

## § 44. Motions To Amend an Amendment

### *Amendments From the Floor*

#### § 44.1 An amendment containing two distinct propositions may be divided, and each is subject to amendment as it is taken up for consideration.

On Aug. 17, 1951,<sup>(8)</sup> the House having resolved itself into the Committee of the Whole, Mr. James G. Fulton, of Pennsylvania, offered an amendment to the Mutual Security Act of 1951. Mr. Fulton's amendment called for reductions in both the military and economic aid to be provided pursuant to the act.

[T]he Clerk read as follows:

On page 2, line 22, section 101(a) subsection (1): Strike out "\$5,028,000,000" and insert "\$4,828,000,000."

On page 3, line 16, strike out "\$1,335,000,000" and insert "\$1,035,000,000."

Pursuant to Mr. Fulton's request, the Chairman divided the proposed amendment in order to provide for a "separate vote on the military cut and a separate vote on the economic cut." Following debate, an amendment to the amendment was proposed, as indicated below:

8. 97 CONG. REC. 10226, 82d Cong. 1st Sess.

MR. [LAWRENCE H.] SMITH of Wisconsin: . . . Mr. Chairman, I offer an amendment.

THE CHAIRMAN:<sup>(9)</sup> Is it a substitute for the first portion of the Fulton amendment?

MR. SMITH of Wisconsin: My amendment applies to both parts, Mr. Chairman, but I can ask unanimous consent to offer the first part to the Fulton amendment.

THE CHAIRMAN: The gentleman offers an amendment to the first section?

MR. SMITH of Wisconsin: Yes. . . .

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. Smith of Wisconsin to the first portion of the amendment of Mr. Fulton: Page 2, line 22, section 101(a), subsection (1) strike out "\$5,028,000,000" and insert "\$4,799,999,999."

MR. [WALTER H.] JUDD [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JUDD: Is it possible to divide an amendment and offer an amendment to a portion of an amendment or is a division applicable only in the case of voting on an amendment?

The Chair responded to the effect that an amendment may be divided, and the divisible portion thereof is similarly subject to amendment. Unstated though implicit in the Chairman's ruling was the fundamental requirement

9. Francis E. Walter (Pa.).

that every divisible question consist of two or more substantive propositions.

### *Senate Amendments*

#### **§ 44.2 Senate amendments are considered in their entirety, and it is not in order to consider separate items contained therein.**

On May 20, 1936,<sup>(10)</sup> the House entertained the conference report on the Department of the Interior appropriation bill of 1937 (H.R. 10630). The report having been agreed to, amendments remaining in disagreement between the Houses were then discussed.

Among these was a Senate amendment which read as follows:

Page 24, after line 21, insert the following:

"The following-named reclamation projects are hereby authorized to be constructed, the cost thereof to be reimbursable under the reclamation law:

"Central Valley project, California: For flood control, improving and in aid of navigation, and to provide for the general welfare in cooperation with the State of California, and for incidental purposes, including irrigation, drainage, and power production.

"Grand Lake-Big Thompson transmountain diversion project, Colorado: To irrigate public lands of the United States and to provide for the general welfare in cooperation with

the State of Colorado, and for incidental purposes, including the irrigation of patented land, power production, and flood control: *Provided*, That said project shall include the construction and the permanent maintenance of adequate compensatory or replacement reservoirs, necessary feeder canals, and other incidental works at the most suitable sites within said State; the water impounded by said reservoirs to be used within the Colorado River Basin, and the cost of constructing and maintaining such reservoirs, feeder canals, and incidental works shall be included in the cost of said project and be repaid by the beneficiaries of the water so diverted from said basin: *Provided further*, That said project shall be constructed and operated in such manner as to continuously maintain the normal levels of the waters of said Grand Lake.

"Carlsbad project, New Mexico: To provide for the general welfare in cooperation with the State of New Mexico and for incidental purposes, including irrigation and flood control.

"Deschutes project, Oregon: To provide for the general welfare in cooperation with the State of Oregon and for incidental purposes, including irrigation and flood control.

"Provo River project, Utah: To provide for the general welfare in cooperation with the State of Utah and for incidental purposes, including irrigation and flood control.

"Yakima project, Washington, Roza division: To provide for the general welfare in cooperation with the State of Washington and for incidental purposes, including irrigation and flood control.

"Casper-Alcova project, Wyoming: To irrigate public lands of the United States and to provide for the general welfare in cooperation with the State of Wyoming and for incidental purposes, including the irriga-

10. 80 CONG. REC. 7611, 7616, 7623, 7624, 74th Cong. 2d Sess.

tion of patented lands, power production, and flood control.”

Mr. Edward T. Taylor, of Colorado, rose to offer a motion following the reading of the amendment.

The Clerk read as follows:

Mr. Taylor of Colorado moves to recede and concur in the Senate amendment with an amendment as follows: “Strike out the third paragraph in said amendment, in lines 9 to 26, inclusive, relating to the Grand Lake-Big Thompson transmountain diversion project, Colorado.

The Taylor motion prompted the following exchange between Mr. Fred N. Cummings, of Colorado, and the Speaker:

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

THE SPEAKER: <sup>(11)</sup> The gentleman will state it.

MR. CUMMINGS: Will a motion be in order to consider these items separately?

THE SPEAKER: No; there is only one Senate amendment.

MR. [JAMES P.] BUCHANAN [of Texas]: Mr. Speaker, I think the House ought to vote down the motion to concur. I am going to demand a division of the question (to recede and concur).

11. Joseph W. Byrns (Tenn.).

## § 45. Motions To Instruct Conferees; Motions To Recommit

### *To Concur With Amendment to Senate Amendment*

#### § 45.1 A motion to instruct conferees to agree to a Senate amendment with an amendment is not divisible.

On May 9, 1946,<sup>(12)</sup> the Speaker<sup>(13)</sup> requested the Clerk to read a motion to instruct conferees offered by Mr. Brent Spence, of Kentucky.

The Clerk read as follows:

Mr. Spence moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4761 to agree to section 11(a) of the Senate amendment, with an amendment, as follows: Strike out “\$600,000,000, as it appears therein, and insert in lieu thereof “\$400,000,000”.

Shortly thereafter, Mr. Vito Marcantonio, of New York, posed a parliamentary inquiry, as follows:

MR. MARCANTONIO: As I understand the motion filed by the gentleman from Kentucky, it provides for agreeing to the Senate amendment with an amendment. Is it possible to have the motion divided so that a vote may be taken on the Senate amendment itself?

12. 92 CONG. REC. 4750, 4751, 79th Cong. 2d Sess.

13. Sam Rayburn (Tex.).