

THE SPEAKER PRO TEMPORE: The vote now is on the previous question. If the previous question is ordered, the vote will then be on the amendment offered by the gentleman from Georgia and then on the resolution, as amended or not.

The previous question was ordered, and separate votes were taken on the amendment and the resolution thereafter.

§ 47. Motions To Rise

§ 47.1 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out is not divisible.

On Dec. 15, 1937,⁽²⁾ Mr. Lyle Boren, of Oklahoma, moved that the Committee of the Whole rise and report a Senate bill back to the House with the recommendation that the enacting clause be stricken out. Mr. Clarence E. Hancock, of New York, inquired as to whether the motion was divisible. The Chairman⁽³⁾ ruled that such a motion was not divisible.

2. 82 CONG. REC. 2125, 75th Cong. 2d Sess.

3. John W. McCormack (Mass.).

§ 48. Motions To Strike Out and Insert

Rule XVI clause 7, explicitly provides that a motion to strike out and insert is indivisible.⁽⁴⁾ Where it is proposed to strike out text and insert new language embracing several connected matters, it is not in order to demand a separate vote on each of those different propositions⁽⁵⁾ except through an amendment process addressing all or a portion of the text proposed to be inserted.

The doctrine applies to a pending House amendment to a bill under consideration as well as to a Senate amendment. So where there is pending a House bill and a Senate amendment striking the House text and substituting new language, the motion to concur in the Senate amendment is not divisible as between concurring and amending. However, a special order, reported from the Committee on Rules or brought up by unanimous consent or under suspension, can be adopted which would subject the Senate text to separate votes on its various provisions.

§ 48.1 Where a motion to concur in a Senate amendment

4. *House Rules and Manual* §793 (1995).

5. 5 Hinds' Precedents §6124.

is divided pursuant to a special rule permitting that procedure, the Chair puts the question on the first portion of the Senate amendment, and then on the remaining portion which was the portion targeted for a separate vote by the special rule.

In the 103d Congress, the House had before it a resolution reported as a special order of business from the Committee on Rules. The resolution made it in order to move to take from the Speaker's table a House bill dealing with the extension of emergency unemployment compensation and to concur in the Senate amendment. The Senate amendment was in the nature of a substitute for the House text. The proceedings of Mar. 4, 1993,⁽⁶⁾ were as follows:

EMERGENCY UNEMPLOYMENT
COMPENSATION AMENDMENTS OF 1993

Mr. Moakley, from the Committee on Rules, submitted a privileged report (Rept. No. 103-26) on the resolution (H. Res. 115) providing for the consideration of the Senate amendment to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, which was referred to the House Calendar and ordered to be printed:

6. 4139 CONG. REC. 4163, 4164, 103d Cong. 1st Sess.

H. RES. 115

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion. The motion shall be divided for a separate vote on concurring in section 7 of the Senate amendment, any rule of the House to the contrary notwithstanding.

MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The question is, will the House now consider House Resolution 115?

The question was taken; and, two-thirds having voted in favor thereof, the House agreed to consider House Resolution 115.

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

MR. MOAKLEY: Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending

7. Romano L. Mazzoli (Ky.).

which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 115 makes it in order to consider in the House—any rule to the contrary notwithstanding—a motion to take from the Speaker's table H.R. 920 with the Senate amendment, and to agree to the Senate amendment. The Senate substitute is the same as the House bill with the addition of a freeze on Members' pay for calendar year 1994 at this year's level.

The rule provides 1 hour of general debate. The rule also automatically divides the question, allowing a separate vote on the last section of the bill, elimination of cost of living adjustment for Members of Congress in 1994. Mr. Speaker, the division is in order any rule of the House to the contrary notwithstanding. . . .

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table . . .

MR. MOAKLEY: Mr. Speaker, pursuant to House Resolution 115, I move to take from the Speaker's table the bill (H.R. 920) "an Act to extend the emergency unemployment compensation program, and for other purposes", with the Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: Under the rule, the Senate amendment is considered as read.

The text of the Senate amendment is as follows:

Senate amendment: Strike out all after the enacting clause and insert:

section 1. short title.

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993".

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

SEC. 7. ELIMINATION OF COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 1994.

(a) COST OF LIVING ADJUSTMENT.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

THE SPEAKER PRO TEMPORE: Under the rule, the gentleman from California [Mr. Matsui] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. Santorum] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. Matsui].

MR. MATSUI: Mr. Speaker, I yield myself such time as I may consume.

After adoption of the resolution, and at the conclusion of the debate provided therein, the provision of the rule which permitted the separate vote was implemented as follows:

MR. [ROBERT T.] MATSUI [of California]: Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

THE SPEAKER PRO TEMPORE: All time has expired.

Pursuant to House Resolution 115, the previous question is ordered on the motion, and pursuant to House Resolution 115, the question on concurring in the Senate amendment will be divided.

The first question before the House is on concurring in sections 1 through 6 of the Senate amendment.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

MR. MATSUI: 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 PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—ayes 247, nays 156, not voting 27, as follows: . . .

THE SPEAKER PRO TEMPORE: The Chair will advise the Members that the question, having been divided, now before the House is on concurring in section 7 of the Senate amendment which, the Chair advises, deals with the cost-of-living adjustment.

The question, therefore, is on concurring in section 7 of the Senate amendment to H.R. 920.

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

MR. [RICK] SANTORUM [of Pennsylvania]: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 403, noes 0, answered “present” 3, not voting 24, as follows: . . .

So section 7 of the Senate amendment to H.R. 920 was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

§ 49. Propositions Affecting Several Persons

The rules of the House confirm that a resolution electing Members to standing committees of the House is not subject to division (Rule XVI clause 6). This prohibition is precise but other resolutions naming more than one person may be subject to a division if drafted in a manner which makes the proposition susceptible to the request.

Generally

§ 49.1 A resolution directing the Speaker to certify a report containing the names of three persons refusing to testify has been held to be indivisible.