

amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will report the first amendment on which a separate vote has been demanded. . . .

MR. WAGGONNER: Mr. Speaker, I ask unanimous consent to withdraw the request for a separate vote.

THE SPEAKER:<sup>(19)</sup> The Record will note the request, but the vote still will be on the committee amendment.

The question is on the amendment.

### ***Unanimous Consent for Consideration of Substitute After Previous Question Ordered***

**§ 36.30 On one occasion, where a separate vote had been demanded in the House on an amendment adopted in the Committee of the Whole, unanimous consent was granted for the consideration of a substitute for such amendment even though the previous question had been ordered; and the amendment as amended by such substitute was agreed to.**

On Aug. 22, 1944,<sup>(20)</sup> the following proceedings took place:

The committee substitute was agreed to.

19. John W. McCormack (Mass.).

20. 90 CONG. REC. 7215, 7216, 78th Cong. 2d Sess. Under consideration was H.R. 5125, relating to disposal of surplus government property.

THE CHAIRMAN:<sup>(1)</sup> Under the rule, the Committee will rise. . . .

THE SPEAKER:<sup>(2)</sup> Under the rule, the previous question is ordered.

Under the rule, also, the substitute being considered as an original bill, any Member may ask for a separate vote on any amendment to the substitute. . . .

MR. [CARTER] MANASCO [of Alabama]: Mr. Speaker, I ask for a separate vote on the so-called Mott amendment. . . .

MR. [WARREN G.] MAGNUSON [of Washington]: Mr. Speaker, I ask unanimous consent to submit at this time a substitute for the Mott amendment. . . .

There was no objection. . . .

[The substitute was offered.]

The substitute was agreed to. . . .

The amendment as amended by the substitute was agreed to. . . .

The committee [amendment in the nature of a] substitute was agreed to.

## **§ 37. Order of Consideration**

### ***Generally***

**§ 37.1 When demand is made for separate votes in the House on several amendments adopted in the Committee of the Whole, such amendments are ordinarily read and voted on in the**

1. R. Ewing Thomason (Tex.).

2. Sam Rayburn (Tex.).

**House in the order in which they appear in the bill as reported from the Committee of the Whole—not necessarily in the order in which agreed to in Committee or in which demanded in the House.**

The modern practice of considering amendments in the order in which they appear in the bill is illustrated by the proceedings on Aug. 9, 1966, where a resolution making in order the consideration of a bill provided for separate votes in the House on amendments to the committee amendment in the nature of a substitute, the vote recurred in the order in which the amendments appeared in the bill even though the demands were not made in that order.<sup>(3)</sup>

Similarly, on July 24, 1968,<sup>(4)</sup> the following proceedings took place:

THE SPEAKER:<sup>(5)</sup> The Chair will state that separate votes have been demanded on the so-called MacGregor amendment on page 8, the so-called

3. 112 CONG. REC. 18736–39, 89th Cong. 2d Sess. Under consideration was H.R. 14765.
4. 114 CONG. REC. 23093–95, 90th Cong. 2d Sess. Under consideration was H.R. 17735. For further illustration, see 119 CONG. REC. 24959, 24965, 24966, 93d Cong. 1st Sess., July 19, 1973.
5. John W. McCormack (Mass.).

Sikes amendment on page 28, the so-called Poff amendment on page 28, and the so-called Latta amendment on page 12. . . .

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, would the Chair announce the order in which the amendments will be voted upon?

THE SPEAKER: The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that the amendments will be voted on in the order in which they appear in the bill.

But the Speaker<sup>(6)</sup> on one occasion indicated that, where separate votes are demanded in the House on amendments adopted in the Committee of the Whole, such amendments would be voted on in the order in which a separate vote is demanded and not the order in which adopted.<sup>(7)</sup>

On another occasion, amendments adopted in the Committee of the Whole on which a separate vote was demanded in the House were reported in the order in which they were adopted in the

6. Sam Rayburn (Tex.).

7. 95 CONG. REC. 2542, 2543, 81st Cong. 1st Sess. Under consideration was H.R. 1731, to extend certain provisions of the Housing and Rent Act of 1947, as amended. And see 111 CONG. REC. 16280, 16283, 89th Cong. 1st Sess., July 9, 1965, where the usual procedure was not strictly followed and amendments were voted on in the order in which separate votes were demanded.

Committee of the Whole. Of course, as a bill is read for amendment by sections, the order of adoption of the amendments would normally correspond to the order of sections in the bill. In this instance, the bill<sup>(8)</sup> under consideration was to extend the effective period of the Emergency Price Control Act of 1942, and the Stabilization Act of 1942, and the Committee of the Whole had by unanimous consent agreed that the separate sections extending each of the two Acts be considered together, that amendments be in order under the general rules of the House to any part of the resolution, and that the amendments to both Acts would be open to amendment at the same time:<sup>(9)</sup>

THE CHAIRMAN:<sup>(10)</sup> The Clerk will read.

