

## § 26. As to Voting and Motions

One motion which a special order may affect in Committee of the Whole is the motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken. As long as the stage of amendment is still pending, the motion is in order. But in the event a “closed” rule has been adopted, and no (committee) amendments are offered in Committee of the Whole, the stage of amendment has passed and the motion is not in order.<sup>(6)</sup> Motions to strike out a portion of a bill, which are in effect amendments, may also depend on the provisions of a special order, particularly if the resolution specifically makes in order such an amendment.<sup>(7)</sup>

Special orders usually provide that following the report of the Committee of the Whole to the

House on a bill which has been debated and amended, the previous question shall be considered as ordered on the bill and amendments thereto to final passage (without intervening motion except one motion to recommit). The effect of such a provision is to preclude further debate or amendments in the House on the bill, except on a motion to recommit with instructions.<sup>(8)</sup>

The motion to recommit may not be denied by the provisions of a resolution from the Committee on Rules, pursuant to the provisions of Rule XI.<sup>(9)</sup> But a special order may alter the permissible form and scope of the motion to recommit. A resolution from the Committee on Rules may, for example, allow two motions to recommit on the same measure.<sup>(10)</sup> Usually, a “closed” rule specifies that during the consideration of a bill in Committee of the Whole, no amendments, or only certain amendments, may be offered.

6. See §§ 26.1, 26.2, *infra*. For an occasion where the motion that the Committee rise and report the bill back to the House with the recommendation that it be recommitted was held out of order, see § 26.3, *infra*.

7. Motions to strike out portions of a bill are sometimes made in order in conjunction with a “closed” rule, allowing only committee amendments or specified amendments to be offered. See § 22, *supra*.

8. See § 26.4, *infra*. If a special order provides for consideration of a measure in the House, and orders the previous question after a certain amount of debate, further debate or amendments are similarly precluded. See § 26.5, *infra*.

9. Rule XI clause 4(b) in the *House Rules and Manual* § 729(a) 1979. See §§ 26.8, 26.11, *infra*.

10. See §§ 26.13, 26.14, *infra*.

Under the provisions of such a rule, a motion to recommit with instructions could be offered in the House to recommit with instructions to incorporate an amendment which would not have been in order in Committee of the Whole only because of the resolution. But the Committee on Rules may report and the House may adopt a resolution restricting amendments to a certain title of a bill both in the House and in the Committee of the Whole, thus prohibiting such a motion to recommit with instructions.<sup>(11)</sup>

Where a special order provides that a committee amendment in the nature of a substitute may be offered, or may be read as an original bill for the purpose of amendment, the resolution usually provides that there may be offered a motion to recommit "with or without instructions." The purpose of that language is to allow a motion to recommit with instructions to report back with amendments, despite previous adoption by the House of a committee amendment in the nature of a substitute reported from Committee of the Whole (it is not in order, without the provisions of such a resolution, to amend an amendment already adopted by the House).<sup>(12)</sup>

11. See §§ 26.11, 26.12, *infra*.

12. See § 26.10, *infra*; and *House Rules and Manual* § 788 [note] (1979).

A Member may demand a separate vote in the House on an amendment to a committee amendment in the nature of a substitute adopted in the Committee of the Whole, where the bill is being considered under a special rule permitting separate votes in the House on any of the amendments adopted in the Committee of the Whole to the bill or to the committee amendment. Special rules permitting such separate votes generally provide that at the conclusion of consideration of the bill in Committee of the Whole, "the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendments in the nature of a substitute."<sup>(13)</sup> Thus, where a committee amendment in the nature of a substitute is read as an original bill for the purpose of amendment, or where a single-section bill with a committee amendment in the nature of a substitute is under consideration, all amendments adopted to it in Committee of the Whole are subject to a demand for a separate vote in the House pursuant to a

13. See § 26. 15, *infra*.

special order so providing, regardless of the consistency of such amendments.<sup>(14)</sup> Without a special order permitting such separate votes, the House would, upon the report of the Committee of the Whole, have only the choice between the committee amendment in the nature of a substitute, as perfected (since only one amendment in its perfected form is reported back from Committee of the Whole), and the original bill.

#### Cross References

As to motions in Committee of the Whole, see Ch. 19, supra.

As to motions generally, see Ch. 23, infra.

As to voting generally, see Ch. 30, infra.

As to motions to strike out portion of bill made in order, see §22, supra.

As to voting on amendments between the Houses and conference reports under special rules, see §27 infra.

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### ***Motion That Committee Rise and Report Bill to House With Recommendation That Enacting Clause Be Stricken***

**§ 26.1 Where a bill is being considered under a rule permitting only committee amendments and no amendments thereto, a motion that the Committee rise and re-**

14. See §26.20, infra.

**port the bill back to the House with the recommendation that the enacting clause be stricken out is in order until the stage of amendment has passed.**

On Sept. 3, 1959,<sup>(15)</sup> a preferential motion was offered in the Committee of the Whole while H.R. 8678 (Federal-Aid Highway Act) was under consideration for amendment under the five-minute rule (where only committee amendments were permitted under the special rule, and there remained other committee amendments besides the one pending):

THE CHAIRMAN:<sup>(16)</sup> The Chair will state to the gentleman that only 5 minutes is permitted in support of the amendment and 5 minutes in opposition. Five minutes has been consumed in support of the amendment. Therefore, the Chair cannot recognize the gentleman at this time.

The question is on the amendment.

The amendment was agreed to. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Clerk will report the motion.

The Clerk read as follows:

Mr. Hays moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

15. 105 CONG. REC. 17988, 17989, 86th Cong. 1st Sess.

16. William Pat Jennings (Va.).

Mr. Hays was recognized for five minutes in favor of the motion, and another Member was recognized for five minutes in opposition.

The bill was being considered under a special order providing as follows:<sup>(17)</sup>

. . . After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Public Works. Amendments offered by direction of the Committee on Public Works may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment.<sup>(18)</sup>

**§ 26.2 Where a bill is being considered under a “closed” rule permitting only committee amendments and no amendments thereto, a motion that the Committee rise and report the bill back to the House with the recommendation that the enact-**

17. H. Res. 372, 105 CONG. REC. 17946, 86th Cong. 1st Sess.

18. See also 106 CONG. REC. 12720–25, 86th Cong. 2d Sess., June 15, 1960; and 106 CONG. REC. 10577–79, 86th Cong. 2d Sess., May 18, 1960.

**ing clause be stricken out is not in order where no committee amendments are offered, since the stage of amendment has been passed.**

On Apr. 6, 1970, the Committee of the Whole concluded general debate on H.R. 16311 (the Family Assistance Act of 1970) where the House had adopted a “closed” rule for the consideration of the bill, allowing only committee amendments to the bill, such amendments not to be subject to amendment (H. Res. 916). Chairman John D. Dingell, of Michigan, indicated in response to a parliamentary inquiry that since no committee amendments were offered, the stage of amendment was passed and a preferential motion was not in order:<sup>(19)</sup>

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Chairman, I have no further requests for time. I had some time to reserve for myself, but I yield back the balance of my time.

THE CHAIRMAN: Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

MR. MILLS: Mr. Chairman, there are no committee amendments.

19. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

MR. [OMAR T.] BURLESON of Texas: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BURLESON of Texas: Mr. Chairman, I have a preferential motion. Is it in order to offer a preferential motion at this time?

THE CHAIRMAN: Will the gentleman advise the Chair what sort of preferential motion he has in mind?

MR. BURLESON of Texas: To strike the enacting clause.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that that motion is not in order unless amendments are in order, and are offered. There being no committee amendments, that motion will not be in order at this time.

MR. BURLESON of Texas: Mr. Chairman, may I inquire, if there are no committee amendments to be offered, if the bill is perfected?

