D. DIVISION OF THE QUESTION FOR VOTING

§ 42. In General

The fundamental prerequisites as well as the basic limits of divisibility are found in the sixth clause[1] of Rule XVI. It is there provided, in part, that any Member may demand the division of the question and that such a demand shall be honored if made before the question is put and if the propositions are so distinct in substance that one being taken away a substantive and grammatically separate proposition shall remain. To these fundamental requirements is added the proviso that two particular types of propositions are expressly indivisible-specifically, a motion or resolution to elect members or any portion of the members of a standing committee and a resolution or order reported by the Committee on Rules providing a special order of business.

Clause 7[2] of Rule XVI also provides that the motion to strike out and insert is always indivisible. The clause proceeds to state, however, that neither amendments nor motions to strike out and insert are precluded merely because of the failure of a motion to strike out.

Substantive Proposition Requirement

§ 42.1 A question containing more than one substantive proposition may be divided on demand of a Member.

On June 1, 1942,[3] Mr. Compton I. White, of Idaho, sought to amend a committee amendment to a bill authorizing certain American Indians to sue in the Court of

1. "On the demand of any Member, before the question is put, a question shall be divided if it includes propositions so distinct in substance that one being taken away a substantive proposition shall remain: *Provided*, That any motion or resolution to elect the members or any portion of the members of the standing committees of the House and the joint standing committees shall not be divisible, nor shall any resolution or order reported by the Committee on Rules, providing a special order of business be divisible." [Rule XVI clause 6, *House Rules and Manual* § 791 (1995).]

2. "A motion to strike out and insert is indivisible but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert. . . ." [Rule XVI clause 7, *House Rules and Manual* § 793 (1995).]

3. 88 CONG. REC. 4754, 4756, 4758, 77th Cong. 2d Sess.

Claims. Mr. White's amendment consisted of five parts, as follows:

Amendment offered by Mr. White:

On page 5, line 17, after the words "Snake or Paiute Indians" and wherever these words occur in this bill, strike out the comma or period and insert: "of the former Malheur Indian Reservation of Oregon."

On page 5, line 21, strike out "departmental".

Strike out section 2 and insert therefor: "Any alleged band of Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon may prove themselves as such in the Court of Claims."

On page 10, line 8, after the word "as" insert "engaged by the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon."

Insert:

"Sec. 8. That for the purpose of the distribution of the proceeds of such judgment, the Secretary of the Interior is hereby authorized and directed to make a proper roll of said Indians within 2 years from the date of the approval of this act. Each community of the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon shall prepare a roll of its membership, which roll be submitted to a council of the majority of their Indian chiefs, who lived on the above said Indian reservation, for its approval or disapproval. The said central council of these chiefs shall prepare a combined roll of all members and descendants of members of the respective communities of said Indians of former Malheur Indian Reservation of Oregon, and shall submit the same to the Secretary of the Interior for a final approval which shall operate as final proof of such Indians to share in the benefits of this act."

Mr. Francis H. Case, of South Dakota, sought to separate one part of Mr. White's amendment from the other parts. The following discussion ensued:

MR. CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[4] The gentleman will state it.

MR. CASE of South Dakota: The gentleman from Idaho [Mr. White] submitted what was referred to as an amendment to the committee amendment, but, as a matter of fact, did the gentleman not submit several amendments, and may they be voted upon separately?

THE SPEAKER PRO TEMPORE: The gentleman from Idaho [Mr. White] offered an amendment to the committee amendment which is now under consideration.

MR. CASE of South Dakota: It seemed to me as I heard the amendment that it referred to different parts of the committee amendment. I was wondering if it could be separated.

THE SPEAKER PRO TEMPORE: The committee amendment strikes out all after the enacting clause and includes a new draft.

MR. CASE of South Dakota: To get directly at the question involved, is it possible to have a separate vote on that portion of the amendment offered by the gentleman from Idaho which provides for the establishment of a roll?

THE SPEAKER PRO TEMPORE: It would be in order to have separate votes if separate votes should be de-

4. Jere Cooper (Tenn.).

manded on each part of the amendment offered by the gentleman from Idaho.

MR. CASE of South Dakota: I would like to have a separate vote upon that portion of the amendment offered by the gentleman from Idaho which calls for the establishment of a roll.

As requested, the Speaker Pro Tempore subsequently separated that section of the White amendment mandating the establishment of a roll of eligible Indians from the other portions thereof, and separate votes were cast on that part and then on the remainder of the five part amendment.[5]

Substantially Equivalent Questions

§ 42.2 A resolution censuring a Member and adopting a report of a committee, which itself recommends censure on the basis of the committee's findings, is not divisible since the questions are substantially equivalent.

Instance where the Chair took under advisement a question regarding the divisibility of a pending resolution, responding later in the day after an examination of the precedents.

On Oct. 13, 1978,[6] the House had under consideration a disciplinary resolution concerning Mr. Edward R. Roybal, of California. During its consideration, a Member asked if the resolution was divisible. The Speaker deferred his decision until precedents could be reviewed. The proceedings were as follows:

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Speaker, I offer a privileged resolution (H. Res. 1416) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1416

Resolved, That Representative Edward R. Roybal be censured and that the House of Representatives adopt the Report of the Committee on Standards of Official Conduct dated October 6, 1978, In the matter of Representative Edward R. Roybal.

At the onset of debate under the hour rule, Mr. John M. Ashbrook, of Ohio, addressed a parliamentary inquiry to the Speaker:

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

THE SPEAKER:[7] The gentleman will state his parliamentary inquiry.

5. For similar instances, in later Congresses, see the following: 118 CONG. REC. 28906, 92d Cong. 2d Sess., Aug. 17, 1972; 111 CONG. REC. 20945, 20956, 89th Cong. 1st Sess., Aug. 18, 1965; 95 CONG. REC. 14462, 81st Cong. 1st Sess., Oct. 13, 1949; 94 CONG. REC. 8690, 80th Cong. 2d Sess., June 17, 1948; and 88 CONG. REC. 5892, 77th Cong. 2d Sess., July 1, 1942.

