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PREAMBLES

Preambles or "whereas clauses" are generally to be found in joint, concurrent, and simple resolutions. Rarely is a preamble found in a House or Senate bill.

Preambles are acted on independently of the measure they accompany. After acting on a measure, the Senate could defeat the preamble which would have no effect on the original measure. Preambles are amendable and are either defeated or agreed to by the Senate after the Senate passes the resolution or bill, but the Senate does not take any action on the preamble until after the passage or adoption of the bill or resolution to which it is attached.

If a bill or resolution has a preamble and that bill or resolution is defeated, the Senate never acts on the preamble.

Rule XIV, Paragraph 8

[Preambles Acted on After Passage of Measure]

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

Amendable, Preamble:

The preamble to a bill or resolution is subject to amendment after the passage or adoption of the measure it accompanies,[1] but not until then.[2] An amendment to a preamble is not in order until after the Senate has finally acted upon the text of the measure which the preamble accompanies.[3]

Amendments to the preamble of a resolution are in order only after the adoption of the resolution, and the

[1] June 5, 1924, 68-1, *Record*, p. 10644; May 13, 1935, 74-1, *Journal*, p. 339, *Record*, p. 7380; Dec. 3, 1943, 78-1, *Record*, pp. 10291-92; Apr. 10, 1940, 76-3, *Record*, p. 4281; Aug. 4, 1939, 76-1, *Record*, pp. 11041-42; Dec. 22, 1932, 72-2, *Record*, pp. 910-12; Oct. 27, 1939, 76-2, *Record*, pp. 1021, 1027-33.

[2] Aug. 4, 1939, 76-1, *Record*, p. 11042; *see also* May 10, 1937, 75-1, *Record*, p. 4275; Feb. 1, 1980, 96-2, *Record*, pp. S 780-82; Jan. 29, 1980, 96-2, *Record*, p. S 510.

[3] June 5, 1924, 68-1, *Record*, p. 10644; Mar. 22, 1957, 85-1, *Record*, pp. 4202-03.

Presiding Officer enforces this at his or her own initiative.[4]

For example, an amendment to the preamble of a resolution is not in order until the resolution has been approved; nor is a complete substitute for a resolution including a substitute for the preamble offered in one package in order. The amendment to the resolution would have to be offered first and after the passage of the resolution, the amendment for the preamble would then be in order.[5]

A motion to amend a committee amendment to the preamble of a joint resolution, which is included as a part of an amendment proposed to the text, is not in order until the joint resolution has been passed.[6]

A committee, in reporting a joint resolution to the Senate with amendments, has a right to include therein an amendment proposing to strike out the preamble.[7]

Amendment to Bill:

An amendment to a bill should not have a preamble.[8]

An amendment may not contain a preamble (although it may contain findings), and the Presiding Officer may enforce this at his or her own initiative while the amendment is being read.[9]

An amendment to a bill or joint resolution is not in order after its passage but the passage of such a measure does not prohibit the consideration of an amendment to a preamble thereto since amendments to preambles are not in order until after the measure itself has been passed.[10]

Consideration of Preamble:

The preamble to a bill or resolution is not acted on until after the passage or adoption of the body of the measure which it accompanies,[11] but if the measure is adopted or

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[4] May 6, 1986, 99-2, *Record*, p. 9610; Feb. 22, 1984, 98-2, *Record*, p. 2898.

[5] Mar. 23, 1972, 92-2, *Record*, pp. 9907, 9920-21.

[6] Aug 27, 1963, 88-1, *Record*, pp. 15967-68.

[7] May 9, 1911, 62-1, *Record*, pp. 1128-29; *see also* June 22, 1955, 84-1, *Record*, pp. 8944, 8959-60.

[8] June 19, 1979, 96-1, *Record*, pp. 15428-29; Aug. 11, 1944, 78-2, *Record*, p. 6912; *see* June 28, 1978, 95-2, *Record*, pp. 19260-64.

[9] Nov. 13, 1985, 99-1, *Record*, p. 31735.

[10] *See* Oct. 27, 1939, 76-2, *Record*, pp. 1027-33.

[11] Dec. 3, 1943, 78-1, *Record*, pp. 10291-92; May 9, 1911, 62-1, *Record*, pp. 1128-29; Dec. 22, 1932, 72-2, *Record*, pp. 910-12; Jan. 28, 1955, 84-1, *Record*, p. 934; Oct. 27, 1939, 76-2, *Record*, pp. 1027-33; Aug. 4, 1939, 76-1, *Record*, pp. 11041-42; May 13, 1935, 74-1,

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agreed to, it is then in order to take action on the preamble.[12] Preambles usually accompany only joint resolutions, concurrent resolutions, and simple resolutions.[13]

A preamble accompanying a resolution which is rejected by the Senate is not acted upon; it fails with the resolution.[14]

Debate of Preamble:

See "Preamble, Debate of," p. 766.

Presiding Officer Takes Initiative:

See also "Amendable, Preamble," pp. 1005–1006.

Amendments to the preamble of a resolution are in order only after adoption of the resolution, and the Presiding Officer enforces this at his or her own initiative.[15]

Tabling of:

A motion to table a preamble is in order and if offered and adopted, it does not carry the resolution with it.[16]

Vote on Preamble:

A separate vote is required on the question of agreeing to a preamble.[17]

PRESIDENT OF THE SENATE

See "Vice President," pp. 1390–1396.

Journal, p. 339, *Record*, p. 7380; June 5, 1924, 68–1, *Record*, p. 10644; *see also* June 22, 1955, 84–1, *Record*, pp. 8944, 8959–60; Apr. 10, 1952, 82–2, *Record*, p. 3954.

[12] *See* Apr. 10, 1952, 82–2, *Record*, p. 3954.

[13] *Ibid.*

[14] *See* June 22, 1955, 84–1, *Record*, pp. 8944, 8959–60; Apr. 10, 1952, 82–2, *Record*, p. 3954.

[15] May 6, 1986, 99–2, *Record*, p. 9610.

[16] *See* Feb. 21, 1872, 42–2, *Journal*, p. 270; Feb. 29, 1872, 42–2, *Record*, pp. 1290–98.

[17] *See* May 14, 1935, 74–1, *Record*, p. 7440.