

1.12.13

The University of Georgia Amending Process Project *Questions, Answers and Cases*

The following is a depository of all questions, answers and interesting cases identified by previous coders working on this data collection project. These questions and cases are loosely organized under subheadings...They may not fit directly within those topics. Some of this material can also be found in the codebook or instructions. Feel free to use the find command to search through this for some examples of coding episodes or for help with problems you may be having.

Additionally, the questions sent below are real questions from previous students who have worked on this project. The hope is this will highlight what types of questions we are looking for and how to go about posing them. Again, the more questions we get, the better the project becomes. When asking a question, please provide your Congress number, the session, volume and page numbers where the case can be found. Hyperlinks are also helpful. Again, you should be confused by this project (especially early in the process) and we encourage the asking of questions - as well as the highlighting of interesting cases.

Finally, at the conclusion of this document is a listing of links that may be useful for students working on this coding project.

1. Getting Started

To compile this data, you'll want to search for all amendment votes using heinonline. The congressional record is available there is you click on the government documents link.

In order to find the bill information, you'll need to bring up the index for the volume. Occasionally, if the bill passed in the second session, bill information will not be available in the index for the first session and vice-versa. Once you track down the bill title, information to the right of the title should include when it was referred to committee, reported out, debated and passed. Save the page with the bill information on it and head over to the first page where it was debated.

Once you have the page where debate started, you can opt to keyword search the section (a magnifying glass link on the top of the page) for "amend." This should highlight all instances where amendments were offered. However, the search function does not capture everything, so fair warning. You may need to go through this manually.

Q1.1: In your instructions you say "We're only interested in amendments that have been disposed of in some way. Thus, you can skim through until you see the speaker/president pro tempore/vice president announce the result of the vote. "As you can see below, a search of "amend" brings up many highlights (see green). Should I just search and read through it all to see what was clearly voted on? I mean, how many amendment votes could there be a day? It's possible to have days where there were none, yea?"

A1.1: You've got the right idea on this. You will be reading through a ton of this crud. The idea behind only being interested in amendments that have been disposed of in some way should help cut down the time you're spending on this in the following way: Amendments are going to be disposed of immediately after the presiding officer (either the Speaker of the House, the Presiding Officer, the Vice President or the President Pro Tempore) "put the question." So once you find a page that deals with an amendment, you can start skimming until you see a statement by any of those officers. If a vote happens immediately afterwards, then you have something worth entering.

Q1.2: I'm just a little confused about where to start. I know you said to start with the 45th congress in March -- but the first amendments I found were in January. Does that just mean that there are undocumented amendments before the first amendments on the spread sheet?

A1.2: If you're searching from 1877 to 1877, the first few months (January - March 3rd) will be from the lame duck 44th Congress.* There should be a volume number in front of each iteration of the record where the word amend was found. You want (I believe) the 6th volume -- the first date of which should correspond to March 4th or 5th. I'm guessing this will occur on something like the third page of your found results. Again, make sure you're sorting these in ascending order.

*Until the 20th Amendment was adopted in 1933, the terms of congressmen and the president didn't formally end until early March. The amendment moved this up to January 3rd, which we still have today.

Q1.3: Pages 3909-16 don't exist on the online version. I went to the library and looked up the hard copies of the record to do those pages.

A1.3: Thanks for running those down!

Q1.4: I'm doing the 61st congress and I have looked on Hein Online but I can't find the records for this congress. I know I am doing something wrong but I cannot find any amendments posed to this bill or any records. Can you please tell me what words I am supposed to look for? I have typed the bill's name, "61st congress", etc. I managed to come up with [U.S. Statutes at Large].

A1.4: It sounds like you've found the appropriate debate in the record, but nice catch with the *U.S. Statutes at Large* listing. *Statutes at Large* is the official source for the laws and resolutions passed by Congress. Every law enacted by the Congress is published in the *Statutes at Large*. You shouldn't need to use Statutes at Large, but it's a really nice resource to be familiar with -- especially if you're headed to law school.

Q1.5: Just to be clear, are we just looking at amendments on landmark legislation? So for example, for the 67th Congress, I'd just be looking at amendments on the bill establishing the Veteran's Bureau, the Immigration Quota Act, the National Budgeting and Accounting Act, etc? Or are we supposed to look at all amendments on all bills? I'm just not sure where to start.

A1.5: This is exactly the kind of thing you want to clear on. Additionally, since you are working on a Congress that several other folks are also working on, this is a little tricky. Here's the rundown:

- (1) You're correct, we're only looking at amendments to landmark legislation (and companion bills, in the event one exists).
- (2) To determine what landmark bills to code, pull up the 67Congress file. Those bills listed in white are the ones you'll be coding.
- (3) This should be six bills to start with: Establishment of the Veterans' Bureau, Naval Appropriations Act of 1921, Futures Tax Act of 1921, United States Coal Commission Act, Field Services Classification Act and Naval Disarmament.
- (4) In terms of where to start, I'd start with the first of those bills listed. From there, pull up the bill number in the index and follow along with the instructions.

Q1.6: Oh, and also I've never used dropbox before so I'm not sure how to save my amendments to the folder. How do I do that?

A1.6: Are you using a laptop? If so, bring it on Friday and we'll walk you through it. Otherwise, when you move to save the file, you should be able to locate the dropbox folder in the "save in" prompt. Using a windows operating system, the dropbox folder should be located in "My Documents."

2. What We're Looking For

What we're looking for are amendments that were disposed of by some type of vote (so if the senator/member withdrew the amendment before a vote was taken, you can omit it). Thus, you should be able to skim the record for any instances where the Speaker or Presiding Officer "puts the question." This will almost always occur before a vote has taken place (recorded or unrecorded). Once you identify a vote, refer to the codebook in the dropbox folder.

Q2.1: Also, the first instance of "amend" was used in the context that someone proposed a bill to amend something. Should that be logged like a regular amendment? I may have just not looked at it closely enough, but I just wanted to make sure I'm starting in the right place.

A2.1: Great question regarding the bill that amends a current law. You'll find that language used fairly frequently. It's not something that should be included in our data...Almost all new legislation will amend existing statutory law in some way. The primary goal in this data collection is to examine how legislation shifts (or doesn't shift) ideologically once on the floor. Thus, we're focusing on amendments offered and disposed of during debate. The bill or resolution -- whether it's amending existing statutory law or proposing completely new laws -- is the vehicle that the amendments should be altering.

Q2.2: I wanted to confirm whether or not we are suppose to record the amendments that were not adopted?

A2.2: The short answer is definitely. If an amendment is defeated on the floor, that represented a really interesting data point for us as researchers. If the amendment is withdrawn before a vote could be taken place, don't sweat it either way. If you have already entered the information for that amendment than just code is as being withdrawn in the vote section. If not, you can skip it.

Q2.3: On page 4161, there were a few amendments to Burchard's substitute amendment. Is there a specific way that these should be coded?

A2.3: Most of these amendments weren't disposed of in any way, so you don't need to include them in you spreadsheet. Again, when a member asks for unanimous consent that he be allowed to modify his amendment in some minor way (and it's granted), you don't need to include it. We're really only looking for amendments that yielded a voice vote (and you'll know when this happens because it will say "The amendment was adopted"), a division vote (it will give the total yeas and nays, but not the listed members), a teller voter (it will give the yeas and nays, but not the listed members and it will mention the tellers) or a recorded roll call (it will give the members names on the yeas and nays). Also – Burchard's substitute was actually adopted because the Tucker amendment that you have listed. That amendment was directly related to the bill (and thus, not a second degree amendment).

Q2.4: Should we record a House vote on concurring in an amendment of the Senate? (page 4202 of volume 7; I believe the date is June 7)

A2.4: Definitely code these. There's a category in the database called "concur" (it's in row AK). Check one on for these entries.

Q2.5: How should we record a bill number for an amendment to a Senate joint resolution? Such as Senate joint resolution No. 36 on page 4294 (June 8)?

A2.5: Just list the root measure as SJR 36. That should be more than sufficient.

Q2.6: I am wondering how to code amendments when one chamber strikes everything after the enacting clause and then inserts its version of the bill as an amendment. Should future amendments on this bill be coded as amendments to an amendment or should they be treated as separate amendments.

A2.6: An amendment is only coded as an "amendments to an amendment" if the underlying amendment hasn't been voted on. Once the substitute is adopted, the amendment is simply an amendment to the (now modified) bill. This is another instance where you're going to want to make a note. In the past, once a substitute has been adopted, I've made a note in the notes category for all remaining amendments that the Johnson bill (or whomever the sponsor of the bill was) was replaced by the Anderson substitute amendment (and then provided a link to the line the amendment was adopted in).