6. 124 CONG. REC. 37009, 37010, 37012, 37013, 37016, 37017, 95th Cong. 2d Sess.

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

MR. ASHBROOK: Mr. Speaker, my parliamentary inquiry is directed toward the rules and the precedents of the House. I would propound a question to the Chair in my parliamentary inquiry as to whether the resolution is divisible when it comes to a vote.

THE SPEAKER: The Chair will state that the gentleman will have to indicate how he wanted to divide the vote.

MR. ASHBROOK: Mr. Speaker, the resolution says, "That Representative Edward R. Roybal be censured," which would seem to be divisible under the precedents of the House. The resolution calls upon the House of Representatives to adopt the report and to censure Mr. Roybal. I wonder whether or not the resolution can, therefore, be divided into two questions, one being censure and the second being the adoption of the report, which could be by separate votes.

THE SPEAKER: The gentleman's rights will be protected. The Chair will examine the precedents with regard to the gentleman's point.

MR. ASHBROOK: Mr. Speaker, I thank the Chair for that consideration.

THE SPEAKER: The gentleman from Georgia (Mr. Flynt) is recognized for 60 minutes.

Following debate on the resolution and the underlying committee investigation and report, Mr. Ashbrook renewed his inquiry.

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Speaker, earlier I propounded a parliamentary inquiry to the Speaker as to whether or not, under the rules and precedents of the House, House Resolution 1416, as it stands, would be divisible.

THE SPEAKER: The Chair is ready to respond to the gentleman.

MR. ASHBROOK: I appreciate that, Mr. Speaker.

THE SPEAKER: The gentleman from Ohio (Mr. Ashbrook) has requested an opinion as to whether the question on House Resolution 1416 may be divided.

To be the subject of a division of the question under the precedents of the House, a proposition must constitute two or more separate substantive propositions so that if one of the propositions is removed, the remaining proposition constitutes a separate and distinct question, and that test must work both ways.

In the opinion of the Chair, the questions are substantially equivalent questions. For that reason, the Chair holds that House Resolution 1416 is not subject to a demand for a division of the questions.

MR. ASHBROOK: I thank the Chair.

MR. FLYNT: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MR. BOB WILSON [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. BOB WILSON: I am.

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

The Clerk read as follows:

Mr. Bob Wilson moves to recommit the resolution, House Resolution 1416, to the Committee on Standards of Official Conduct with instructions to report the same back forthwith with the following amendment. Strike all after the resolving clause and insert:

That Edward R. Roybal be and he is hereby reprimanded.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

MR. [BRUCE F.] CAPUTO [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CAPUTO: Is time allowed for debate?

THE SPEAKER: The motion is not debatable.

The question is on the motion to recommit with instructions.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. FLYNT: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 170, answered "present" 1, not voting 40, as follows: . . .

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

MR. FLYNT: Mr. Speaker, pursuant to the instructions of the House, I report the resolution back to the House with an amendment.

The Clerk read as follows:

Amendment offered by Mr. Flynt: Strike all after the resolving clause and insert: That Edward R. Roybal be and he is hereby reprimanded.

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

Amendment of Two Parts, One Striking and Inserting, the Other Inserting

§ 42.3 Under clause 6 of Rule XVI, the question may be divided on an amendment if it includes more than one distinct substantive proposition susceptible of grammatical separation.

During consideration of an Interior appropriation bill on July 15, 1993,[8] an amendment that was offered which proposed to change a figure in one paragraph and also to insert a new paragraph at another point was held to be divisible as between the two parts. It

8. 139 CONG. REC. 15843. 103d Cong. 1st Sess.

was implied and understood that the inserted paragraph was drafted in a manner which would render it ungrammatical if an attempt were made to divide its text. The proceedings were as indicated below:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker: Page 61, line 23, strike "$19,366,000" and insert "$18,091,000".

Page 66, after line 22, insert the following:

REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional $24,873,000.

MR. WALKER (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The Chairman:[9] Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I ask that the question be divided on this amendment.

MR. WALKER: Mr. Chairman, I do not believe the amendment in its present form is subject to a question of division.

THE CHAIRMAN: As between the two parts of the amendment, the one on page 61, line 23, and the one on page 66, after line 22, it would be subject to a division of the question. Those two parts would be subject to a division, if that is how the gentleman is offering this amendment. . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. YATES: Will the Chair describe again just what the parliamentary situation is? What amendment are we considering at the present time?

THE CHAIRMAN: A demand for a division of the question has been made. The first vote will occur on the portion of the amendment which is on page 61, line 23, the striking and inserting of dollars. The second vote will occur on page 66, after line 22, inserting the following.

MR. YATES: I thank the Chair.

THE CHAIRMAN: The gentleman from Pennsylvania [Mr. Walker] is recognized for 5 minutes in support of his amendment.

Demand for Division, When in Order

§ 42.4 Any Member may demand a division of the question on an amendment which has two or more substantive propositions at any time before the question is put thereon, and unanimous con-

9. Dan Glickman (Kans.).

sent is not required for that purpose.

On Oct. 19, 1977,[10] when the Committee of the Whole had under consideration a bill making supplemental appropriations for various government departments. An amendment was offered which contained three parts. Two of the clauses struck out figures in the bill and inserted new amounts. The third deleted a phrase of the text. The Chair declared the amendment divisible and addressed the right of a Member to demand a separate vote on the parts thereof. The proceedings were as follows:

The Clerk read as follows:

OPERATING EXPENSES

For an additional amount for "Operating expenses", to remain available until expended, $167,000,000; of which $150,000,000 shall be for the Clinch River Breeder Reactor Project and which shall become available only upon the enactment into law of authorizing legislation; and of which not to exceed $17,000,000 is made available to reimburse the General Services Administration for the expenses of renovation, furnishing and repair of facilities necessary to provide temporary and permanent space for personnel relocated as a result of the establishment and activation of the Department of Energy.

