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.

On May 28, 1936,[8] Mr. Charles J. Bell, of Missouri, sought the certification of the Speaker with respect to the report of the committee[9] he chaired regarding the refusal of three witnesses to testify before that committee. The resolution embodying this request read as follows:

HOUSE RESOLUTION 532

Resolved, That the Speaker of the House of Representatives certify the report of the Select Committee to Investigate Old Age Pension Plans as to the willful and deliberate refusal of Francis E. Townsend, Clinton Wunder, and John B. Kiefer to testify before said committee, together with all the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the District of Columbia, to the end that the said Francis E. Townsend, Clinton Wunder, and John B. Kiefer may be proceeded against in the manner and form provided by law.

Shortly thereafter, Mr. Everett M. Dirksen, of Illinois, inquired as to the resolution's divisibility.

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

THE SPEAKER:[10] The gentleman will state it.

MR. DIRKSEN: Is the resolution divisible as to the three gentlemen named?

THE SPEAKER: It is not.

§ 49.2 A demand for a division of the question on a resolution confirming several nominations is in order at any time during the consideration of the resolution or after the previous question has been ordered thereon but before the question has been put by the Chair.

On Mar. 19, 1975,[11] a resolution confirming certain nominees to the Federal Election Commission was made in order by unanimous consent. The proceedings were as follows:

MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 314 and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 314

Resolved, That pursuant to the Federal Election Campaign Act Amendments of 1974, Public Law 93–443, the following named individuals be confirmed for appointment to the Federal Election Commission:

(a) Joan D. Aikens of Pennsylvania for a term ending on the April 30 first occurring more than six months after the date on which she is appointed;

(b) Robert O. Tiernan of Rhode Island for a term ending one year after

8. 80 CONG. REC. 8222, 74th Cong. 2d Sess.

9. The Select Committee to Investigate Old Age Pension Plans.

10. Joseph W. Byrns (Tenn.).

11. 121 CONG. REC. 7344, 7345, 7353, 7354, 94th Cong. 1st Sess.

the April 30 on which the term of the member referred to in clause (a) immediate above ends;

(c) Neil O. Staebler of Michigan for a term ending two years thereafter;

(d) Thomas E. Harris of Virginia for a term ending three years thereafter;

(e) Vernon W. Thomson of Wisconsin for a term ending four years thereafter; and

(f) Thomas B. Curtis of Missouri for a term ending five years thereafter.

MR. HAYS of Ohio (during the reading): Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

THE SPEAKER:[12] Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE SPEAKER: Is there objection to the present consideration of the resolution?

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Speaker, reserving the right to object, and I do not think I will object at this time, but I would like to ask the distinguished chairman of the committee a question.

It is my understanding that there will be approximately 1 hour of debate, which the gentleman from Ohio has agreed to share with the minority?

MR. HAYS of Ohio: That is correct.

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

THE SPEAKER: The gentleman will state it.

MR. DICKINSON: Mr. Speaker, is this resolution, as it is presented at this time or later, divisible so that we can demand a separate vote on one or all of the six nominees?

THE SPEAKER: If consent for the consideration of the resolution is given, the resolution is subject to a division of the question with respect to the various nominations.

MR. DICKINSON: And at that time it will be proper for me, or any other Member, to ask for a separate vote on any one or more of the nominees?

THE SPEAKER: If consent is granted for the consideration of the resolution, any Member can ask for a division of the question at the proper time.

MR. DICKINSON: I thank the Speaker.

MR. HAYS of Ohio: Mr. Speaker, I yield myself such time as I may consume.

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

THE SPEAKER: Does the gentleman from Ohio yield to the gentleman from Alabama?

MR. HAYS of Ohio: I yield to the gentleman from Alabama.

THE SPEAKER: The gentleman will state it.

MR. DICKINSON: Mr. Speaker, I wanted to make sure I understood, and I would ask the Chair, when is the proper time to ask for a division of the question?

THE SPEAKER: Now, or when the previous question is ordered.

MR. DICKINSON: Mr. Speaker, I will at this time ask for a division of the nominees individually.

THE SPEAKER: The gentleman asks for a division on all the nominations, and the question will be divided when put. . . .

The previous question was ordered.

THE SPEAKER: Pursuant to the request of the gentleman from Alabama

12. Carl Albert (Okla.).

(Mr. Dickinson), the question on the adoption of the resolution will be divided.

The Clerk will report the first portion of the resolution.

The Clerk read as follows:

> *Resolved*, That pursuant to the Federal Election Campaign Act Amendments of 1974, Public Law 93–443, the following named individuals be confirmed for appointment to the Federal Election Commission:
>
> (a) Joan D. Aikens of Pennsylvania for a term ending on the April 30 first occurring more than six months after the date on which she is appointed;

THE SPEAKER: The question is on the part of the resolution including the nomination of Joan D. Aikens.

