

## § 17. Motions To Strike

Amendments proposing to strike out a section of a bill are in order after perfecting amendments to the section are disposed of.<sup>(1)</sup> Moreover, a perfecting amendment may be offered while a motion to strike out is pending, and the perfecting amendment is first acted upon.<sup>(2)</sup> And a motion to strike out a paragraph may not be offered as a substitute for a pending motion to perfect the para-

1. See § 17.3, *infra*.

If a motion to strike out a section or paragraph and insert new language is agreed to, a pending amendment proposing to strike out the section or paragraph falls and is not voted upon. See § 31.1, *infra*.

2. See § 15.4, *supra*.

While it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been agreed to, a perfecting amendment to a paragraph of the bill proposed to be stricken out (in conformity with the purpose of the adopted substitute) may be offered while the motion to strike out is pending, and the perfecting amendment is first voted upon. See § 32.16, *infra*.

A motion to strike out the enacting words, of course, is a special case, being used as a device for rejecting a bill; such motion takes precedence over motions to amend. Rule XXIII clause 7, *House Rules and Manual* § 875 (101st Cong.).

graph.<sup>(3)</sup> Thus, where an amendment proposes to add new language in a paragraph, an amendment proposing to strike out that portion of the paragraph sought to be amended along with additional language of such paragraph is not a proper substitute therefor.<sup>(4)</sup>

Although a perfecting amendment may be offered when a motion to strike out is pending, a substitute for a motion to strike out is not in order.<sup>(5)</sup>

A rule<sup>(6)</sup> provides that, “a motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.” The indivisibility of a motion to strike out and insert, and the concept that a motion to strike out should not have precedence and be voted on before a motion to insert, are the principles which underlie the prohibition against offering a motion to strike out as a substitute for a pending motion to strike out and insert.<sup>(7)</sup>

*Note:* Further examples of the principles discussed in this section

3. See the Chair's ruling at § 17.1, *infra*.
4. See § 18.11, *infra*.
5. See § 18.8, *infra*.
6. Rule XVI clause 7, *House Rules and Manual* § 793 (101st Cong.).
7. See § 17.18, *infra*.

may be found in other sections of this chapter. See, e.g., §§ 15 and 16, *supra*.

### *When To Offer*

#### **§ 17.1 A motion to strike out a paragraph is not in order while a perfecting amendment is pending.**

On Dec. 16, 1963,<sup>(8)</sup> the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Glenard P.] Lipscomb [of California]: Page 21, line 6, after "in" insert "Title I of". . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I would like to offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Broomfield as a substitute for the amendment offered by Mr. Lipscomb: On

8. 109 CONG. REC. 24753, 88th Cong. 1st Sess. Under consideration was H.R. 9499.

Compare the proceedings on May 29, 1973, relating to H.R. 6912 (see 119 CONG. REC. 16987, 16990, 16992, 93d Cong. 1st Sess.), where, without objection, a motion to strike out a subsection of a bill was permitted to be offered while a perfecting amendment to that subsection was pending; nevertheless, the Chairman put the question on the perfecting amendment before putting the question on the motion to strike out.

page 21, strike out lines 6 through 10, inclusive.

THE CHAIRMAN:<sup>(9)</sup> The gentleman's amendment is not a substitute amendment. The gentleman's amendment is to delete language. We must act first on the Lipscomb amendment, and then the gentleman's amendment would be in order.

#### **§ 17.2 While perfecting amendments to a section are pending, a motion to strike out the section may not be offered.**

On June 5, 1974,<sup>(10)</sup> the Committee of the Whole was considering H.R. 14747, to amend the Sugar Act of 1948. An amendment was pending which sought to insert an additional labor standard to those contained in a section of the bill. A motion to strike out the entire section was offered as a substitute for the pending amendment, but was ruled out as not a proper substitute for the perfecting amendment, and, furthermore, as not germane, in that it went beyond the scope of the perfecting amendment.

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'Hara: Page 18, after line 5, insert:

9. Wilbur D. Mills (Ark.).  
10. 120 CONG. REC. 17868, 17869, 93d Cong. 2d Sess.

(5) That the producer who compensates workers on a piece-rate basis shall have paid, at a minimum, the established minimum hourly wage.

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara).

The Clerk read as follows:

Amendment offered by Mr. Symms as a substitute for the amendment offered by Mr. O'Hara: In lieu of the amendment offered by the gentleman from Michigan insert the following: "Section 11 of the bill, page 15, strike out all of line 11 through line 6 of page 17 and renumber the '(3)' on line 7, page 17 as '(1)', and strike out line 15 on page 17 through line 5 on page 18." . . .

MR. O'HARA: Mr. Chairman, I make a point of order against the amendment in that it is not germane to the provisions of my amendment. It deals with different parts of section 11. . . .

MR. SYMMS: . . . Mr. Chairman, this amendment is germane to the gentleman's amendment. It strikes it and all the labor provisions from the bill.

THE CHAIRMAN (Mr. [James J.] Burke of Massachusetts): It is the ruling of the Chair that the amendment offered by the gentleman from Idaho (Mr. Symms) as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara) is not a proper substitute. The substitute would strike portions of section 11 not affected by the pending amendment. And, the substitute is broader in scope than the amendment to which offered and is not germane thereto. The Chair sustains the point of order.

### ***—Perfecting Amendments Considered First***

#### **§ 17.3 Amendments proposing to strike out a section of a bill are in order after perfecting amendments to the section are disposed of.**

On Apr. 17, 1946,<sup>(11)</sup> the following proceedings took place:

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, I offer a substitute for the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. Rich as a substitute for the Wolcott amendment: Strike out section 5 beginning on page 5, striking out all subsidies.

THE CHAIRMAN:<sup>(12)</sup> The Chair would point out that the gentleman's amendment is not a substitute for the Wolcott amendment. . . .

The gentleman from Michigan [Mr. Wolcott] has offered an amendment to strike out certain provisions of the bill and to insert something in place of it. The amendment offered by the gentleman from Pennsylvania seeks to amend the provisions already in the bill by striking them out. . . .

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: . . . Is it not true that the pending amendment is a perfecting amendment and after this and other perfecting amendments are voted on it will then be in order to move to strike out the entire section?

11. 92 CONG. REC. 3898, 79th Cong. 2d Sess. Under consideration was H.R. 6042, the Emergency Price Control Act.

12. Jere Cooper (Tenn.).

THE CHAIRMAN: The gentleman is correct.

**§ 17.4 A motion to strike out a section is not in order until the pending perfecting amendment has been acted upon.**

On Aug. 12, 1963,<sup>(13)</sup> the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [William H.] Harsha [of Ohio]: On page 17, line 12, strike out "death by electrocution" and insert in lieu thereof "life imprisonment"; and on page 17, line 13, strike out "life imprisonment". . . .

MR. [JOEL T.] BROYHILL [of Virginia]: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Ohio [Mr. Harsha]. . . .

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, the language of the amendment offered by the gentleman from Ohio provides for certain changes with respect to the bill before us, as to section 808. The substitute amendment simply moves to strike out all of that language. It would seem to me, that that would properly be a substitute.