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bevill: On page 10, line 17 strike out "$167,000,000" and insert "$97,000,000";

On line 18 strike out "$150,000,000" and insert "$80,000,000"; and

Beginning on line 19 strike out "and which shall become available only upon the enactment into law of authorizing legislation". . . .

MR. [GEORGE E.] BROWN [Jr.] of California: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[11] The gentleman will state it.

MR. BROWN of California: Mr. Chairman, would I be in order to ask for a division of the question and, following that, to debate the merits on each section separately?

THE CHAIRMAN: The Chair will protect the rights of the gentleman from California (Mr. Brown) to request a division when we come to a vote on this matter. The gentleman can do it right now, if he wants to.

MR. BROWN of California: Mr. Chairman, I wish to call for a division of the question at this time.

MR. JOHN T. MYERS [of Indiana]: I reserve the right to object, Mr. Chairman.

THE CHAIRMAN: Let the Chair first inquire as to which part.

MR. BROWN of California: Mr. Chairman, I ask for a separate vote on the last clause.

THE CHAIRMAN: The clause beginning, "and beginning on line 19 strike out * * *"?

MR. BROWN of California: That is correct.

10. 123 CONG. REC. 34252, 95th Cong. 1st Sess.

11. Sam Gibbons (Fla.).

MR. [WALTER] Flowers [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Alabama (Mr. Flowers) will state his parliamentary inquiry.

MR. FLOWERS: Mr. Chairman, is the gentleman entitled to have that request granted just on the decision of the Chair, or does it require action by the committee?

THE CHAIRMAN: Any Member can request a division if the question that will be offered is divisible.

MR. FLOWERS: Mr. Chairman, I object to the request, and I would like to be heard on whether or not it is a divisible question.

THE CHAIRMAN: It is not one of the matters that requires unanimous consent. It is not within the prerogative of the Chair. It is within the right of the Member to request a division on a matter that is divisible, and this matter is clearly divisible.

Concurrent Resolution on Budget

§ 42.5 A concurrent resolution on the budget has been considered divisible as between that portion constituting a budget resolution pursuant to the Budget Act and a separate hortatory section expressing the sense of Congress regarding fiscal policy.

On Mar. 5, 1992,[12] when the Committee of the Whole had concluded its consideration of the concurrent resolution on the budget for fiscal years 1993 through 1997, the ranking minority member of the Budget Committee, Mr. Willis D. Gradison, Jr., of Ohio, asked that the resolution be divided for a vote so that the House could vote separately on section 3, a provision expressing the sense of the House on appropriate levels of budget authority in the event of certain contingencies. He asked to be heard on the question of the divisibility of the concurrent resolution, but Speaker Thomas S. Foley, of Washington, declaring the resolution to be subject to a demand for a division, declined to entertain debate on that issue. The Speaker put the question first on the remaining parts of the concurrent resolution, sections 1, 2, and 4 and then put the question on the part on which a separate vote had been demanded. The proceedings were as follows:

THE CHAIRMAN PRO TEMPORE:[13] Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Mfume, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Gov-

12. 138 CONG. REC. 4657, 4658, 102d Cong. 2d Sess.

13. Kweisi Mfume (Md.).

ernment for the fiscal years 1993, 1994, 1995, 1996, and 1997, pursuant to House Resolution 386, he reported the concurrent resolution back to the House.

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

MR. GRADISON: Mr. Speaker, I demand a division of the question on the resolution and specifically ask for a separate vote on section 3. Pending the determination of the Chair as to the resolution's divisibility, I would like to be heard on that question.

THE SPEAKER: The gentleman may not debate a demand which has not been subject to a point of order.

Section 3 is subject to a division of the question, and a separate vote will be held on that portion of the concurrent resolution.

MR. [RICHARD A.] GEPHARDT [of Missouri]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GEPHARDT: Mr. Speaker, I would simply ask the Chair to clarify this decision and the fact that there will be a separate vote on both parts of this budget.

THE SPEAKER: The demand has been made that there be a division of the question and a separate vote on section 3. The Chair has ruled and is prepared to put the question in a divided form, the two parts of the vote to occur immediately without further intervening debate, so that what would normally have been accomplished in a single vote on the adoption of the resolution will now require two votes.

MR. GEPHARDT: I thank the Chair.

THE SPEAKER: This vote will be on sections 1, 2, and 4. The second vote will be on section 3. . . .

So sections 1, 2, and 4 of House Concurrent Resolution 287 were agreed to.

THE SPEAKER: The question is on section 3 of House Concurrent Resolution 287.

Without objection, the yeas and nays are ordered.

There was no objection.

The vote was taken by electronic device, and there were—yeas 224, nays 191, not voting 20, as follows: . . .

So section 3 of House Concurrent Resolution 287 was agreed to.

The result of the vote was announced as above recorded.

Prefatory Words May Not Destroy Divisibility

§ 42.6 An amendment containing separate paragraphs appropriating funds for different government programs may be divisible although preceded by prefatory language (such as "There is hereby appropriated . . .") applicable to all paragraphs.

On Nov. 8, 1983,[14] during consideration of a continuing appropriation joint resolution for 1984, a comprehensive amendment, made in order by the adoption of a special order reported by the Committee on Rules, was reached in the amendment process. The amendment consisted of 17 items of appropriation for different de-

14. 129 CONG. REC. 31477, 31494, 31495, 98th Cong. 1st Sess.

partments and programs, all preceded by standard language of appropriation: "The following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:". While the amendment was pending, a Member asked when a motion to divide the amendment into its 17 component parts could be made. The Chair responded that a motion was not required, that any Member could demand the division of the amendment at any time during its pendency up until the point where the Chair has put the question on the amendment. At the conclusion of debate, a division was in fact asked, and the question was first put on the part of the amendment which had not been the object of the demand for division, then on the individual parts on which separate parts were requested.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wright: At the appropriate place in the joint resolution insert the following new section:

Sec. . Such joint resolution is further amended by adding the following new section:

Sec. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985. . . .