Q2.7: I made a mistake, and haven't been taking down any amendments that get rejected (I'm currently on amendment 345 that passed). Do you want me to look back through the record to find all the rejected amendments? Or just continue from my current point and take down all rejected amendments? I'm really sorry, for some reason I misconstrued withdrew and rejected.

A2.7: I think I responded to this point, but if you can go back and track down the rejected amendments that would be ideal. At same point, we're going to want to identify factors that make certain amendments more successful than others, and to do that, you need amendments that are rejected. A withdrawn amendment is an amendment that a member offered, but pulled back before a vote could be taken. I don't anticipate that there will be nearly as many rejected amendments as there are accepted.

Q2.8: Would I code an agreement to the conference report of the bill that had been debated for a few days on the Senate floor?

A2.8: Without seeing it, I can't say for certain, but best guess is no. If the agreement isn't an actual amendment, we don't need to code it.

Q2.9: Problem here. Important amendment. Deals with prohibition in the Panama Canal. There is an amendment to the amendment offered, but it isn't voted on, just accepted by Jones (the secondary is from Norris) and the Chair just considers the amendment amended without a vote. I don't think I need to code this but it should be double-checked.

A2.9: You're correct; you don't need to code this. But I'd make a note in the notes section that the secondary amendment was from Norris (D-NE) and accepted by Jones without a vote. Jones amendment banned prostitution in the Panama Canal. Norris's amendment modified the ban so that it included only current prostitutes – not individuals who had been prostitutes. An important distinction.

Q2.10: I was confused on the column labeled "Chamber". Does this indicate where the bill was first introduced?

A2.10: Regarding the "chamber" variable. That variable is asking for the chamber the amendment is being considered in. So if someone had offered an amendment to S 10457 in the House, that variable would be coded "0" for the House. In this case, since no amendments were offered, no entries need to be made.

Q2.11: I'm sorry to keep emailing you this, but can you take a look at the entry I made? It's on row 1575. The pages are 1467, 2042, 3720, and 3750.

There are no amendments to the bill and passed with little debate. In the column labeled "amendment" I wrote 'no amendments'. Is this okay?

A2.11: I read through the index on the Currency Act of 1911 and you're absolutely correct. The bill is not amended at all in either chamber. I'll talk a little bit more about what to do in these cases when we meet on Wednesday. The short answer is simply make a note of this in a word

document (i.e. that the bill was not amended in either chamber) and save it. You don't need to make any entries related to it in your amendments dataset.

Q2.12: I saw a case where a Senator gave notice that he will suggest an amendment to a section of the bill. After that and a verbal error correction the Presiding Officer simply stated "The amendment will go over" Is this the same as "passing over" and amendment till later?

A2.12: Your read on this is exactly correct. Owen is giving everyone notice he's going to speak on his amendment, and likely engage in a lengthy debate on it. This allows supporters and opponents that would like to be on record on the amendment to plan accordingly. It's also a nice example of why its generally best to look for the vote first, then go back and code the amendment – as opposed to coding the amendment first and then finding the vote. Occasionally amendments will get withdrawn, other amendments will be voted on beforehand, etc., making it difficult to track what happened to the original.

Q2.13: But now, I'm on my first bill (establishing the Veteran's Bureau) and I'm looking through all the pages of the debate to find amendments. The first one I found is on page 2215 and I'm a little confused as to whether I should record it...The author of the bill proposed an amendment to insert some words and then proposed another amendment to modify the words he wanted to insert and that was then agreed to by unanimous consent. Or at least I think that's what's happening? Do I record this?

Ok wait I think I got that wrong...he asked unanimous consent to alter the words he wanted to insert and there were no objections and then it says "the amendment as modified was agreed to." Does that mean the amendment was adopted? But I don't see anything about taking a vote....sorry, I'm just really confused as to what's happening here!

A2.13: Good question...Here's the situation. Sweet is offering an amendment to section four of the bill. Bankhead notices a typo in Sweet's amendment – which appears to be non-controversial. Sweet moves to modify his amendment via unanimous consent. This is approved by the chamber ("there was no objection.") You don't need to code this action as a separate amendment. Again, we're only looking for amendments dispensed with by some vote. If you've already coded this, not a big deal, just make sure the vtype is unanimous consent.

The next line is "the amendment as modified was agreed to." When you see this line (the amendment was agreed to), without the terms "without objection" or "by unanimous consent" it means it passed via voice vote. This amendment – sponsored by Sweet and modified by Bankhead via unanimous consent – should be coded. You might want to note that the amendment was modified by Bankhead via unanimous consent in the notes section, but it probably isn't necessary.

Q2.14: Ok so I ran into something confusing on page 2327- 2328...one congressman offered a motion to limit debate on all amendments on the bill to 30 minutes. And then a bunch of people offered secondary and substitute amendments to that lengthening the amount of time. (I think there was a total of 4 or 5). And then they were voted on by division votes and tellers. Do I record all of these? I wasn't sure if they counted as amendments or if they're just motions.

A2.14: First, this is awesome and a great case. Thanks for sending this my way. Anytime you run into the members debating how long the debate should proceed, don't hesitate to ship it to me. Second, you're spot on regarding coding this. Because the amendments are to the motion and not the bill, you don't want to code them.

Q2.15: You may have addressed this but do we record the legislative day or the physical day?

A2.15: Code the date listed on the Congressional Record page you find the vote on. This should be the physical (or calendar) day.

Q2.16: Sorry to bother you again--twice in one day makes me seem needy--however, once we dispose of a bill in the House, in this case the Lloyd La Follette Act, do we need to trace its passage through the Senate? Basically, I've finished the House version, but I don't quite know where to start to find the Senate bill...

A2.16: No worries. Congratulations on finishing the first chamber. That's quick. But yes code the Senate amendments to this House Bill. You should see in the Index when the bill was reported in the Senate chamber. Those pages will help. Otherwise be sure to check the keyword search for the bill number when the senate is in session.

Also if the index does not indicate that the Senate considered the bill check if it was in the 2nd or 3rd session. If you still cannot find it let's check tomorrow or Sunday.

Q2.17: I'm slogging through the La Follette postal employ act, and I have a question: when it goes to the Senate, it's marked as S. Rept 955 in the Index--so when I'm coding the Senate amendments, is that what I should put for the root measure? Or should I stick with the original House bill, HR 21279?

A2.17: Really nice question. Here's the relevant announcement regarding HR 21279 in the Senate:

Mr. BOURNE. From the Committee on Post Offices and Post Roads I report back with amendments the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (S. Rept. 955). I will state that the committee report will follow in a day or two, as soon as we can complete it (*Congressional Record*, 62nd Congress, July 23, 1912, 9447).

First, some background: A **bill** is the primary vehicle employed by legislators to introduce their proposals. House bills are designated H.R. 1, H.R. 2, etc...Senate bills are designated S. 1, S. 2, etc. Nearly all the landmark enactments you're looking at will take the form of a bill. You may deal with some resolutions here: **Simple resolutions** (designated H. Res., HRes, S. Res., SRes) express the sense of the adopting chamber on an issue or topic. They are nonbinding, do not require the assent of the other chamber or the signature of the President and do not have the force of law.

Like simple resolutions, **concurrent resolutions** (designated HCRes, H.C. Res., HCR, H. Con. Res, SCRes, S.C. Res, SCR or S. Con. Res.) are used to express the sense of both chambers. Generally, they take the form of Budget Resolutions and are used to establish budget totals. Occasionally, they are used to form bicameral joint committees. They are not submitted to the president and do not have the force of law. **Joint resolutions** (designated HJRes, H. J. Res., HJR, SJRes, S.J. Res. or SJR) are enacted using the same process as a bill and carry the same force of law. Unlike bills, joint resolutions are used to propose Constitutional Amendments.

In this case, the Senate is actually still amending the House bill. S. Rept. 955 is the **committee report**. This is a separate issue. When a committee reports a bill, it also files a formal report that contains a number of recommendations, concerns, details regarding the committees' deliberations, etc...That's what the S. Rept. 955 is. In many ways, the committee report will serve as a blue print for what kind of actions the full chamber might take. So from a coding standpoint, stick with the original House bill – HR 21279.

Q2.18: Briefly, who should I list as the Sponsor for the Senate side of the La Follette Act? I've listed Moon as the House root sponsor, because he's listed as the "Introducer" in my 62 Congress Spreadsheet. Should I list Moon as the Senate Sponsor as well? Or should it be La Follette?

A2.18: My recommendation is to stick with Moon on this one for a couple of reasons. First, it should be easier from a coding standpoint. And second, he was the original author of the House bill under consideration. Make a note on the first Senate amendment that La Follette is the sponsor on the Senate side and we'll deal with that when it comes up later in the data collection process.