THE CHAIRMAN:<sup>(14)</sup> The Chair would advise the gentleman that the amendment offered by the gentleman from Ohio is a perfecting amendment. Before a section of the bill can be stricken

from the bill, the perfecting amendments must be acted upon.

MR. HARSHA: Mr. Chairman—

THE CHAIRMAN: For what purpose does the gentleman from Ohio rise?

MR. HARSHA: Mr. Chairman, I ask unanimous consent to withdraw my amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE CHAIRMAN: The amendment offered by the gentleman from Ohio [Mr. Harsha] is withdrawn.

The Clerk will report the amendment offered by the gentleman from Virginia [Mr. Broyhill].

The Clerk read as follows:

Amendment offered by Mr. Broyhill of Virginia: On page 17, line 5, strike out section 501.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Virginia [Mr. Broyhill].

The amendment was agreed to.

**§ 17.5 A motion to strike out a paragraph may be offered following disposition of a pending perfecting amendment.**

The proceedings of Dec. 16, 1963, during which the above issue was raised, are discussed in § 17.1, supra.

**§ 17.6 Where a motion to strike out is pending, perfecting amendments may be offered and acted on before consid-**

13. 109 CONG. REC. 14757, 14758, 88th Cong. 1st Sess. Under consideration was H.R. 7525.

14. Ross Bass (Tenn.).

**eration of the motion to strike; and if the motion to strike is rejected, further perfecting amendments to the pending text are in order.**

On Oct. 3, 1977,<sup>(15)</sup> the Committee of the Whole having under consideration H.R. 3816,<sup>(16)</sup> the proceedings described above were as follows:

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mrs. Fenwick:

Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent."

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I make a point of order against the amendment. . . .

15. 123 CONG. REC. 32013, 32017, 95th Cong. 1st Sess.

16. A bill to amend the Federal Trade Commission Act.

. . . [P]ending before the committee is an amendment to the bill striking section 7 in its entirety. The gentleman from New Jersey (Mrs. Fenwick) has offered what she characterizes as a perfecting amendment to an amendment to strike which amends a portion of section 7.

It is my view, Mr. Chairman, that that amendment is not in order since section 7 is to be stricken entirely if the original amendment carries. The second amendment, the perfecting amendment, is inconsistent with the original amendment in its entirety, and for that reason it is out of order.

. . .

THE CHAIRMAN:<sup>(17)</sup> The Chair is ready to rule.

The perfecting amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is not an amendment to the amendment to strike. It is an amendment in the nature of a perfecting amendment to the bill.

Perfecting amendments to the text of the bill are in order and take precedence over a pending motion or amendment to strike the pending portion of the bill.

Therefore, the Chair respectfully overrules the point of order. . . .

MR. WIGGINS: Mr. Chairman, several of us have amendments which will be offered if the motion to strike does not carry. Will those perfecting amendments be in order after the vote on the motion to strike?

THE CHAIRMAN: The Chair will state that if the amendment or motion to strike does not carry, those amendments will be in order.

17. Abraham Kazen, Jr. (Tex.).

**§ 17.7 Where an amendment striking out a section is first offered, an amendment to change a portion of the section proposed to be stricken is then offered as a perfecting amendment (in the first degree) to the bill and not as an amendment to the motion to strike, and the perfecting amendment is voted on first and remains part of the bill if the motion to strike is then rejected.**

On Sept. 18, 1986,<sup>(18)</sup> during consideration of H.R. 1426<sup>(19)</sup> in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [HOWARD C.] NIELSON [of Utah]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Nielson of Utah: Page 12, strike line 1 and all that follows through page 14, line 20 (and redesignate the subsequent sections of title II of the bill accordingly). . . .

MR. [JOHN S.] MCCAIN [of Arizona]: Mr. Chairman, I offer a perfecting amendment.

THE CHAIRMAN:<sup>(20)</sup> The Clerk will report the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. McCain. Section 201 is amended by striking:

“(h) There are authorized to be appropriated for the purposes of carrying out the provisions of this section—

“(1) \$28,000,000 for fiscal year 1988. . . .”

THE CHAIRMAN: The question is on the perfecting amendment offered by the gentleman from Arizona [Mr. McCain] to title II.

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Utah (Mr. Nielson).

The amendment was rejected.

THE CHAIRMAN: Are there other amendments to title II? . . .

MR. NIELSON of Utah: Mr. Chairman, on the perfecting amendment of the gentleman from Arizona (Mr. McCain), that amendment passed but my amendment failed. That means that his amendment went down with mine; is that correct?

THE CHAIRMAN: The perfecting amendment of the gentleman from Arizona prevailed to the bill, not to the gentleman's amendment, and at the present it is the prevailing amendment.

MR. NIELSON of Utah: It is part of the bill, then?

THE CHAIRMAN: The gentleman is correct. Yes; it is part of the bill.

**—Successive Perfecting  
Amendments Take Precedence**

**§ 17.8 A perfecting amendment to a portion of a section having been adopted while a motion to strike out the section**

18. 132 CONG. REC. 24120–22, 99th Cong. 2d Sess.

19. Indian Health Care amendments.

20. Beryl F. Anthony, Jr. (Ark.).

**was pending, another perfecting amendment (to strike out the remainder of the section not yet perfected) could be offered and voted on prior to the motion to strike the section.**

On Sept. 29, 1975,<sup>(1)</sup> during consideration of a bill<sup>(2)</sup> in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?

THE CHAIRMAN:<sup>(3)</sup> The Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment. . . .

MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, just a point of information to clarify this vote for the benefit of all Members, the understanding is that the adoption of the Derwinski amendment would have the effect of nullifying the Alexander

amendment, and in so doing reverting back to present law; am I correct?

THE CHAIRMAN: The motion of the gentleman from Illinois would strike the entire section, including that section as amended by the gentleman from Arkansas.

*Parliamentarian's Note:* If the perfecting amendments that were the subject of Mr. Derwinski's inquiries were both adopted, the section would have been amended in its entirety, and the motion to strike would then fall.

***Unanimous Consent To Consider Specific Motion To Strike***

**§ 17.9 A unanimous-consent request to consider an amendment to a section of a bill which has not been read for amendment, where the bill is being read for amendment by sections, does not permit the offering of other amendments to that section of the bill; thus, while perfecting amendments to the text of a bill may ordinarily be offered pending a motion to strike that text, perfecting amendments may not be offered to a section of a bill not yet read for amendment where unanimous consent has been obtained to consider a motion to strike a portion of that section.**

1. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.
2. H.R. 8630, Postal Reorganization Act Amendments of 1975.
3. Walter Flowers (Ala.).

On Oct. 5, 1977,<sup>(4)</sup> The Committee of the Whole having under consideration H.R. 8410,<sup>(5)</sup> the proceedings described above occurred as follows:

THE CHAIRMAN:<sup>(6)</sup> Are there further amendments to section 7? . . .

MR. [JOHN N.] ERLBORN [of Illinois]: Mr. Chairman, I offer amendments to sections 7 and 8, and I ask unanimous consent that the amendments may be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

THE CHAIRMAN: The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Erlborn: Page 22, line 14, strike "(1)"; page 22, line 15, strike "or" the second time it occurs, and all that follows through line 5, page 23. . . .