THE CHAIRMAN: The Chair will advise the gentleman from Texas that the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. Mills), has just advised the Chair that there are no committee amendments. That being so, the motion is not in order at this time.

***Motion That Committee of the Whole Rise and Report Bill to House With Recommendation That It Be Recommitted***

**§ 26.3 A motion that the Committee of the Whole do now rise and report a bill back to the House with the rec-**

**ommendation that it be re-committed to the committee from which reported is not in order where the Committee of the Whole is considering the bill under a resolution setting out the conditions under which the bill is to be considered.**

On Aug. 10, 1950, there was pending before the Committee of the Whole a bill being considered pursuant to a special order adopted on July 31:<sup>(20)</sup>

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9176) to establish a system of priorities and allocations for materials and facilities, authorize the requisitioning thereof, provide financial assistance for expansion of productive capacity and supply, strengthen controls over credit, regulate speculation on commodity exchanges, and by these measures facilitate the production of goods and services necessary for the national security, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continued not to exceed 1 day, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for

20. H. Res. 740, 96 CONG. REC. 11432, 11433, 81st Cong. 2d Sess.

amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on Banking and Currency now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

In Committee of the Whole, Chairman Howard W. Smith, of Virginia, ruled that it was not in order to move that the Committee rise and report the bill back to the House with the recommendation that the bill be recommitted to the committee which had reported it:<sup>(1)</sup>

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Rankin moves that the Committee do now rise and report the bill back to the House with the recommendation that it be recommitted to the Committee on Banking and

Currency for further hearings and study.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. PATMAN: Mr. Chairman, I make the point of order that this being a straight motion to recommit, without instructions, it is not permissible under the rule under which we are considering the bill in Committee.

THE CHAIRMAN: The Chair is ready to rule.

That motion is not in order in Committee of the Whole, and the Chair sustains the point of order.

MR. RANKIN: Mr. Chairman, it is in order to make a motion that the Committee do now rise and report the bill back to the House with the recommendation that it be recommitted to the Committee on Banking and Currency for further study and hearing.

THE CHAIRMAN: In the consideration of this bill the Committee of the Whole is operating under a special rule which lays down the conditions under which the bill is to be considered. The motion of the gentleman from Mississippi is not in order at this time.

*Parliamentarian's Note:* Although the earlier precedents indicate that a motion that the Committee of the Whole rise and report a bill to the House with the recommendation it be recommitted is privileged in Committee of the Whole (see, i.e., 8 Cannon's Precedents §2329), that motion is not in the current practice admissible when inconsistent with a

1. *Id.* at p. 12219.

special rule providing for consideration (as opposed to consideration under the general rules of the House). Since a typical special rule provides for a motion to recommit pending the vote on passage in the House (the previous question having been ordered by the rule), recommittal should be in order only at that time (or after the Committee rises with the recommendation that the enacting clause be stricken, under Rule XXIII, clause 7).

***Previous Question Considered as Ordered by Special Order***

**§ 26.4 When the Chairman of the Committee of the Whole reports a bill back to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded; and the Speaker does not entertain unanimous-consent requests that further amendments be in order.**

On Aug. 31, 1960,<sup>(2)</sup> the Committee of the Whole reported a bill back to the House, where the special order under which the bill was being considered provided

2. 106 CONG. REC. 18748, 86th Cong. 2d Sess.

that the previous question be considered as ordered. Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the possibility for further debate and amendments:

THE SPEAKER: Under the rule the previous question is ordered.

The question is on the third reading of the Senate bill.

The bill was read a third time.

MR. [H. CARL] ANDERSEN of Minnesota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDERSEN of Minnesota: Would it be possible by unanimous consent to return to the amendment stage?

THE SPEAKER: It would not. The previous question has already been ordered. All amendments and all debate are exhausted.

The question is on the passage of the bill.

**§ 26.5 The right to offer amendments does not exist where a special rule, in providing for the consideration of a bill in the House, orders the previous question after a fixed time for general debate.**

On Mar. 11, 1933, Mr. Joseph W. Byrns, of Tennessee, offered an original resolution from the floor before committees were elected but after rules were adopted:

HOUSE RESOLUTION 32

*Resolved*, That immediately upon the adoption of this resolution the House

shall proceed to the consideration of H.R. 2820, a bill to maintain the credit of the United States Government, and all points of order against said bill shall be considered as waived; that, after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Economy, the previous question shall be considered as ordered on the bill to final passage.

Speaker Henry T. Rainey, of Illinois, answered a parliamentary inquiry as to the right to offer amendments under the provisions of the resolution:

MR. [GORDON] BROWNING [of Tennessee]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BROWNING: If this resolution is adopted, there will not be any privilege of amendment given to the House, under any consideration?

THE SPEAKER: There will not be.<sup>(3)</sup>

*Parliamentarian's Note:* Although the Record does not so indicate, the resolution was considered without objection; since not reported from the Committee on Rules, the resolution was not privileged for consideration.

### ***Motion to Recommit***

#### **§ 26.6 Form of special rule providing that a certain bill**

3. 77 CONG. REC. 198, 73d Cong. 1st Sess.

**shall be considered as having been engrossed and read a third time, and that the House shall immediately proceed to vote on the passage of the bill without any intervening motion except one motion to recommit.**

The following resolution was under consideration on June 20, 1936:<sup>(4)</sup>

#### HOUSE RESOLUTION 559

*Resolved,* That immediately upon the adoption of this resolution the bill H.R. 12455, entitled "A bill to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes", shall be considered as having been engrossed and read a third time, and the House shall immediately proceed to vote upon the passage of said bill without any intervening motion except one motion to recommit with or without instructions

*Parliamentarian's Note:* The form of this resolution predates the deletion in the 89th Congress of the provision in Rule XXI clause 1, which allowed a Member to demand the reading in full of the engrossed copy of a bill.

#### **§ 26.7 Form of resolution allowing a motion to recommit**

4. 80 CONG. REC. 10611, 74th Cong. 2d Sess. The bill had been brought up under a motion to suspend the rules on the same day, and had been defeated both times.

**containing instructions germane to the bill or committee substitute.**

The following resolution was under consideration on Aug. 22, 1950: <sup>(5)</sup>

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2317) to authorize grants to the States for surveying their need for elementary- and secondary-school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without intervention of any point of order the substitute committee amendment recommended by the Committee on Education and Labor now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of the consideration

5. H. Res. 812, 96 CONG. REC. 13039, 81st Cong. 2d Sess.

of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and any member may demand a separate vote in the House on any amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, and such motion to recommit may contain instructions germane to the bill or committee substitute.

*Parliamentarian's Note:* Motions to recommit with instructions normally must be germane to the bill in its perfected form, not to the introduced bill or committee substitute.

**§ 26.8 Where a special order by its terms orders the previous question at a certain time on a bill to final passage, it was held that the right to offer a motion to recommit was reserved by the rules notwithstanding the provisions of the special rule.**

On Mar. 11, 1933, before any committees were elected, Mr. Joseph W. Byrns, of Tennessee, offered (without objection) the following resolution:

HOUSE RESOLUTION 32

*Resolved,* That immediately upon the adoption of this resolution the House shall proceed to the consideration of

H.R. 2820, a bill to maintain the credit of the United States Government, and all points of order against said bill shall be considered as waived; that, after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Economy, the previous question shall be considered as ordered on the bill to final passage.

Despite the provisions of the resolution, Speaker Henry T. Rainey, of Illinois, indicated that a motion to recommit would be in order:

MR. [GORDON] BROWNING [of Tennessee]: Would a motion to recommit be in order following the third reading of the bill?