There followed 12 more paragraphs, each related to a different education program, and two other headings for "Job Training" and "Emergency Shelters for the Homeless."

MR. WRIGHT (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:[15] Is there objection to the request of the gentleman from Texas?

MR. [ROBERT S.] WALKER [of Pennsylvania]: Reserving the right to object, Mr. Chairman, I do so simply to propound a parliamentary inquiry of the Chair.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Chairman, I am wanting to know whether or not it would be possible at a time appropriate to divide the question on this amendment into its 17 component parts.

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

THE CHAIRMAN: The Chair will respond to the gentleman from Pennsylvania that the Chair does not know precisely how many parts there are to the gentleman's amendment, but the gentleman is entitled to ask for a division, and the gentleman from Pennsylvania has that right upon demand. . . .

Much later in the proceedings, the following occurred:

MR. WALKER: Mr. Chairman, I rise to ask for a division of the question.

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Walker) will please state to the Chair the portions that he wishes to divide.

MR. WALKER: Mr. Chairman, I wish to divide the question into-I think it is 17 ways.

MR. WRIGHT: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WRIGHT: Mr. Chairman, I have not yielded back the balance of my time. I wonder if the gentleman's request is timely at this moment. I have simply suggested that the minority might use its remaining time.

If the gentleman's request at this moment does not preclude our concluding debate, then I have no objection to his making it at this time.

THE CHAIRMAN: The gentleman is correct. The gentleman from Massachusetts had no more requests for time. The gentleman from Pennsylvania was appropriately recognized to demand a division of the question on the amendment. But the time of the gentleman from Texas for debate on his amendment is protected.

MR. WALKER: Mr. Chairman, I wish to divide the question into the following categories: Compensatory education for the disadvantaged, vocational education, adult education, community services block grant, low-income energy assistance, education for the handicapped, rehabilitation services and handicapped research, education for immigrant children, higher education, the higher education science centers, the college work-study appropriation, supplemental education opportunity grants, the community health centers, the National Technical Institute for the Deaf, Galludet College, job training, emergency shelter for the homeless, the section of the bill which is related to child nutrition, and the section of the bill which is the mandatory monthly reporting language on food stamps.

THE CHAIRMAN: The request of the gentleman from Pennsylvania (Mr. Walker) is appropriate and the Wright amendment will be divisible in the order contained in the amendment.

MR. WALKER: I thank the Chair.

MR. WRIGHT: Mr. Chairman, I yield myself such time as remains.

THE CHAIRMAN: The gentleman from Texas (Mr. Wright) has 6 minutes remaining.

MR. WRIGHT: Mr. Chairman, I should like to say I am sorry that we will be required to take 17 separate votes. I should have thought that it might have been considered as one package. That was the intention, I believe, of the Committee on Rules in drafting the rule. However, the gentleman from Pennsylvania is fully within his rights.

This merely means that we will have to have a vote on each separate compo-

nent of this package. I ask you to vote for each of them. . . .

THE CHAIRMAN: All time has expired.

The first question will be put on the remainder of the amendment, as amended, on which a division of the question has not been demanded, namely, on the Perkins amendment . . . [which had added several paragraphs to the end of the Wright amendment, dealing with school lunch and child nutrition].

At the conclusion of that vote, then we will vote separately on the divisible portions in the order in which they appear in the amendment. . . .

The question is on the Perkins amendment language now part of the Wright amendment.

That portion of the Wright amendment was agreed to.

THE CHAIRMAN: The Clerk will report the first portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

> Sec. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:
>
> COMPENSATORY EDUCATION FOR THE DISADVANTAGED
>
> For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

THE CHAIRMAN: The question is on the portion of the amendment relating to compensatory education for the disadvantaged.

The portion of the amendment relating to compensatory education for the disadvantaged was agreed to.

THE CHAIRMAN: The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

> Sec. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to the funds otherwise available, for the following purposes:
>
> VOCATIONAL EDUCATION
>
> For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985. . . .

THE CHAIRMAN: The question is on the portion of the amendment relating to vocational education.

The question was taken, and on a division (demanded by Mr. Walker) there were—ayes 37, noes 20.

So the portion of the amendment relating to vocational education was agreed to.

Separate votes were then taken on the remaining portions of the Wright amendment. The Clerk, in reporting each separate part, repeated the prefatory language. Most of the divisible portions were decided by voice votes. Seven resulted in record votes.

Divisibility of Perfecting Amendments Striking Text

§ 42.7 An amendment striking out various unrelated parts

of text is subject to a division of the question.

During consideration of the annual authorization bill for the National Aeronautics and Space Administration, 1985, several committee amendments were voted on en bloc at the request of The Chairman of the committee who was managing the bill. The Chairman did ask for a division of the question on one of the committee amendments which struck out text on a section of the bill. The question was divided without challenge. The proceedings of Mar. 28, 1984,[16] were as follows:

THE CHAIRMAN:[17] The question is on the committee amendments, with the exception of the committee amendment appearing on page 17.

The committee amendments, with the exception of the committee amendment appearing on page 17, were agreed to.

MR. [DON] FUQUA [of Florida]: Mr. Chairman, I ask for a division of the question on the 2 parts of the amendment on page 17.

THE CHAIRMAN: The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, strike lines 16 and 17, and redesignate succeeding subparagraphs, and on page 17, line 19, strike subsection (c).

MR. FUQUA: Mr. Chairman, I ask that the amendment be divided.

