actually submitted for printing rather than requiring that it be offered in the erroneous form printed (Mar. 10, 1994, p. ——).

§823a. Relation of point of order to motion to amend.

A point of order against an amendment is timely if made or reserved prior to formal recognition of the proponent to commence debate thereon (July 16, 1991, p. ——), but thereafter comes too late (V, 6894, 6898–6899). To preclude a point of order, debate should be on the merits of the proposition (V, 6901). When enough of an amendment has been read to show that it is out of order, a point of order may be raised without waiting for the reading to be completed (V, 6886–6887; VIII, 2912, 3437), though the Chair may decline to rule until the entire proposition has been read (Dec. 14, 1973, pp. 41716–18). A timely reservation of a point of order by one Member inures to the benefit of any other Member who desires to press a point of order (V, 6906; July 18, 1990, p. ——).

§824. Withdrawal of the motion to amend.

While the rule provides that either an ordinary or substitute amendment may be withdrawn in the House (V, 5753) or "in the House as in Committee of the Whole" (IV, 4935; June 26, 1973, p. 21315), it may not be withdrawn or modified in Committee of the Whole except by unanimous consent (V, 5221; VIII, 2564, 2859).

§825. Precedence of the motion to amend.

Pursuant to clause 4 of rule XVI, the motion for the previous question takes precedence of a motion to amend (Nov. 8, 1971, p. 39944); and if the previous question is not ordered, the motion to refer also has precedence of the motion to amend (V, 5555; VI, 373). Amendments reported by a committee are acted on before those offered from the floor (V, 5773; VIII, 2862, 2863), but a floor amendment to the text of a pending section is considered before a committee amendment adding a new section at the end of the pending section (Oct. 4, 1972, pp. 33779–82), and there is a question as to the extent to which the chairman of the committee reporting a bill should be recognized to offer amendments to perfect it in preference to other Members (II, 1450). Amendments may not be offered by proxy (VIII, 2830). The motion to strike out the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending (V, 5328–5331; VIII, 2622–2624); but the motion to amend takes precedence over a motion that the Committee of the Whole rise and report the bill with the recommendation that it pass (July 27, 1937, p. 7699).

§826. Relation of the motion to amend to other motions.

With some exceptions an amendment may attach itself to secondary and privileged motions (V, 5754). Thus, the motions to postpone, refer, amend, for a recess, and to fix the day to which the House shall adjourn may be amended (V, 5754; VIII, 2824). But the motions for the previous question, to lay on the table, to adjourn (V, 5754) and to go into Committee of the Whole to consider a privileged bill may not be amended (IV, 3078, 3079; VI, 723–725).

An amendment to the title of a bill is not in order in Committee of the Whole (Jan. 29, 1986, p. 682).

RULE XX.

OF AMENDMENTS OF THE SENATE.

§827. Consideration of Senate amendments in Committee of the Whole.

1. Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, originating in the House, it would be subject to that point: *Provided, however,* That a motion to disagree with the amendments of the Senate to a House bill or resolution and request or agree to a conference with the Senate, or a motion to insist on the House amendments to a Senate bill or resolution and request or agree to a conference with the Senate, shall always be in order if the Speaker, in his discretion, recognizes for that purpose and if the motion is made by direction of the committee having jurisdiction of the subject matter of the bill or resolution.

The first part of this rule was adopted in 1880 to prevent Senate amendments of the class described from escaping consideration in Committee of the Whole (IV, 4796). The first sentence of the proviso, added by the 89th Congress (H. Res. 8, Jan. 4, 1965, p. 21), provides a method whereby bills can be sent to conference by majority vote. As contained in section 126(a) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and adopted as part of the rules of the House in the 92d Congress (H. Res.