The Clerk read as follows:

*Resolved, etc.,* That section 1 (b) of the Emergency Price Control Act of 1942, as amended, is amended by striking out "June 30, 1945" and substituting "December 31, 1946."

MR. [PAUL] BROWN of Georgia: Mr. Chairman, I ask unanimous consent that sections 1 and 2 may be considered together and that amendments may be in order under the general rules of the House to any part of the resolution.

8. H.J. Res. 101.
9. See 91 CONG. REC. 6533, 79th Cong. 1st Sess., June 21, 1945.
10. Jere Cooper (Tenn.).

MR. [JESSE P.] WOLCOTT [of Michigan]: . . . If the unanimous consent of the gentleman from Georgia is adopted will amendments to the amendments to both the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, be in order after the reading of section 2?

THE CHAIRMAN: Yes.

Is there objection to the request of the gentleman from Georgia?

There was no objection.

Subsequently,<sup>(11)</sup> during proceedings in the House, amendments on which separate votes were demanded were reported, as directed by the Speaker, Sam Rayburn, of Texas:

THE SPEAKER: The Clerk will report the next amendment on which a separate vote is demanded. The amendments will be reported in the order in which they were adopted in the Committee of the Whole.

**§ 37.2 Where separate votes are demanded in the House on amendments adopted in the Committee of the Whole, such amendments are reported and voted on in the order in which they appear in the bill and not as offered in the Committee of the Whole.**

On Apr. 17, 1946,<sup>(12)</sup> the following proceedings took place:

11. 91 CONG. REC. 6623-27, 79th Cong. 1st Sess., June 23, 1945.
12. 92 CONG. REC. 3936-38, 79th Cong. 2d Sess. Under consideration was

THE SPEAKER:<sup>(13)</sup> the Clerk will report the first amendment on which a separate vote has been demanded. . . .

MR. [EUGENE] WORLEY [of Texas]: Mr. Speaker, I was under the impression that the Flannagan amendment had been adopted prior to the Wadsworth amendment.

THE SPEAKER: The amendments are being considered in the order in which they appear in the bill, not as they were offered.

**§ 37.3 Votes in the House on amendments reported from the Committee of the Whole, on which separate votes have been demanded, are taken in the order in which the amendments appear in the bill, and not in the order in which separate votes were demanded.**

On May 31, 1984,<sup>(14)</sup> during consideration of H.R. 5167<sup>(15)</sup> in the House, the proposition described above occurred as follows:

THE SPEAKER PRO TEMPORE:<sup>(16)</sup> The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

H.R. 6042, the Emergency Price Control Act.

13. Sam Rayburn (Tex.).
14. 130 CONG. REC. 14677, 14678, 98th Cong. 2d Sess.
15. Defense Department authorization bill.
16. James C. Wright, Jr. (Tex.).

Amendment: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):

**TITLE IX—NUCLEAR WINTER STUDY**

**GOVERNMENT-SPONSORED STUDIES OF NUCLEAR WINTER**

Sec. 901. (a) If any Government agency undertakes a study of the phenomenon referred to as "nuclear winter" pursuant to proper authorization, the Secretary of Defense may participate in such study to the extent (and only to the extent) that the participation of the Secretary in the study is directly relevant to defense related aspects of the nuclear-winter phenomenon. . . .

THE SPEAKER PRO TEMPORE: . . . The question is on the amendment.

The amendment was rejected.

THE SPEAKER PRO TEMPORE: The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill, insert the following new section:

Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 1985 for the MX missile program shall be as provided under section 103(a). . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, there was a demand for a separate vote on the Leach amendment.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the amendments are voted on in the order in which they appear in the bill. The Leach amendment will be called after this one.

**§ 37.4 Where separate votes are demanded in the House on several amendments reported from Committee of the Whole, the Speaker puts the question on the amendments in the order in which they appear in the bill.**

On June 24, 1976,<sup>(17)</sup> the Committee of the Whole reported a bill back to the House with several amendments and the Speaker put the question on the amendments as indicated above. The proceedings were as follows:

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. [James C.] Wright [Jr., of Texas], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

THE SPEAKER:<sup>(18)</sup> Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: Is a separate vote demanded on any amendment?

17. 122 CONG. REC. 20424, 94th Cong. 2d Sess.

18. Carl Albert (Okla.).

MRS. [BELLA S.] ABZUG [of New York]: Mr. Speaker, I demand a separate vote on the so-called Hyde amendment.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Mitchell of Maryland amendment relating to summer employment.