THE CHAIRMAN: The Clerk will report the first portion of the amendment.

The Clerk read as follows:

Page 17, strike lines 16 and 17, and redesignate succeeding subparagraphs. * * *

THE CHAIRMAN: Does the gentleman wish to debate this?

MR. FUQUA: Mr. Chairman, I do not. This is conforming with the action taken by the committee, and I urge an "aye" vote.

THE CHAIRMAN: The question is on the first portion of the committee amendment.

The first portion of the committee amendment was agreed to.

THE CHAIRMAN: The Clerk will report the second portion of the amendment.

The Clerk read as follows:

Page 17, line 19, strike subsection (C).

MR. FUQUA: Mr. Chairman, after reconsideration, the committee does not wish to proceed with the adoption of this amendment and ask for a "no" vote.

THE CHAIRMAN: The question is on the second portion of the committee amendment.

The second portion of the committee amendment was rejected.

Engrossment and Third Reading

§ 42.8 The question on engrossment and third reading of a

16. 30 CONG. REC. 6898, 98th Cong. 2d Sess.

17. Al Swift (Wash.).

bill is not subject to a demand for a division of the question since two independently coherent questions are not present.

Where the House had before it a bill on which the previous question had been ordered on a previous day, the Speaker announced the unfinished business to be the question on the engrossment and third reading. When a Member inquired whether the question could be divided, the Speaker replied in the negative. The proceedings of Aug. 3, 1989,[18] were as indicated herein:

THE SPEAKER:[19] The unfinished business is the engrossment and third reading of the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

The Clerk read the title of the bill.

MR. [STAN] PARRIS [of Virginia]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PARRIS: Mr. Speaker, is a vote on the engrossment and third reading of this bill in order under the rules of the House if requested by a Member of the House?

THE SPEAKER: Does the gentleman mean a recorded vote?

MR. PARRIS: A recorded vote, yes.

THE SPEAKER: A recorded vote is in order if the House sustains such a request.

MR. PARRIS: Is the question of engrossment and third reading a divisible question so that there perhaps could be two recorded votes if requested?

THE SPEAKER: In the opinion of the Chair, the question on engrossment and third reading of the bill is not divisible.

Divisibility of Resolution Established by Special Order

§ 42.9 A resolution adopting the rules of the House was divided into nine questions pursuant to a special resolution adopted prior to the rules package acknowledging such divisibility.

In the 104th Congress, a privileged procedural resolution, offered at the direction of the majority conference, established the procedure under which the resolution adopting the rules for the new Congress would be considered.[20] That privileged resolution specified that the resolution adopting the rules would be divisible into nine separate questions, and specified debate time on each. The resolution establishing the

18. 135 CONG. REC. 18544, 101st Cong. 1st Sess.

19. Thomas S. Foley (Wash.).

20. 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Jan. 4, 1995.

new rules was drafted in a form to permit such divisibility, with a separate resolving clause before each portion which was to be subject to a separate vote. The effect of this draft was to protect the viability of the rules package even if one portion were defeated.

House Resolution 5, which was offered by the chairman of the Rules Committee on Jan. 4, 1995, specified that the question of adoption of the rules package would be divided into nine parts, each to be separately debated for 20 minutes.

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, by direction of the House Republican Conference, since there is no Committee on Rules yet, and the Committee on Rules has not met yet to organize and will not until tomorrow, by direction of the Republican Conference, I call up a privileged resolution and ask for its immediate consideration.

THE SPEAKER:[1] The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress. The resolution shall be considered as read. The resolution shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

Sec. 2. The question of adopting the resolution shall be divided among nine parts, to wit: each of the eight sections of title I; and title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

Sec. 3. Pending the question of adopting the ninth portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

THE SPEAKER: The resolution is a matter of privilege. The gentleman from New York [Mr. Solomon] is recognized for 1 hour.

Following adoption of this procedural order, the House proceeded to consideration of House Resolution 6. Each of the nine divisible portions was preceded by a standard clause: "The Rules of the House of Representatives on the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such

1. Newt Gingrich (Ga.).

amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of the One Hundred Fourth Congress with the following amendments:".

Who May Demand; When in Order

§ 42.10 Any Member may demand a division of the question at any time before the vote providing the question is divisible.

On June 17, 1948,[2] Mr. Edward H. Rees, of Kansas, offered an amendment to the Selective Service Act of 1948. Mr. Rees' proposal consisted of an additional section containing three subparagraphs designed to insure that training under the act be "carried out on the highest possible moral, religious, and spiritual plane."

Mr. James W. Wadsworth, Jr., of New York, sought to divide the question, prompting the following discussion:

MR. WADSWORTH: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[3] The gentleman will state it.

MR. WADSWORTH: I inquire as to whether or not this amendment may be divided and an opportunity given to the members of the committee to vote separately with respect to the first paragraph and separately with respect to the second paragraph.

MR. [JOHN] PHILLIPS of California: Mr. Chairman, the amendment has been considered as a whole, and the request to separate it should have been made earlier.

THE CHAIRMAN: The Chair will state that under the rules of the House a division of a question may be asked for at any time, if the question is divisible, before the vote.

The Chair has examined the amendment and notices that it is in three paragraphs labeled subparagraph (a), subparagraph (b), and subparagraph (c), each one of them being substantive in form, and each one of them could be voted on separately, if it is so demanded.

Mr. Wadsworth subsequently requested that a separate vote be taken on the second and third paragraphs. This request was agreed to.

Withdrawal of Demand

§ 42.11 A demand for a division of the question may be withdrawn by the Member making such demand, before the question is put, and unanimous consent is not required.

On July 20, 1942,[4] Mr. Lyle H. Boren, of Oklahoma, sought to di-

2. 94 CONG. REC. 8686, 80th Cong. 2d Sess.

