G. HOUSE CONSIDERATION OF AMENDMENTS REPORTED FROM COMMITTEE OF THE WHOLE

§ 36. In General; Demands for Separate Vote

In the absence of a special rule providing therefor, a separate vote may not be had in the House on an amendment to an amendment that has been adopted by the Committee of the Whole. Thus, an amendment in the form of a motion to strike and insert, reported from the Committee of the Whole as an entire and distinct amendment, may not be divided, but must be voted on as a whole in the House.(11) Since the Committee of the Whole in reporting a bill with an amendment to the House reports such amendment in its perfected form, it is not in order in the House to have a separate vote upon each perfecting amendment to the amendment that has been agreed to in the Committee of the Whole absent a special rule providing to the contrary.(12) Amendments considered en bloc in committee may, however, be divided for votes in the House.(13)

A special rule may, of course, provide for separate votes on second degree amendments.

Thus, a separate vote may be had in the House on amendments to a committee amendment in the nature of a substitute adopted in the Committee of the Whole where the rule under which the bill was considered provides that a separate vote may be demanded in the House on any amendment to the bill or committee substitute.(14) But where separate votes are permitted, only those amendments reported to the House from the Committee of the Whole are voted on; it is not in order to demand a separate vote in the House on amendments rejected in the Committee. As the House theoretically has no information as to actions of the Committee of the Whole on amendments not reported therefrom, a

11. See, for example, 104 CONG. REC. 16264, 85th Cong. 2d Sess., Aug. 5, 1958. And see §§ 36.6, 36.13, infra.

12. See § 36.6, infra.

13. See § 36.28, infra.

14. See, for example, 87 CONG. REC. 5933, 77th Cong. 1st Sess., July 10, 1941; 101 CONG. REC. 12459, 12460, 84th Cong. 1st Sess., July 30, 1955.

On one occasion, separate votes were demanded on all 18 amendments to a bill adopted in the Committee of the Whole, and on those amendments there were 14 roll calls in one day. See 103 CONG. REC. 5162–71, 85th Cong. 1st Sess., Apr. 4, 1957. Under consideration was H.R. 6287, making appropriations for the Departments of Labor, Health, Education, and Welfare, etc.

point of order does not lie against an amendment to a bill offered in a motion to recommit with instructions, if based on the grounds that the amendment was voted down in the Committee of the Whole.[15]

The previous question may be moved on a number of amendments reported from the Committee of the Whole, leaving certain other amendments reported from the Committee for further consideration in the House. Where the previous question is ordered on some amendments reported from the Committee of the Whole, such amendments must be disposed of prior to further consideration of any remaining amendments.[16]

Perfecting Amendments to Section Later Stricken in Committee of the Whole Not Reported

§ 36.1 When the Committee of the Whole amends a section of a bill, but subsequently strikes out a portion of the bill which includes the amended section, the first amendment is not reported to the House.

On July 5, 1956,[17] the following inquiry was made:

> MR. [JAMES] ROOSEVELT [of California]: In order that we may understand what has already transpired, am I correct in assuming that the adoption of the amendment offered by the gentleman from New York has stricken all previous amendments, including the Powell amendment, adopted by the committee?

After an affirmative response by the Chair, the following exchange took place:

> MR. [ALBERT P.] MORANO [of Connecticut]: Does that mean then that when we go back into the House there will be no opportunity to vote for or against the Powell amendment on a rollcall?
>
> THE CHAIRMAN:[18] Well, under the present circumstances, that is correct.

The Chair indicated the Powell amendment would not be reported to the House.

§ 36.2 Where the Committee of the Whole had adopted a per-

15. See § 35.27, supra.

16. See 82 CONG. REC. 1285–88, 75th Cong. 2d Sess., Dec. 10, 1937. For discussion of the previous question and motions therefor generally, see Ch. 23, supra. See also § 14, supra.

17. 102 CONG. REC. 11867, 84th Cong. 2d Sess. Under consideration was H.R. 7535, to authorize federal assistance to states and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

18. Francis E. Walter (Pa.).

fecting amendment to a section of a bill and subsequently adopted an amendment striking out the section as so amended, the Chair indicated that, in the House, a separate vote could not be had on the perfecting amendment to the section since it was not reported back to the House.

On Dec. 8, 1937,[19] the following proceedings took place:

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Chairman, I make this parliamentary inquiry for the purpose of clarifying the situation which will arise when we get back into the House in the matter of a separate vote on various amendments. The gentleman from Illinois [Mr. Lucas] earlier this afternoon, proposed an amendment to this section 201, which was agreed to. The amendment changed the language with reference to making loans on corn. That amendment was approved by the Committee. Later on the gentleman from Texas [Mr. Jones] offered an amendment. . . . His amendment struck out all of the language beginning on line 14, page 14, and moved to strike out all of the language put into the bill by the amendment of the gentleman from Illinois [Mr. Lucas]. When we get back into the House and a separate vote is asked on the Jones amendment, assuming that the Jones amendment fails on a separate vote, does that then restore the bill before the House in its original form, or in the form as amended by the gentleman from Illinois [Mr. Lucas]? . . .

THE CHAIRMAN:[20] In the first place, the question presented by the gentleman from Wisconsin is a question for the Speaker and not for the Chairman of the Committee of the Whole House on the state of the Union. However, the Chair states that in his opinion the question presented to the House for consideration would be a separate vote upon the amendment offered by the gentleman from Texas [Mr. Jones] and adopted in the Committee of the Whole, which struck out the amendment offered by the gentleman from Illinois [Mr. Lucas], previously adopted, together with other language of the section. In the event the House should vote down the Jones amendment, then the original section 201 of the bill would be before the House for consideration.