THE SPEAKER: Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER: The Clerk will report the first amendment, the so-called Mitchell of Maryland amendment, on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 2, line 19 under Title I—Department of Labor, Employment, and Training Administration, Employment and Training Assistance, strike out “\$3,245,250,000” and insert in lieu thereof “\$3,311,831,000”.

THE SPEAKER: The question is on the amendment.

***Separate Votes on Amendments to Amendment in Nature of Substitute***

**§ 37.5 When a special rule provides for a separate vote on an amendment to an amendment in the nature of a substitute reported from the Committee of the Whole, the vote first recurs on the amendment on which the separate vote is demanded.**

On July 25, 1968,<sup>(19)</sup> the following proceedings took place:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I demand a separate vote on the so called Scherle amendment. . . .

THE SPEAKER:<sup>(20)</sup> . . . Is any further separate vote demanded? If not, the Clerk will report the so-called Scherle amendment, on which a separate vote has been demanded.

The Clerk read as follows: . . .

THE SPEAKER: The question is on the amendment.

—*Committee Amendment in Nature of Substitute*

**§ 37.6 Where a committee amendment in the nature of a substitute is reported from the Committee of the Whole with various amendments thereto, and, under a rule permitting such procedure, separate votes are demanded in the House on several of those amendments, the Speaker puts the question first on those amendments on which a separate vote is demanded, then on the amendment, as amended.**

On Oct. 6, 1966,<sup>(21)</sup> the following proceedings took place:

19. 114 CONG. REC. 23372, 90th Cong. 2d Sess. Under consideration was H.R. 15067.

20. John W. McCormack (Mass.).

21. 112 CONG. REC. 25585-87, 89th Cong. 2d Sess. Under consideration

THE SPEAKER:<sup>(22)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [JAMES G.] O'HARA of Michigan: Mr. Speaker, I demand a separate vote on the Fountain amendment which appears on page 63 of the bill, after line 9.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. [PAUL A.] FINO [of New York]: Mr. Speaker, I demand a separate vote on the O'Hara amendment, the anti-busing amendment. . . .

THE SPEAKER: The Chair is not aware of that designation.

What amendment does the gentleman from New York have in mind? The gentleman's characterization does not give sufficient information to the Chair. The Chair is endeavoring to protect the rights of the gentleman from New York.

MR. FINO: Mr. Speaker, the amendment which appears on page 57. . . .

THE SPEAKER: The gentleman from Michigan [Mr. O'Hara] offered several amendments that were adopted in the Committee of the Whole. The Chair is trying to ascertain the particular one that the gentleman from New York has in mind. . . .

THE SPEAKER: It is the Chair's recollection that the gentleman from Michigan [Mr. O'Hara] offered one amendment covering four sections of the bill. Later he offered another, intended to cover the fifth section.

was H.R. 13161, a bill to strengthen and improve programs of assistance for elementary and secondary schools.

22. John W. McCormack (Mass.).

Will the gentleman from Michigan [Mr. O'Hara] let the Chair have his opinion, and can the gentleman ascertain that the first amendment was intended to cover five sections, or five provisions, but covered only four, and that the gentleman then offered his second amendment to carry out the intent that he had in mind?

Is the Chair's understanding correct?

MR. O'HARA of Michigan: Mr. Speaker, the Speaker has correctly stated the matter. The first amendment applied to four of the five titles of the elementary and secondary education bill passed by this Congress in 1965.

The second amendment on that subject, the last amendment I offered, covered the first title of that bill that we enacted in 1965.

THE SPEAKER: Is that the amendment the gentleman from New York has in mind?

MR. FINO: Mr. Speaker, that is correct.

THE SPEAKER: Does the gentleman from New York demand a separate vote on both of the amendments?

MR. FINO: Mr. Speaker, I do, to eliminate any confusion.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. O'HARA of Michigan: Mr. Speaker, I ask unanimous consent that the two amendments on which the gentleman from New York has asked for a separate vote be voted en bloc.

THE SPEAKER: Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE SPEAKER: Is a separate vote demanded on any other amendment?

If not, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 63, after line 9, insert the following:

"PART G. COMPLIANCE WITH SECTION 602 OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

"Sec. 171. The Commissioner of Education shall not defer action or order action deferred on any application by local educational agencies for funds authorized to be appropriated by this Act or by any Act amended by this Act on the basis of alleged noncompliance with the provisions of title VI of the Civil Rights Act of 1964 unless and until, as provided by section 602 of title VI, there has been an express finding on the record, after opportunity for a hearing, that such local educational agency has failed to comply with the provisions of title VI."

And on line 10, strike out "G" and insert "H", and on line 11, strike out "171" and insert "181".

MR. [JOHN] BRADEMAS [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BRADEMAS: Mr. Speaker, is this the so-called Fountain amendment?

THE SPEAKER: That is correct.

MR. BRADEMAS: I thank the Speaker.

THE SPEAKER: The question is on the amendment. . . .