THE SPEAKER: It would; yes.<sup>(6)</sup>

**§ 26.9 Where a special rule providing for the consideration of a bill provides for “one motion to recommit,” it is interpreted to mean “one valid motion to recommit;” and if a point of order is sustained against a motion to recommit with instructions because it is not germane to the bill, another motion to recommit may be entertained by the Chair.**

On Mar. 2, 1967, H.R. 4515, supplemental military authoriza-

6. 77 CONG. REC. 198, 73d Cong. 1st Sess.

tions, was ordered to be engrossed and read a third time in the House and was read the third time. Mr. Henry S. Reuss, of Wisconsin, offered a motion to recommit with instructions and Mr. L. Mendel Rivers, of South Carolina, made a point of order against the motion on the grounds that it was not germane to the bill. Speaker John W. McCormack, of Massachusetts, sustained the point of order.<sup>(7)</sup>

The Speaker then entertained another motion to recommit and answered an inquiry relative thereto (where the special order, H. Res. 347, provided for one motion to recommit on the bill):<sup>(8)</sup>

MR. [GEORGE E.] BROWN [Jr.] of California: Mr. Speaker, I move to recommit the bill H.R. 4515, to the Committee on Armed Services, with instructions to report it back forthwith with an amendment which is at the Clerk's desk.

THE SPEAKER: The Chair will ask if the gentleman is opposed to the bill?

MR. BROWN of California: I am opposed to the bill in its present form, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows: . . .

MR. RIVERS: Mr. Speaker, I move the previous question on the motion to recommit.

7. 113 CONG. REC. 5155, 90th Cong. 1st Sess.

8. *Id.* at p. 5166.

MR. [H. R.] GROSS [OF IOWA]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GROSS: I respectfully ask the Speaker if the rule which made this bill in order provided for only one motion to recommit.

THE SPEAKER: The Chair will state it applies to one valid motion to recommit. The other motion was ruled out of order.

The question is on the motion to recommit.

**§ 26.10 Where the rule under which a bill is being considered provides for "a motion to recommit with or without instructions," the motion to recommit may contain instructions to report back forthwith amendments notwithstanding the fact that the House has just agreed to the amendment in the nature of a substitute reported from the Committee of the Whole.**

On Sept. 29, 1965, the Committee of the Whole reported a bill back to the House, where the Committee had adopted an amendment in the nature of a substitute for the original bill, and where the bill was being considered under a special order providing for a motion to recommit with or without instructions (H. Res. 515). Speaker John W. McCormack, of Massachusetts, in-

dicated in response to parliamentary inquiries that in the event the amendment was agreed to by the House, a motion to recommit could still be offered instructing that the standing committee report the bill back with amendments: <sup>(9)</sup>

THE SPEAKER: Under the rule, the previous question is ordered.

The question is on the amendment.

MR. [ABRAHAM J.] MULTER [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. MULTER: I am about to ask for the yeas and nays on the Multer amendment, as amended by the Sisk amendment. If that amendment is rejected on the rollcall vote, which I will ask for, will the pending business before the House then be H.R. 4644?

THE SPEAKER: As introduced.

MR. MUTTER: Mr. Speaker, on the amendment I demand the yeas and nays.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GERALD R. FORD: If the Multer amendment as amended is defeated, we then go back to H.R. 4644. Is there an opportunity after that to amend or to further consider?

THE SPEAKER: The response to that would be in the negative, because the previous question has been ordered.

9. 111 CONG. REC. 25438, 89th Cong. 1st Sess.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, just to get this matter clarified, as I understand the rule, if the Sisk amendment is defeated on the rollcall which is approaching, then we go back to the original first Multer bill, the bill for which the discharge petition was signed. That is the original first bill and there cannot be any vote on any compromise bill. The original Multer bill will then not be subject to further amendment or to any amendment.

THE SPEAKER: It would not be because the previous question has been ordered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, may I make this parliamentary inquiry?

THE SPEAKER: The gentleman will state it.

MR. ALBERT: Is not what the distinguished gentleman from Virginia said subject to the right of the minority to offer a motion to recommit containing appropriate amendments with or without instructions?

THE SPEAKER: The rule provides for one motion to recommit.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HAYS: That one motion to recommit, depending on who decides to offer it, may be a straight motion to recommit without any instructions, may it not?

THE SPEAKER: It could be.

### ***Motion to Recommit Under Closed Rule***

#### **§ 26.11 The Committee on Rules may not report any**

**order or rule which shall operate to prevent the offering of a motion to recommit, but such restriction does not apply to a special rule which may prevent a motion to recommit with instructions to incorporate an amendment in a title where the special rule closes that title to amendment both in the House and in the Committee of the Whole. A special rule prohibiting the offering of amendments to a certain title "during consideration of" the bill (in the House and in Committee of the Whole), thus precluding a motion to recommit with instructions insofar as such title was concerned, was held not to violate the provisions of Rule XI clause 45 (Rule XI clause 4(b) in the 1979 House Rules and Manual).**

On Jan. 11, 1934, Mr. William B. Bankhead, of Alabama, called up by direction of the Committee on Rules the following special order:

#### HOUSE RESOLUTION 217

*Resolved*, That during the consideration of H.R. 6663, a bill making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935,

and for other purposes, all points of order against title II or any provisions contained therein are hereby waived; and no amendments or motions to strike out shall be in order to such title except amendments or motions to strike out offered by direction of the Committee on Appropriations, and said amendments or motions shall be in order, any rule of the House to the contrary notwithstanding. Amendments shall not be in order to any other section of bill H.R. 6663 or to any section of any general appropriation bill of the Seventy-third Congress which would be in conflict with the provisions of title II of the bill H.R. 6663 as reported to the House, except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.<sup>(10)</sup>

Mr. Bertrand H. Snell, of New York, made a point of order against the resolution on the ground that the Committee on Rules had no right to report a rule denying the right to offer any motion to recommit:

MR. SNELL: Mr. Speaker, I make the point of order against the rule that it is not a privileged report from the Committee on Rules, on the ground that it violates the general rules of the House by denying the right to the minority to make the usual and regular motion to recommit.

**10.** 78 CONG. REC. 479, 73d Cong. 2d Sess.

See §26.12, *infra*, for further discussion of the effect of this special order.

After Mr. Snell delivered arguments in support of the point of order, and Mr. Bankhead delivered arguments in opposition to the point of order, Speaker Henry T. Rainey, of Illinois, ruled as follows and discussed the provisions of the special order:

THE SPEAKER: The Chair is prepared to rule. The gentleman from New York makes the point of order that the Committee on Rules has reported out a resolution which violates the provisions of clause 45, rule XI, which are as follows:

The Committee on Rules shall not report any rule or order . . . which shall operate to prevent the motion to recommit being made as provided in clause 4, rule XVI.

The pertinent language of clause 4, rule XVI is as follows:

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or resolution.

The special rule, House Resolution 217, now before the House, does not mention the motion to recommit. Therefore, any motion to recommit would be made under the general rules of the House. The contention of the gentleman from New York that this special rule deprives the minority of the right to make a motion to recommit is, therefore, obviously not well taken. The right to offer a motion to recommit is provided for in the general rules of the House, and since no men-

tion is made in the special rule now before the House it naturally follows that the motion would be in order.

A question may present itself later when a motion to recommit with instructions is made on the bill H.R. 6663 that the special rule which is now before the House may prevent a motion to recommit with instructions which would be in conflict with the provisions of the special rule. It has been held on numerous occasions that a motion to recommit with instructions may not propose as instructions anything that might not be proposed directly as an amendment. Of course, inasmuch as the special rule prohibits amendments to title II of the bill H.R. 6663 it would not be in order after the adoption of the special rule to move to recommit the bill with instructions to incorporate an amendment to title II of the bill. The Chair, therefore, holds that the motion to recommit, as provided in clause 4, rule XVI, has been reserved to the minority and that insofar as such rule is concerned the special rule before the House does not deprive the minority of the right to make a simple motion to recommit. The Chair thinks, however, that a motion to recommit with instructions to incorporate a provision which would be in violation of the special rule, House Resolution 217, would not be in order. For the reasons stated, the Chair overrules the point of order.