Effect of Rejection in House of Motion To Strike Section, Generally

§ 36.3 Where the Committee of the Whole had adopted perfecting amendments to a section of a bill and had then agreed to an amendment striking out the entire section, the Speaker indicated that only the amendment striking out the section had been reported to the House and, therefore, if such

19. 82 CONG. REC. 1114, 1115, 75th Cong. 2d Sess. Under consideration was H.R. 8505, a farm bill.

20. Jere Cooper (Tenn.).

amendment was rejected in the House, only the original language of that section (without amendments) would be before the House; and, furthermore, that such section could only be further amended in the House by a motion to recommit with instructions, the previous question having been ordered on the bill to final passage.

On Feb. 5, 1974,[1] during consideration in the House of a bill[2] reported back from the Committee of the Whole, the Speaker[3] responded to several parliamentary inquiries, as indicated below:

> Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Matsunaga, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11221) to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000, pursuant to House Resolution 794, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.
>
> THE SPEAKER: Under the rule, the previous question is ordered. . . .
>
> The question is on the amendment adopted in the Committee of the Whole. . . .
>
> Without objection, the Clerk will read the amendment.
>
> The Clerk read as follows:
>
> Amendment: Strike out section 1 of the bill.
>
> MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. WYLIE: If this amendment is not adopted now, then the bill will revert back to the bill as reported by the Committee on Banking and Currency, is that not correct?
>
> THE SPEAKER: The Chair's understanding is that it will revert back to the original bill without the committee amendment. . . .
>
> MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> While the bill was under consideration, under section 1 an amendment was adopted which was offered by Mr. Stephens of Georgia. At a later time an amendment was offered by Mr. Wylie to section 1 to strike section 1. If the amendment offered by Mr. Wylie in the Committee of the Whole is now defeated in the Whole House, does not that continue Mr. Stephens' amendment in the bill. . . .
>
> THE SPEAKER: The Chair wishes to make clear the parliamentary situation. Several amendments were adopted to section 1. Subsequently an amendment offered by the gentleman from Ohio (Mr. Wylie) striking section 1 was adopted. That is the only

1. 120 CONG. REC. 2078, 2079, 93d Cong. 2d Sess.
2. H.R. 11221, amending the Federal Deposit Insurance Act.
3. Carl Albert (Okla.).

amendment reported to the House, the amendment striking section 1.

The vote now is, at the request of the gentleman from Rhode Island (Mr. St Germain), on the Wylie amendment striking section 1. If that amendment is adopted, then section 1 is eliminated. If that amendment is defeated, section 1 is back in the bill without any amendment. . . .

MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: Mr. Speaker, a further parliamentary inquiry. If this is voted down, then should we not have an opportunity to consider my amendment?

THE SPEAKER: The only way the amendment could be voted on would be a motion to recommit.

The question is on the amendment.

Effect of Rejection in House of Motion To Strike Section, Where Member Did Not Demand Separate Vote on Perfecting Amendments to Section

§ 36.4 Where the Committee of the Whole reports a bill back to the House with an adopted committee amendment in the nature of a substitute pursuant to a special rule allowing separate votes in the House on any amendment adopted in Committee of the Whole to the bill or to that committee substitute, and a separate vote is demanded in the House only on an amendment striking out a section of the committee substitute, but not on perfecting amendments which have previously been adopted in Committee of the Whole to that section, rejection in the House of the motion to strike the section results in a vote on the committee substitute with that section in its original form and not as perfected (the perfecting amendments having been displaced in Committee of the Whole by the motion to strike and not having been revived on a separate vote in the House).

On Oct. 13, 1977,[4] the Committee of the Whole having reported H.R. 3816 back to the House with an amendment, the proceedings described above were as follows:

THE CHAIRMAN:[5] Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Kazen, Chairman of the Committee of the Whole House on the

4. 123 CONG. REC. 33622, 33623, 95th Cong. 1st Sess.

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

State of the Union, reported that that Committee having had under consideration the bill (H.R. 3816) to amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes, pursuant to House Resolution 718, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[6] 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 by the Committee of the Whole?

MR. [BOB] ECKHARDT [of Texas]: Mr. Speaker, I demand a separate vote on the so-called Krueger amendment. . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, is it not correct that we would be acting on section 7 as written in the bill and not on the amendments as adopted by the Committee of the Whole if the Krueger amendment is adopted?

THE SPEAKER: The amendment is to strike section 7 of the bill. The vote will be on that.

MR. BROYHILL: Mr. Speaker, if the Krueger amendment is defeated, then what is in the bill is the section as written in the bill and not the amendments that were adopted?

THE SPEAKER: We are back to the original committee bill.

MR. BROYHILL: The original committee bill only, and not the amendments that were adopted?

THE SPEAKER: The gentleman is correct.

Parliamentarian's Note: House Resolution 718, under which the House was operating, provided that the committee amendment in the nature of a substitute be read as an original bill for amendment and 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. In the above proceeedings, the House could have retained the section as perfected in Committee of the Whole by first adopting, on separate votes, the perfecting amendments to section 7, and then rejecting on a separate vote the motion to strike that section. A Member who fails to demand a separate vote on a perfecting amendment to a portion of an amendment being read as original text, where a separate vote is demanded on a motion to strike which has deleted that perfecting language, allows the perfecting language to lapse whether or not the motion to strike is adopted on a separate vote.

Adopted Language Deleted by Amendment Striking Out and Inserting New Text

§ 36.5 When the Committee of the Whole adopts language

6. Thomas P. O'Neill, Jr. (Mass.).

that is subsequently deleted by an amendment striking out and inserting new text, only the latter amendment is reported to the House.

The ruling on June 20, 1967, was to the effect that, where the Committee of the Whole amends a line of a bill and then strikes out a portion of the bill including the line as amended, and inserts new language, the first amendment is not reported to the House.[7]

Special Rule Permitting Separate Vote

§ 36.6 In the absence of a special rule providing therefor, a separate vote may not be had in the House on an amendment to an amendment which has been adopted by the Committee of the Whole.