3. Division Versus Teller Voting:

Q3.1: First (row 27), Wright has an amendment voted on on page 502 of volume 7 but I cannot determine if it is a division or a teller vote.

A3.1: Sometimes they won't announce whether or not its division or teller. If you're unsure, it's probably a division vote. Generally, the record will note the members that are appointed tellers for a teller vote as well...So you'll see the word "teller" in the record somewhere. The episode you've highlighted here seems to be a division vote.

Q3.2: In row 45 (highlighted in pale orange), a division vote is taken but the total for the nays is not given. The nays carry. I have coded the nays as "." And I made a note of it at the end. Is this correct?

A3.2: That's perfect. This does happen occasionally. It's odd that the nays weren't tabulated, but again, these guys (the guys putting the record together) were essentially just writing stuff down as they saw it. Mistakes get made, but it's nice to be able to acknowledge them in the data collection.

Q3.3: Row 114 (Morrill) (highlighted in yellow), there is no announcement regarding the outcome of the division vote as it is abandoned half way through. No count for the nays is given either.

A3.3: The way you have this coded is fine...What we'll probably do is drop the division vote when we clean these data later.

Q3.4: In row 750 (Blount, p. 2887, highlighted in pale orange), the division vote is a tie. Should this be coded as a rejection of the amendment?

A3.4: Haven't seen that before. At least without someone coming in and breaking the tie. I listed it as being defeated and updated the codebook accordingly.

Q3.5: Just a general note, there are more division and teller votes on the same amendments during the debate on HR 4104 than in all nearly all the previous bills put together. I wonder if this is subject or temporarily related.

A3.5: My guess is subject related. 4104 was the government general appropriations bill and it featured a couple salary increases. Even in the 19th century, members were wary of going on record supporting an increase in their pay, staff allowances, etc (as well as increases for other branches)...If you're interested in this, take a look at Jenkins (and co-authors) on the 1873 salary grab act.

Q3.6: I am following S110 during the 63rd Congress. Below are two items I am unsure if I should code... and if so, how they should be coded...

(Page 11351) Smith (GA) request to form conference committee with the House regarding S 110
(Page 12850) Lever (SC) question on agreeing to the conference report regarding S 110

A3.6: With these, just a make note that the bill went a conference committee somewhere. The conference report wasn't an amendment vote, so we don't need to worry about it here.

Q3.7: Also, for division vote and teller votes do I record the yeas and noes? In the instructions it says only to record them for recorded roll call votes but I just want to be sure.

A3.7: Good question...Yes, please code these. The variables "div_yeas" in column BI and "div_nays" in column BJ are where we'd like this information. There are comparable variables for teller yeas and nays. Occasionally, you'll run into instances where only the yeas or nays from a division vote are given. When this occurs, code the yeas or nays and make a note of it.

Q3.8: I have been working through the data, and everything with the bill on amending the Federal Reserve Act (66th Congress) has been rather straightforward (and dry), so I haven't had any questions (or anecdotes) - until now.

Here is a sample line in question (I have three or four like this):

"The question was taken; and on a division (demanded by Mr. Blanton) there were - ayes 10, noes 44."

66th Congress, 11/07/1919,p. 8096-8097

I imagine that this could either be a) votetype1 - unrecorded voice vote; votetype 2 - division vote or b) votetype1 - division vote.

A3.8: Glad to hear the coding is going well. Regarding your case...It's a good one. Normally, division votes stem from unrecorded voice votes. The exchange over the Dunbar amendment on page 8096 is pretty common in the House: unrecorded voice vote, division vote, failed request for a teller vote. It looks like the first vote type on the Morgan amendment was the division vote. This happens on occasion, though sometimes it's a result of the Record scribe failing to transcribe the voice vote. Nothing we can do when that happens. I'd code vtype1 as a division vote.

Q3.9: I had a case on page 2423 where there was a voice vote, then a division vote, then there was a tie in a teller vote (70 to 70) so they did another teller vote to break the tie. Do I record the first teller vote or the second teller vote under the teller vote variable? And should I record that four votes were taken and the last two were teller votes? Or just record that 3 votes were taken and ignore the tie?

A3.9: Once again, awesome case – I've never seen this before. Here's the relevant text:

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Indiana [Mr. ELLIOTT].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ELLIOTT. Division, Mr. Chairman.

The Committee divided; and there were-ayes 69, noes 52.

Mr. DENISON. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. ELLIOTT and Mr. DENISON took their places as tellers. The committee again divided; and the tellers reported-ayes 70, noes 70.

The CHAIRMAN. On this vote the tellers report the ayes are 70 and the noes are 70.

Mr. ELLIOTT. I do not agree that there were 70 in the negative. I think there were 69. I ask for a recount.

The CHAIRMAN. The Chair will order the vote to be retaken. The gentleman from Illinois [Mr. DENISON] and the gentleman from Indiana [Mr. ELLIOTT] will take their places as tellers.

The committee again divided; and there were-ayes 79, noes 78 (*Congressional Record*, 67th Congress, June 10, 1921, 2422-2423).

A couple points here:

(1) In this case, the voting requests are operating exactly as we would expect. The amendment fails via voice vote, so Rep. Richard Nash Elliot (R-IN), the amendment sponsor, requests a division vote. The amendment passes via division. Rep. Edward Everett Denison (R-IL) – presumably opposed to the amendment – requests the tellers. This results in a tie vote – which Elliot doesn't like because according to the rules of the U.S. House, a tie vote results in the defeat of a question. The chairman of the Committee of the Whole also has the option of voting (if he/she hasn't already) to break a tie. The chairman does not appear to do that here.

(2) The chairman reorders the question, but not because of the tie. What happened here is Elliot asserted that the teller appointed to count the nay votes “fudged” the numbers. He asked for a recount on this, more members turn out, and amendment passes.

(3) An amendment this contentious is likely going to get a vote again once the Committee of the Whole rises. This generally can only be done if the Committee of the Whole approved the amendment – hence Elliot's concern. I wouldn't worry about this yet, but be prepared to go back to it later.

It terms of how to code this, code the last teller vote. But in your notes section, make a note that there was an initial teller vote that resulted in a tie.

Q3.10: I ran across one or two cases where a division vote was taken and the nays had it, and then a teller vote was taken and the yeas had it and the amendment passed. Even though the amendment was adopted at the end, do I still record it as being rejected for the division result (variable BH)?

A3.10: Great question. Record the amendment as being rejected for the division vote. One of the things I think is interesting about this data collection process is that it allows us to examine how different voting rules affect outcomes. This is important, as legislators routinely complain about different voting rules their chamber employs. If we can report that division votes are routinely overturned by teller votes (or that they aren't), this would make for an interesting contribution to the literature on legislative politics.

Scholars and political observers have long argued – but not tested – that unrecorded teller voting resulted in policy outcomes that did not have the support of chamber majorities. Elliot's complaint in the preceding case that the teller appointed to count the nay votes “fudged” the numbers is consistent with this. Eventually, concern regarding teller voting (and to a lesser degree division voting) led liberal Democrats in the 1970s to adopt reforms that included a rule

change provided for recorded votes in the Committee of the Whole. If you're interested in this, here are a couple relevant quotes that summarize the concern:

Rohde (1991, 21) argues that "Liberals believed that this arrangement worked against their interests, partly because they had difficulty getting their adherents to the floor for votes, and partly because members were often compelled by committee leaders to support positions they did not really favor. As DSG staff director Conlon said (1982, p. 243), behind the wall of secrecy members were forced "to vote against their districts because the only people who knew how they were voting were the autocratic committee chairmen and their allies who were...on the floor with them and who could use their powers to reward and punish accordingly."

Smith notes that teller voting encouraged absenteeism, which committee leaders took advantage of. He notes that "Hale Boggs, the majority whip in the late 1960s, stated flatly, 'The truth is, the system of teller voting is a majority contributor to absenteeism.' The important of turnout is that it can affect vote outcomes. Stores abound of manipulation of turnout for political advantage under teller voting (Smith 1989, 22-23)."

Q3.11: This is another general question - If a congressman requests tellers or a division vote, that's different from him requesting the yeas and the nays, right? So I only record it if he requested yeas and nays on a roll call vote, not if he just requested tellers or a division vote?

A3.11: This is correct. But this is something to include in your notes section. So for the case discussed in your first question, I would mention that "Denison (R-IL) requested a division vote and Elliot (R-IN) requested a teller vote in response."

4. Recorded Votes:

Q4.1: Rows 49-52 (highlighted in pale orange) are four roll call votes but I am unsure about the vote totals. Even with the paired votes, the totals in the spread sheet seem to differ from the totals in the CR.

A4.1: I checked the first two and they were correct. Voteview gives the actual rollcall results minus the paired and announced votes (an announced vote occurs when a member announces after the vote in the record how he/she would have voted if they were present) and they both matched up. I didn't check to see whether or not the paired votes were correctly counted. I mentioned this before, but there's very little work done on paired voting and a good amount of the data on it is pretty weak.