The Speaker further stated, in response to a parliamentary inquiry, that a simple motion to recommit would be in order. Mr. Snell appealed from the decision of the Chair, and the Chair's deci-

sion was upheld, 260 yeas to 112 nays.<sup>(11)</sup>

**§ 26.12 A special order prohibiting the offering of amendments to a certain title of a bill during its consideration (in both the House and Committee of the Whole) was held to preclude the right of offering a motion to recommit with instructions to incorporate an amendment in the restricted title.**

On Jan. 11, 1934, Mr. William B. Bankhead, of Alabama, called up by direction of the Committee on Rules the following special order:

HOUSE RESOLUTION 217

*Resolved*, That during the consideration of H.R. 6663, a bill making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes, all points of order against title II or any provisions contained therein are hereby waived; and no amendments or motions to strike out shall be in order to such title except amendments or motions to strike out offered by direction of the Committee on Appropriations, and said amendments or motions shall be in order, any rule of the House to the contrary notwithstanding. Amendments shall not be in order to any other section of the bill H.R. 6663 or to any sec-

11. *Id.* at pp. 470-483.

tion of any general appropriation bill of the Seventy-third Congress which would be in conflict with the provisions of title II of the bill H.R. 6663 as reported to the House, except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.

Mr. Bertrand H. Snell, of New York, made a point of order against the resolution, on the grounds that it would deny the right to offer a motion to recommit with instructions, to include an amendment within the title of the bill closed to amendment. Speaker Henry T. Rainey, of Illinois, overruled the point of order, since the resolution did not deny the right to offer a motion to recommit. He indicated, however, that a certain motion to recommit with instructions would not be in order:

THE SPEAKER: . . . A question may present itself later when a motion to recommit with instructions is made on the bill H.R. 6663 that the special rule which is now before the House may prevent a motion to recommit with instructions which would be in conflict with the provisions of the special rule. It has been held on numerous occasions that a motion to recommit with instructions may not propose as instructions anything that might not be proposed directly as an amendment. Of course, inasmuch as the special rule prohibits amendments to title II of the

bill H.R. 6663 it would not be in order after the adoption of the special rule to move to recommit the bill with instructions to incorporate an amendment to title II of the bill. The Chair, therefore, holds that the motion to recommit, as provided in clause 4, rule XVI, has been reserved to the minority and that insofar as such rule is concerned the special rule before the House does not deprive the minority of the right to make a simple motion to recommit. The Chair thinks, however, that a motion to recommit with instructions to incorporate a provision which would be in violation of the special rule, House Resolution 217, would not be in order.<sup>(12)</sup>

The rule was then adopted and the bill considered in Committee of the Whole. On Jan. 12, the bill was reported back to the House and the previous question was ordered thereon. Mr. Richard B. Wigglesworth, of Massachusetts, offered a motion to recommit with instructions, to incorporate an amendment in title II of the bill, which had been closed to amendment. Speaker Rainey held that the motion to recommit was not in order under the provisions of House Resolution 217:

Mr. Wigglesworth moves that the bill be recommitted to the Committee on Appropriations with instructions to report the same back forthwith with an amendment as follows: "Strike out all of paragraph (d) on pages 32 and 33."

12. 78 CONG. REC. 479, 73d Cong. 2d Sess.

MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Speaker, I make a point of order against the motion to recommit.

THE SPEAKER: The gentleman will state it.

MR. WOODRUM: Mr. Speaker, I make the point of order that the motion is in violation of the rule adopted by the House prohibiting amendments to title II of the bill.

THE SPEAKER: Does the gentleman from Massachusetts desire to be heard on the point of order? If not, the Chair is ready to rule.

The gentleman from Massachusetts [Mr. Wigglesworth] offers a motion to recommit with instructions to strike out a portion of title II of the pending bill. The gentleman from Virginia makes the point of order that the motion to recommit with instructions violates the provisions of the special rule (H. Res. 217) under which the House is considering this appropriation bill.

The contention of the gentleman from Virginia is that since, under the special rule it is not in order to offer an amendment by a motion to strike out any part of title II it, therefore, is not in order in a motion to recommit with instructions to effectuate what may not be done directly in the House, to wit, move to strike out any part of title II.

It has been held on a number of occasions that it is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment.

Mr. Speaker Cannon, on March 24, 1910 (Cannon's Precedents, sec. 9597), in deciding a question involving the right to recommit with instructions to incorporate in a general appropriation

bill an amendment proposing legislation said:

This is a motion to recommit with instructions. If the motion had been made in the Committee of the Whole House on the State of the Union as an amendment, or if it had been a provision in the original bill reported by the Committee on Appropriations, it would have been out of order under the rule which has just been read, and which has been a rule of the House for almost 50 years, if not more than 50 years; and under the rules that cannot be done indirectly, by a motion to recommit, which cannot be done directly.

The Chair is not alone in this construction of the rule. There is a uniform line of decisions by every Speaker since the Chair has been a Member of this House, almost 40 years, beginning with Mr. Speaker Blaine, followed by Mr. Speaker Kerr, Mr. Speaker Randall, Mr. Speaker Keifer, Mr. Speaker Carlisle, Mr. Speaker Reed, Mr. Speaker Crisp, Mr. Speaker Reed again, Mr. Speaker Henderson, and the present Speaker. All, without exception, have made the same ruling; so that the Chair not only has the letter of the rule but an unbroken line of decisions, and these precedents, as well as the letter of the rule, compel the Chair to sustain the point of order. The point of order is sustained. The motion is not in order.

On May 11, 1911, during the consideration of a tariff bill, Mr. James R. Mann, of Illinois, moved to recommit the bill with instructions to insert as a new section certain provisions. Mr. Oscar W. Underwood, of Alabama, made the point of order that the amendment incorporated in the motion to recommit was not germane and therefore not in order. Mr. Speaker Clark, in ruling on the point of order, said:

It is not necessary for the Chair to pass any opinion on the wisdom of this new rule; it is his duty to decide according to the rules. It is clear that the amendment offered by way of matter contained in the motion to recommit under this rule would not have been in order if offered as an amendment; and on the high authority of Mr. Speaker Reed and Mr. Speaker Cannon, I sustain the point of order made by the gentleman from Alabama.

The Chair could quote many other decisions similar to these he has just read—made by Speaker Clark, Gillett, Longworth, and Garner.

The Chair believes that, inasmuch as the special rule, House Resolution 217, did not permit amendments or motions to strike out any part of title II of the bill either in the Committee of the Whole or in the House during the consideration of this bill, that it would not be in order to do indirectly by way of a motion to recommit that which could not have been done directly in the House.

The Chair on yesterday, in his decision on the point of order raised by the gentleman from New York [Mr. Snell], intimated to the House the construction which he placed on the special rule, insofar as the motion to recommit with instructions is concerned. The Chair on that occasion said:

A question may present itself later when a motion to recommit with instructions is made on the bill, H.R. 6663, that the special rule which is now before the House may prevent a motion to recommit with instructions, which would be in conflict with the provisions of the special rule. It has been held on numerous occasions that a motion to recommit with instructions may not propose as in-

structions anything that might not be proposed directly as an amendment. Of course, inasmuch as the special rule prohibits amendments to title II of the bill, H.R. 6663, it would not be in order, after the adoption of the special rule, to move to recommit the bill with instructions to incorporate an amendment in title II of the bill.

The Chair is particularly anxious to refer to the language used by him yesterday, because the opinion expressed there was given before the House took action upon the special rule. All Members were, therefore, advised as to the construction that the Chair would place upon any motion to recommit with instructions which would be in conflict with title II of the pending bill. Inasmuch as the House sustained the interpretation of the rule as expressed by the Chair on yesterday by a vote on the appeal taken by the gentleman from New York, the Chair is constrained to sustain the point of order made by the gentleman from Virginia.<sup>(13)</sup>

*Parliamentarian's Note:* The special rule in this case related to the consideration of a general appropriations bill which was privileged for consideration under the general rules of the House. By prohibiting certain amendments "during consideration of" the bill the rule precluded such amendments during all proceedings thereon, in the House and in Committee of the Whole.