On Oct. 18, 1967,[8] the following proceedings took place:

The Chairman:[9] under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Vanik, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes, pursuant to House Resolution 949, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[10] under the rule, the previous question is ordered. . . .

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, the parliamentary inquiry is—is it possible to get a separate vote on any of the amendments to the Whitten amendment, including the amendments reducing the OEO program and the foreign aid program?

THE SPEAKER: Not in the House at this time. There is one amendment that has been reported by the Committee of the Whole.

Similarly, on July 16, 1968,[11] the following exchange took place:

MR. [DURWARD G.] HALL [of Missouri]: In the event that either one of

7. 113 Cong. Rec. 16498, 90th Cong. 1st Sess. (See the proceedings, generally, at pp. 16487 et seq.) Under consideration was H.R. 10480.

8. 113 CONG. REC. 29317, 90th Cong. 1st Sess.

See also 79 CONG. REC. 9998, 74th Cong. 1st Sess., June 24, 1935; 82 CONG. REC. 1285, 75th Cong. 2d Sess., Dec. 10, 1937; 82 CONG. REC. 1834, 75th Cong. 2d Sess., Dec. 17, 1937; 84 CONG. REC. 9451–53, 76th Cong. 1st Sess., July 18, 1939; 98 CONG. REC. 7421, 82d Cong. 2d Sess., June 17, 1952; and 113 CONG. REC. 25228, 90th Cong. 1st Sess., Sept. 12, 1967.

9. Charles A. Vanik (Ohio).

10. John W. McCormack (Mass.).

11. 114 CONG. REC. 21546, 90th Cong. 2d Sess.

those amendments referred to by the distinguished gentleman from the Committee on Rules on pages 2 and 3 of the bill are amended in the normal amendatory process and are passed, would they be subject, on request of any individual Member, to a separate vote after the Committee rises and we go back into the Whole House?

THE SPEAKER:[12] The Chair understands the parliamentary inquiry, but the Chair seeks to obtain the facts. The Chair has examined the bill and notes (a) section 211(d), for example, is a committee amendment to the bill. That would require a separate vote in the Committee of the Whole and would be entitled to a separate vote in the House if it were adopted in the Committee of the Whole, but an amendment to the committee amendment adopted in the Committee of the Whole would not be subject to a separate vote in the House.

Parliamentarian's Note: On one occasion, in the absence of a point of order, amendments to amendments adopted in the Committee of the Whole were voted on in the House and rejected prior to the vote being taken on the amendments as reported from the Committee of the Whole. The proceedings took place on Jan. 28, 1937,[13] during consideration of a bill[14] to extend the classified Civil Service to include postmasters of the first, second, and third classes.

In the Committee of the Whole, various amendments offered by Mr. Ross A. Collins, of Mississippi, to committee amendments had been adopted, and the committee amendments agreed to. When these amendments were reported from the Committee of the Whole, Mr. Robert Ramspeck, of Georgia, asked for a separate vote on all of the Collins amendments agreed to in the Committee of the Whole. No point of order was raised against the request, and the Chair directed the Clerk to report the amendments upon which a separate vote had been demanded. The House then, on a rollcall vote, rejected the Collins amendments and the Chair[15] immediately put the question on agreeing to the remaining amendments adopted in the Committee of the Whole.

§ 36.7 Separate votes are sometimes had in the House on amendments to an amendment adopted in the Committee of the Whole pursuant to provisions of a resolution permitting such procedure.

On Mar. 31, 1948,[16] the following exchange took place:

12. John W. McCormack (Mass.).
13. 81 CONG. REC. 534, 75th Cong. 1st Sess.
14. H.R. 1531.
15. Speaker William B. Bankhead (Ala.).
16. 94 CONG. REC. 3874, 80th Cong. 2d Sess. See also 95 CONG. REC. 2542,

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order. I make the point of order, that the House has not been given an opportunity to request a separate vote on any amendment that was adopted. The rule under which the bill was considered, as I understand it, provided that it should be read for amendment, and any amendment agreed to by the Committee of the Whole would be subject to a request for a separate vote. . . .

THE SPEAKER:[17] The Chair will state that he did not ask if a separate vote on any amendment was demanded.

Is a separate vote on any amendment demanded?

Separate Vote on Amendment to Amendment in Nature of Substitute

§ 36.8 Where the Committee of the Whole reports a bill back to the House with an amendment in the nature of a substitute, a separate vote may not be demanded on an amendment adopted to that substitute in the Committee of the Whole unless the special order governing consideration of the bill expressly allows such separate votes (normally only where a committee amendment in the nature of a substitute has been read as an original bill for amendment), since only one amendment in its perfected form has been reported from Committee of the Whole.

An example of the proposition described above occurred on Nov. 17, 1983,[18] during consideration of H.R. 2350.[19]

THE CHAIRMAN: Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Gonzalez) having assumed the chair, Mr. (John B.) Breaux [of Louisiana], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2350) to amend the Public Health Service Act to revise and extend the authorities under that act relating to

2543, 81st Cong. 1st Sess., Mar. 15, 1949.

17. Joseph W. Martin, Jr. (Mass.).

18. 129 CONG. REC. 33463, 98th Cong. 1st Sess. See also the proceedings at 113 CONG. REC. 29317, 90th Cong. 1st Sess., Oct. 18, 1967 (responding to parliamentary inquiry, the Speaker indicated separate vote would not be allowed); and 110 CONG. REC. 2804, 2805, 88th Cong. 2d Sess., Feb. 10, 1964 (where a Member was allowed to demand a separate vote pursuant to the terms of a special rule). And see 117 CONG. REC. 34337, 92d Cong. 1st Sess., Sept. 30, 1971; and 106 CONG. REC. 11282, 11292, 11296–98, 11301, 86th Cong. 2d Sess., May 26, 1960 (discussed further in Sec. 25.3, supra).