MR. [FRANK] THOMPSON Jr., [of New Jersey]: Mr. Chairman, I wonder if it is possible parliamentarily for the gentleman from Minnesota (Mr. Quie) to offer an amendment to the bill at this point.

THE CHAIRMAN: The Chair would advise the gentleman from New Jersey (Mr. Thompson) that an amendment to or a substitute for the motion to strike would not be in order.

MR. THOMPSON: But an amendment to the bill, rather than a substitute to strike, would be in order, Mr. Chairman?

4. 123 CONG. REC. 32523, 32524, 95th Cong. 1st Sess.
5. Labor Reform Act of 1977.
6. William H. Natcher (Ky.).

THE CHAIRMAN: The Chair would advise the gentleman from New Jersey that, as the gentleman knows, section 8 is not open for amendment at this time, other than the Erlborn amendment, and perfecting amendments to that section are not yet in order.

### ***Rejection of Motion To Strike Out and Insert***

#### **§ 17.10 After a negative vote on a motion to strike out certain words and insert others, it is in order to move to strike out a portion of such words.**

On Feb. 6, 1946,<sup>(7)</sup> the following proceedings took place:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I reserved the point of order against the amendment because it occurred to me that this matter had been considered yesterday in the vote upon the amendment offered by the gentleman from Michigan (Mr. Hoffman). This language here involved was proposed to be stricken by the amendment then offered. The amendment was voted upon and defeated. . . .

THE CHAIRMAN:<sup>(8)</sup> . . . Yesterday the gentleman from Michigan offered an amendment striking out that part of the bill which the gentleman from Maine now attempts to strike out, as well as language in addition thereto and to insert other language. The

7. 92 CONG. REC. 994, 79th Cong. 2d Sess. Under consideration was H.R. 4908, relating to an investigation of labor disputes.
8. Emmet O'Neal (Ky.).

amendment was defeated. Therefore, the amendment offered by the gentleman from Maine which proposes to strike out a portion of the language, is appropriate at this time. The Chair overrules the point of order.

**§ 17.11 A motion to strike out a section may be offered if a pending committee amendment to strike out the section and insert new language is rejected.**

On Nov. 11, 1971,<sup>(9)</sup> the following proceedings took place:

Committee amendment: On page 15, strike out lines 12 through 18 and insert in lieu thereof the following:

Sec. 708. . . .

MR. [DONALD M.] FRASER [of Minnesota]: As I understand it, the Chairman is opposing the committee amendment, which rewrites the provision that is found in the bill, but it would still leave the old provision in the bill. My question is, if the committee amendment is turned down, would it be in order to consider at this point a further amendment to strike the old language so there is no reference to this particular piece of property in the bill?

THE CHAIRMAN:<sup>(10)</sup> The Chair will inform the gentleman that a motion to strike would be in order.

9. 117 CONG. REC. 40594, 92d Cong. 1st Sess. Under consideration was H.R. 1134.

10. John J. McFall (Calif.).

***Voting on Motion To Strike After Consideration of Perfecting Amendment***

**§ 17.12 Whether or not preferential perfecting amendments to the pending text, offered pending a motion to strike that text, are adopted or rejected, a vote still must be taken on the motion to strike (assuming that the perfecting amendments do not change the entire text pending).**

On Oct. 3, 1977,<sup>(11)</sup> during consideration of H.R. 3816,<sup>(12)</sup> in the Committee of the Whole, a perfecting amendment was offered to a section of a bill while there was pending a motion to strike out that section. The proceedings were as indicated below:

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

11. 123 CONG. REC. 32013, 32017, 32019, 32020, 95th Cong. 1st Sess.

12. A bill to amend the Federal Trade Commission Act.

Perfecting amendment offered by Mrs. Fenwick:

Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent." . . .

MR. [MATTHEW J.] RINALDO [of New Jersey]: Mr. Chairman, am I correct in my understanding if there were a vote now, the vote would be on the Fenwick amendment and regardless whether it passes or fails, there would still be a vote on the Krueger amendment to strike the entire section?

THE CHAIRMAN:<sup>(13)</sup> That is correct. All perfecting amendments will be in order before a vote on the Krueger amendment. The Krueger amendment will still be pending.

*Parliamentarian's Note:* A motion to strike out and insert language may be offered as a perfecting amendment to a pending section of a bill, and is voted on before a pending motion to strike that section; but, even if agreed to, the perfected language is subject to being eliminated by subsequent adoption of the motion to strike out in cases where the perfecting amendment has not so changed the text as to render the original motion to strike meaningless. For further discussion, see §§16, supra.

13. Abraham Kazen, Jr. (Tex.).

**§ 17.13 Where there is pending a motion to strike out language in a bill, and a preferential perfecting amendment (to strike the same language and insert new language) is then offered and agreed to, the motion to strike out falls and is not voted on.**

The principle stated above was the basis for the following proceedings which occurred on Aug. 5, 1986,<sup>(14)</sup> during consideration of H.R. 4428 in the Committee of the Whole:

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Stratton to the amendment offered by Mr. Nichols: Strike out section 101(c) (page 14, lines 4 through 12). . . .

MR. [IKE] SKELTON [of Missouri]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Skelton to the amendment offered by Mr. Nichols: Page 14, strike out lines 4 through 12 and insert in lieu thereof the following:

(c)(1) Notwithstanding any other provision of law, the President and the Secretary of Defense may assign missions, roles, and functions to the military departments . . . and other elements of the Department of Defense. . . .

14. 132 CONG. REC. 19056, 19058, 19059, 99th Cong. 2d Sess.

THE CHAIRMAN PRO TEMPORE:<sup>(15)</sup>

Does any Member rise in opposition to the perfecting amendment offered by the gentleman from Missouri?

If not, the question is on the perfecting amendment offered by the gentleman from Missouri (Mr. Skelton) to the amendment offered by the gentleman from Alabama (Mr. Nichols).

The perfecting amendment to the amendment was agreed to.

THE CHAIRMAN PRO TEMPORE: The Stratton amendment to strike will not be voted on, under the precedents, the text proposed to be stricken having been completely amended.

***Offering Motion To Strike Title After Consideration of Motions To Strike and Insert***

**§ 17.14 A motion to strike out a title contained in a bill was held to be in order notwithstanding the fact that the Committee of the Whole had previously considered two motions to strike out such title and insert other language.**

On July 25, 1957,<sup>(16)</sup> the following proceedings took place:

15. Kenneth J. Gray (Ill.).

16. 103 CONG. REC. 12744, 85th Cong. 1st Sess. Under consideration was H.R. 1, to authorize federal assistance to the states and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

The Clerk read as follows:

Amendment offered by Mr. [Donald E.] Tewes [of Wisconsin]: On page 31, line 19, strike out all of title I through page 46, line 11. . . .

MR. [STEWART L.] UDALL [of Arizona]: Mr. Chairman, we considered earlier today two amendments, one offered by the gentleman from Kansas [Mr. Scrivner] and one by the gentleman from Connecticut [Mr. May]. The purpose of both these amendments was to strike out title I. Both amendments were considered. One was voted down and one was knocked out on a point of order. I make the point of order, Mr. Chairman, that this motion has been made and has been considered and voted down by the Committee of the Whole.