Where a special rule makes in order a motion to resolve into

13. *Id.* at pp. 595, 596.

Committee of the Whole for consideration of a (nonprivileged) bill, provides for the consideration of the bill for amendment under the five-minute rule, and prohibits amendments, that restriction only applies to consideration in Committee of the Whole, and does not prohibit instructions with a motion to recommit in the House to effectuate such amendments, unless the special rule specifically prohibits such amendments "in the House and in the Committee of the Whole."

### *Two Motions to Recommit*

**§ 26.13 Under the peculiar circumstances wherein a special rule provided for two motions to recommit, the Chair held that the usual practice with respect to recognition for motions to recommit need not necessarily be followed and in the instant case recognized a member of the majority party to offer the first motion.**

On May 3, 1932, the Committee of the Whole reported to the House a bill which was ordered engrossed and read the third time. The special order under which the bill was being considered provided for two motions to recommit. Speaker John N. Garner, of Texas, ruled as follows on

recognition for the first motion to recommit: <sup>(14)</sup>

MR. [JOHN] MCDUFFIE [of Alabama]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: The gentleman from Alabama offers a motion to recommit, which the Clerk will report.

MR. [C. WILLIAM] RAMSEYER [of Iowa]: Mr. Speaker, I was on my feet seeking recognition. Under the practice of the House, is not the minority entitled to first recognition? I demand such recognition.

THE SPEAKER: This is a special rule giving the right to make two motions to recommit. In the opinion of the Chair those in control of the bill should have the right to submit the first motion to recommit.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, when was any decision ever made that those in control of a bill would have the right to submit the first motion to recommit? Generally those in control of a bill do not submit a motion to recommit.

THE SPEAKER: They certainly have that right under this rule.

MR. SNELL: But the motion to recommit is an entirely different proposition, and the ruling of the Speaker would foreclose the minority from having its rights with respect to such a motion.

THE SPEAKER: The Chair does not think the minority has that right at all. The rule of the House of Representatives since the present occupant of the chair has been a Member of it has been that in case a motion to recommit is desired to be made the

14. 75 CONG. REC. 9512-18, 72d Cong. 1st Sess.

Members in charge of the bill, if the bill has been amended so they can not support it, in the order of their seniority are recognized to submit a motion to recommit.

MR. SNELL: I am very sorry I have to disagree with the distinguished Speaker. That is not my understanding of the rule.

THE SPEAKER: The Chair has recognized the gentleman from Alabama to offer a motion to recommit.

MR. [WILLIAM B.] OLIVER [of Alabama]: If the Chair will permit, the Speaker made that announcement when this rule was first offered and there was no objection to it.

THE SPEAKER: Undoubtedly that is the spirit of the rule.

MR. SNELL: I do not agree with the ruling of the Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHENER: As I understand, the rule permits two motions to recommit.

THE SPEAKER: The gentleman is correct.

MR. MICHENER: If the motion which has been offered by the gentleman from Alabama [Mr. McDuffie] fixing the exemption at \$2,000, should fail, then would it be in order to offer the staggering plan or the furlough plan with a \$2,000 exemption?

THE SPEAKER: It does not make any difference whether the motion fails or not, they have the right to submit two motions to recommit.

MR. MICHENER: And recommit the bill twice?

THE SPEAKER: Certainly; that is what the rule provides. As the Chair construes this rule, if the motion of the gentleman from Alabama [Mr. McDuffie] is carried, there would still be opportunity for another motion to recommit.

MR. MICHENER: Mr. Speaker, if that is true and if the McDuffie motion carries, the bill is then recommitted forthwith to the committee, there is nothing before the House, and what in the world are we are going to recommit after that has been done?

THE SPEAKER: It may be the House will want to strike out something else.

MR. [CHARLES R.] CRISP [of Georgia]: If the Chair will permit, if the McDuffie motion prevails, the bill will be immediately reported back to the House with the amendment.

THE SPEAKER: Certainly; and another motion to recommit, with respect to some other part of the bill would be in order.

The question is on the motion to recommit.

The question was taken; and there were—yeas 167, nays 225, not voting 39, as follows: . . .

MR. RAMSEYER: Mr. Speaker, I present the following motion to recommit.

The Clerk read as follows:

Mr. Speaker, I move to recommit the bill, H.R. 11267, to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendments:

1. Strike out sections 101 to 104, both inclusive, of the Economy Committee amendment and insert in lieu thereof the following: . . .

MR. RAMSEYER: On that, Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER: The question is on the motion of the gentleman from Iowa to recommit.

MR. RAMSEYER: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 250, not voting 35, as follows: . . .

The special rule under which the House was operating was House Resolution 203, reported from the Committee on Rules and adopted on April 27, 1932:

HOUSE RESOLUTION 203

*Resolved*, That after the adoption of this resolution it shall be in order in the consideration of H.R. 11267, the legislative appropriation bill, for the chairman of the Economy Committee or any member of the Economy Committee acting for him, by direction of that committee, to offer an amendment to said bill, any rule of the House to the contrary notwithstanding. On said amendment there shall be two hours of general debate, one-half to be controlled by the chairman of the Economy Committee and one-half by the ranking minority member of that committee. At the termination of such debate the amendment shall be considered under the 5-minute rule as an original bill and shall be considered by titles. Each title as it is read shall be open to four amendments, said amendments not being subject to amendment, and no further amendments shall be entertained by the Chair. The provi-

sions of clause 7, Rule XVI, or clause 2, Rule XXI, shall not apply to the substitute amendment offered to Title I of the Economy Committee amendment. At the conclusion of the consideration of the bill in the Committee of the Whole House on the state of the Union the committee shall rise and report the bill to the House with the amendments, including the amendment offered by the Economy Committee as amended, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the Economy Committee amendment. The previous question shall be considered as ordered on the bill and Economy Committee amendment, including the amendments to the Economy Committee amendment to final passage without intervening motion except two motions to recommit, and such motions to recommit shall be in order, any rule of the House to the contrary notwithstanding.

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bankhead: Page 2, line 4, after the word "chair", strike out the period, insert a colon, and add the following:

*Provided*, That this limitation on the right to offer amendments shall not apply to amendments that may be offered by direction of the Economy Committee."

***Waiving Points of Order  
Against Motion to Recommit***

**§ 26.14 Where a special rule permits two motions to re-**

**commit and makes such motions in order, any rule of the House to the contrary notwithstanding, it was held that instructions in a motion to recommit might propose the striking out of an amendment therein before agreed to by the House.**

On Mar. 19, 1935, the House agreed to a special order reported from the Committee on Rules, allowing two motions to recommit on the same bill:<sup>(15)</sup>

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 3896, "a bill to provide for the immediate payment of World War adjusted-service certificates, to extend the time for filing applications for benefits under the World War Adjusted Compensation Act, and for other purposes"; and all points of order against said bill are hereby waived; that after general debate, which shall be confined to the bill and continue not to exceed 10 hours, to be evenly divided and controlled by the chairman and ranking minority members of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider as substitute amendments for the bill any such amendments that relate to the payment of World War adjusted-service

certificates, and such substitute amendments shall be in order, any rule of the House to the contrary notwithstanding. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except two motions to recommit, with or without instructions: *Provided, however*, That if the instructions in such motions relate to the payment of World War adjusted-service certificates, they shall be in order, any rule of the House to the contrary notwithstanding.