3. Francis H. Case (S. Dak.).

4. 88 CONG. REC. 6388, 77th Cong. 2d Sess.

vide certain portions of a proposed amendment to the Revenue Act of 1942. After some discussion, Mr. Boren changed his mind, and the following occurred:

MR. BOREN: Mr. Chairman, under the confused situation I ask unanimous consent to withdraw the request temporarily.

MR. [RAYMOND S.] MCKEOUGH [of Illinois]: I object, Mr. Chairman.

MR. BOREN: Mr. Chairman, I ask for a vote on the division as I have outlined it then.

THE CHAIRMAN:[5] The Chair will state that the gentleman does not have to ask unanimous consent to withdraw his request for a division.

Timing of Demand for Division

§ 42.12 In Committee of the Whole, a request for a division of the question on an amendment may be made at any time before the Chair puts the question on the amendment.

On Oct. 21, 1981,[6] during consideration of the Food and Agriculture Act of 1981 (H.R. 3603) in the Committee of the Whole, the following proceedings occurred:

Amendment offered by Mr. Coleman: Page 89, after line 23, insert the following new section (and redesignate succeeding sections accordingly): . . .

MR. [E. THOMAS] COLEMAN [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[7] The gentleman will state his parliamentary inquiry.

MR. COLEMAN: Mr. Chairman, at what point would a motion to divide be in order?

THE CHAIRMAN: The Chair will advise that a demand for division of the question is a proper request and can be made at the time that the question is put on the amendment. . . .

MR. [E] DE LA GARZA [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. DE LA GARZA: Mr. Chairman, we have an amendment composed of four sections of which three sections are unobjectionable, and then there is a question about the fourth one. Is it possible to vote on the unobjectionable sections without curtailing or limiting further debate on the fourth section?

THE CHAIRMAN: The Chair will advise the gentleman that if before the Chair first puts the question on the Coleman amendment there is a request for a division of the question, the remainder of the amendment will be voted on first and the portion on which the division is demanded will be voted on last, and following the adoption or rejection of the portion first voted on, which the gentleman refers to as the objectionable portion, the portion on which a division is demanded will remain open to further debate and amendment. . . .

MR. COLEMAN: Mr. Chairman, there seems to be a fiction perpetrated here

5. Fritz G. Lanham (Tex.).

6. 127 CONG. REC. 24778, 24785, 24788, 24789, 97th Cong. 1st Sess.

7. Matthew F. McHugh (N.Y.).

that there is only one part of this amendment which is controversial, 1340. My question is at what point and in what order do we vote if we were to separate, as has been the indication, separate one out? I would like to know, and I think others would like to point out that there are some extreme difficulties with some of the other sections of this amendment. If we are going to start couching in a one or the other situation, then we are going to have a division on every one of these things if we have a division on one.

THE CHAIRMAN: The Chair will advise the gentleman that if a division is requested with respect to section 1343, the enforcement provisions, that a vote would first be taken on the balance of the Coleman amendment, the section upon which a division was demanded would be open for debate and amendment. But the part, of course, that had been voted upon, the balance of the Coleman amendment would be foreclosed from further debate and amendment.

MR. COLEMAN: If I might inquire of the Chair, what if an objection was made or a division were to be requested or a division were to be made on 1306, would that be voted on first?

THE CHAIRMAN: With respect to a demand for a division, assuming the question is divisible, there would be a vote on the part not subject to the demand for a division first.

MR. COLEMAN: But if there was a demand for a division on 1306, would that precede the vote on 1343?

THE CHAIRMAN: If a division were demanded on both, that is correct.

MR. COLEMAN: I thank the chairman.

§ 42.13 A demand for division of the question can be made while an amendment is pending, even before debate has expired, at any time until the Chair has put the question.

On Nov. 8, 1983,[8] Mr. Robert S. Walker, of Pennsylvania, posed a parliamentary inquiry relative to the divisibility of an amendment, as indicated below:

THE CHAIRMAN:[9] The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Chairman, I am wanting to know whether or not it would be possible at a time appropriate to divide the question on this amendment into its 17 component parts.

THE CHAIRMAN: The Chair will respond to the gentleman from Pennsylvania that the Chair does not know precisely now many parts there are to the gentleman's amendment, but the gentleman is entitled to ask for a division, and the gentleman from Pennsylvania has that right upon demand.

MR. WALKER: And the gentleman from Pennsylvania would be protected to offer such a motion just before the vote on the Wright amendment?

THE CHAIRMAN: The Chair is unable to protect in the traditional sense of the word the gentleman from Pennsylvania because what the gentleman is requesting is a request and it is not a motion.

MR. WALKER. I thank the Chair. But it would be proper to make that re-

8. 129 CONG. REC. 31477, 98th Cong. 1st Sess.

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

quest at the time just before the vote on the Wright amendment; is that correct?

THE CHAIRMAN: The Chair will respond that before the Chair puts the question on the amendment offered by the gentleman from Texas, if there is a timely request by the gentleman from Pennsylvania, it will be entertained.

MR. WALKER. I thank the Chair I withdraw my reservation of objection.

Order of Voting on Divisible Parts

§ 42.14 When there is a division of the question on various separable parts of an amendment, the Chair puts the question first on the remainder of the amendment, the portion not to be divided; and then the remaining portions (which remain open to debate and even further amendment) are voted on in the order in which the divisible portions appear in the bill.