THE CHAIRMAN:<sup>(17)</sup> The Chair calls the attention of the gentleman to the fact that the motions heretofore made were to strike and insert. This is the first time a motion has been made to strike out the entire title. Therefore, the point of order is overruled.

***Not in Order as Substitute***

**§ 17.15 A motion to strike out an entire section of a bill is not in order as a substitute for an amendment to strike out certain provisions in the section and insert new language, since a section must be perfected before the question is put on striking it out.**

17. Francis E. Walter (Pa.).

On Aug. 16, 1972,<sup>(18)</sup> the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [James C.] Wright [of Texas]: Page 38, strike out lines 23 and 24 and insert in lieu thereof the following: . . .

MR. [MARION G.] SNYDER [of Kentucky]: Mr. Chairman, I should like to ask if an amendment to strike the entire section is in order as a substitute to this kind of amendment.

THE CHAIRMAN:<sup>(19)</sup> The Chair will advise the gentleman that it is not.

**§ 17.16 To a motion to strike certain words and insert others, a simple motion to strike out the words may not be offered as a substitute; but if the motion to strike out and insert is rejected, the simple motion to strike out is in order.**

On June 29, 1939,<sup>(20)</sup> the following proceedings took place:

Committee amendment: Strike out all of lines 5 and 6 on page 2 and insert: "and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States." . . .

18. 118 CONG. REC. 28400, 92d Cong. 2d Sess. Under consideration was H.R. 16071.

19. John Slack (W. Va.).

20. 84 CONG. REC. 8282-88, 76th Cong. 1st Sess. Under consideration was H.J. Res. 306, the Neutrality Act of 1939.

Amendment offered by Mr. [Francis H.] Case of South Dakota as a substitute for the committee amendment: On page 2, strike out lines 5 and 6. . . .

THE CHAIRMAN:<sup>(1)</sup> The Chair reads the following from the rules of the House.

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

MR. CASE of South Dakota: As I understand the Chair, the Chair ruled that a substitute to the committee amendment was not in order. May I ask, however, if the committee amendment should be voted down, then would it not be in order for me to offer an amendment to strike out the two lines that are proposed to be stricken by the committee amendment?

THE CHAIRMAN: It would.

**§ 17.17 A motion to strike out a paragraph may not be offered as a substitute for a pending motion to perfect the paragraph.**

The proceedings of Dec. 16, 1963, during which the above issue was raised, are discussed in § 17.1, supra.

**§ 17.18 A motion to strike out is not in order as a substitute for a pending motion to strike out and insert.**

On Oct. 14, 1966,<sup>(2)</sup> the following proceedings took place:

1. Jere Cooper (Tenn.).
2. 112 CONG. REC. 26966, 26967, 89th Cong. 2d Sess. Under consideration was S. 3708.

The Clerk read as follows:

Amendment offered by Mr. [Thomas L.] Ashley [of Ohio]: Strike out page 99, line 21, and all that follows down through page 100, line 11, and insert in lieu thereof the following: . . .

MRS. [FLORENCE P.] DWYER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Dwyer as a substitute for the amendment offered by Mr. Ashley: Strike out section 701 beginning on page 99, line 20, and ending on page 100, line 11, and renumber the succeeding sections accordingly. . . .

THE CHAIRMAN:<sup>(3)</sup> The Chair advises the gentlewoman from New Jersey that this is obviously a motion to strike out and cannot be submitted at this time.

Similarly, on June 4, 1968,<sup>(4)</sup> the following proceedings took place:

The Clerk read as follows:

On page 3, line 17, after "section" insert ", recommend such legislation as he may deem appropriate to permit the promulgation of rules and regulations in implementation of the standards developed under this section".

MR. [PORTER] HARDY Jr., [of Virginia]: Mr. Chairman, a parliamentary inquiry. Would it be in order at this point to offer a substitute for the committee amendment to strike out the entire language beginning at line 7 through line 20?

3. Daniel J. Flood (Pa.).
4. 114 CONG. REC. 15889, 90th Cong. 2d Sess. Under consideration was H.R. 17268.

THE CHAIRMAN:<sup>(5)</sup> Not until we have disposed of the committee amendment. . . .

MR. HARDY: Will the committee amendment—is it not in order to offer a substitute for the committee amendment?

THE CHAIRMAN: After we dispose of the pending committee amendment a motion to strike out the section would be in order.

**§ 17.19 To a motion to strike out and insert language in a bill, a simple motion to strike out a part of the language sought to be amended is not in order as a substitute for the original motion.**

On Apr. 17, 1946,<sup>(6)</sup> the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Robert F.] Rich [of Pennsylvania] as a substitute for the Wolcott amendment: Strike out section 5 beginning on page 5, striking out all subsidies.

THE CHAIRMAN:<sup>(7)</sup> The Chair would point out that the gentleman's amendment is not a substitute for the Wolcott amendment.

MR. RICH: It strikes out part of the subsidies. I want to strike them all out. So it takes in his amendment and more.

5. Edward P. Boland (Mass.).
6. 92 CONG. REC. 3898, 79th Cong. 2d Sess. Under consideration was H.R. 6042, the Emergency Price Control Act.
7. Jere Cooper (Tenn.).

THE CHAIRMAN: The gentleman from Michigan [Mr. Wolcott] has offered an amendment to strike out certain provisions of the bill and to insert something in place of it. The amendment offered by the gentleman from Pennsylvania seeks to amend the provisions already in the bill by striking them out.

**§ 17.20 For a perfecting amendment striking out a figure and inserting a new amount, a proposal to strike out the entire paragraph containing that figure may not be offered as a substitute.**

On June 25, 1974,<sup>(8)</sup> during consideration of a bill in the Committee of the Whole, the Chair ruled that perfecting amendments to a paragraph are disposed of prior to amendments to strike out the paragraph:

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Myers: On page 14, lines 16 and 17, strike \$1,000,000 and substitute \$250,000.

MR. [C.W.] YOUNG of Florida: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

8. 120 CONG. REC. 21038, 21039, 93d Cong. 2d Sess. Under consideration was H.R. 15544, Treasury Department, Postal Service, and Executive Office appropriations, fiscal 1975.

Amendment in the nature of a substitute offered by Mr. Young of Florida for the amendment offered by Mr. Myers:

Page 14, lines 10 through 17, strike lines 10 through 17 and renumber the following lines.

THE CHAIRMAN:<sup>(9)</sup> The Chair states that this is not a proper substitute for the amendment now pending. Once the pending perfecting amendment has been disposed of, then the gentleman's amendment to strike out the paragraph would be in order.

**§ 17.21 A motion to strike out an entire subsection of a bill is not a proper substitute for a perfecting amendment to the subsection, since it is broader in scope, but may be offered after disposition of the perfecting amendment.**

On Sept. 23, 1982,<sup>(10)</sup> it was demonstrated that, for a perfecting amendment to a subsection striking out one activity from those covered by a provision of existing law, a substitute striking out the entire subsection, thereby eliminating the applicability of existing law to a number of activities, was not in order. The proceedings in the Committee of the Whole during consideration of H.R. 5540<sup>(11)</sup> were as follows:

9. B.F. Sisk (Calif).  
10. 128 CONG. REC. 24963, 24964, 97th Cong. 2d Sess.  
11. Defense Industrial Base Revitalization Act.