On Mar. 22, 1935, the bill so provided for was reported back to the House from the Committee of the Whole and was ordered engrossed and read the third time. Mr. Fred M. Vinson, of Kentucky (a Democrat and member of the majority), was recognized to offer a motion to recommit.<sup>(16)</sup>

MR. VINSON of Kentucky: Mr. Speaker, I move to recommit the bill (H.R. 3896) to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment: Strike out all after the enacting clause in the said bill and insert the following amendment, which I send to the Clerk's desk.

Mr. Blanton and Mr. Rankin reserved all points of order against the motion to recommit.

The Clerk read as follows:

15. H. Res. 165, 79 CONG. REC. 3984, 74th Cong. 1st Sess.

16. *Id.* at p. 4309.

Mr. Vinson of Kentucky moves to recommit the bill, H.R. 3896, to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment: Strike out all after the enacting clause in said bill and insert the following:

“That notwithstanding the provisions of the World War Adjusted Compensation Act, as amended (U.S.C., title 38, ch. 11; U.S.C., Supp. VII, title 38, ch. 11), the adjusted-service certificates issued under the authority of such act are hereby declared to be immediately payable.”

Mr. Thomas L. Blanton, of Texas, made a point of order against the motion to recommit and argued in part as follows:<sup>(17)</sup>

In this connection I want to call the attention of the Chair to the fact that the Patman amendment was submitted in the Committee of the Whole House on the State of the Union as a substitute for the Vinson bill under the proper rules of the House, by moving to strike out the first paragraph of the Vinson bill and offering the Patman bill as an amendment in the way of a substitute, and then giving notice that in case the amendment were adopted the balance of the Vinson bill would be stricken out on motion.

This procedure was followed under the rules of the House. The notice was given, the Patman bill was adopted as a substitute for the Vinson bill in Committee of the Whole House on the state of the Union by a teller vote, following which the gentleman from Texas [Mr. Patman] moved and by unanimous consent had all the balance of the Vinson bill stricken out.

This action was reported to the House itself as soon as the Committee of the Whole House on the State of the Union rose. Then there was a direct vote in the House itself on the Patman amendment, on substituting it for the Vinson bill. The House voted by roll call, and the vote was 202 for the Patman substitute as against 191 for the Vinson bill. And thus the House substituted the Patman bill for the Vinson bill.

Now a motion to recommit, seeking to turn around and switch back the Vinson bill for the Patman bill would undo exactly what the House has already voted. My point of order is this: If the special rule provides to do away with all the rules respecting motions to recommit and if we may have two votes in the House on the identical proposition which has already been decided by the House, then we would be placed in the ridiculous position that after we now vote on the Vinson motion to recommit, to substitute the Vinson bill, which will be the second time the House has voted on it, and if the House should vote against that, which would be the second time the House had voted it down, then somebody else could again offer a motion to recommit, the second such motion under the special rule, to substitute the Vinson bill, and then we would have the ridiculous situation of the House of Representatives voting three different times in the House on the same proposition.

Speaker Joseph W. Byrns, of Tennessee, overruled the point of order.<sup>(18)</sup>

The Chair is ready to rule. The pending bill is being considered under

17. *Id.* at pp. 4309, 4310.

18. *Id.* at pp. 4310, 4311.

a special rule which was unanimously adopted by the House before the bill was taken up for consideration.

It is true, as the gentleman from Texas suggests, that under the ordinary rules of the House only one motion to recommit would be in order. However, the Committee on Rules, after a very long and thorough consideration of the question before the House, and after what the Chair understands to be a general understanding among those for and against either one of the bills decided in the interest of fairness to propose a rule which permitted two motions to recommit.

While it has no bearing upon the ruling of the Chair, the Chair feels that every Member of the House, without regard to his position on this or any other bill pending, understood at the time the rule was proposed by the Committee on Rules, that it would enable the House to express its will with reference to these two bills. The rule was adopted unanimously, and it provided, "That if the instructions in such motion relate to the payment of World War adjusted-service certificates, they shall be in order, any rule of the House to the contrary notwithstanding."

Now, in view of the action of the House in adopting the rule, the Chair thinks, notwithstanding the fact that a vote was taken yesterday on the so called "Patman bill" and a motion to reconsider laid on the table, it is in order to recognize a Member to offer the Vinson bill in a motion to recommit, even though it may involve a vote for the second time on the Patman bill.

The Chair therefore overrules the point of order.

The motion to recommit offered by Mr. Vinson was rejected. The Speaker then recognized Mr. Allen T. Treadway, of Massachusetts (a Republican and member of the minority), to offer a second motion to recommit with instructions, which was likewise rejected.

### ***Separate Votes in House on Amendments Reported From Committee of the Whole***

**§ 26.15 Form of resolution permitting a demand in the House for a separate vote in the House on any amendment adopted in Committee of the Whole to the bill or committee substitute, where the committee amendment in the nature of a substitute has been read as an original bill for the purpose of amendment.**

The following resolution was under consideration on June 24, 1964:<sup>(19)</sup>

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3881) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of com-

19. H. Res. 732, 110 CONG. REC. 14897, 88th Cong. 2d Sess.

prehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Banking and Currency now in the bill and such substitute for the purpose of amendment shall be considered under the five minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of the bill H.R. 3881, it shall be in order in the House to take from the Speaker's table the bill S. 6 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3881 as passed by the House.

**§ 26.16 Form of resolution allowing separate vote in**

**House on single section committee amendment in nature of substitute (not read for amendment as original bill).**

The following resolution was under consideration on Sept. 13, 1973:<sup>(1)</sup>

H. RES. 544

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of Rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on that State of the Union for the consideration of the bill (H.R. 9553) to amend the Communications Act of 1934 for one year with regard to the broadcasting of certain professional home games. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce

1. 119 CONG. REC. 29713, 93d Cong. 1st Sess.

now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9553, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1841, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9553 as passed by the House.

**§ 26.17 Under a special procedure permitting a demand in the House for a separate vote on an amendment adopted to an amendment in the nature of a substitute for a bill reported from Committee of the Whole, the Speaker inquires whether a separate vote is demanded before putting the question on the amendment in the nature of a substitute.**

On Mar. 8, 1973, Speaker Carl Albert, of Oklahoma, proceeded as follows where a bill had been reported back from the Committee of the Whole and where the rule governing the consideration of the bill (H. Res. 274) permitted separate votes on amendments adopted in Committee of the Whole to the committee amendment in the nature of a substitute:<sup>(2)</sup>

2. 119 CONG. REC. 7138, 93d Cong. 1st Sess.

THE SPEAKER: Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

**§ 26.18 Where a special rule permits a separate vote in the House on an amendment to a committee amendment in the nature of a substitute adopted in Committee of the Whole, a Member must make a timely demand for a separate vote before the question is taken on the committee substitute.**

On Sept. 20, 1972, H.R. 15003 (to protect consumers) was reported back to the House from the Committee of the Whole, wherein an amendment to the committee amendment in the nature of a substitute had been agreed to. The bill was being considered under a special order (H. Res. 1116) permitting a separate vote in the House on any amendment adopted to the bill or to the committee amendment in the nature of a substitute in Committee of the Whole. Speaker Carl Albert, of Oklahoma, ruled that a demand for a separate vote on an amendment came too late:<sup>(3)</sup>

3. 118 CONG. REC. 31409, 92d Cong. 2d Sess.

THE SPEAKER: Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

MR. [JOHN E.] MOSS [of California]: Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Indiana (Mr. Dennis).

THE SPEAKER: Without objection, the action by which the amendment was agreed to is rescinded.

MR. [DAVID W.] DENNIS: Mr. Speaker, reserving the right to object, my understanding is that the amendment was agreed to and that the gentleman's request comes too late.

THE SPEAKER: The Chair was under the impression that no separate vote was demanded and put the question on adoption of the amendment.

The Chair put as a unanimous consent request, that the action by which the amendment was agreed be rescinded.

MR. DENNIS: I object.

THE SPEAKER: Objection is heard.