Q4.2: Row 69 (Morrill) (highlighted in yellow) refers to a vote which is said to occur on 2/8/1878. I am not sure when this vote happens but it is not on 2/8/1878.

A4.2: Nice catch...The date on this vote was off...It should have been 2/7/1878. I've entered the appropriated information and changed it to green. It's row 71 now.

Q4.3: In row 807 (Allison, p. 2963, highlighted in pale orange), there was a missing roll call vote.

A4.3: I went ahead and entered this.

Q4.4: On page 4726, a recorded vote takes place that I can't find in the list of recorded votes at the bottom. What states are exactly under the definition of southern?

A4.4: I went ahead and added the vote. I'm assuming this was the vote identified in row 138. I have now highlighted it in green for you, so you know where I've added. In response to the question of what constitutes Southern, most political scientists consider the 11 confederate states, Kentucky and Oklahoma to be the South. This differs a little depending on the kind of analysis conducted though.

Q4.5: HJR 184 went to the Senate and the only amendment I could find that they voted on was on page 10129. This amendment had a recorded roll call vote, but it is not on the recorded amendment document. I'm probably just confusing myself.

A4.5: Be sure to click the Senate tab when on the excel spreadsheet when searching for recorded amendment votes. This tab is on the lower left portion of the excel file. It can get a little tricky. The recorded amendment database lists 7 recorded amendment votes during the Senate's consideration of HJR 184. The first one listed appears to be the vote on page 10129. There's another two on page 10140, and the final four appear to be on page 10141-10142.

Q4.6: What is a vote pair?

A4.6: Good question. When reading a recorded vote in the record, before the yeas and nays are listed you will see members announcing their **vote pairs**. Vote pairs are agreements where two members from opposing parties (or who knowingly have opposing views on issues) agree to abstain on key votes when one or the other is absent. Generally this is due to other commitments, illness, travel, problems, etc. Members tend to keep their pairs for extensive periods and try to make them with opposing partisans that they disagree with frequently.

For example, Senators Boise Penrose and John Sharp Williams (D-MS) were paired for several congresses. Penrose died in 1921. Upon learning this, Williams approached Senator James Watson (R-IN), informing him that "Jim, Penrose is dead, my pair is going, and I've to have another one. I don't want any confounded mugwump for my pair. I want just as much of a reactionary as I can find. I want a man who for thirty years, by neither direction nor indirection, has ever been right on any public question, and, by golly, you're my man!" Williams and Watson remained paired throughout the rest of the Mississippian's time in the Senate (Osborn 1943, 386)." Here's the citation for the case:

Osborn, George Coleman. 1943. *John Sharp Williams: Planter-Statesman of the Deep South*. Baton Rouge, LA: Louisiana State University Press.

Q4.7: 62 Congress, Feb 10, 1913, S 4043, Judicial Committee Amendment, pg. 2921-2922

First off, this is one big struggle. Second, and this may be because I'm completely new to the whole coding scenario, I can't seem to find the data for 'rnum' and the following variables for S4043 (The Webb-Kenyon Act). I know that it's a recorded vote because (a). the record says so, and (b). a list of yeas and nays follow. The problem, however, is that I can't find that data in the set. Any help would be greatly appreciated!

A4.7: Your question is a good one and something I need to go over in class. I didn't work through the recorded votes with you folks yet. When you get stumped on something like this, I recommend just highlighting the row in red and moving on to the next one. With your case, here's what I've got...

First, two observations you don't need to worry about for the purposes of this class/assignment, but I'm going to mention them anyhow...

- (1) Webb-Kenyon is going to be an extremely complicated case. As you've probably guessed, it's a precursor to prohibition, but most of the issues raised here are going to deal with the Constitutionality of the legislation. It was more prominent than the substantive debate over alcohol regulation, largely because of how worried the legislators were about offending the interest groups that were behind the temperance movement.
- (2) This is a fun debate. If you're going the law school route, Senator George Sutherland (R-UT), who figures prominently in this discussion, is a guy worth paying some attention to. Harding appoints him to the Supreme Court and he becomes the de facto spokesman for the "four horsemen" of the New Deal-era Court. These were the justices that provoked FDR's court-packing plan. Libertarians tend to gravitate to Sutherland's writings and I'm sure you'll deal with him at some point.
- (3) Regarding the case itself, you're exactly correct, it's a roll call vote. Clarke (D-AR) wants the yeas and nays on the vote and Gallinger (R-NH) asks that it be read again. Next, we get an announcement of paired votes. I'll touch on this on Wednesday as well, but vote pairs are agreements where two members from opposing parties (or who knowingly have opposing views on issues) agree to abstain on key votes when one or the other is absent. Generally this is due to other commitments, illness, travel, problems, etc. Members tend to keep their pairs for extensive periods.
- (4) The yeas and nays are listed next. To get the recorded vote information, pull up the spreadsheet "RecordedAmendmentInfo.xls" in the data subfolder of the dropbox. Then, click on the Senate tab. The rnum variable is not listed in the *Congressional Record*. To find your vote, scroll down to the 62nd Congress, and your date – 2/10/1913. There are two votes listed. You can determine which vote is the right one by either looking at the yeas and nays, amendment sponsor or the vote description. Just a quick note on the yeas and nays – they may not match-up exactly. The yeas and nays in the spreadsheet include paired and announced votes. In this case, the recorded vote listed in row 4614 is the vote you're looking for. The sponsor is listed as Clarke (D-AR), the description of the amendment is consistent with the amendment listed, the date matches up and the yeas and nays are almost identical to those listed in the Record.

5. Coding Member Information:

Q5.1: The instructions say to use the bioguide website to get member information. Going back and forth from heinonline to bioguide is taking a ton of time. Do I have to enter this bioguide information as I go, or can I go back and do it all later?

A5.1: You can do it all at once later. Once you enter the member's name (and state if the member's name is common), it's easier to just end a coding session by going through bioguide and entering all the party affiliation information at once.

Q5.2: I came across a senator, Mr. Booth from CA, who is an independent republican. How do you want me to enter his party in the amendment sponsor party category? I saw variables for independent and for republican, but not for an independent republican.

A5.2: Great question. I went ahead and updated the codebook for this entry. List him as "331" – which now corresponds to independent republicans. I'm in the process of merging the party categories with Poole's voteview categories...I'll definitely keep you guys posted on it.

Q5.3: Second (row 32), Magginis is a Representative from Montana, of this I am sure, but I cannot seem to find him on the congressional biography or on political graveyard. Any guidance in trying to find his party would be appreciated.

A5.3: This is going to happen on occasion. Generally, I like to keep bioguide open to all members who served in the congress I'm coding...Then I'll go through and check names where the spelling is close to the name I can't place. In this case, Maginnis is spelled by bioguide with one g and two n's. He's a Democratic delegate from Montana. Also – I caught your note on this episode...You're spot on. A good chunk of the legislating during this era involves anti-immigrant labor laws. The dialogue gets a little disturbing.

Q5.4: In row 416 (Felton, p. 2082, highlighted in pale orange), Felton is listed as an "Independent Democrat" by the congressional biography. There is no corresponding party code in the coding manual.

A5.4: You're touching on a bit of Georgia history with this one...Felton was (I think) the first of a couple independent Democrats elected after the Civil War. They replaced Republicans as the minor party in the state and adopted a number of their policies. I think Felton was actually buddies with former confederate general turned Republican James Longstreet. Eventually they were exposed for being pro-Reconstruction and died out after a decade of so.

Short answer: Enter 329 for this guy. Eventually I'm going to take our party codes and convert them to Poole's codes (I should have done this to start). For minor parties, it makes sense to just enter them this way when they pop up. Poole's code list is available here:

<http://www.voteview.com/party3.htm>

Q5.5: Davis (Senator from Illinois) was coded as a 5 according to the Poole party codes (he is an Independent Republican), not your party code 5 (independent)

A5.5: Thanks for pointing that out...I'll make the adjustment when I switch over the Poole's codes. Useless trivia: had he not taken that Senate seat, Davis (a SC justice) would have been the deciding vote in the Hayes-Tilden presidential election.

6. Determining the Sponsor or RC Vote Requester:

Q6.1: Does spelling and capitalization matter when entering the members' name?

A6.1: Unfortunately, yes. Misspelling the members' last name creates a number of problems down the road. It will occur on occasion, but please try to minimize these. Additionally, please capitalize only the first letter of the member's last name (i.e. for Steven McReynolds, please list "Mcreynolds.")

Q6.2: What do I do if an amendment is offered on behalf of several members?