MR. [BRUCE F.] VENTO [of Minnesota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vento: Page 41, line 24, strike out “, or the installation of equipment.”.

Page 42, beginning on line 15, strike out “, or the installation of equipment.”.

MR. [JOHN N.] ERLNBORN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Erlernborn as a substitute for the amendment offered by Mr. Vento: Beginning on page 41, line 22, strike all of subsection (m) through page 43, line 2.

MR. VENTO: Mr. Chairman, I make a point of order against the amendment offered as a substitute by the gentleman from Illinois (Mr. Erlernborn). . . .

[T]he substitute offered by the gentleman is clearly not in order. Under rule 19, Cannon's Procedure VIII, section 2879, the precedents provide that “to qualify as a substitute an amendment must treat in the same manner the same subject carried by the amendment for which it is offered.”

My amendment would remove language from the committee bill and limit the applicability of the Davis-Bacon Act in terms of one type of activity. The gentleman's substitute would strike the entire section of the committee bill which my amendment seeks to perfect and thereby eliminate the Davis-Bacon provisions of this legislation.

In this case, the amendment offered by the gentleman clearly does not treat the subject in the same manner which my amendment does. Also, under Deschler's Procedure, chapter 27, section 14.1, decisions made by the Chair on August 12, 1963, December 16, 1963, and June 5, 1974, a motion to strike out a section of paragraph is not in order while a perfecting amendment is pending. In addition, the decisions of the Chair of December 16, 1963, and June 5, 1974, and contained in Deschler's Procedure, chapter 27, section 14.4, provides that a provision must be perfected before the question is put on striking it out. A motion to strike out a paragraph or section may not be offered as a substitute for pending motion to perfect a paragraph or section by a motion to strike and insert. The gentleman's amendment attempts to accomplish indirectly something that he is precluded from doing directly. . . .

MR. ERLNBORN: . . . The language to which both amendments are directed is language in the bill that is applying the Davis-Bacon Act to activities under the bill in question. The amendment offered by the gentleman is reducing the extent of that coverage by taking out the installation of equipment.

My substitute also reduces that by eliminating the language so there would be no extension of Davis-Bacon to the activities beyond the present coverage of Davis-Bacon.

So the amendment that has been offered by the gentleman from Minnesota (Mr. Vento) is affecting Davis-Bacon by reducing its coverage. Mine also would affect the reduction of Davis-Bacon, only in a broader man-

ner; and I, therefore, believe the amendment is in order.

THE CHAIRMAN:<sup>(12)</sup> The Chair is prepared to rule.

The Chair sustains the point of order of the gentleman from Minnesota (Mr. Vento) for the reasons advocated by the gentleman from Minnesota that the substitute is too broad in its scope in its striking the whole of subsection (m).

The Chair would say to the gentleman from Illinois (Mr. Erlenborn) it would be appropriate as a separate amendment but it is not in order as a substitute because of the scope of the amendment.

The point of order of the gentleman from Minnesota is sustained.

***—No Point of Order Raised Against Substitute .***

**§ 17.22 An amendment proposing to strike out a section is not a proper substitute for a perfecting amendment to that section (to strike out and insert), but where no point of order is raised against the substitute, the Chair nevertheless follows the principle that the pending text should first be perfected before the vote recurs on striking it out.**

On July 22, 1976,<sup>(13)</sup> the Committee of the Whole having under

12. Wyche Fowler, Jr. (Ga.).

13. 122 CONG. REC. 23457, 23459, 23460, 94th Cong. 2d Sess.

consideration H.R. 13777, the Federal Land Policy and Management Act of 1976, the proceedings described above occurred as indicated below:

Amendment offered by Mr. [Bob] Eckhardt [of Texas]: On page 41, strike line 10 and all that follows through line 7 on page 43. Insert in lieu thereof the following:

Sec. 210(a)(1) The Secretary with respect to the commercial grazing of livestock on the public lands under the Taylor Grazing Act . . . shall charge, commencing with the calendar year 1980, an annual fee or fees per animal unit month for such grazing which shall be the approximate fair market value of the forage provided. . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Yates as a substitute for the amendment offered by Mr. Eckhardt: Page 41, strike out line 10 on page 41 and all lines thereafter on page 41. . . .

THE CHAIRMAN:<sup>(14)</sup> The amendment offered by the gentleman from Texas (Mr. Eckhardt) is a perfecting amendment to section 210. The "substitute" offered by the gentleman from Illinois (Mr. Yates) is, in effect, a motion to strike the entire section against which no point of order was raised.

The first vote will be on the perfecting amendment offered by the gentleman from Texas (Mr. Eckhardt).

***Not in Order as Amendment to Perfecting Amendment***

**§ 17.23 To an amendment striking out a title and inserting**

14. Robert N. Giaimo (Conn.).

**new language, a motion to strike out that title is not in order as an amendment.**

On July 25, 1974,<sup>(15)</sup> during consideration in the Committee of the Whole of the bill H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, a motion to strike out, as described above, was held not in order. The proceedings were as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Udall to the committee amendment in the nature of a substitute: Strike page 268, line 19, through page 271, line 24, and insert in lieu thereof the following:

Sec. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations. . . .

MR. [CRAIG] HOSMER [of California]: . . . Mr. Chairman, I do have an amendment to the amendment. It would merely strike out title VI.

THE CHAIRMAN:<sup>(16)</sup> Does the gentleman seek recognition?

MR. HOSMER: Yes. I seek recognition for an amendment to the Udall amendment.

15. 120 CONG. REC. 25240, 25241, 93d Cong. 2d Sess.

16. Neal Smith (Iowa).

THE CHAIRMAN: The Chair will advise the gentleman from California that his amendment to strike title VI is not in order as an amendment to the Udall amendment.

The question is on the amendment offered by the gentleman from Arizona (Mr. Udall) to the committee amendment in the nature of a substitute.

So the amendment to the committee amendment in the nature of a substitute was agreed to.

*Parliamentarian's Note:* Where an amendment striking out text and inserting new language has been offered, a simple motion to strike out all that text may not be offered as an amendment to such amendment, because it would have the effect of dividing the motion to strike out and insert which is prohibited by Rule XVI clause 7.<sup>(17)</sup> In the above instance, only upon rejection of the amendment striking title VI and inserting new text would Mr. Hosmer's motion to strike out the title have been in order.

***Amending Text Proposed To Be Stricken***

**§ 17.24 Where a motion to strike out is pending, a motion to amend part of the text proposed to be stricken is in order.**

17. *House Rules and Manual* Sec. 793 (101st Cong.).

On Apr. 24, 1963<sup>(18)</sup> the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Samuel L.] Devine [of Ohio]: On page 19 strike out line 13 and all that follows down to line 24 on page 27. . . .

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. Harris: On page 20, line 13, strike out "and", and immediately below line 13 insert the following: . . .

