AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

DISPLACEMENT OF PENDING BUSINESS

See "Displacement of Pending or Unfinished Business," pp. 664-669.

DIVISION OF PENDING QUESTION

See also "Division of Pending Question," pp. 54-57; "Action for Appointing Conferees," pp. 454-459.

Rule XV, Paragraph 3

[Amendments—Division of a Question]

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Divisible Questions

See also "Amendments to a Motion to Recommit," pp. 1107-1109; "Amendments, Divisible Questions," pp. 54-57; "Action for Appointing Conferees," pp. 454-459.

Under Rule XV, if the question in debate contains two or more propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.[1]

Under the rules and precedents, any Senator on demand may have any question before the Senate divided,

---

[1] July 5, 1912, 62-2, *Record*, pp. 8657-58; Jan. 30, 1913, 62-3, *Journal*, p. 134; Nov. 30, 1971, 92-1, *Record*, pp, 43455-57, 43463; Jan. 18, 1967, 90-1, *Record*, p. 918; *see* May 19, 1971, 92-1, *Record*, p. 15962; June 15, 1967, 90-1, *Record*, pp. 16016-17; Oct. 17, 1972, 92-2, *Record*, p. 36855.

when it is susceptible of division,[2] including resolutions,[3] or amendments involving two or more parts,[4] or an amendment containing two separate and distinct propositions or two separate unrelated subjects,[5] or a motion to strike out two sections of a bill; [6] and such questions may be divided at the request of any Senator, even though the yeas and nays have been ordered thereon; [7] but to be susceptible of division each part proposed to be divided must be able to stand alone so that if one part is eliminated the other part would be able to stand on its own.

An amendment that inserts several new sections in a bill may be divided wherever susceptible of division at the option of any Senator.[8]

A request for a division of a question is not in order except by unanimous consent until that question is pending before the Senate.[9]

A Senate resolution consisting of two separate provisions is divisible.[10]

If a resolution is divided, under Rule XV, paragraph 3, into two parts, the first part would be voted upon first followed by a vote on the second part. If both parts were agreed to, neither part would be open to amendment. In the opinion of the Chair, an additional proviso would be in order at the end of the resolution.[11]

If a resolution is pending before the Senate which is divisible into two parts and a demand is made for a division of the question under Rule XV, even though the original resolution had been modified under the direction of the committee into two separate resolves, the demand for a division of each resolve if divisible would still be applicable.[12]

When the Senate considers a resolution and a demand is made for a division of all parts, each part is voted on separately, *ad seriatim*, but each part is open to amendment before a final vote is taken thereon, and if each part

---

[2] Nov. 19, 1970, 91-2, *Record*, pp. 38097, 38132-34; *see* May 21, 1968, 90-2, *Record*, pp. 14156-57; June 15, 1967, 90-1, *Record*, pp. 16016-17; Oct. 5, 1977, 95-1, *Record*, pp. 32405-10.

[3] *See* June 22, 1967, 90-1, *Record*, pp. 16988-89, 16991-92.

[4] *See* July 21, 1965, 89-1, *Record*, p. 17763.

[5] Feb. 5, 1964, 88-2, *Record*, p. 2071; Aug. 8, 1962, 87-2, *Record*, pp. 15907, 15929.

[6] Dec. 9, 1970, 91-2, *Record*, p. 40666.

[7] *See* Mar. 6, 1968, 90-2, *Record*, pp. 5531-34.

[8] Dec. 14, 1982, 97-2, *Record*, pp. 30776-77.

[9] *See* May 21, 1968, 90-2, *Record*, pp. 14156-57.

[10] Mar. 23, 1942, 77-2, *Record*, p. 2791; June 15, 1967, 90-1, *Record*, pp. 16016-17.

[11] June 22, 1967, 90-1, *Record*, pp. 16996, 16988-89, 16991-92.