19. The Health Research Extension Act of 1983.

the National Institutes of Health and the National Research Institutes, and for other purposes, pursuant to House Resolution 208, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER PRO TEMPORE:[20] Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I demand a separate vote on the Chandler amendment.

THE SPEAKER PRO TEMPORE: The gentleman's motion at this time comes too late and is not in order under the rule providing for consideration of this bill.

At this point the question is on the engrossment and third reading of the bill.

§ 36.9 A unanimous-consent request has been made in the House that the Committee of the Whole consider a committee amendment in the nature of a substitute as an original bill for purposes of amendment and that a separate vote in the House be allowed on any amendment to the original bill or to the committee substitute.

20. Henry B. Gonzalez (Tex.).

The unanimous-consent request described above may be made in the following form:[1]

Mr. Speaker, I 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 [number and description of bill] and pending that, I ask unanimous consent that it shall be in order to consider the substitute amendment recommended by the Committee . . . now in the bill, that such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill, and that any Member may demand a separate vote in the House on any of the amendments adopted in Committee of the Whole to the bill or committee substitute.

Separate Vote on Portion of Amendment

§ 36.10 A separate vote may not be had in the House on a portion of an amendment adopted in the Committee of the Whole and reported therefrom; the amendment must be voted on in its entirety as reported.

On July 20, 1951,[2] the following exchange took place:

1. See 84 CONG. REC. 9183, 76th Cong. 1st Sess., July 14, 1939 (request by Mr. Robert Ramspeck [Ga.]).
2. 97 CONG. REC. 8608, 82d Cong. 1st Sess. Under consideration was H.R. 3871, amendments to the Defense Production Act of 1950.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, may a separate vote be taken on a portion of a committee amendment, namely section 206 (a) and (b) on page 83?

THE SPEAKER:[3] separate vote cannot be had on a portion of the amendment reported by the Committee of the Whole. The amendment must be voted on in its entirety as reported by the Committee of the Whole.

Committee Amendment Amended by Substitute

§ 36.11 It is usually not possible to have a separate vote in the House on a committee amendment that has been amended by a substitute in the Committee of the Whole.

Thus, on July 8, 1937, where a committee amendment proposing to strike out all after the enacting clause and insert new matter was amended by a substitute, and the committee amendment as amended agreed to, it was subsequently held not in order in the House to demand a separate vote on the original committee amendment.[4] The proceedings were as follows:

MR. [GERALD J.] BOILEAU [of Wisconsin]: May I ask the Chair whether or not it is possible to have a separate vote on the committee amendment? There was a committee amendment that was amended by the Cochran amendment. Can we have a separate vote on the committee amendment so that the issue may be drawn as between the committee amendment as amended and the original bill?

THE SPEAKER:[5] The Chair may say in reply to the parliamentary inquiry that there is only one vote possible under the report of the Chairman of the Committee of the Whole House, and that vote will be upon the committee amendment as amended by the Cochran substitute.

Amendments Rejected in Committee of the Whole

§ 36.12 Where separate votes are permitted, only those amendments reported to the House from the Committee of the Whole are voted on; it is not in order to demand a separate vote in the House on amendments rejected in the Committee.

On Mar. 31, 1948,[6] the following exchange took place:

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I demand a separate vote on title III and title IV.

THE SPEAKER:[7] Those amendments were not agreed to in the Committee of the Whole.

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3. Sam Rayburn (Tex.).

4. See the proceedings at 81 CONG. REC. 6944, 6951, 75th Cong. 1st Sess. Under consideration was H.R. 3408, to amend the Civil Service Act approved Jan. 16, 1883.

5. William B. Bankhead (Ala.).

6. 94 CONG. REC. 3874, 80th Cong. 2d Sess.

7. Joseph W. Martin, Jr. (Mass.).

Similarly, on July 20, 1951,[8] the following proceedings took place:

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, is it in order to ask for a separate vote on the Sabath amendment at page 83, section 206?

THE SPEAKER:[9] The Sabath amendment was not adopted in Committee of the Whole. . . .

Separate votes may be had only on amendments that have been reported by the Committee of the Whole.

Inconsistent Amendments Considered Under Special Rule

Separate Votes on Perfecting Amendments Taken Before Vote on Substitute

§ 36.13 Parliamentarian's Note: Normally, if the Committee of the Whole perfects a bill by adopting certain amendments and then adopts an amendment striking out all after section one of the bill and inserting a new text, only the bill, as amended by the motion to strike out and insert, 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 are reported to the House, regardless of their inconsistency.

For an illustration of the above, the reader is referred to the proceedings of May 26, 1960,[10] especially the exchange included below, between the Chair and Mr. Barden relating to consideration of inconsistent amendments. On that day, while a committee amendment in the nature of a substitute was pending, the following proceedings took place:

The Clerk read as follows:

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

So the amendment was agreed to. . . .[11]

Amendment offered by Mr. [Adam C.] Powell [Jr., of New York]: Page 18, line 4, after section 6(a) insert: . . .

So the amendment was agreed to. . . .[12]

Amendment offered by Mr. [Frank T.] Bow of Ohio: On page 11, line 20,

8. 97 CONG. REC. 8608, 82d Cong. 1st Sess. Under consideration was H.R. 3871, amendments to the Defense Production Act of 1950.

9. Sam Rayburn (Tex.).

10. 106 CONG. REC. 11282, 11292, 11296–98, 11301–04, 86th Cong. 2d Sess. Under consideration was H.R. 10128.

11. *Id.* at pp. 11282, 11292.

12. *Id.* at pp. 11296, 11297.

after "Sec. 1." strike out all after section 1 and insert in lieu thereof the following: . . .