On Oct. 21, 1981,[10] the Committee of the Whole had under consideration a bill (H.R. 3603) described as the Food and Agriculture Act of 1981. An amendment offered by Mr. E. Thomas Coleman, of Missouri, proposed the insertion of two new sections to the pending text and made several conforming changes in the pertinent text (further insertions and provisions striking out and inserting new text). Mr. Matthew F. McHugh, of New York, who was acting as Chairman of the Committee of the Whole, answered several parliamentary inquiries regarding the time to demand a division of the amendment and the order of voting. No decision was rendered on whether the amendment was in fact, divisible in the Committee. The proceedings were as follows:

> Amendment offered by Mr. Coleman: page 89, after line 23, insert the following new section (and redesignate succeeding sections accordingly):
>
> ADJUSTMENT OF THE THRIFTY FOOD PLAN
>
> Sec. 1306. Section 3(o) of the Food Stamp Act of 1977 is amended by striking out clause (6) and all that follows through the end of clause (9), and inserting in lieu thereof the following: "(6) on October 1, 1982, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twenty-one months ending the preceding June 30, 1982, and (7) on October 1, 1983, and each October 1 thereafter, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thirty food plan for the twelve months ending the preceding June 30".
>
> (Food stamp funding and program extension.)
>
> Page 114, line 7, insert "and" at the end thereof.
>
> Page 114, strike out line 8 and all that follows through line 17, and insert in lieu thereof the following:

10. 127 CONG. REC. 24778, 24785, 24788, 24789, 97th Cong. 1st Sess.

(2) inserting before the period at the end thereof the following: "; not in excess of $11,300,000,000 for the fiscal year ending September 30, 1982; not in excess of $11,170,000,000 for the fiscal year ending September 30, 1983; not in excess of $11,115,000,000 for the fiscal year ending September 30, 1984; and not in excess of $11,305,000,000 for the fiscal year ending September 30, 1985".

Page 120, after line 22, insert the following new section.

AUTHORITY OF OFFICE OF INSPECTOR GENERAL

Sec. 1343. Any person who is employed in the Office of the Inspector General, Department of Agriculture, who conducts investigations of alleged or suspected criminal violations of statutes, including but not limited to the food stamp program, administered by the Secretary of Agriculture or any agency of the agency of the Department of Agriculture, and who is designated by the Inspector General of the Department of Agriculture may—

(1) make an arrest without a warrant for any such criminal violation if such violation is committed, or if such employee has probable cause to believe that such violation is being committed, in the presence of such employees.

(2) incident to making an arrest under paragraph (1), search the premises and seize evidence, without a warrant.

(3) execute a warrant for an arrest, for the search of premises, or the seizure of evidence if such warrant is issued upon probable cause to believe that such violation has been committed, and

(4) carry a firearm,

in accordance with rules issued by the Secretary of Agriculture, while such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General At of 1978. (5 U.S.C. app.a 6, 9).

Page 104, line 23, insert after "of coupons" the following: "including any losses involving failure of a coupon issuer to comply with the requirements specified in section 11(d)(21).".

Page 108, line 21, strike out "paragraph:" and insert in lieu thereof "paragraphs:"

Page 109, after line 9 insert the following:

"21. That, project areas or parts thereof where authorization cards are used, and eligible households are required to present photographic identification cards in order to receive their coupons, the state agency shall include, in any agreement or contract with a coupon issuer, a provision that (1). . . .

MR. [E. THOMAS] COLEMAN [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[11] The gentleman will state his parliamentary inquiry.

COLEMAN: Mr. Chairman, at what point would a motion to divide be in order?

THE CHAIRMAN: The Chair will advise that a demand for division of the question is a proper request and can be made at the time that the question is put on the amendment. . . .

MR. [E] DE LA GARZA [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. DE LA GARZA: Mr. Chairman, we have an amendment composed of four sections of which three sections are

11. Matthew F. McHugh (N.Y.).

unobjectionable, and then there is a question about the fourth one. It Is possible to vote on the unobjectionable sections without curtailing or limiting further debate on the fourth section?

THE CHAIRMAN: The Chair will advise the gentleman that if before the Chair first puts the question on the Coleman amendment there is a request for a division of the question, the remainder of the amendment will be voted on first and the portion on which the division is demanded will be voted on last, and following the adoption or rejection of the portion first voted on, which the gentleman refers to as the objectionable portion, the portion on which a division is demanded will remain open to further debate and amendment. . . .

MR. COLEMAN: Mr. Chairman, there seems to be a fiction perpetrated here that there is only one part of this amendment which is controversial, 1340. My question is at what point and in what order do we vote if we were to separate, as has been the indication, separate one out? I would like to know, and I think others would like to point out that there are some extreme difficulties with some of the other sections of this amendment. If we are going to start couching in a one or the other situation, then we are going to have a division on every one of these things if we have a division on one.

THE CHAIRMAN: The Chair will advise the gentleman that if a division is requested with respect to section 1343, the enforcement provisions, that a vote would first be taken on the balance of the Coleman amendment, the section upon which a division was demanded would be open for debate and amendment. But the part, of course, that had been voted upon, the balance of the Coleman amendment would be foreclosed from further debate and amendment.

MR. COLEMAN: If I might inquire of the Chair, what if an objection was made or a division were to be requested or a division were to be made on 1306, would that be voted on first?

THE CHAIRMAN: With respect to a demand for a division, assuming the question is divisible, there would be a vote on the part not subject to the demand for a division first.

MR. COLEMAN: But if there was a demand for a division on 1306, would that precede the vote on 1343?

THE CHAIRMAN: If a division were demanded on both, that is correct.

MR. COLEMAN: I thank the chairman.

Chair Has Some Discretion in Order of Voting

§ 42.15 Where no further debate or amendment is in order on the portion of an amendment on which a division of the question has been demanded, the Chair has discretion to put the question first on the divided portions and then on the remainder of the amendment.

While the order of voting on the various portions of a divided question has been differently executed by various presiding officers, the more modern practice is to allow the Chair some discretion to

shape the voting to meet the will of the Members participating. Thus, on June 8, 1995,[12] the Chair put the question first on those portions of the amendment on which a division of the question had been demanded, then on the remainder. The proceedings were as indicated:

MR. [BENJAMIN A.] GILMAN [of New York]: Mr. Chairman, pursuant to the rule, I offer an amendment that has not been printed in the Record. I have consulted through staff and the ranking minority member with regard to this amendment.