[12] June 22, 1967, 90-1, *Record*, pp. 16996-97.

is adopted with or without amendment there is no need for a final vote on the resolution as amended unless additional sections at the end of the resolution are added.[13]

When a question is divided, the consideration of each part and vote thereon come on the first part first, as amended if amended; or, if an amendment, in the order in which the whole amendment is printed, as amended if amended; [14] and then on the next part; [15] but the order for the consideration of each part and vote thereon could be changed by unanimous consent; [16] and if a request for unanimous consent to change the order of consideration is objected to and no action has been taken on the amendment, the amendment could be withdrawn by the proposer and then offered in parts.[17]

Unanimous consent can be granted when the division of a question is demanded that all amendments to both the first and the second part of a proposition be disposed of before the Senate proceeds to vote on either part. This would require unanimous consent, however, since it is necessary to get an agreement to make any exceptions from the general rule.[18]

After a division is ordered on a proposal, amendments are in order to the first part and the Senate continues to work on the first part until it is finally disposed of; after which amendments would be in order to the second part and when no further amendments are offered, a vote would occur on the second part.[19]

When a pending question has been divided into two parts, a motion to table both parts in one motion would not be in order but a motion to table the whole bill would be in order and if it were agreed to that action would carry both parts of the amendment with it.[20]

If the division of a question of a pending amendment has been demanded, and it is divisible, a motion to table could not then be made to apply to the whole amendment

---

[13] *See* June 19, 1975, 94-1, *Record*, pp. 19726-28.

[14] Nov. 20, 1971, 92-1, *Record*, pp. 42532-35; June 15, 1967, 90-1, *Record*, p. 16115; *see also* p. 16361; *see* May 19, 1971, 92-1, *Record*, p. 15962.

[15] June 15, 1967, 90-1, *Record*, p. 16115; *see* Aug. 8, 1962, 87-2, *Record*, p. 15929.

[16] Aug. 4, 1971, 92-1, *Record*, p. 29296; June 15, 1967, 90-1, *Record*, p. 16115.

[17] *See* Aug. 4, 1971, 92-1, *Record*, p. 29296.

[18] Nov. 30, 1971, 92-1, *Record*, pp. 43455-57, 43463.

[19] Nov. 20, 1971, 92-1, *Record*, pp. 42532-35; Nov. 30, 1971, 92-1, *Record*, pp. 43455-57, 43463.

[20] May 1, 1974, 93-2, *Record*, pp. 12618-19.

since only the first part of the amendment would actually be pending before the Senate for action.[21]

Where a joint resolution contains several titles, a vote on whether or not a title, after it has been amended, should be adopted or rejected is not in order.[22]

Final passage of a bill cannot be divided except by unanimous consent. Under Senate procedure, the final passage of a bill, with or without amendments, is accomplished by one vote, unless unanimous consent is granted to divide the issue.[23]

A bill or joint resolution which has been read the third time, and the question is put on its passage, is not susceptible of a division under the rule relating to division of amendments even though it contains several distinct and unrelated titles,[24] but must be voted upon as a whole; [25] a single vote must be taken on its passage.[26]

A motion to disagree to House amendments and ask a conference is divisible upon demand. The question of disagreeing to House amendments en bloc is not divisible, but a motion to concur in such amendments with an amendment has precedence.[27]

Where two amendments are reported to a resolution and there is intervening original text, the amendments, under the rule, would be voted on separately.[28]

A motion that the Senate recede from two amendments is susceptible of division, and upon demand should be divided.[29]

The question of the election of the chairmen of the standing committees and of the other members thereof is subject to a division upon demand of a Senator.[30]

A proposed unanimous consent agreement for final votes upon two bills on different days, having been submitted, the Presiding Officer held that, upon demand, the question was divisible.[31]

---

[21] Aug. 31, 1976, 94-2, *Record*, pp. 28585-86.
[22] June 1, 1938, 75-3, *Record*, p. 7860.
[23] *See* proceedings of May 10, 1973, 93-1, *Record*, pp. 15242, 15254-55.
[24] Feb. 16, 1932, 72-1, *Record*, pp. 4035-36; *see also* Nov. 1954, 83-2, *Record*, p. 15945.
[25] Feb. 14, 1899, 55-3, *Record*, p. 1846.
[26] Feb. 16, 1932, 72-1, *Record*, pp. 4035-36.
[27] Feb. 17, 1915, 63-3, *Journal*, p. 117, *Record*, pp. 3932-36.
[28] Nov. 10, 1954, 83-2, *Record*, p. 15945.
[29] Jan. 2, 1951, 81-2, *Record*, p. 17101.
[30] May 28, 1919, 66-1, *Journal*, p. 32, *Record*, pp. 314-27.
[31] Apr. 8, 1916, 64-1, *Record*, p. 5720.