So the amendment was agreed to. . . .

The committee amendment as amended was agreed to. . . .[13]

Since the rule permitted separate votes in the House on amendments to the committee amendment in the nature of a substitute, separate votes were demanded on the three amendments. Inquiries were then directed to the Chair:[14]

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

THE SPEAKER:[15] It does not. It was an amendment to an amendment. . . .

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: The proceedings of May 26, 1960, described in part above (see 106 CONG. REC. 11282, 11292, 11296–98, 11301–04, 86th Cong. 2d Sess.), illustrate the principle that perfecting amendments to an amendment in the nature of a substitute are voted on before a substitute amendment, and the effect of the adoption of a substitute amendment (here an amendment striking out all after the title of the amendment in the nature of a substitute) is to eliminate the language inserted by the amendments to the amendment in the nature of a substitute.

Procedures for Consideration, Where Demand for Separate Vote Permitted

§ 36.14 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 the 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.

13. *Id.* at pp. 11298, 11301.

14. *Id.* at p. 11302.

15. Sam Rayburn (Tex.).

On Mar. 8, 1973,[16] the following proceedings took place:

THE CHAIRMAN:[17] Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Montgomery, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17) to amend the Vocational Rehabilitation Act to extend and revise authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[18] 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.

§ 36.15 Where a Member demands a separate vote in the House on an amendment adopted in the Committee of the Whole, the Speaker has asked that the Member identify the amendment in terms that are meaningful to the House—such as by specifying the page and line in the bill where the amendment is found.

On Oct. 6, 1966,[1] the following exchange took place:

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:[2] . . . What amendment does the gentleman from New York have in mind? The gentleman's characterization does not give sufficient information to the Chair.

—Order of Voting

§ 36.16 Votes in the House on amendments reported from the Committee of the Whole, on which separate votes have been demanded, are taken in the order in which the amendments appear in the bill, and not in the order in which separate votes were demanded.

On May 31, 1984,[3] during consideration of H.R. 5167[4] in the

16. 119 CONG. REC. 7138, 93d Cong. 1st Sess. Under consideration was H.R. 17.
17. G. V. Montgomery (Miss.).
18. Carl Albert (Okla.).

1. 112 CONG. REC. 25585, 89th Cong. 2d Sess. Under consideration was H.R. 13161.
2. 112. John W. McCormack (Mass.).
3. 130 CONG. REC. 14677, 14678, 98th Cong. 2d Sess.
4. Defense Department authorization bill.

House, the proposition described above occurred as follows:

THE SPEAKER PRO TEMPORE:[5] The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):

TITLE IX—NUCLEAR WINTER STUDY

GOVERNMENT-SPONSORED STUDIES OF NUCLEAR WINTER

Sec 901. (a) If any Government agency undertakes a study of the phenomenon referred to as "nuclear winter" pursuant to proper authorization, the Secretary of Defense may participate in such study to the extent (and only to the extent) that the participation of the Secretary in the study is directly relevant to defense related aspects of the nuclear-winter phenomenon. . . .

THE SPEAKER PRO TEMPORE: . . . The question is on the amendment.

The amendment was rejected.

THE SPEAKER PRO TEMPORE: The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill, insert the following new section:

Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 1985 for the MX missile program shall be as provided under section 103(a). . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, there was a demand for a separate vote on the Leach amendment.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the amendments are voted on in the order in which they appear in the bill. The Leach amendment will be called after this one.

§ 36.17 Where separate votes are demanded in the House on several amendments reported from Committee of the Whole, the Speaker puts the question on the amendments in the order in which they appear in the bill.

On June 24, 1976,[6] the Committee of the Whole reported a bill back to the House with several amendments and the Speaker put the question on the amendments as indicated above. The proceedings were as follows:

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. [James C.] Wright [Jr., of Texas], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill [H.R. 14232] making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year

5. James C. Wright, Jr. (Tex.).

6. 122 CONG. REC. 20424, 94th Cong. 2d Sess.

For further discussion of the order of consideration of amendments following demands for separate votes, see § 37, infra.

ending September 30, 1977, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

THE SPEAKER:[7] Without objection, the previous question is ordered.

There was no objection.

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

MS. [BELLA S.] ABZUG [of New York]: Mr. Speaker, I demand a separate vote on the so-called Hyde amendment.

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

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Mitchell of Maryland amendment relating to summer employment.

THE SPEAKER: Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER: The Clerk will report the first amendment, the so-called Mitchell of Maryland amendment, on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment: On page 2, line 19 under Title I—Department of Labor, Employment, and Training Administration, Employment and Training Assistance, strike out "$3,245,–250,000" and insert in lieu thereof "$3,311,831,000".

THE SPEAKER: The question is on the amendment.

—*When Demand Must Be Made*

§ 36.18 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 demand the separate vote before the question is taken on the committee amendment in the nature of a substitute.

On Sept. 20, 1972,[8] the principle was applied that the demand for a separate vote on an amendment to a committee amendment in the nature of a substitute comes too late after the House has agreed to the committee substitute. The proceedings were as follows:

> THE SPEAKER:[9] . . . 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]. . . .
>
> 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

7. Carl Albert (Okla.).

8. 118 CONG. REC. 31409, 92d Cong. 2d Sess. Under consideration was H.R. 15003.

9. Carl Albert (Okla.).

was demanded and put the question on adoption of the amendment.

The Chair put as a unanimous consent request, that the action by which 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.

§ 36.19 A demand in the House for a separate vote on an amendment to an amendment (when such a vote is permitted by the resolution providing for consideration of the bill) comes too late after the amendment, as amended, has been agreed to.