The first part of the resolution was agreed to and the nomination was confirmed.

THE SPEAKER: The Clerk will report the next portion of the resolution.

The Clerk read as follows:

> (b) Robert O. Tiernan of Rhode Island for a term ending one year after the April 30 on which the term of the member referred to in clause (a) immediate above ends;

THE SPEAKER: The question is on the portion of the resolution which includes the nomination of Robert O. Tiernan.

Clause (b) of the resolution was agreed to and the nomination was confirmed.

THE SPEAKER: The Clerk will report the next portion of the resolution.

The Clerk read as follows:

> (c) Neil O. Staebler of Michigan for a term ending two years thereafter:

THE SPEAKER: The question is on the portion of the resolution which includes the nomination of Neil O. Staebler.

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

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

Clause (c) of the resolution was agreed to and the nomination was confirmed.

The result of the vote was announced as above recorded.

THE SPEAKER: The Clerk will report the next portion of the resolution.

The Clerk read as follows:

> (d) Thomas E. Harris of Virginia for a term ending three years thereafter;

THE SPEAKER: The question is on clause (d) of the resolution including the nomination of Thomas E. Harris.

Clause (d) of the resolution was agreed to and the nomination was confirmed.

THE SPEAKER: The Clerk will report the next portion of the resolution.

The Clerk read as follows:

> (e) Vernon W. Thomson of Wisconsin for a term ending four years thereafter; and

THE SPEAKER: The question is on clause (e) of the resolution which includes the nomination of Vernon W. Thomson.

Clause (e) was agreed to and the nomination was confirmed.

THE SPEAKER: The Clerk will report the final portion of the resolution.

The Clerk read as follows:

> (f) Thomas B. Curtis of Missouri for a term ending five years thereafter.

THE SPEAKER: The question is on the final clause of the resolution including the nomination of Thomas B. Curtis.

Clause (f) was agreed to and the nomination was confirmed.

A motion to reconsider the votes whereby the various parts of the resolution were agreed to was laid on the table.

THE SPEAKER: The Clerk will notify the Senate of the action of the House.

§ 49.3 A resolution with two resolve clauses separately directing the Speaker to certify to the United States attorney the contemptuous conduct of two individuals is subject to a demand for a division of the question as to each individual.

In the 74th Congress, Speaker Joseph W. Byrns, of Tennessee, had held that one contempt resolution certifying three persons in one resolved clause was not divisible since the resolution was drafted in a manner that was grammatically indivisible. In the present case, the Foreign Affairs Committee was advised to draft separate resolved clauses for each witness, as logically each certification should be subject to a separate vote. On Feb. 27, 1986,[13] the chairman of the Committee on Foreign Affairs sought recognition:

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, by direction of the Committee on Foreign Affairs, I offer a privileged resolution (H. Res. 384) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 384

Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Foreign Affairs, detailing the refusal of Ralph Bernstein to answer questions of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law; and be it further

Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Foreign Affairs, detailing the refusal of Joseph Bernstein to answer questions of the Subcommittee of Asian and Pacific Affairs of the Committee on Foreign Affairs, to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law.

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

MR. FASCELL: Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Iowa [Mr. Leach]. I yield the remainder of my time for the purposes of debate to the gentleman from New York [Mr. Solarz], and pending that, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the approval of House Report 99–462, which concerns proceedings against Ralph Bernstein and Joseph Bernstein. This action is made necessary by the

13. 132 CONG. REC. 3040, 3048, 3049, 3050, 3061, 3062, 99th Cong. 2d Sess.

refusal of these two individuals to cooperate with the investigation of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs. . . .

MR. [JIM] LEACH of Iowa: Mr. Speaker, I rise in support of the report of the Committee on Foreign Affairs regarding the refusals of Joseph and Ralph Bernstein to answer certain questions. . . .

The subcommittee's inquiry was well founded in legislative purpose. Joseph and Ralph Bernstein demonstrated a contempt of Congress by refusing to cooperate with that inquiry. However, I would like to emphasize again, and I'm sure the distinguished chairman of the Subcommittee share this preventive, that the subcommittee prefers to seek information and not punitive actions against these witnesses. They hold the keys to their potential incarceration in their pockets. We continue to hope that Joseph and Ralph Bernstein will cooperate with the subcommittee in its search for the truth in this investigation. In the meantime, I urge my colleagues to support the contempt citation before us to protect the legislative powers and responsibilities of this institution. In this regard, however, as they are individuals of differing circumstances, I demand division of the question.

THE SPEAKER PRO TEMPORE: The gentleman's rights will be protected. The question will be divided. . . .

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MR. LEACH of Iowa: Mr. Speaker, I renew my demand for a division.

THE SPEAKER PRO TEMPORE: The Clerk will report the first part of the resolution.

