AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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:[11] 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,[12] the Speaker[13] 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.).

THE SPEAKER: It is one proposition, it is not divisible.

Recommittal of Conference Reports

§ 45.2 On a motion to recommit a conference report with instructions, it is not in order to demand a separate vote on the instructions or various branches thereof.

On Apr. 11, 1956,[14] following a motion to recommit a conference report with instructions to insist on the alteration and striking of several sections and titles, Mr. Arthur Miller, of Nebraska, inquired as to whether a separate vote may be had on the various amendments. The Speaker[15] ruled that a motion to recommit is not subject to division.[16]

Recommital of Bill

§ 45.3 While the motion to recommit with instructions is not divisible, a substantially and grammatically distinct amendment contained in a successful motion to recommit with instructions may be divided when reported back to the House forthwith.

On June 29, 1993,[17] a motion to recommit a general appropriation bill with instructions to report the bill back immediately with an amendment of two parts was pending when a parliamentary inquiry was directed to the Speaker Pro Tempore. The inquiry assumed that the motion to recommit with instructions was not divisible[18] but was directed to the divisibility of the amendment in the event the motion to recommit were to be adopted.

MR. [JOHN T.] MYERS of Indiana: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE:[19] Is the gentleman opposed to the bill?

MR. MYERS of Indiana: In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

> Mr. Myers of Indiana moves to recommit the bill H.R. 2491, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:
>
> On page 69, after line 2, insert the following new section:
>
> "SEC. . Notwithstanding any other provision of this Act, except for Title I, Department of Veterans Affairs, each amount appropriated or otherwise made available that is not re-

14. 102 CONG. REC. 6157, 84th Cong. 2d Sess.
15. Sam Rayburn (Tex.).
16. See also 93 CONG. REC. 7845, 80th Cong. 1st Sess., June 27, 1947.
17. 139 CONG. REC. 14617, 14618, 103d Cong. 1st Sess.
18. See 5 Hinds' Precedents § 6134; 8 Cannon's Precedents §§ 2737, 3170.
19. G. V. (Sonny) Montgomery (Miss.).

quired to be appropriated or otherwise made available by a provision of law is hereby reduced by 6 percent.";

And on page 58, line 16, strike "$5,000,000" and insert in lieu thereof "$25,000,000".

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Myers] is recognized for 5 minutes in support of his motion to recommit.

PARLIAMENTARY INQUIRY

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. SOLOMON: Mr. Speaker, I would just propound the question, if the motion to recommit is adopted, is it not then in order for a demand for a division of the question under the rules of the House?

THE SPEAKER PRO TEMPORE: If the motion to recommit is adopted, the amendment in the form presented could be divided when reported back to the House forthwith.

MR. SOLOMON: I thank the Chair.

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

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to recommit.

§ 46. Motions for the Previous Question

§ 46.1 A motion for the previous question cannot be divided.

On Apr. 25, 1940,[20] Mr. Edward E. Cox, of Georgia, moved the previous question on an amendment and the adoption of a resolution pertaining to the wage-hour law. Mr. Hamilton Fish, Jr., of New York, inquired as to whether such a motion was divisible thereby prompting the following discussion:

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

THE SPEAKER PRO TEMPORE:[1] The gentleman will state it.

MR. FISH: Mr. Speaker, would it be in order to have separate votes on the two propositions?

THE SPEAKER PRO TEMPORE: A motion of the previous question cannot be divided.

MR. [PHIL] FERGUSON [of Oklahoma]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FERGUSON: Can a separate vote be had on the two propositions if the previous question is ordered?

THE SPEAKER PRO TEMPORE: If the previous question is ordered, the question will first recur on the amendment offered by the gentleman from Georgia and then on the rule.

MR. [REUBEN T.] WOOD [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WOOD: The vote will be on the amendment?

---

20. 86 CONG. REC. 5051, 76th Cong. 3d Sess.

1. Sam Rayburn (Tex.).