On Nov. 1, 1967,[10] the following proceedings took place:

THE SPEAKER PRO TEMPORE:[11] under the rule, the previous question is ordered. Is a separate vote demanded on any amendment to the committee amendment? If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

THE SPEAKER PRO TEMPORE: The question is on the third reading of the bill.

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

THE SPEAKER PRO TEMPORE: The question is on the passage of the bill. . . .

MR. [LESLIE C.] ARENDS [of Illinois]: Is it possible to have a record vote at this stage on the Brown of Michigan amendments, as adopted?

THE SPEAKER PRO TEMPORE: The Chair will state to the distinguished gentleman from Illinois in response to his parliamentary inquiry that the committee amendment as amended, has been agreed to. . . .

MR. [GARY E.] BROWN of Michigan: Mr. Speaker, I was on my feet seeking recognition at the time the House, by voice vote, adopted the committee amendment, as amended. I wanted an opportunity to request a separate vote on my amendment.

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from Michigan that the so-called Brown of Michigan amendments were reported back to the House incorporated in an amendment adopted in the Committee of the Whole House on the State of the Union and at the time the Chair put the question no separate vote was demanded. Therefore, the gentleman's request is out of order.

§ 36.20 The proper time to demand separate votes in the House on amendments adopted in the Committee of the Whole is following the Speaker's announcement that the previous question has been ordered.

On July 9, 1965,[12] the following proceedings took place:

10. 113 CONG. REC. 30827, 90th Cong. 1st Sess. Under consideration was S. 1985.

11. Carl Albert (Okla.).

12. 111 CONG. REC. 16280, 89th Cong. 1st Sess. Under consideration was H.R. 6400.

MR. GERALD R. FORD [of Michigan]: At what point in this process will we have an opportunity to ask for separate votes on the Cramer vote-fraud amendment and on the Boggs amendment?

THE CHAIRMAN:[13] In the House, after the previous question has been announced by the Speaker. . . .

[The Committee rose.]

THE SPEAKER:[14] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

MR. GERALD R. FORD: Mr. Speaker, I demand a separate vote on the Cramer vote-fraud amendment and on the Boggs amendment.

—*Bill Reported With One Amendment*

§ 36.21 Where a bill is reported from the Committee of the Whole with one amendment, the Speaker immediately puts the question on the amendment and does not inquire whether a separate vote is demanded thereon.

On Dec. 17, 1974,[15] the Committee of the Whole having reported a bill[16] back to the House with an amendment, the Speaker immediately put the question and proceedings occurred as indicated below:

The Committee rose; and the Speaker having resumed the chair, Mr. [Otis G.] Pike [of New York], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill [H.R. 15263] to establish improved programs for the benefit of producers and consumers of rice, pursuant to House Resolution 1381, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[17] Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, a parliamentary inquiry. I was on my feet, and I would ask at what point is a demand for a separate vote on the amendment in order.

THE SPEAKER: The Chair will state that the question was put on that, and the action has been taken and has been announced. . . .

MR. ALEXANDER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ALEXANDER: Mr. Speaker, I sought a record vote on the amendment that was adopted in the committee, and the Speaker did not announce a separate vote procedure on the committee amendment.

13. Richard Bolling (Mo.).

14. John W. McCormack (Mass.).

15. 120 CONG. REC. 40509, 93d Cong. 2d Sess.

16. H.R. 15263, the Rice Act of 1975.

17. Carl Albert (Okla.).

THE SPEAKER: The Speaker followed the proper procedure. He definitely remembers saying:

> The question is on the adoption of the amendment. As many as are in favor, vote aye; those opposed, vote no. The ayes have it. The amendment is agreed to.

That was announced by the Chair, and the Chair then proceeded to put the questions on engrossment and third reading and on final passage, before the gentleman sought recognition.

—*Reading Amendments*

§ 36.22 When demand is made for a separate vote in the House on certain amendments adopted in the Committee of the Whole, such amendments are read in full before the vote is taken.

On June 18, 1943,[18] the following exchange took place:

MR. [FRANCIS H.] CASE [of South Dakota]: Mr. Speaker, I ask unanimous consent that when we come to the amendments on which a separate vote is asked, each one of them may be read immediately preceding the vote.

THE SPEAKER:[19] That will be done under the rule. The Clerk will report the first amendment on which a separate vote is demanded.

§ 36.23 Amendments reported from the Committee of the Whole on which a separate vote is demanded are read and voted on after other amendments have been agreed to en bloc.

On May 10, 1939,[20] the following proceedings took place:

Accordingly the Committee rose; and the Speaker pro tempore (Mr. (Sam) Rayburn (of Texas)) having resumed the chair, Mr. Delaney, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H.R. 6260, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill do pass.

MR. [J. BUELL] SNYDER [of Pennsylvania]: Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

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

MR. [JOE] STARNES of Alabama: Mr. Speaker, I ask for a separate vote on the two Collins amendments as they were adopted in Committee of the Whole.

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

MR. STARNES of Alabama: Mr. Speaker, I ask unanimous consent that

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18. 89 CONG. REC. 6140–44, 78th Cong. 1st Sess. Under consideration was H.R. 2968, the war agencies appropriation bill for 1944.

19. Sam Rayburn (Tex.).

20. 84 CONG. REC. 5402, 76th Cong. 1st Sess. Under consideration was H.R. 6260, the War Department appropriation bill for civil functions, 1940.

we have a second roll call on the two amendments relating to flood control; that we have one vote on those two amendments.

THE SPEAKER:[1] That is one amendment now, because they were voted on together in the Committee.

Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The other amendments were agreed to.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, the agreement was there would be a separate vote on all amendments. Is that the understanding?

THE SPEAKER PRO TEMPORE: There are two amendments upon which separate votes have been demanded.

The other amendments have been agreed to.

The Clerk will report the first amendment upon which a separate vote has been demanded.