A6.2: From the codebook: In the rare instances where a member introduced an amendment on behalf of himself and other senators, the member introducing the measure on the floor should be coded as the sponsor. For example, in the 88th Congress, the Congressional Record noted that, "Mr. Williams of Delaware (for himself and Mr. Case) submitted a resolution (S. Res. 330) to inquire into the financial of business interests or activities including use of campaign funds, of any Member of former Members of the Senate, officer, employee, or former employee of the Senate, which was ordered to lie on the table and to be printed (Congressional Record, 88th Congress, May 13, 1964, 10757.)" In this instance Senator John Williams (R-DE) would be coded as the sponsor. Additionally, you should make a note of this in the notes section.

If an amendment sponsor cannot be clearly identified, do not spend too much time on it. This will happen on occasion. Simply leave it blank, make a note of it and move on.

Q6.3: In row 52 (highlighted in pale orange), there is some confusion about who the amendment sponsor actually is: Morrill of Edmunds. Edmunds speaks of the amendment as his on page 563 but the Vice-President says the amendment is Morrill's on page 562.

A6.3: Good question and a tricky one...Took me a couple reads to get a feel for this. I think Morrill's amendment that the VP talks about on page 562 gets disposed of (it fails) at the top of 563 by voice vote. I added this entry and highlighted it in orange. You may want to check it.

Q6.4: This same thing happens for row 51. The Vice-President makes his comments regarding ownership of the amendment on pg. 559.

A6.4: On 559 I had the VP attributing ownership twice to Morrill (one that resulted in the RC vote you have there and another that I added which was defeated by voice vote) and once to Chafee (which was withdrawn). I think we're good now.

Q6.5: Row 109 (Wallace) (highlighted in yellow) no member seems to ask for the yeas and nays but the presiding officer has the roll called. Row 112 (Allison) (highlighted in yellow) no member seems to ask for the yeas and nays but presiding officer has the roll called

A6.5: Don't kill yourself over these...That's fine. Sometimes the record forgets to record who requested the yeas and sometimes the request comes well before the actual vote. There are going to be some errors on this variable.

Q6.6: On page 4976, Frye says "I think it should read" then goes on to finish his sentence while Vest interrupts him. Who gets credit for the amendment? I went with Vest due to the fact that he was put into the record as speaking first.

A6.6: Hmm...Good question and I think Vest is probably the right call here. I'd make a note that Frye was set to offer the same amendment in your notes section though. This is the kind of minor, technical amendment we'll probably have to drop from any analysis.

Q6.7: Also, what do I do if two people make a request for yeas and nays? On 4856, it lists Boutelle and Sayers both as calling for yeas and nays.

A6.7: Another good question. List Sayers as calling for the yeas and nays, because he was listed first in the record. However, please make a note that Boutelle also requested the yeas and nays. At some point, we will go back through the notes on this and create a variable noting that multiple members requested the yeas and nays.

Q6.8: Per our conversation earlier in class, the amendment we discussed is introduced on page 13513 in the 64th Congress. On this page, Gallinger calls for the yeas and nays, Penrose suggests the absence of a quorum, and the House adjourns for the day. The debate picks back up on page 13544, and the presiding officer states on page 13547 that the committee accepts the amendment. It seems that this amendment was resolved after the House had adjourned the previous day, which is probably why Gallinger simply asked for a voice vote.

A6.8: Thanks for sending this one my way...You've got it coded correctly. My guess is that the yeas and nays were originally called for because Gallinger and Penrose were worried about the outcome of the amendment. It certainly reads like it was resolved during the House discussion.

Q6.9: First of all, I've encountered 3 recorded roll call votes that weren't in the data set. They are outside of the COTW and are for amendments that were considered in the COTW and then separately considered in the full House. My question is where do I find the rnum for these and where can I get the breakdown of party/regional yeas and nays? Do I just check bioguide for each member? The numbers of these amendments on my spreadsheet are #257 (amendment text on p. 2901), #262 (amendment text on p. 2902) and # 281 (amendment text on p. 2954). The recorded votes for these amendments start occurring on p. 2972 (for which I have included a link below) and end around p. 2977. The text of the amendments is read in that section as well.

[Page 2972:](#)

A6.9: Thanks for grabbing these... There's a chance that we simply missed these when we were coding amendment roll calls, and that they're actually in the broader database. Don't worry about the party/regional yeas and nays. Just highlight the vote in your spreadsheet and we'll correct them later.

Q6.10: Lastly, this isn't really a problem, just an interesting observation. There have been a couple of cases in which the Chair announces on a voice vote that the noes seem to have it, but when a division is called, there isn't a single negative vote. These amendments come from a Democrat (Gard, OH). Seems like the Chair is up to something shady. I could be wrong, but this may be worth a look nonetheless. I've included the two examples down below. On my spreadsheet, these are amendments #227 and #313.

p. 2883, [the Gard amendment:](#)

p. 2966, [the Gard amendment:](#)

A6.10: Thanks for flagging these... It's interesting. I'm not sure why the chair would try and kill an amendment that had no objections. It's also interesting to see just 33 votes on a division vote within the Committee. It certainly raises some questions about the role of attendance in these congresses.

Q6.11: I was getting to the amending portion in the House on S 4403--Immigration Act, and the exchange between a few of the Reps. regarding the special rule, if you need it, might be an interesting anecdote.

The discussion is from page 9152 through 9157, 59th Congress, primarily between Dalzell, Gardner, Williams, Goldfogle, and De Armond. The special rule established the insertion of a complete substitute from the House Immigration Committee, and only Section 1 related to the 'head tax' (5 minute rule open to amending for 1 hour) and Section 38 related to the illiteracy test (open for amending & debated for 2 hours) are available for members to debate & amend.

A6.11: That is a really nice case for a couple reasons... Within the political science literature; we tend to treat special rules as being either restrictive (banning amendments) or open (allowing all amendments). This is usually captured by simply using a dummy variable in an analysis of some observable quantity that is not amendments – coalition sizes or bills reported to the floor. The theory being that restrictive rules should be used to restrict amendments being offered, reducing the size of winning coalitions or protecting bills drafted by ideologically distant parent committees.

This appears to be a really early iteration of a “modified open rule.” This tends to be something political scientists have paid attention to only in the modern context. I think this is a great way to highlight the benefit of examining the universe of all amendments directly. Great catch.

7. The Committee of the Whole

Q7.1: I'm having trouble identifying when the chamber is in the Committee of the Whole...

A7.1: Determining if the chamber was in the Committee of the Whole may be confusing. Some general tips:

While both the House and the Senate experienced unrecorded voting in the Committee of the Whole throughout their history, the practice was less prevalent in the Senate, especially in the 1920s. When it occurs in the House, the chamber will replace the Speaker with a presiding officer when they're in the Committee of the Whole. So if the *Congressional Record* refers to the Speaker of the House, you're not in the Committee of the Whole. Additionally, the *Congressional Record* will note that House dissolved into the Committee of the Whole. You can typically skim back to the beginning of the day in the Record to identify this. Finally, no recorded votes took place in the House Committee of the Whole during this era.

Q7.2: On S4812 most of the amending activity occurred in the COTW, but the Senate came out of the COTW and voted on two more amendments. On one of these amendments, they had already voted on and passed it while in the COTW. They voted and passed the bill again once they were out of the COTW. Should I put two entries for this one amendment. One indicating that they were in the COTW and one indicating that they were not? The vote totals were also slightly different.

A7.2: Great catch...This happens fairly regularly. If a recorded vote is requested in the COTW, it has to occur before the full chamber. You should count this as one entry (but two different types of votes). I think there's a code as well for when this goes down in the COTW category.

Q7.3: I'm running into some trouble on pages 4734 and 4735-A couple amendments are apparently being concurred in, but I'm lost as to what is being concurred in. As an example, Mr. Frye says that he reserved an amendment, but for some reasons sufficient to himself, will not insist upon a separate vote despite being greatly opposed to the amendment. To which the presiding officer says the amendment will be concurred in without objection. What exactly happened?

A7.3: No problem...Good question. Let me take it through Frye's statement. If you have additional questions, please don't hesitate to follow up with them.

First, on the bottom of page 4734, the Presiding Officer moved the Senate concur in the amendments made during the Committee of the Whole. These do not need to be coded. What's happening here is that the Senate just completed an amending process while in the Committee of the Whole. Again, this means that a smaller portion of their membership was offering amendments to the bill. You've probably already worked through these. Amendments offered in the Committee of the Whole can be adopted there, but they also have to be approved of by the Senate at large. Occasionally, members will request additional votes on amendments that were dispensed with in the Committee of the Whole. In order to do this, generally, the members will "reserve" the right to vote on that amendment in the full chamber. In this instance, all amendments accepted during the Committee of the Whole that were not "reserved" are adopted as a group.