The Clerk read as follows: . . .

At the end of the bill, add the following:

DIVISION D—ADDITIONAL PROVISIONS

TITLE XLI—UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Notwithstanding section 2106(3)(A), there are authorized to be appropriated for "Fulbright Academic Exchange Programs", $112,484,200 for the fiscal year 1996 and $88,680,800 for the fiscal year 1997.

(b) OTHER PROGRAMS.—Notwithstanding section 2106(3)(F), there are authorized to be appropriated for "Other Programs", $77,265,800 for the fiscal year 1996 and $57,341,400 for the fiscal year 1997.

In section 3231 of the bill (in section 667(a)(1) of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3231; relating to operating expenses of the United States Agency for International Development), strike "$465,774,000" and insert "$396,770,250" and strike "$419,196,000" and insert "$396,770,250".

AMENDMENT OFFERED BY MR. HOYER TO THE AMENDMENT OFFERED BY MR. GILMAN

MR. [STENY H.] HOYER [of Maryland]: Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York [Mr. Gilman].

The Clerk read as follows:

Amendment offered by Mr. Hoyer to the amendment to the amendment offered by Mr. Gilman:

At the end of the amendment, add the following: In title XXVI (relating to foreign policy provisions) insert the following at the end of chapter 1:

SEC. 2604. BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT.

(a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act".

(b) FINDINGS.—The Congress makes the following findings:

(1) The Serbian aggression against Bosnia and Herzegovina continues into its third year, the violence has escalated and become widespread, and ethnic cleansing by Serbs has been renewed. . . .

(d) TERMINATION OF ARMS EMBARGO.—

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United States Charter. . . .

12. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. [DAN] BURTON of Indiana: First of all, Mr. Chairman, let me just say that I have a first degree amendment, and I ask for a division of the question on the last part of Mr. Gilman's amendment regarding AID and O&E cuts.

THE CHAIRMAN:[13] The Chair will divide the question at the appropriate time. . . .

THE CHAIRMAN: All time for consideration of amendments under this rule has expired.

MR. HOYER: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his inquiry.

MR. HOYER: To understand the parliamentary situation at this point in time, am I correct that the Gilman en bloc amendment will be voted on after the Hoyer amendment as a secondary amendment which will be voted upon first; then is it my understanding that the Burton amendment will be then split out of the en bloc amendment for the purposes of a vote, and then the Gilman amendment as amended?

THE CHAIRMAN: The gentleman is correct. For the information of the Members, the Chair will announce that the order of voting will proceed as follows: first on the amendment offered by the gentleman from Maryland [Mr. Hoyer] to the amendment offered by the gentleman from New York [Mr. Gilman]; next on separate votes on any divisible portion of this Gilman amendment; and finally on the remainder of the Gilman amendment, as amended or not. . . .

MR. [ALCEE L.] HASTINGS of Florida: I have a further parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state his inquiry.

MR. HASTINGS of Florida: Mr. Chairman, does that mean that Members could ask for a division on any of the manager's amendments that are in there?

THE CHAIRMAN: Any divisible portion of the amendment can be subjected to a separate vote. . . .

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

The result of the vote was announced as above recorded.

THE CHAIRMAN: The question is on the last divisible portion of the amendment as originally offered by the gentleman from New York [Mr. Gilman], as amended, demanded by the gentleman from Indiana [Mr. Burton]. The Clerk will report the divided portion of the amendment.

The Clerk read as follows:

> In section 3231 of the bill (in section 667(a)(1) of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3231; relating to operating expenses of the United States Agency for International Development), strike "$465,774,000" and insert "$396,770,250" and strike "$419,196,000" and insert "$396,770,250". . . .

THE CHAIRMAN: The question is on the last divisible portion of the amendment offered by the gentleman from New York [Mr. Gilman], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. BURTON of Indiana: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 16, as follows: . . .

13. Robert W. Goodlatte (Va.).

THE CHAIRMAN: The question is on the remaining portion of the amendment offered by the gentleman from New York [Mr. Gilman], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. GILMAN: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

THE CHAIRMAN: This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 117, not voting 18, as follows: . . .

§ 43. Amendments and Substitutes Therefor

Effect of Negative Vote on Divisibility of Remainder

§ 43.1 A negative vote on a motion to strike out a portion of a pending amendment does not preclude the demand for a division of that portion of the amendment if it constitutes a properly severable and, hence, separate proposition.

On Aug. 18, 1965,[14] Mr. William R. Poage, of Texas, offered an amendment to the Food and Agriculture Act of 1965. The amendment proposed some six substantive changes in a section of the bill relating to the release and reapportionment of cotton acreage allotments.

Mr. Paul C. Jones, of Missouri, offered an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Jones of Missouri to the amendment offered by Mr. Poage: Strike out the first paragraph, which reads: "On Page 14, beginning on line 24, strike out all of paragraph (2) and renumber paragraphs (3) and (4) as paragraphs (2) and (3), respectively."

After discussion of Mr. Jones' motion to strike out, the Chairman[15] presented the question for a vote. Mr. Jones' amendment was rejected.

Shortly thereafter, Mr. Poage's amendment was about to be voted upon when Mr. John J. Rhodes, of Arizona, rose to divide the question. The following colloquy ensued:

MR. RHODES of Arizona: Mr. Chairman, I ask for a separate vote on the first three lines of the amendment.

THE CHAIRMAN: The Clerk will report the first part of the amendment referred to by the gentleman from Arizona.

The Clerk read as follows:

On Page 14, beginning at line 24, strike all of paragraph 2 and renumber paragraphs 3 and 4 as paragraphs 2 and 3 respectively.

THE CHAIRMAN: The question occurs on that part of the amendment just read by the Clerk.

14. 111 CONG. REC. 20943, 20956, 89th Cong. 1st Sess.

15. Oren Harris (Ark.).