The Clerk read as follows:

> Amendment offered by Mr. [Ross A.] Collins [of Mississippi]: On page 8, line 4, strike out "$71,000,000" and insert "$96,000,000."

THE SPEAKER PRO TEMPORE: The question is on agreeing to the amendment.

—*Reliance on Journal*

§ 36.24 In determining which amendments have been the subject of demands for separate votes in the House, the Speaker has relied on the Journal rather than the Record.

On June 18, 1943, a question arose as to whether an amendment to the war agencies appropriation bill of 1944[2] had been the subject of a demand for a separate vote, or whether it had in fact been adopted with other amendments voted on en gross. Mr. Clarence Cannon, of Missouri, stated:[3]

> Mr. Speaker, when separate votes were requested on amendments, I asked for a separate vote on five amendments. . . . Subsequently, a vote was taken on the remainder of the amendments en gross. Later the gentleman from Michigan [Mr. Rabaut] rose to a parliamentary inquiry and asked if the Dirksen amendment, page 13, line 3 . . . had been voted on. The fact that two amendments were agreed to on page 13, line 3, confused me, and I informed the Speaker a separate vote on it had not been requested when, as a matter of fact, it had been requested.

After some discussion of the Chair's view that the Record indicated the amendment had been voted on, the following exchange took place:[4]

> MR. CANNON of Missouri: Mr. Speaker, I respectfully request a reading of the reporter's notes on my request for a separate vote.

1. William B. Bankhead (Ala.).
2. H.R. 2968.
3. 89 CONG. REC. 6143, 78th Cong. 1st Sess.
4. *Id.* at p. 6144.

THE SPEAKER:[5] The gentleman may have that privilege, but the Chair, regardless of his personal feelings about this, must state that the Journal shows that the amendment was adopted en gross with other amendments.

MR. CANNON of Missouri: Mr. Speaker, I ask unanimous consent for the reading of the reporter's notes reporting my request for a separate vote.

[After further discussion:]

MR. CANNON of Missouri: Was my request for a reading of my request for a separate vote refused?

THE SPEAKER: No. We do not have that part of the Record here.

The Chair holds that the amendment has been agreed to.

Amendments Voted On En Bloc

§ 36.25 By unanimous consent, two amendments upon which a separate vote has been demanded may be considered and voted on en bloc.

On Oct. 6, 1966,[6] the following proceedings took place:

MR. [JAMES G.] 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:[7] Is there objection to the request of the gentleman from Michigan?

There was no objection.

§ 36.26 Where a demand has been made for a separate vote on two amendments reported from the Committee of the Whole, it is too late to ask unanimous consent that the two amendments be voted on en bloc after the House has ordered the yeas and nays on the first one.

On May 10, 1939,[8] the following proceedings took place:

MR. [JOE] STARNES of Alabama: Mr. Speaker, I ask for a separate vote on the two Collins amendments as they were adopted in Committee of the Whole. . . .

THE SPEAKER PRO TEMPORE:[9] . . . The Clerk will report the first amendment upon which a separate vote has been demanded. . . . The question is on agreeing to the amendment.

MR. [CLIFTON A.] WOODRUM of Virginia: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: Would it be in order to ask unanimous consent to consider both amendments on this roll call?

THE SPEAKER PRO TEMPORE: Not at this time. A roll-call vote has been ordered.

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5. Sam Rayburn (Tex.).

6. 112 CONG. REC. 25586, 89th Cong. 2d Sess. Under consideration was H.R. 13161.

7. John W. McCormack (Mass.).

8. 84 CONG. REC. 5402, 76th Cong. 1st Sess. Under consideration was H.R. 6260, the War Department appropriation bill for civil functions, 1940.

9. Sam Rayburn (Tex.).

§ 36.27 Where the Committee of the Whole reports a bill back to the House with amendments, some of which were considered en bloc pursuant to a special rule, the en bloc amendments may be voted on again en bloc on a demand for a separate vote, but another amendment separately considered in Committee of the Whole may not be voted on en bloc in the House without unanimous consent.

On Sept. 7, 1978,[10] during consideration of H.R. 7308,[11] the situation described above occurred as follows:

THE CHAIRMAN PRO TEMPORE: Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Murtha, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7308) to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, pursuant to House Resolution 1266, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[12] 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 by the Committee of the Whole?

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I demand a separate vote en bloc on the McClory amendments agreed to on September 6, and I demand a separate vote on the conforming McClory amendments agreed to on today.

THE SPEAKER: Is a separate vote demanded on any other amendment to the Committee amendment? The Clerk will report the amendments en bloc on which a separate vote has been demanded.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, is it proper for the gentleman from Massachusetts (Mr. Boland) to demand a separate vote en bloc on the amendments, or must he ask for a vote on each one of these amendments?

THE SPEAKER: The Chair will state that the rule provides that it shall be in order to consider the amendments en bloc, so under the rule the vote on the amendments would be considered as on the amendments en bloc. . . .

MR. BAUMAN: Mr. Speaker, am I correct that the original McClory amendment was considered separately and that the several others were adopted subsequently?

10. 124 CONG. REC. 28423, 28425, 95th Cong. 2d Sess.

11. The Foreign Intelligence Surveillance Act of 1978.

12. Thomas P. O'Neill, Jr. (Mass.).

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Speaker, if the gentleman will yield, I might inform the gentleman that the conforming amendments were considered separately, and the other amendments were considered en bloc.

MR. BAUMAN: Mr. Speaker, may I inquire on which amendment is it that the gentleman from Massachusetts (Mr. Boland) demands a separate vote? . . .

THE SPEAKER: The Chair will state that the amendments offered by the gentleman from Illinois (Mr. McClory) that were agreed to yesterday will be voted on en bloc today. That is in conformance with the demand made by the gentleman from Massachusetts (Mr. Boland).