MR. DENNIS: I object because the amendment has been adopted.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

**§ 26.19 Where a committee amendment in the nature of a substitute is amended in Committee of the Whole by the adoption of a substitute and is reported to the House**

**under a special procedure permitting a separate vote in the House on any amendment to the committee amendment, the House is faced with three possible versions of the bill (the substitute, the committee amendment, or the text of the bill as introduced), but amendments reported from Committee of the Whole are not subject to amendment in the House where, pursuant to the resolution under which the bill is being considered, the previous question has been ordered.**

On June 16, 1970, the House was considering House Resolution 1077, a resolution reported from the Committee on Rules and called up by Mr. William M. Colmer, of Mississippi, providing for the consideration of a bill:

H. RES. 1077

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours,

to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment. At the conclusion of the consideration of H.R. 17070 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.<sup>(4)</sup>

Speaker pro tempore Carl Albert, of Oklahoma, answered parliamentary inquiries on procedures for voting in the House on amendments reported from Committee of the Whole pursuant to the provisions of the special order,

4. 116 CONG. REC. 19837, 91st Cong. 2d Sess.

which made in order the committee amendment in the nature of a substitute and also made in order a substitute amendment to such amendment

MR. [ARNOLD] OLSEN [of Montana]: Mr. Speaker, I should like to have attention while I make a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. OLSEN: The parliamentary inquiry is: If the Udall bill is passed by the Committee of the Whole and we go into the House and then the Udall bill is voted down in the House, is it correct that the only thing left we would have would be the original Blount bill, the original H.R. 17070?

THE SPEAKER PRO TEMPORE: In response to the inquiry, the committee amendment in the nature of a substitute would immediately be under consideration. Of course, it would not be subject to amendment.

MR. OLSEN: That is something I wanted to get straight, that the committee bill as amended would not be subject to amendment.

THE SPEAKER PRO TEMPORE: The previous question having been ordered, it would not be subject to amendment.

MR. OLSEN: So, Mr. Speaker, Members who have amendments to the committee bill, who want to amend H.R. 17070, should give attention to the fact that they will not have an opportunity to amend it if the Udall substitute is defeated in the House.<sup>(5)</sup>

#### § 26.20 Normally, if the Committee of the Whole perfects

5. Id. at p. 19842.

**a proposition by amendments and then adopts an amendment striking out all after section one of the proposition and inserting a new text [in effect, a substitute for the whole proposition], only the proposition, as amended by the amendment in the nature of a substitute, is reported to the House: but when the bill is being considered under a special rule permitting a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or the committee substitute, all amendments adopted in the Committee of the Whole are reported to the House, regardless of their inconsistency, and the House may vote on an amendment which will be eliminated if the House agrees to the substitute finally adopted in the Committee of the Whole.**

On May 26, 1960, the Committee of the Whole reported to the House a bill, where the special order (H. Res. 536) governing the consideration of the bill provided that separate votes could be demanded in the House on any amendment adopted in Committee of the Whole to the bill or to the

committee amendment in the nature of a substitute. Speaker Sam Rayburn, of Texas, answered parliamentary inquiries on the procedure of demanding and putting separate votes:<sup>(6)</sup>

MR. [STEWART L.] UDALL [of Arizona]: I believe that under the rule this is the proper time to demand separate votes on amendments. There are three amendments on which I desire a separate vote.

THE SPEAKER: It is. The gentleman will state the amendments on which he desires a separate vote.

MR. UDALL: The Elliott amendment, the Powell amendment, and the Bow amendment.

THE SPEAKER: The Clerk will report the first amendment on which a separate vote is demanded.

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOW: The so-called Bow amendment struck out the entire bill. I am wondering whether that would not have the effect of taking out the Elliott amendment and the Powell amendment so that the only vote would be on the Bow amendment.

THE SPEAKER: That depends.

MR. [JOHN JAMES] FLYNT [Jr., of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. FLYNT: I would like advice as to whether it would not be proper for the

6. 106 CONG. REC. 11302, 86th Cong. 2d Sess.

Clerk at this time to read the Bow substitute as adopted by the Committee of the Whole.

THE SPEAKER: It will be at the proper time. The other amendments will be voted upon first.

MR. [CLEVELAND M.] BAILEY [of West Virginia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BAILEY: The so-called Bow amendment was brought into the picture irregularly in that it was a substitute for another amendment.

THE SPEAKER: It was an amendment to the committee amendment.

MR. BAILEY: It was subject to a point of order.

THE SPEAKER: It is not now.

The Clerk will report the so-called Elliott amendment.

The Clerk read as follows: . . .

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, does not the first vote occur upon a substitute or the Bow amendment?

THE SPEAKER: It does not. It was an amendment to an amendment.

MR. COLMER: Mr. Speaker, what is the first order?

THE SPEAKER: The first order is the vote on the amendment that the Clerk has just reported.

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Speaker, I believe it would be of great interest to the Members of the House to clarify the first amendment, the second amendment, and the third amendment in the order in which they will be taken up.

THE SPEAKER: Each amendment will be reported when the proper time comes. The first on the list is the Elliott amendment.

MR. BARDEN: Mr. Speaker, what effect will the Bow amendment have on the other amendments that will be voted on?

THE SPEAKER: If the Bow amendment is agreed to it will strike out the other two amendments.

MR. BARDEN: It strikes out the Elliott amendment and the Powell amendment?

THE SPEAKER: That is correct.

*Parliamentarian's Note:* For further discussion of the three amendments, their relation to one another, and the order in which voted on in the House. see § 26.22, *infra*.

**§ 26.21 Where a committee amendment in the nature of a substitute is reported from the Committee of the Whole with various amendments thereto, and, under a rule permitting such procedure, separate votes are demanded in the House on several of the amendments to the substitute amendment, the Chair puts the question first on those amendments on which a separate vote is demanded, then on the amendment, as amended; the Chair does not put the question on the remaining amendments to the amendment but proceeds immediately to the vote on the amendment in the nature of a substitute.**

On Oct. 6, 1966, the Committee of the Whole reported back to the House a bill, where the special order (H. Res. 1025) under which the bill was being considered permitted separate votes in the House on any amendment adopted to the bill or to the committee amendment in the nature of a substitute. The Committee of the Whole had adopted the committee amendment with amendments. The following procedure took place in the House when separate votes were demanded:<sup>(7)</sup>

THE SPEAKER:<sup>(8)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [JAMES G.] O'HARA of Michigan: Mr. Speaker, I demand a separate vote on the Fountain amendment which appears on page 63 of the bill, after line 9.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. [PAUL A.] FINO [of New York]: Mr. Speaker, I demand a separate vote on the O'Hara amendment, the anti-busing amendment. . . .

THE SPEAKER: It is the Chair's recollection that the gentleman from Michigan [Mr. O'Hara] offered one amendment covering four sections of the bill. Later he offered another, intended to cover the fifth section. . . .

Does the gentleman from New York demand a separate vote on both of the amendments?

7. 112 CONG. REC. 25585-87, 89th Cong. 2d Sess.

8. John W. McCormack (Mass.).

MR. FINO: Mr. Speaker, I do, to eliminate any confusion.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. O'HARA of Michigan: Mr. Speaker, I ask unanimous consent that the two amendments on which the gentleman from New York has asked for a separate vote be voted en bloc.

THE SPEAKER: Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE SPEAKER: Is a separate vote demanded on any other amendment?

If not, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read [the Fountain amendment] as follows: . . .

THE SPEAKER: The question is on the amendment.

MR. O'HARA of Michigan: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 116, not voting 95, as follows: . . .

THE SPEAKER: The Clerk will report the so-called O'Hara amendments on which a separate vote has been demanded.

The Clerk read as follows: . . .

THE SPEAKER: The question is on the amendments.

MR. FINO: Mr. Speaker, on this vote I demand the yeas and nays.