Second, Quay offers an additional amendment that was not considered during the Committee of the Whole. This – as he notes – was subject to a point of order, but that point of order is not made. Instead, Hale offers a substitute amendment to Quays amendment. He doesn't object to it, and both Hale's amendment and the modified Quay amendment are adopted on page 4735.

Third, Frye notes that he reserved an amendment that he was opposed to. However, he states that “for reasons which are sufficient for me, while I am very greatly opposed to the amendment, I will not insist upon a separate vote.” Basically, he's stating that he doesn't want to force a full vote on the amendment that was adopted in the Committee of the Whole. This change of heart could be due to a number of reasons: for example, he might be because a deal got worked out or he realized he'd lose. Regardless, the amendment is then considered “concurring in.” So you don't need to code anything on this point.

Q7.3: I have a question regarding the coding. I am working on HR 4280, the War Revenue Act of 1917. [Here is the link to the page I am currently on:](#)

My confusion begins the page earlier, however. The Speaker begins pulling up amendments to be voted upon for the final passage of the bill in the House. There is a lot of debate about specific amendments being voted on again. Should I code these? I am afraid I have read this wrong; however, these are amendments that I have previously coded.

A7.4: Thanks for the e-mail and great question. Unfortunately, the page link you gave me is sending me (I think) to a different page. Do you know the page number?

My guess is that what you're seeing are amendments that were disposed of in the Committee of the Whole getting roll call vote requests on the floor. If this is the case, then what we want to do is update the line you originally coded the amendment in. Don't list the amendment again, just add a new entry for the next vtype and update the committee of whole variable.

More specifically, if the Johnson amendment was defeated by voice vote in the committee of the whole, and then considered several days later and defeated by roll call vote, go up to the original Johnson amendment and list vtype2 as recorded vote. Then change the COTW variable to read 2 – Yes, the first vote on this amendment occurred in the committee of the whole, all subsequent votes occurred in the full chamber.

If this isn't what's going on, no problem...I'll take a look at the full page debate and give a better read on it.

Q7.5: On page 765, the committee of the whole rises and the speaker asks "is a separate vote demanded on any amendment?" and then he says the question is on agreeing to the amendments, and they're subsequently agreed to....but I'm not sure which amendments they're voting on? Is it just all of the pending amendments that were proposed throughout the whole debate?

A7.5: This is simply the House agreeing to all amendments adopted in the Committee of the Whole en bloc (or “in gross” as it's referred to here). You don't need to code this...If an individual member asked for a separate vote on a specific amendment he reserved, then we

would like you to go back and add an additional vote type to those amendments. But that doesn't happen here.

8. Companion Bills

This question was specifically related to coding amendments to landmark bills. This may not be a project you're working on, and therefore, may not be relevant.

Q8.1: I'm coding amendment to landmark legislation...I am wondering how to proceed in the case where the bill in the Landmark dataset has a companion bill in the other house. For example, in the 60th Congress S. 2982 (Revision of the Penal Code) is the bill that ultimately became law, but the House companion was also debate and amended. I was not sure if we need to code these companion bills as well.

A8.1: There's a category in the LandmarkBillList.xls called "Comp1." If you find a companion bill that's getting substantial amending activity, enter it in this category and then code the amendments to it as if it was the main bill. Be sure to put a note about this being the House companion bill in the notes section. Given the potential problems companion bills can cause, it's worth going ahead and taking care of them when they pop up. Given the era, I'm not expecting that we'll see a ton of these (though I could be way off base here.) At some point down the road we'll add a companion dummy to the main UnrecordedAmendments spreadsheet.

Q8.2: HR 8206 passed in the House, but then the Senate took up S2060. They started amending S2060 on page 2750 & page 2916-2925. This is the one you told me to send to you.

A8.2: Thanks for sending this my way...S 2060 is a companion bill. On page 2925, the Senate amends HR 8206 by substituting the text of S 2060 in its place. This occurs when Cummins, "moves that all the matter in the House bill after the enacting clause be stricken out and to insert Senate bill 2060 as amended."

In order to fully capture the amending process, we need to code all amendments to S 2060, as well as all amendments to HR 8206. This is done in the exact same way you've done the coding for HR 8206.

9. Motion to Reconsider

Q9.1: On 3715, Hoar has an amendment passed. However, later (3757), Hoar requests his motion to be reconsidered, and the amendment gets rejected. I already filled in 3 under BB, do I need to change BP to 0

A9.1: It sounds like you've got this correct regarding your case...The motion to reconsider variable (BB) should be listed as "3" and BP – the amend_result variable should be listed as "0".

Q9.2: I have a question regarding motions to reconsider. In the 64th Congress, 1916, page 13744, Simmons successfully calls for a motion to reconsider an amendment in order to add two secondary amendments. The underlying amendment received two voice votes, one before and after the motion to reconsider. I coded the underlying amendment for two separate voice votes

(you can find this coding on line 157 on my excel sheet). I just wanted to make sure I was doing this correctly.

A9.2: Nice catch here. This is also coded correctly. I'm a little surprised we don't see more of this. It looks like both of Simmons' amendments were pretty minor, technical amendments (inserting the word "stock"). I'm guessing both parties signed off on this ahead of time. I'd be sure to include a comment in your notes along the lines of "successful motion to reconsider was adopted to allow for the adoption of two minor, technical amendments."

Q9.3: If an amendment is accepted and then reconsidered and then passed over, do i keep it coded for the fact that it was originally accepted or do I just delete it? [Link here:](#)

A9.3: This is interesting. Do you have any details about the case? The page isn't linking directly to the episode. Is this occurring frequently? If the motion to reconsider is done without a vote, I'd simply omit the amendment and recode it when it's brought up again. If there's a vote on the motion to reconsider, I would leave the amendment coded and then start with votetype2 when the chamber comes back to the amendment.

10. Motion to Concur

Q10.1: What does "concurrred in" mean code wise?"

A10.1: We touched on this after class, but "concurrred in," generally refers to a chamber voting on whether or not to accept the amendments from another chamber. For example:

The House passes a bill – HR 2010.

In the Senate, Senator Johnson and Senator Smith successfully pass amendment to HR 2010. The bill then passes the Senate.

Instead of going to a conference, the House may vote on whether or not to concur in the Senate's amendments (Johnson's and Smith's).

When this occurs, you can simply list the amendment sponsor as "Senate" and check the variable for "concur." We'll talk a little bit about this on Wednesday.

Q10.2: I'm having some trouble understanding which part of the amending process I'm dealing with, starting on page 6998. The chair, after introducing consideration of HR 12987, states "The question is on concurring in the first amendment made as in the COTW as amended. Without objection, it will be concurrred in." I have no idea what this means, and there has already been a long amending process prior to this announcement. I went ahead and coded the amendments proposed to these "concurring" amendments, but should I have done this? Also, I did not code the concurring amendments that were not subject to new amending. Should I go back and code these? If you look at my spreadsheet, you'll see a huge section highlighted in green. This is the section I'm referring to, so whatever I need to do to fix this, please let me know. Thanks so much!

A10.2: Great question... This is simply an issue where the chair is using different terminology. The concurred in variable should only be coded 1 if the House (or Senate) is concurring in an amendment offered by the other chamber. In this instance (or instances), the word “concurrred” is being used as “agreed to.” The chamber is simply accepting the results of the amending process in the committee of the whole without a roll call vote. You only need to code this if the amendment was not concurred in, and another vote took place.

Q10.3: I think that I know what is going on but I am not sure. I think that the Senate has voted to accept all amendments to this point with the exception of the ones reserved. But how do I code it? Or do I? A vote was taken to concur in the amendments made as the committee as a whole with the exception of those amendments on which a vote has been reserved in the Senate.

65th Congress, March 7, 1918, Pages 3142/3143, S 3714

A10.3: Thanks for the line and good question. The short answer on this one is “no.” Here’s the relevant text from the exchange:

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of those amendments on which a separate vote has been reserved in the Senate.

Mr. HOLLIS. I have reserved two amendments, one at the top of page 4 and the other at the bottom of page 4 and the top of page 5.

Mr. SMOOT. Mr. President, it is not necessary again to announce the reservations, is it? I have already reserved the right to offer an amendment, and I do not think that I need to do so again.

The PRESIDENT pro tempore. If an amendment has been reserved, that is all that is necessary. The question is on concurring in those amendments upon which a separate vote has not been reserved.

The amendments not reserved were concurred in.