MR. BAUMAN: A further parliamentary inquiry, Mr. Speaker.

The gentleman mentioned the McClory amendment and all amendments agreed to en bloc. So do we now face three or four separate votes?

THE SPEAKER: The McClory amendment agreed to today is a separate amendment.

§ 36.28 Where a separate vote is demanded in the House on amendments reported from the Committee of the Whole and considered en bloc in Committee of the Whole (by unanimous consent), the Chair puts the question on the amendments en bloc in the House, where no Member demands a division of the question in the House.

On Mar. 29, 1979,[13] in the Committee of the Whole, amendments to H.R. 3173, the International Security Assistance Program authorization for fiscal 1980 and 1981 were considered en bloc.

MR. [GERRY E.] STUDDS [of Massachusetts]: Mr. Chairman, I offer a series of amendments, and I ask unanimous consent that they may be considered en bloc.

THE CHAIRMAN:[14] Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CHAIRMAN: The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Studds:

Page 3, beginning in line 8, strike out "and $37,800,000 for the fiscal year 1981"; in line 19, strike out "or the fiscal year 1981"; and in line 21, strike out "during either such year".

Page 4, beginning in line 23, strike out "and $110,200,000 for the fiscal year 1981"; on page 5, insert a closing quotation mark and a period at the end of line 8; and strike out lines 9 through 16.

Page 7, line 14, strike out "and $95,000,000 for the fiscal year 1981".

Page 8, beginning in line 12, strike out "and the fiscal year 1981".

Page 8, beginning in line 23, strike out "and $32,900,000 for the fiscal year 1981"; and on page 9, beginning in line 2, strike out "in any fiscal year".

Page 9, beginning in line 13, strike out "and $28,100,000 for the fiscal year 1981".

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13. 125 CONG. REC. 6910, 96th Cong. 1st Sess.

14. Don Fuqua (Fla.).

Page 16, beginning in line 11, strike out "and $656,300,000 for the fiscal year 1981"; in line 15, immediately before the closing quotation mark insert ", of which amount for each such year"; in line 17, strike out "and $2,063,000,000 for the fiscal year 1981" and insert in lieu thereof ", of which"; and strike out lines 18 through 23 and insert in lieu thereof the following:

(3) in subsection (c), by striking out "fiscal year 1979" and inserting in lieu thereof "fiscal year 1980".

Page 20, line 3, strike out "years 1980 and 1981" and insert in lieu thereof "year 1980".

Subsequently, in the House, a separate vote was demanded:[15]

THE SPEAKER PRO TEMPORE:[16] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Speaker, I demand a separate vote on the amendments offered en bloc by the gentleman from Massachusetts (Mr. Studds).

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will report the amendments on which a separate vote has been demanded.

The Clerk read as follows: . . .

MR. ZABLOCKI (during the reading): Mr. Speaker, I ask unanimous consent that the amendments that were offered en bloc be considered as read and printed in the Record. These amendments offered en bloc provide for a 1-year authorization instead of the 2-year authorization which the Committee on Foreign Affairs has recommended.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the amendments.

The amendments were rejected.

Withdrawal of Demand for Separate Vote

§ 36.29 Where all amendments reported from the Committee of the Whole have been agreed to but one on which a separate vote was demanded, the Chair must put the question on the remaining amendment even though the Member making the demand for the separate vote asks to withdraw the demand.

On Feb. 1, 1968,[17] the following proceedings took place:

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, I demand a separate vote on the Committee amendment on page 40, line 13, as amended in section 202.

THE SPEAKER PRO TEMPORE:[18] Is a separate vote demanded on any other

15. 125 CONG. REC. 6819, 96th Cong. 1st Sess.

16. Lucien N. Nedzi (Mich.).

17. 114 CONG. REC. 1850–52, 90th Cong. 2d Sess. Under consideration was H.R. 11601.

18. Carl Albert (Okla.).

amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will report the first amendment on which a separate vote has been demanded. . . .

MR. WAGGONNER: Mr. Speaker, I ask unanimous consent to withdraw the request for a separate vote.

THE SPEAKER:[19] The Record will note the request, but the vote still will be on the committee amendment.

The question is on the amendment.

Unanimous Consent for Consideration of Substitute After Previous Question Ordered

§ 36.30 On one occasion, where a separate vote had been demanded in the House on an amendment adopted in the Committee of the Whole, unanimous consent was granted for the consideration of a substitute for such amendment even though the previous question had been ordered; and the amendment as amended by such substitute was agreed to.

On Aug. 22, 1944,[20] the following proceedings took place:

The committee substitute was agreed to.

THE CHAIRMAN:[1] Under the rule, the Committee will rise. . . .

THE SPEAKER:[2] Under the rule, the previous question is ordered.

Under the rule, also, the substitute being considered as an original bill, any Member may ask for a separate vote on any amendment to the substitute. . . .

MR. [CARTER] MANASCO [of Alabama]: Mr. Speaker, I ask for a separate vote on the so-called Mott amendment. . . .

MR. [WARREN G.] MAGNUSON [of Washington]: Mr. Speaker, I ask unanimous consent to submit at this time a substitute for the Mott amendment. . . .

There was no objection. . . .

[The substitute was offered.]

The substitute was agreed to. . . .

The amendment as amended by the substitute was agreed to. . . .

The committee [amendment in the nature of a] substitute was agreed to.

§ 37. Order of Consideration

Generally

§ 37.1 When demand is made for separate votes in the House on several amendments adopted in the Committee of the Whole, such amendments are ordinarily read and voted on in the

19. John W. McCormack (Mass.).

20. 90 CONG. REC. 7215, 7216, 78th Cong. 2d Sess. Under consideration was H.R. 5125, relating to disposal of surplus government property.

1. R. Ewing Thomason (Tex.).

2. Sam Rayburn (Tex.).