THE SPEAKER: Members in favor of taking this vote by the yeas and nays will rise and remain standing until counted. [After counting.] Fifty-six Members have arisen, not a sufficient number.

The yeas and nays were refused.

MR. FINO: Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Speaker appointed Mr. O'Hara of Michigan and Mr. Fino as tellers.

The House divided, and the tellers reported that there were—ayes 263, noes 5.

So the amendments were agreed to.

THE SPEAKER: The question is on the amendment as amended.

The amendment, as amended, was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

**§ 26.22 Where the Committee of the Whole had agreed to (1) an amendment to section 4 of an amendment in the nature of a substitute, (2) then an amendment to section 6, (3) then an amendment striking out all after section 1 and inserting new text, and (4) then to the committee amendment in the nature of a substitute, as amended, the amendments were voted on in the House, under a special rule permitting separate votes on any, amendments adopted in the Committee of the Whole to either the bill or the committee amendment in the nature of a substitute,**

**in the order in which adopted thus following the rule that an amendment in the nature of a substitute is always perfected before a vote is taken on a substitute amendment therefor.**

On May 26, 1960, the Committee of the Whole was considering H.R. 10128 (to authorize assistance for school construction) pursuant to a special order (H. Res. 536) providing that the committee amendment in the nature of a substitute be read as an original bill for amendment, and allowing a separate vote in the House on any amendment adopted in Committee of the Whole to the bill or to the amendment in the nature of a substitute. In Committee of the Whole, four amendments were adopted in the following order:<sup>(9)</sup>

[To § 4 of the committee amendments]

MR. [CARL A.] ELLIOTT of Alabama: Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. Elliott of Alabama: Page 13, strike out lines 5 through 12, and insert the following: . . .

MR. ELLIOTT of Alabama: Mr. Chairman, I demand tellers.

9. 106 CONG. REC. 11282-302, 86th Cong. 2d Sess.

Tellers were ordered, and the Chairman appointed as tellers Mr. Elliott of Alabama and Mr. Kearns.

The Committee again divided and the tellers reported that there were—ayes 130, noes 112.

So the amendment was agreed to.

[To §6 of the committee amendment]

MR. [ADAM C.] POWELL [Jr., of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Powell: Page 18, line 4, after section 6(a) insert:

“7. The school facilities constructed with the assistance of payments received under this act shall be available to students without regard to race, creed, color, national origin, or religion, in accordance with the decisions of the United States Supreme Court.”. . .

THE CHAIRMAN:<sup>(10)</sup> The question is on the amendment offered by the gentleman from New York [Mr. Powell].

The question was taken; and on a division (demanded by Mr. Powell) there were—ayes 126, noes 108.

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Powell and Mr. Thompson of New Jersey.

The Committee again divided, and the tellers reported that there were—ayes 151, noes 103.

So the amendment was agreed to.

[Substitute striking all after title of committee amendment]

10. Aime J. Forand (R.I.).

MR. [FRANK T.] BOW [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow of Ohio: On page 11, line 20, after “Sec. 2.” strike out all after section 1 and insert in lieu thereof the following:

“(a) The Congress hereby finds and declares that responsibility for and control over education is one of the powers not delegated to the United States but reserved to the States or to the people under the tenth amendment to the Constitution.

“(b) The Congress hereby reaffirms and reenacts a portion of Article III of the Ordinance of 1787, adopted by the Confederation Congress, July 13, 1787, as follows: ‘Religion, morality, and knowledge being necessary to good government and the happiness of mankind schools and the means of education shall forever be encouraged.’

“(c) The Congress further finds that continued encouragement of the means of education requires the strengthening of State governments.

“Sec. 3. (a) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1960, and for each fiscal year thereafter, to each State, to be used by such State for construction of public schools, an amount equal to 25 per centum of the Federal tax on cigarettes (computed as provided in this Act) collected on cigarettes sold within such State during the preceding fiscal year.

“(b) For the purpose of determining the amount authorized to be appropriated for payments under the provisions of this section, the Secretary of the Treasury shall estimate the number of cigarettes sold in each State in each fiscal year on the basis of such statistics as may be available.

“(c) For the purposes of this section the term ‘State’ includes the District of Columbia.”. . .

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

The question was taken; and the Chairman being in doubt, the Committee divided.

THE CHAIRMAN: On this vote by a division the ayes are 121, and the noes 121. The Chair votes no, so the noes are 122.

MR. BOW: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Bow and Mr. Roosevelt.

The Committee again divided and the tellers reported that there were—ayes 154, noes 129.

So the amendment was agreed to.

[Committee amendment as amended]

THE CHAIRMAN: The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

THE CHAIRMAN: Under the rule the Committee rises.

When the Committee rose and reported the bill back to the House with amendments adopted in Committee of the Whole, Speaker Sam Rayburn, of Texas, answered parliamentary inquiries on the procedure for voting on amendments adopted to the committee amendment in the nature of a substitute:<sup>(11)</sup>

11. 106 CONG. REC. 11302, 86th Cong. 2d Sess.

MR. [STEWART L.] UDALL [of Arizona]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. UDALL: I believe that under the rule this is the proper time to demand separate votes on amendments. There are three amendments on which I desire a separate vote.

THE SPEAKER: It is. The gentleman will state the amendments on which he desires a separate vote.

MR. UDALL: The Elliott amendment, the Powell amendment, and the Bow amendment.

THE SPEAKER: The Clerk will report the first amendment on which a separate vote is demanded.

MR. BOW: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOW: The so-called Bow amendment struck out the entire bill. I am wondering whether that would not have the effect of taking out the Elliott amendment and the Powell amendment so that the only vote would be on the Bow amendment.

THE SPEAKER: That depends.

MR. [JOHN JAMES] FLYNT [Jr., of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. FLYNT: I would like advice as to whether it would not be proper for the Clerk at this time to read the Bow substitute as adopted by the Committee of the Whole.

THE SPEAKER: It will be at the proper time. The other amendments will be voted upon first.

MR. [CLEVELAND M.] BAILEY [of West Virginia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BAILEY: The so-called Bow amendment was brought into the picture irregularly in that it was a substitute for another amendment.

THE SPEAKER: It was an amendment to the committee amendment.

MR. BAILEY: It was subject to a point of order.

THE SPEAKER: It is not now.

The Clerk will report the so-called Elliott amendment. . . .

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. COLMER: Mr. Speaker, does not the first vote occur upon a substitute or the Bow amendment?

THE SPEAKER: It does not. It was an amendment to an amendment.

MR. COLMER: Mr. Speaker, what is the first order?

THE SPEAKER: The first order is the vote on the amendment that the Clerk has just reported.

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Speaker, I believe it would be of great interest to the Members of the House to clarify the first amendment, the second amendment, and the third amendment in the order in which they will be taken up.

THE SPEAKER: Each amendment will be reported when the proper time comes. The first on the list is the Elliott amendment.

MR. BARDEN: Mr. Speaker, what effect will the Bow amendment have on

the other amendments that will be voted on?

THE SPEAKER: If the Bow amendment is agreed to it will strike out the other two amendments.

MR. BARDEN: It strikes out the Elliott amendment and the Powell amendment?

THE SPEAKER: That is correct.

The House rejected the Elliott amendment, adopted the Powell amendment, and rejected the Bow amendment.<sup>(12)</sup>

## § 27. Senate Bills and Amendments; Conference Reports

Order of business resolutions reported from the Committee on Rules and pertaining to Senate bills, amendments between the Houses, and conferences, may take a number of different forms, because of the possible variations in the parliamentary situation. Where it is desired to take up and consider a Senate-passed bill, without first considering and passing a similar bill introduced in the House, the Committee on Rules may report a resolution making in order the consideration of the Senate bill and providing procedures for its consideration. Such a resolution may provide for the consideration of a Senate bill

12. *Id.* at pp. 11302, 11303.