MR. [HAROLD R.] COLLIER [of Illinois]: Is this a perfecting amendment? . . .

THE CHAIRMAN:<sup>(19)</sup> The Chair is of the opinion that the amendment offered by the gentleman from Arkansas is a perfecting amendment to the text of the pending bill. . . .

MR. COLLIER: This is a perfecting amendment to the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: No, it is not.

MR. COLLIER: Then how does it get precedence over the pending amendment?

THE CHAIRMAN: Because it is a perfecting amendment to the text of the bill to which the gentleman from Ohio offers his amendment. The vote will come first on the perfecting amendment before the vote is had on the amendment offered by the gentleman from Ohio.

18. 109 CONG. REC. 6879, 6880, 88th Cong. 1st Sess. Under consideration was H.R. 12.

19. Eugene J. Keogh (N.Y.).

**§ 17.25 Where there is pending a motion to strike out a section of a bill, an amendment to insert words within the section proposed to be stricken is in order as a perfecting amendment.**

On Oct. 5, 1972,<sup>(20)</sup> the following proceedings took place:

The Clerk read as follows:

Amendment offered by Ms. [Bella S.] Abzug [of New York]: Page 107, line 12, through page 108, line 5: Strike all of section 139. Renumber the succeeding sections accordingly. . . .

MR. [JOEL T.] BROYHILL of Virginia: Mr. Chairman, I offer an amendment as a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Broyhill of Virginia: Page 107 line 13 after "Sec. 139." insert "(a)".

Page 108 after line 5 insert the following:

"(b) This section shall take effect upon the final determination of the route of Interstate Highway I-66 from its present terminus in Virginia at I-495 to its connection with a bridge or bridges (presently constructed or to be constructed) across the Potomac River."

MR. DON H. CLAUSEN [of California]: . . . Is this in effect an amendment to the amendment rather than a perfecting amendment? . . .

THE CHAIRMAN:<sup>(1)</sup> The Chair will state from a quick study of the amend-

20. 118 CONG. REC. 34130, 92d Cong. 2d Sess. Under consideration was H.R. 16656.

1. Morris K. Udall (Ariz.).

ment that it appears to be a perfecting amendment to the section which is proposed to be stricken by the amendment offered by the gentlewoman from New York. . . .

MR. GERALD R. FORD [of Michigan]: . . . I ask the Chair in what order or sequence will the votes come on the several proposals.

THE CHAIRMAN: The vote would come first, the Chair will state, on the perfecting amendment of the gentleman from Virginia. Following that the principal amendment to strike out the section would be put to the committee.

### —*Striking Portion of Section*

**§ 17.26 A preferential perfecting amendment to strike out only a portion of the language of a section may be offered before a pending motion to strike out the entire section.**

On June 18, 1959,<sup>(2)</sup> The following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Ross] Adair [of Indiana]: On page 11, strike out line 18 and all that follows down through line 6 on page 12, and reletter the following subsections accordingly. . . .

MR. [HARRIS B.] MCDOWELL Jr., [of Delaware]: Mr. Chairman, I offer a perfecting amendment to the bill.

2. 105 CONG. REC. 11301, 11303–05, 86th Cong. 1st Sess. Under consideration was H.R. 7500.

The Clerk read as follows:

Amendment offered by Mr. McDowell as a perfecting amendment to the bill: On page 12, lines 1 and 2, strike out “and the sixth sentence of section 202(b)”, and on line 4, of page 12, strike out “II, III,” and insert in lieu thereof “III.”. . .

THE CHAIRMAN:<sup>(3)</sup> The question is on the perfecting amendment offered by the gentleman from Delaware [Mr. McDowell].

*Parliamentarian's Note:* In this context a motion to strike can itself be a perfecting amendment.

### ***Amendment To Strike Additional Words***

**§ 17.27 When it is proposed to strike out certain words in a section, it is not in order to amend that amendment by proposing that additional words of that section be stricken.**

On June 2, 1976,<sup>(4)</sup> the Committee of the Whole having under consideration H.R. 13680,<sup>(5)</sup> the Chair ruled on a point of order as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I offer an amendment.

3. Wilbur D. Mills (Ark.).

4. 122 CONG. REC. 16208–10, 94th Cong. 2d Sess.

5. A bill to amend the Foreign Assistance Act of 1961.

The Clerk read as follows:

Amendment offered by Mr. Derwinski: At page 68, strike line 4 through page 69, line 4. . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. DERWINSKI

Strike the words "page 69, line 4" and insert in lieu thereof "page 69, line 10". . . .

MR. [DONALD M.] FRASER of Minnesota]: . . . Mr. Chairman, I make a point of order against the Zablocki amendment to the amendment on the grounds that it is an effort to amend a perfecting amendment. It deals with a different part of the bill, and since the bill is open to amendment by titles, the perfecting amendment, so-called, offered by the gentleman from Illinois (Mr. Derwinski), as I understand, only strikes section 413 down through line 4 on page 69. This is an effort to strike a different part of the title, and therefore would not be in order as an amendment to the Derwinski amendment. . . .

MR. ZABLOCKI: . . . Mr. Chairman, the Derwinski amendment strikes section 413 to line 4 on page 69. All my amendment does is continue striking section 413 by striking the words, "page 69, line 4," and substituting in lieu thereof, "page 69, line 10."

So, it is an amendment in order to an amendment that was recognized in order.

THE CHAIRMAN:<sup>(6)</sup> The Chair is ready to rule.

6. Frank E. Evans (Co.).

The amendment offered by the gentleman from Illinois (Mr. Derwinski) strikes . . . section 413, beginning with line 5, page 68, through line 4, page 69. The amendment offered by the gentleman from Wisconsin (Mr. Zablocki) to that amendment would increase the portion of section 413 that is stricken, expanding the area stricken down through line 10, page 69.

Under Cannon's Precedents in the House of Representatives, on page 13, in middle of the page, under the heading "amending a motion":

When it is proposed to strike out certain words, it is not in order to amend by adding to the words of the paragraph, but it is in order to amend by striking out a portion of the words specified.

Since the question has come before the House before, in Hinds' Precedents of the House of Representatives, volume V, 1907, page 389, section 5768, the Chair will quote from that decision as follows:

5768: 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.—On April 3, 1902, the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was under consideration in Committee of the Whole House on the state of the Union, when the following paragraph was read:

Sec. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement.

Mr. James R. Mann, of Illinois, moved to strike out the words "ac-

ording to the established rules of the service.”

Mr. John F. Lacy, of Iowa, moved to amend the amendment by adding to the words proposed to be stricken out other words in the context of the paragraph.

The Chairman held that the amendment of Mr. Lacey should be offered as an independent amendment rather than as an amendment to the amendment.

For the reasons stated, the point of order of the gentleman from Minnesota is sustained.

**§ 17.28 Where there is pending an amendment striking out a portion of a pending text, an amendment to strike out additional language of the text should be offered as a separate amendment to the text and not as an amendment to the first amendment.**

The proceedings of June 2, 1976, are discussed in §17.27, supra.