The Clerk read as follows:

> *Resolved,* That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Foreign Affairs, detailing the refusal of Ralph Bernstein to answer questions of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law;

THE SPEAKER PRO TEMPORE: The question is on the first part of the resolution.

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

THE SPEAKER PRO TEMPORE: The Clerk will report the second part of the resolution.

The Clerk read as follows:

> *Resolved,* That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Foreign Affairs, detailing the refusal of Joseph Bernstein to answer questions of the Subcommittee of Asian and Pacific Affairs of the Committee on Foreign Affairs, to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law.

THE SPEAKER PRO TEMPORE: The question is on the second part of the resolution.

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

MR. LEACH of Iowa: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 343, noes 50, not voting 41, as follows: . . .

§ 49.4 Where an amendment in the form of a limitation is offered to an appropriation bill providing that no part of the appropriation shall be paid to several individuals named, such amendment is divisible and a separate vote may be had on each name.

On Feb. 5, 1943,[14] Mr. Joseph E. Hendricks, of Florida, offered an amendment to an appropriation bill then before the Committee of the Whole.

The Clerk read as follows:

Amendment offered by Mr. Hendricks: Page 12, line 22, after the word "Treasury", strike out the period and insert a colon and the following: "*Provided further,* That no part of any appropriation contained in this act shall be used to pay the compensation of William Pickens, Frederick L. Schuman, Goodwin B. Watson, William E. Dodd, Jr., Paul R. Porter, John Herling, Paul F. Brissenden, David J. Saposs, Maurice Parmelee, Harold Loeb, Sam Schmerler, Emil Jack Lever, David Lasser, Tom Tippett, Henry C. Alsberg, David Karr, Guiseppi Facci, David Wahl, Hugh Miller, Walter Gellhorn, Karl Borders, Jack Fahy, Nathaniel Weyl, Robert Morss Lovett, Merle Vincent, Alice Barrows, Arthur F. Goldschmidt, Marcus I. Goldman, Leonard Emil Mins, Henry T. Hunt, Mary McLeod Bethune, Harry C. Lamberton, T. A. Bisson, Katherine Kellock, Jay Deiss, Milton V. Freeman, George Slaff, A. C. Shire, and Edward Scheunemann."

Mr. John H. Folger, of North Carolina, rose subsequently to make a point of order and stated:

. . . Thirty-eight or forty names are included within the amendment, and I make the point of order that it is out of order for that reason. Each one must be taken separately. It is a divisible amendment.

The Chairman[15] subsequently overruled Mr. Folger's point of order, noting that:

. . . [W]hen it comes to voting on the amendment, should the House so desire, the amendment is divisible and a separate vote could be had with respect to each individual name.

§ 49.5 A resolution reported from an elections committee providing that one individual is not entitled to a seat in the House and that another individual is entitled to a seat has been held to be divisible.

On June 9, 1938,[16] Mr. John H. Kerr, of North Carolina, called up House Resolution 482, which stated:

Resolved, That Arthur B. Jenks is not entitled to a seat in the House of

14. 89 Cong. Rec. 645, 646, 78th Cong. 1st Sess.

15. William W. Courtney (Tenn.).

16. 83 Cong. Rec. 8642, 8660, 75th Cong. 3d Sess.

Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire; and be it further

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

After debate, Mr. Bertrand H. Snell, of New York, demanded a division of the question.

The Speaker[17] ruled that Mr. Snell was "entitled to ask for a division of the question."

As to Election of House Officers

§ 49.6 Prior to adoption of the rules, a resolution providing for the election of the officers of the House is divisible.

On Jan. 21, 1971,[18] Mr. Olin E. Teague, of Texas, sought immediate consideration of the following resolution:

H. RES. 1

Resolved, That W. Pat Jennings, of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Zeake W. Johnson, Jr., of the State of Tennessee, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That William M. Miller, of the State of Mississippi, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That H. H. Morris, of the Commonwealth of Kentucky, be, and he is hereby, chosen Postmaster of the House of Representatives;

That Reverend Edward G. Latch, D.D., of the District of Columbia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. John B. Anderson, of Illinois, then requested a division of the question so that a separate vote could be obtained with respect to the Office of the Chaplain. The Speaker[19] honored Mr. Anderson's request, and that portion of the resolution was voted on and agreed to.[20]

§ 50. Propositions Considered Under a Motion To Suspend the Rules

§ 50.1 It is not in order to demand a division of the question on a proposition considered under a motion to suspend the rules.

On Sept. 20, 1943,[1] Mr. John W. McCormack, of Massachusetts,

17. William B. Bankhead (Ala.).

18. 117 CONG. REC. 13, 92d Cong. 1st Sess.

19. Carl Albert (Okla.).

20. For a similar instance, see 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967. This procedure is usually followed on opening day of each Congress in order to show unanimity of support for the Chaplain of the House.

1. 89 CONG. REC. 7646, 7655, 78th Cong. 1st Sess.