Here’s my read on the situation: the Committee of the Whole Senate has risen and the bill is now in the full chamber. While considering amendments in the Committee of the Whole, Hollis “reserved” two amendments. Essentially, this means that during the debate on those amendments, he announced his intention to request a separate vote in the full chamber. He’s announcing his intentions again, which Smooth and the President Pro Tempore note isn’t necessary. The line, “The amendments not reserved were concurred in” is referencing that all amendments approved of in the Committee of the Whole that weren’t reserved are considered adopted by the full chamber en bloc. You don’t need to code this...If Hollis gets separate votes

on the amendments he reserved, then we would like you to go back and add an additional vote type to those amendments.

Q10.4: Here is where they concurred. I thought that a concurrence was between houses. 65th Congress, Senate, March 7, 1918, S 3714, page 3144 and 3148.

A10.4: Thanks for the e-mail and good question. The Senate Committee of the Whole is exceptionally odd. Here's the situation as I see it: On page 3143, the Senate concurs in all amendments adopted in the Committee of the Whole that were not reserved. Debate recurs on a committee amendment adopted in the Committee of the Whole (this should be somewhere in your dataset). Owen offers a substitute amendment to that committee amendment that passes via roll call on page 3144.

Hollis proposes another amendment, but the presiding officer informs him that the modified committee amendment (the one Owen just amended) has not been adopted. Sterling offers an amendment to the modified committee amendment – its rejected via voice on page 3148. He requests the yeas and nays and fails (also on 3148). He requests a division vote, and its rejected – though numbers for the division vote are not presented.

Smoot offers a minor, technical amendment to the Owen/committee amendment. This Owen says he'd accept, but it passes via voice vote on page 3148.

The substitute amendment as concurred in is then adopted via voice vote (i.e. concurred in).

This is a concurrence in a Senate Committee of the Whole amendment – not between the two houses. From a coding standpoint, track down the original amendment – the one Owen is amending (I believe it is in row 624 of your amendment dataset) and update the committee of the whole variable on it. I'd also code it as passing via voice vote, and make a note that the Owen substitute substantially altered the text of it.

11. Points of Order

Q11.1: I have run into a case where a member makes a point of order against something in the text and then the individual who is the sponsor/floor leader offers an amendment. I have coded the sponsor of the amendment as Scott (KS-R), but the points of order were made by Macon (AR-D).

A11.1: So Macon made a point of order against something in the bill or in an amendment and Scott offered an amendment to correct the problem Macon caught? I think listing Scott as the sponsor is spot on here...Make a note of the Macon point, however. I'm guessing this was a technical issue and not particularly controversial?

Q11.2: When an amendment being offered is being sustained, does this mean it has been rejected without any vote? After a Senator makes a point of order to sustain the amendment, the amendment is dropped and it is never referenced again.

A11.2: First, do you have a page number for this one? It's something I'll probably have to take a look at it.

The way you're wording it suggests that the amendment was subjected to a point of order. Here's a little bit of background on points of order: Of the powers presiding officers possess, ruling on **points of order** is the most substantial. A point of order is raised by a member who believes a chamber rule is being violated. Generally, points of order touch on one of two important procedural facets: the right to continue debate or the right to offer amendments. As such, rulings have the power to end debate or significantly alter the substantive content of legislation.

When a point of order is presented to the chair, he or she can choose to uphold (sustain) it, reject it, or submit it to the floor for consideration by the full chamber. Points of order that the chair upholds or rejects are subject to an appeal from the full chamber. Most points of order submitted to the Senate floor are debatable, an advantage for filibustering minority coalitions. Appeals of rulings also are debatable, but the appeal is subject to a non-debatable motion to table that requires only a simple majority to pass.

What you've described here suggests the amendment was challenged by a point of order as being non-germane (which is common) and the point of order was sustained by the chair. If this is the case, the amendment is dead. You do not need to code amendments killed via point of order, but they're nice cases to make a note of.

Q11.3: When an amendment being offered is being sustained, does this mean it has been rejected without any vote? After a Senator makes a point of order to sustain the amendment, the amendment is dropped and it is never referenced again.

I found a number of them towards the end. [Page 7794](#), [Page 7796](#) and [Page 7924](#).

A11.3: Thanks for the follow-up on this. Again, it's a good question and one I'll talk a bit about tomorrow. Just looking at your first case, I believe my earlier e-mail had the right read on this. Here's the relevant debate from your case:

Mr. GUGGENHEIM. I offer an amendment, which I trust the chairman of the committee will accept, for it means a great deal to certain people in the State of Colorado and it does not require any appropriation.

Mr. HALE. And is not legislation?

Mr. GUGGENHEIM. I did not make that statement.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 119, after line 14, insert:

That the Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the lands or development of the resources thereof in the Mesa Verde National Park, and the fund derived there from shall be covered into the Treasury of the United States as a special fund, which is hereby appropriated and may be expended, under the direction of the Secretary of the Interior, in the administration, protection, and improvement of the park and the ruins in the 5-mile strip south of the park and the construction and improvement of roads leading thereto: Provided, That such leases or privileges shall not include any of the prehistoric ruins in said park or exclude the public from free and convenient access thereto.

Mr. HALE. I am obliged to raise the question on the Senator as I have in the case of other Senators. I make the point of order that it is legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. GUGGENHEIM. I am sorry the Senator has done that. I have another amendment which I should like to submit (*Congressional Record*, 61st Congress, June 10, 1910, 7794).

The right to offer non-germane amendments is one of the Senate's most distinguishing features, but it is not absolute. There are several occasions when the chamber requires germaneness: when the Senate is operating under a unanimous consent agreement that specifically forbids non-germane amendments, for amendments to general appropriations measures, after cloture has been invoked or during the consideration of a budget resolution or reconciliation measure (Tiefer 1989). It sounds like this is a general appropriations matter.

Generally, if an amendment to an appropriations bill is challenged as containing legislation then the senator offering the measure is likely to raise a defense of germaneness. Senate rule XVI, paragraph 4 specifies that the presiding officer should submit such questions to the full Senate where they are to be decided without debate (Riddick and Frumin 1992). The Presiding Officer doesn't always do this, and in this case, Guggenheim's doesn't appeal the chair's ruling. It's certainly possible that the defense of germaneness was not a viable option during this era. From a coding standpoint, Guggenheim's amendment dies here without a vote. You don't need to code it. But again, nice case. If you run into instances where the chair's ruling was appealed, let me know.

Q11.4: I thought you might like to know that during the debate of the Army Act of 1920, Caldwell (NY-D) introduces an amendment calling for universal compulsory military training for American men. See pages 4421-4423 of the second session of the 66th congress. The Chair eventually rules the amendment non-germane.

A11.5: Expect to see this again at some point. Rep. Julius Kahn's (R-CA) amendment -- The Kahn Amendment -- provided for military conscription in World War I and was one of the dominant issues of this era. At various points, Kahn (a German immigrant and fascinating dude) and his allies -- in this case Caldwell -- will introduce related measures and they will spark aggressive debates over the merits of conscription. While Wilson supported it, Southern

Democrats especially hated it and accused Kahn and his allies of class warfare. There are a couple really nice debates on it.

Like your last case, this is a really cleanly laid out opinion by the chair...Again, they're usually pretty rough with points of order. Here's the discussion – I'm saving it for future questions on points of order:

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

...

Mr. HOCH. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The gentleman from New York [Mr. CALDWELL] offers an amendment providing for universal compulsory military training. The gentleman from Kansas [Mr. Hoch] makes the point of order that the amendment is not germane.

The Chair is not called upon to decide as to the merits or demerits of this amendment or of the proposition it embodies. The principal contention of the gentleman from New York [Mr. CALDWELL] is to the effect that this entire bill was constructed with reference to placing this very amendment at this point in the bill, and argues from this fact that it should be in order to introduce the same amendment here. It seems to the Chair immaterial whether the bill was so constructed or not, because it is well established that a committee having jurisdiction of the subject matter may include in a bill any number of provisions properly within the jurisdiction of the committee which, if offered by a Member from the floor of the House, even by a member of the committee or by the committee itself, could not be inserted by way of amendment, unless germane to the bill which the committee has brought in.

The question to be ruled upon is one of germaneness under the much-quoted seventh clause of Rule XVI of the House rules, that "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

One of the most noted and, in the judgment of the Chair, one of the best-considered rulings on this point was made just 40 years ago by Mr. Carlisle as Chairman of the Committee of the Whole before he was Speaker of the House. It is quoted at some length in V Hinds' Precedents, section 5825. Mr. Hinds in the syllabus prepared by him, before quoting from this ruling, states the point of it applicable -here as follows:

While a committee may report a bill embracing different subjects it is not in order during the consideration in the House to introduce a new subject by way of amendment.

Mr. Carlisle proceeds to a very able and thorough review of the entire matter, bringing it down from the time of the Congress under the Articles of Confederation to 1822, when the rule in its present form was adopted. In one sentence this able parliamentarian makes clear the point now raised by the gentleman from New York:

The rule does not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose; but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise.