***Offering Amendment To Strike Section Which Has Been Perfected***

**§ 17.29 An amendment proposing to strike out a section which has been perfected, but not changed in its entirety, is in order.**

On July 25, 1946,<sup>(7)</sup> the following proceedings took place:

7. 92 CONG. REC. 10097, 79th Cong. 2d Sess. Under consideration was S.

Amendment offered by Mr. [Ellsworth B.] Buck [of New York]: On page 93, line 13, strike out section 601, paragraphs (a) and (b). . . .

MR. [EMMET] O'NEAL [(of Kentucky): It is my understanding that the language in the bill has been amended. The amendment offered by the gentleman from New York is to strike out the original language, which has been amended. Therefore, the language of the amendment is not in proper form.

THE CHAIRMAN:<sup>(8)</sup> The amendment is to strike out the section as amended. The point of order is overruled.

***Effect of Adopting Motion To Strike Perfected Title***

**§ 17.30 If the pending title of a bill is perfected by an amendment adding a new section thereto, and the Committee of the Whole thereafter agrees to a motion to strike out the entire title, the words added by the perfecting amendment are eliminated along with the rest of the title.**

On Oct. 3, 1969,<sup>(9)</sup> the following proceedings took place:

The Clerk read as follows:

2177, the legislative reorganization bill.

8. Howard W. Smith (Va.).

9. 115 CONG. REC. 28454, 28455, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

For further discussion of the proceedings, see Sec. 15.3, supra.

Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

The Clerk read as follows:

Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:

“Sec. 505. (a) The Comptroller General of the United States. . . .”

MR. [FRANK E.] EVANS of Colorado: Mr. Chairman, if the amendment of the gentleman from Indiana passes, and thereafter the motion of the gentleman from New York passes, what is the status of the amendment of the gentleman from Indiana?

THE CHAIRMAN:<sup>(10)</sup> If the amendment offered by the gentleman from Indiana is agreed to and the motion offered by the gentleman from New York to strike the whole title is agreed to, then the amendment will be stricken.

### ***Striking Amendment Already Agreed To***

**§ 17.31 While it is not in order to strike out an amendment already agreed to, it is in order by way of amendment to strike out a greater part of a paragraph which includes the amendment agreed to.**

On Mar. 9, 1942,<sup>(11)</sup> the following exchange took place:

MR. [MALCOLM C.] TARVER [of Georgia]: The Reed amendment was in the

10. L. Mendel Rivers (S.C.).

11. 88 CONG. REC. 2139, 2140, 77th Cong. 2d Sess. Under consideration was H.R. 6709, the agriculture appropriation bill for 1943.

form of an additional proviso. The gentleman moves to strike out the first proviso, the one already in the bill, but I take the position that he cannot now move to strike out the additional proviso added by the Reed amendment.

THE CHAIRMAN:<sup>(12)</sup> In answer to the parliamentary inquiry the Chair holds that it is in order to strike out the language of the Reed amendment together with the other language already in the bill, because it is simply an amendment to the language of the bill.

**§ 17.32 It is not in order to strike out an amendment already agreed to, but a part of the paragraph which includes the amendment may be stricken to insert language of a different meaning.**

On July 28, 1953,<sup>(13)</sup> bill<sup>(14)</sup> was under consideration which related to an emergency immigration program. The phrase “two hundred and thirty-six thousand” referring to the number of special visas to be issued under the immigration laws had been amended by striking out the words “thirty-six” and inserting “thirteen.” Subsequently, an amendment striking out the entire phrase “two hundred and thirty-six thousand” and inserting in lieu thereof “two hundred and forty-six thousand” was

12. Robert Ramspeck (Ga.).

13. 99 CONG. REC. 10195, 83d Cong. 1st Sess.

14. H.R. 6481.

ruled in order as striking out language "comprehending the amendment formerly adopted" and inserting new language.

**§ 17.33 It is not in order to offer an amendment merely striking out an amendment previously agreed to.**

On Aug. 1, 1975,<sup>(15)</sup> during consideration of a bill<sup>(16)</sup> in the Committee of the Whole, a point of order against an amendment was sustained as follows:

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended. . . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I raise a point of order against the amendment.

THE CHAIRMAN:<sup>(17)</sup> the gentleman will state it.

MR. ECKHARDT: . . . [A]lthough it may have been appropriate to offer a substitute for all of title III, this amendment does not restate the language which should have been contained in such substitute. If the gentleman has attempted to offer a substitute which comprised the language adopted by this committee in sections 302, 303, 304, 305, 306, and 307, it would have been incumbent upon him

to reduce the same to writing and to introduce it in such a manner that we would have had a complete amendment before us instead of in effect offering at this late date, after a new section 301 was adopted, a motion to strike that section 301. . . .

MR. [JOHN D.] DINGELL [of Michigan): . . . In pressing the point of order, I must commend my colleague, the gentleman from Ohio (Mr. Brown), for a most masterful piece of draftsmanship. Nevertheless, his draftsmanship and his display of rare talent to the contrary notwithstanding, the gentleman's draftsmanship does violate the rules. What the gentleman attempts to do here is simply to undo an amendment which was previously agreed to by the House. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I will say that this does not place before the House the same question that existed prior to the vote on the Staggers amendment. This places before the House the question of whether this title, with all the amendments taken together as they have been added to the title, except the Staggers amendment, should now be accepted. It does in fact raise a different question. . . .

MR. ECKHARDT: Mr. Chairman, the posture is this: The bill contained section 301, stricken by the Wilson amendment, at which point the Krueger amendment was offered as an amendment to reinstate section 301. The Staggers amendment was then offered as a substitute to replace the Krueger amendment.

Therefore, we completed 301, we acted upon 301, and had a complete body of law on 301.

15. 121 CONG. REC. 26945-47, 94th Cong. 1st Sess.

16. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

17. Richard Bolling (Mo.).

It was at that time that the gentleman from Ohio (Mr. Brown) might have attacked the Staggers amendment and sought to defeat it or, actually, the Krueger amendment, as amended by the Staggers amendment. He did not do so, other than to merely vote against it. Of course, that was the proper way to attack it, but what he is attempting to do now is merely to come in at this late point and seek to strike an amendment which was adopted by the House. Section 301 was at that time completed.

Mr. Chairman, he is not offering here a substitute in any proper form. . . .

MR. BROWN OF OHIO: Mr. Chairman, I would like to cite from page 351 of Deschler's Procedure in the House of Representatives, section 28.9, as follows:

After agreeing to several amendments to section 1 of a bill, the Committee of the Whole agreed to a motion to strike out and insert a new section which included some of the amendments agreed to, but omitted one of them. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The fact of the matter is that the original section 301 has been stricken from the bill and replaced by another section 301, and the amendment in effect deletes the new 301. The gentleman's amendment makes no change in the original text of title III. Under the rules and the practice of the House of Representatives, it is not in order to strike out an amendment that has been adopted or to offer an amendment in the form of the pending amendment which accomplishes solely that result—Cannon's VIII, §851-54.

Therefore, the Chair sustains the points of order.