The Clerk will report the so-called O'Hara amendments on which a separate vote has been demanded.

The Clerk read as follows:

Amendments offered by Mr. O'Hara of Michigan: On page 63, between lines 12 and 13 insert:

"PART H—RACIAL IMBALANCE

"Sec. 181. Section 604 of the Elementary and Secondary Education

Act of 1965 (containing a prohibition against Federal control of education) is amended by inserting the following at the end thereof and before the period: ', or to require the assignment or transportation of students or teachers in order to overcome racial imbalance'."

On page 69, after line 3, insert the following:

"Sec. 215. Section 301(a) of the Act of September 30, 1950 (Public Law 874; Eighty-first Congress) is amended by inserting the following at the end thereof before the period: ', or require the assignment or transportation of students or teachers in order to overcome racial imbalance'."

THE SPEAKER: The question is on the amendments. . . .

MR. FINO: Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Speaker appointed Mr. O'Hara of Michigan and Mr. Fino as tellers.

The House divided, and the tellers reported that there were—ayes 263, noes 5.

So the amendments were agreed to.

THE SPEAKER: The question is on the amendment as amended.

The amendment, as amended, was agreed to.

### ***Substitute for Amendment in Nature of Substitute***

**§ 37.7 Where a committee amendment in the nature of a substitute is amended in Committee of the Whole by the adoption of a substitute and is reported to the House under a procedure permit-**

**ting a separate vote on any amendment to the committee amendment, any Member may demand a separate vote on the substitute and, if it is adopted, the vote recurs on the committee amendment as amended by the substitute.**

On Nov. 24, 1970,<sup>(1)</sup> the following proceedings took place:

THE SPEAKER:<sup>(2)</sup> . . . Is a separate vote demanded on any amendment to the committee amendment?

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I demand a separate vote on the Steiger of Wisconsin amendment, commonly known as the Steiger-Sikes substitute, as amended.

THE SPEAKER: The Clerk will report the amendment. . . .

The question is on the amendment. . . .

So the amendment was agreed to. . . .

THE SPEAKER: The question is on the committee amendment, as amended, adopted in the Committee of the Whole.

The amendment was agreed to.

**§ 37.8 The rule that an amendment in the nature of a substitute is always perfected before a vote is taken on a substitute amendment is followed in the House when op-**

1. 116 CONG. REC. 38715, 38723, 38724, 91st Cong. 2d Sess. Under consideration was H.R. 16785.

2. John W. McCormack (Mass.).

**erating under a special rule permitting separate votes on amendments adopted in the Committee of the Whole.**

In the 86th Congress,<sup>(3)</sup> during consideration of a bill<sup>(4)</sup> to authorize federal financial assistance to school construction, the Committee of the Whole had adopted, in the following order: (1) an amendment to section 4 of a committee amendment in the nature of a substitute,<sup>(5)</sup> (2) then an amendment to section 6,<sup>(6)</sup> (3) an amendment, in effect a substitute, striking out all after section 1 of the committee amendment [thus deleting all after the title],<sup>(7)</sup> and finally (4) had agreed to the committee amendment in the nature of a substitute, as amended;<sup>(8)</sup> these amendments were then voted on in the House, under a special rule permitting separate votes on any amendments adopted in the Committee of the Whole to either the bill or the committee amendment, in the order in which they had been adopted.<sup>(9)</sup>

3. See the proceedings at 106 CONG. REC. 11282, 11292, 11296-98, 11301-03, 86th Cong. 2d Sess., May 26, 1960.

4. H.R. 10128.

5. 106 CONG. REC. 11282, 11292, 86th Cong. 2d Sess.

6. *Id.* at pp. 11296, 11297.

7. *Id.* at pp. 11298, 11301.

8. *Id.* at p. 11302.

9. *Id.* at pp. 11302, 11303.

**§ 38. Effect of Rejection of Amendment**

*Original Text Before House .*

**§ 38.1 When the House rejects an amendment adopted in the Committee of the Whole, only the original text of the bill is before the House.**

On June 20, 1967,<sup>(10)</sup> a bill<sup>(11)</sup> was under consideration which stated in part:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 33 of title 18, United States Code, is amended by inserting immediately preceding section 701 thereof, a new section as follows:

“§ 700. Desecration of the flag of the United States; penalties

(a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it shall be fined.

A committee amendment was agreed to that provided:

On page 1, line 9, after “defiling,” insert “burning.”

Subsequently, Mr. James C. Corman, of California, offered an amendment:<sup>(12)</sup>

Amendment offered by Mr. Corman:  
Strike all the language on page 1, lines

10. 113 CONG. REC. 16487 et seq., 90th Cong. 1st Sess.

11. H.R. 10480.

12. 113 CONG. REC. 16488, 90th Cong. 1st Sess., June 20, 1967.