AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

§ 478. Filling blanks left by the other House.

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such, and passed *3 Hats., 83.*

§ 479. Clerk amends the section numbers of a bill.

The number prefixed to the section of a bill, be merely a marginal indication, and no part of the text of the bill, the Clerk regulates that—the House or committee is only to amend the text.

In the modern practice of the House, section numbers and other internal references are considered as part of the text which may be altered by amendment. The House sometimes authorizes the Clerk to make appropriate changes in section numbers, paragraphs and punctuation, and cross references when preparing the engrossment of the bill. Such a request is properly made in the House, following passage of the bill (Apr. 29, 1969, p. 10753).

SEC. XXXVI—DIVISION OF THE QUESTION

§ 480. Parliamentary law for division of the question.

If a question contain more parts than one, it may be divided into two or more questions. *Mem. in Hakew., 29.* But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not—where it is complicated—into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House, on a question, unless the House orders it to be divided; as, on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each knight.

2 Hats., 85, 86. So, wherever there are several names in a question, they may be divided and put one by one. *9 Grey, 444.* So, 1729, April 17, on an objection that a question was complicated, it was separated by amendment. *2 Hats., 79.*

The House, by clause 5 of rule XVI and the practice thereunder, has entitled a procedure differing materially from that above set forth. While a resolution electing Members to committees is not divisible (clause 5 of rule XVI), other types of resolutions containing several names may be divided for voting (Mar. 19, 1975, p. 7344).

§ 481. Jefferson's discussion of division of the question.

The soundness of these observations will be evident from the embarrassments produced by the XVIIIth rule of the Senate, which says, "if the question in debate contains several points, any member may have the same divided."

1798, May 30, the alien bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section and the provisos, they cannot be divided so as to put the last member to question by itself, for the provisos might thus be left standing alone as exceptions to a rule when the rule is taken away; or the new provisos might be left to a second question, after having been decided on once before at the same reading, which is contrary to rule. But the question must be on striking out the last member of the section as amended. This

sweeps away the exceptions with the rule, and relieves from inconsistence. A question to be divisible must comprehend points so distinct and entire that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

May 31.—The same bill being before the Senate. There was a proviso that the bill should not extend—1. To any foreign minister; nor, 2. To any person to whom the President should give a passport; nor, 3. To any alien merchant conforming himself to such regulations as the President shall prescribe; and a division of the question into its simplest elements was called for. It was divided into four parts, the 4th taking in the words "conforming himself," &c. It was objected that the words "any alien merchant," could not be separated from their modifying words, "conforming," &c., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the two first divisions, the words "any alien merchant" may be struck out, and their modifying words will then attach themselves to the preceding description of persons, and become a modification of that description.

§ 482. Division of question as related to debate or amendment.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment; because it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as the affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half the question, both affirmative and negative, remains still to be put. See *Execut. Jour., June 25, 1795.* The same decision by President Adams.

Where a division of the question is demanded on a portion of an amendment, the Chair puts the question first on the remaining portions of the amendment, and that portion on which the division is demanded remains open for further debate and amendment (Oct. 21, 1981, p. 24785). However, where neither portion of a divided question remains open to further debate or amendment, the question may be put first on the portion identified by the demand for division and then on the remainder (June 8, 1995, p. 15302).

SEC. XXXVII—COEXISTING QUESTIONS

§ 483. Fundamental principles as to coexisting questions.

It may be asked whether the House can be in possession of two motions or propositions at the same time? so that, one of them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand ipso facto before them at their next meeting, but must come forward in the usual way. So, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (*e.g.*, the