### *Striking More Than Insertion*

**§ 17.34 Although it is not in order to propose to strike out an amendment already agreed to, an amendment striking out not only an amendment previously agreed to but also additional portions of the bill is in order.**

Where the first section of a title of a bill being read by titles was modified by striking that section and inserting new language, an amendment to strike that section and two additional sections of that title not so altered was held in order. The proceedings on Aug. 1, 1975,<sup>(18)</sup> were as follows:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.

Renumber the succeeding sections of title III accordingly. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman . . . I renew simply the point of order that I had made earlier against the prior amendment

**18.** 121 CONG. REC. 26947, 94th Cong. 1st Sess. Under consideration was H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

by observing that this is again an attempt to undo actions taken already by the House, as the Chair well noted when it ruled just now on the prior attempt to remove section 301, which failed. . . .

MR. BROWN of Ohio: . . . Mr. Chairman, this amendment does not stand on the same point that the previous amendment stood on. This amendment strikes two additional sections, sections 302 and 303. The present section 303 in the title has not been touched by amendment during the amending process, the prohibition on pricing facts being sent to the President, and is a section which has not been amended by the Committee of the Whole during consideration of title III. . . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I believe the gentleman from Ohio misconceives the basis of the original point of order, since this amendment includes the striking of a section of the bill that has been completed, and has been amended and completed and includes another section of the bill that has been amended and completed. It is for those reasons subject to a point of order. The fact that it may include other matter that has not been amended and completed does not free it from the objection raised on the first point of order.

THE CHAIRMAN:<sup>(19)</sup> The Chair is ready to rule.

As to the argument on the amendment by the gentleman from Texas, the Chair feels that it will disagree with that.

The Chair now refers to volume 8, page 446, section 2855 of Cannon's Precedents. It states that while an

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

Some language of the original text remains in section 303. Therefore the point of order raised by the gentleman from Michigan (Mr. Dingell) is not good, and the Chair overrules the point of order.

### ***Amendment in Nature of Substitute***

**§ 17.35 Where an amendment in the nature of a substitute for several paragraphs of an appropriation bill has been offered, with notice that if it is agreed to motions will then be made to strike out the following paragraphs as they are read, such paragraphs are subject to perfecting amendment, as well as to the motion to strike, when read.**

In the 91st Congress, an amendment in the nature of a substitute for several paragraphs of an appropriation bill<sup>(20)</sup> as offered<sup>(1)</sup> by Mr. Charles S. Joelson, of New Jersey, in the manner described above. A substitute amendment therefor was offered by Mr. Robert H. Michel, of Illinois.<sup>(2)</sup>

20. H.R. 13111.

1. 115 CONG. REC. 21218, 91st Cong. 1st Sess., July 29, 1969.

2. *Id.* at p. 21221.

19. Richard Bolling (Mo.).

Subsequently, the following exchange took place:

MR. [ALBERT H.] QUIE [of Minnesota]: If the substitute amendment of the gentleman from Illinois prevails, is the remainder of the title still open to amendment, which would have been amended if the amendment offered by the gentleman from New Jersey (Mr. Joelson) had prevailed?

THE CHAIRMAN:<sup>(3)</sup> If the substitute amendment offered by the gentleman from Illinois is agreed to and the Joelson amendment as thereby amended is agreed to, then there are some remaining paragraphs which have not been read and they would be next for consideration and subject to amendment. . . .

MR. JOELSON: If the gentleman's amendment should carry, what would he move to delete?

THE CHAIRMAN: If action is taken on the Michel substitute amendment and it is agreed to, and then the Joelson amendment is agreed to, then we would proceed to read the succeeding paragraphs which have not been read and amendments of various kinds may be made to those paragraphs.

***Striking Part of Section After Rejection of Motion To Strike Entire Section***

**§ 17.36 A motion to strike out a part of a section is in order notwithstanding defeat of a previous motion to strike out the entire section.**

3. Chet Holifield (Calif.).

On July 20, 1956,<sup>(4)</sup> bill<sup>(5)</sup> was under consideration to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States. A point of order having been made against an amendment to the bill, the proponent of the amendment stated as follows:

MR. [RICHARD H.] POFF [of Virginia]: . . . [A]s I understand the rules of the House, a point of order would not lie inasmuch as the amendment which was just offered went to the whole section titled 121 and, having been rejected by the committee, my amendment which goes only to a portion of that title would be in order.

The Chairman<sup>(6)</sup> overruled the point of order.

***Striking Language That Has Been Ruled Out of Order***

**§ 17.37 After language in an appropriation bill has been ruled out as legislation, an amendment to strike out that same language cannot be entertained.**

On Feb. 5, 1957,<sup>(7)</sup> bill<sup>(8)</sup> was under consideration comprising

4. See the proceedings at 102 CONG. REC. 13732, 13736, 84th Cong. 2d Sess.
5. H.R. 627.
6. Aime J. Forand (R.I.).
7. 103 CONG. REC. 1550, 85th Cong. 1st Sess.
8. H.R. 4249.

urgent deficiency appropriations for the fiscal year ending June 30, 1957.

An amendment was offered, as follows:

Substitute amendment offered by Mr. [Gordon L.] McDonough [of California]: On page 5, line 7, strike out all after the semicolon.

The Chairman<sup>(9)</sup> stated:

That is not a substitute amendment, because that language has been stricken out on the point of order raised by the gentlewoman from Oregon and sustained by the Chair. That language is not in the bill at the moment.

### § 18. Substitute Amendments

A “substitute” is a substitute for an amendment, and not a substitute for the original text. Of course, substitute amendments are amendments and as such are themselves subject to amendment.<sup>(10)</sup>

A substitute for a motion to strike out is not in order.<sup>(11)</sup> or is a motion to strike out in order as a substitute for a pending motion to strike out and insert,<sup>(12)</sup> or for a perfecting amendment to text generally.<sup>(13)</sup>

9. Wilbur D. Mills (Ark.).

10. See, for example, § 15.29, *supra*.

11. See § 8.8, *infra*.

12. See § 17.18, *supra*.

13. See § 17.17, *supra*.

If a motion to strike out and insert is rejected, the simple motion to

### *Defined*

**§ 18.1 A “substitute” is a substitute for an amendment and not a substitute for the original text.**

On July 26, 1955,<sup>(14)</sup> the following proceedings took place:

MR. [J. HARRY] MCGREGOR [of Ohio]: Mr. Chairman, a point of order. I make a point of order that the substitute amendment is not in order. It is a substitute to the substitute.

THE CHAIRMAN:<sup>(15)</sup> The Chair will advise the gentleman from Ohio that it is offered as a substitute to the amendment offered by the gentleman from Michigan (Mr. Dondero).

MR. MCGREGOR: Then, if I understand the gentleman correctly, the gentleman from Michigan did not offer a substitute, but offered an amendment; is that correct?

THE CHAIRMAN: The gentleman from Michigan [Mr. Dondero] offered a motion to strike out and insert, which is . . . an original amendment.

### *When To Offer*

**§ 18.2 In the Committee of the Whole, the proper time to offer a substitute for an**

strike out is then in order. See § 17.16, *supra*.

14. 101 CONG. REC. 11565, 84th Cong. 1st Sess. Under consideration was H.R. 7474, to amend and supplement the Federal Aid Road Act, as amended, etc.

15. Eugene J. Keogh (N.Y.).