Under an order providing for the consideration in executive session of two nominations, a Senator may demand a separate vote on each nomination.[32]

The articles of treaties on different occasions have been voted on separately.[33]

A purported reservation to a treaty, against which a point of order was made that it was in fact a qualified resolution of ratification and not in order in the Committee of the Whole, was held to be in order as a reservation, but not susceptible of division for vote.[34]

An amendment to strike out and insert may not be divided. Under the rule, a motion to strike out and insert is one proposition and is indivisible and is not susceptible of division in any of its parts.[35]

Where a bill contains several titles, division of the question to get a separate vote on each title of the bill before final passage is not in order,[36] but a motion to strike one of the titles before the third reading would be in order.[37]

After a roll call has begun on a motion to recommit with instructions, it is not in order to demand a division of the question.[38]

When a division of question is requested, the voting will occur on each part in the order in which the amendment is printed, unless otherwise ordered.[39]

Where the yeas and nays had been ordered on the amendment, prior to the division, a roll call vote will be had on each branch thereof.[40]

When the yeas and nays have been ordered on an amendment and that amendment is subsequently divided, the yeas and nays apply to each division.[41]

When a division of a question has been made, a request for the yeas and nays on both parts is not in order except by unanimous consent, but the yeas and nays would be in

---

[32] Mar. 4, 1935, 74-1, *Record*, p. 2872.

[33] Mar. 24, 1922, 67-2, *Record*, pp. 4486-96; Mar. 28, 1922, 67-2, *Executive Journal*, p. 623, *Record*. p. 4686.

[34] Nov. 18, 1919, 66-1, *Record*, p. 8743.

[35] Dec. 16, 1868, 40-3, *Journal*, p. 53; *see* Sept. 27, 1966, 89-2, *Record*, pp. 23931-32; July 27, 1964, 88-2, *Record*, p. 17043; Mar. 27, 1962, 87-2, *Record*, p. 5086; May 28, 1962, 87-2, *Record*, p. 9371; Mar. 28, 1977, 95-1, *Record*, pp. 9181-82.

[36] *See* Sept. 25, 1967, 90-1, *Record*, pp. 26685-86.

[37] *Ibid.*

[38] *See* May 19, 1952, 82-2, *Record*, p. 5426.

[39] *See* May 19, 1971, 92-1, *Record*, p. 15962.

[40] June 14, 1958, 85-2, *Record*, pp. 11212-13; June 19, 1958, 85-2, *Record*, p. 11716; Oct. 5, 1977, 95-1, *Record*, pp. 32405-10; July 27, 1978, 95-2, *Record*, pp. 23004-06; *see also*, footnote 268 in "amendments" chapter.

[41] June 6, 1985, 99-1, *Record*, p. 14684.

order on the first part only after the disposition of which the yeas and nays could be requested on the second part.[42]

DIVISION VOTE

See "Division Vote," pp. 1404–1409.

DOCUMENTS

Reading of, decided without debate. *See also* "Reading of Documents, Decided Without Debate," p. 768.

A motion to refer to a committee a document which has not been presented to the Senate and not in its possession is not in order.[1]

During the presentation of petitions and memorials, a motion to print a matter as a document is not in order upon objection.[2]

The Senate may order the printing of a document not provided for by law when it does not exceed 50 pages.[3]

ELECTORAL VOTE

See also "Electoral Vote," pp. 1011–1015.

The procedure for the electoral college count is determined by the Constitution and law.[1]

The Vice President or President pro tempore, in such a joint session is the Presiding Officer with the Speaker of the House of Representatives occupying the Chair on his left.

Pursuant to law, the electoral count occurs in joint session of the two Houses on the sixth day of January succeeding every meeting of the electors. The procedure for such joint sessions is defined in title 3 of the Code, sections 15–18.

---

[42] July 8, 1970, 91–2, *Record*, p. 23291.
[1] Mar. 3, 1927, 69–2, *Journal*, pp. 268–69, *Record*, pp. 5513–19, 5531.
[2] July 8, 1918, 65–2, *Record*, pp. 8840–41.
[3] Aug. 5, 1937, 75–1, *Record*, p. 8253.
[1] Jan. 6, 1969, 91–1, *Record*, pp. 197–98; 209–12, 223–24, 245–46.