The question is: does the amendment proposed by the gentleman from New York introduce, under color of amendment, a different subject from that under consideration in the bill? The bill proposes to amend the national defense act and does amend it in a number of its sections. The amendment offered by the gentleman from New York [Mr. CALDWELL] is offered as section 47e of the national defense act. Is the amendment-of the gentleman from New York germane to any provision of the national defense act? A thorough examination of that act in this connection would seem to require a negative answer. In the opinion of the Chair this amendment introduces a subject different from that under consideration in the bill, and is therefore in contravention of Rule XVI of the rules of the House. The Chair sustains the point of order (*Congressional Record*, 66th Congress, March 16, 1920, 4421-4423).

Caldwell doesn't appeal the chair's ruling on the point of order and so from a coding standpoint, his amendment is dead at this point. Thus, it doesn't need to be coded. But again, great case.

12. Pro Forma Amendments

Q12.1: Okay, this is the first of a series of exchanges on "pro forma" amendments. Are these just amendments related to the text of the bill itself; a kind of preliminary set of revisions before "official" debate begins?

If they are to be coded, should I attribute the amendment's withdrawal to Murdock?

A12.1: We talked about this briefly on Friday, but here's the basic rundown...First, I should have spent more time on this earlier in the class. I've had a couple students send questions about pro forma amendments. They occur quite rarely (though occasionally still happens in the modern Congress). The idea here is that Congress is operating under the 5 minute rule – meaning members have five minutes to debate the amendment. The pro forma amendment is offered – always to strike the last word – with no intention to vote upon it. The member merely wants an additional 5 minutes to talk about the bill or previous amendment. I would not code these amendments.

Generally, when amendments are withdrawn, you can either not code it or enter it “8,” meaning the amendment was withdrawn. If you get any especially weird discussions of this, please make a note of them. And if we were to code the pro forma amendment from the exchange you've highlighted, you've got it exactly right: Murdock would be the sponsor.

Q12.2: I'm in the 65th Congress, 1917, in the House. I am working on HR3545, Selective Service Act.

1. P. 1503: Kahn of CA proposes an amendment.
2. P. 1505: Sears of FL proposes an amendment to Kahn's amendment.

3. P. 1512: The Chairman calls a vote on "the amendment" and doesn't specify which one. I guess I am just having trouble tracking exactly which amendment they are talking about here... I don't know if it's the Kahn or Sears amendment. Is there a way that I can better keep track of these?

A12.2: Here's what I have on this one...It's a tough read because of all the pro forma amendments that are being thrown around. This was something I was familiar with, but I didn't realize they were used this frequently...

One page 1503 Kahn proposes an amendment striking the words "volunteers or" from the bill. Sears hates this amendment. He gives a long speech opposing it. He then asks for unanimous consent to continue. He doesn't get it.

Talbot then proposes an amendment striking the last word of the Kahn amendment...This is a pro forma amendment and he's offering it to get either five minutes to speak, or (as is the case here), insert remarks into the record...He doesn't intend on pushing this to a vote, and he then withdraws the pro forma amendment.

Sears wants to speak more, and as he can't offer the same pro forma amendment Talbot offered (I believe this is a formal House rule), he moves to strike the last two words of the Kahn amendment. Here's where it gets a little technical. Mann makes a point of order that Sears amendment is out of order. As Kahn's amendment is only two words, Sears amendment is simply a reiteration of the Kahn amendment (only in the negative). In a roundabout way, the chair upholds this point, and Sears pro forma amendment is blocked.

On page 1506, "the question was taken, and the amendment was agreed too." This is the vote on the Kahn amendment, and it passes via voice vote. Shortly after that amendment passes, Moore offers an amendment to strike out the word "selective." There's some debate in the interim, and a couple unsuccessful motions, but the discussion on page 1511 indicates that the vote on page 1512 is on Moore's amendment.

Q12.3: So, Fall, a New Mexican Republican, proposes an amendment and then asks for the yays/neas on it. Absolutely nobody votes for the amendment...including Fall. I don't see the point of proposing an amendment if you're just going to vote against your own idea.

A12.3: I like these cases and they do happen on occasion. Without seeing the episode, I can't be certain, but generally when this happens it's dilatory. Meaning – the member is simply trying to prolong the debate, much like they would do with a *pro forma* amendment.

13. Unanimous Consent

Q13.1: At the bottom Page 1978 in the House Congressional Record for the 63rd House (Jan 20, 1915), a member wants to withdraw his amendment. However, the Chair states that "the gentleman must ask unanimous consent to withdraw his amendment (when) in Committee of the Whole; he can not withdraw it except by unanimous consent."

A13.1: This was a good catch...It happen on occasion that a member does not get unanimous consent to withdraw an amendment. Most of the time it occurs because other members like the amendment and want to see it enacted. Occasionally, though, it's because they want to force members to cast a vote on an uncomfortable amendment.

Q13.2: One more question... If the chairman offers a vote for UCA that "debate on amendments shall be closed after 20 minutes," does that constitute a UCA code in the data set?

A13.2: The short answer here is yes...The UCA is being used to restrict amending activity in a broad way, so we'd like to capture that. Do you have a page number on this? Was it in the Senate or the House? I'm a little surprised to see a UCA used this way during this period and I'd be interested in getting a look at it.

Q13.3: Three committee amendments are bundled together for 1 vote via UCA. These amendments are debated for a good number of pages before being accepted via roll call vote. On page 13770, Hughes calls for a motion to reconsider the bundled amendments. He adds two secondary amendments via voice vote, and then the underlying bundled amendments pass via voice vote.

A13.3: Thanks for sending me this one as well...Bundling is something we've been debating how to code for a little while now. The more of these you ship me, the better feel I get for what they're doing with. This is coded exactly right. The key is you have a note regarding the amendments being bundled together via UCA. In most instances, I think coding the bundled amendments as one amendment makes the most sense -- especially if they were all offered by the same senator. However, given that the MTR was used to amendment one of the amendments, coding them separately seems appropriate.

Q13.4: A little confused about this...So after the clerk reads a proposed amendment, the chairman says "Without objection the amendment will be agreed to" then it says there was no objection and the amendment was adopted. Is this unanimous consent? Or just a regular unrecorded voice vote?

A13.4: I think I hit on this in the previous point, but "without objection" means the amendment was adopted via unanimous consent. When in doubt, don't hesitate to code this and simply code the vtype as unanimous consent.

14. Announced Result

Q14.1: This is just a general question but could you clarify what an announced result is (variable BC)? Because I've noticed that sometimes the Chairman will announce that the yeas or nays have

it and sometimes the record will just read "The amendment was adopted" or "The amendment was rejected" without anyone announcing anything.

A14.1: The announced result is simply the disposition of the amendment under the voice vote. When the Record simply states that "the amendment was adopted," you can assume that the chair announced that the "yeas have it." There doesn't actually have to be a formal announcement. Again, the motivation for this variable follows the preceding discussion. If we observe that voice votes are frequently overturned, we can offer normative recommendations regarding that voting procedure.

Q14.2: Going off of my last question about announced results, in one case the Chairman announced that the yeas had it but then it went to a division vote and the amendment was rejected. Is the announced result then that it was rejected? I just don't really get how announced result differs from the final disposition of amendment.

A14.2: This is a good question, and I've gotten it a couple times. We should probably re-title "announced result" "voice result," because that's what it's getting at. The amend_result variable (BP) is the final disposition of the amendment. The ann_result variable (BC) is the disposition of the amendment after the voice vote.

Q14.3: Quick question: I'm sure you mentioned it in class, but i cannot for the life of me remember, so if we have a recorded roll call, do we code (BC) 9, or 0/1? In my case, the senate is voting upon a committee amendment, and the only vote is a recorded roll call--it passed, so do i code (BC) as 9, or 1?

A14.3: Thanks for the e-mail and good question. The announced result is simply the disposition of the amendment under the voice vote. Again, we should probably re-title "announced result" "voice result," because that's what it's getting at. The amend_result variable (BP) is the final disposition of the amendment. The ann_result variable (BC) is the disposition of the amendment after the voice vote.

So if the vote you're referencing had no voice vote, than it should be coded as "9" for "no announced result."

15. Locating the Amendments

Q15.1: I got through the house committee amendments and I think all of the house amendments, but I'm having trouble finding the senate amendments to the bill HR8245 in the 67th congress the last page I used was page 5354 in volume 61. This is where the index lead me for the senate, but I can't seem to find anything useful. [Link here:](#)

A15.1: It wouldn't be the first time the Senate didn't offer any amendments...However, in this instance, you've keyed on why we can't simply rely on the index description of when the bill was amended in the Senate. The index notes that HR 8245 was debated in Senate starting on page 5789 (and on a large number of pages between 5789 and 7524). It's actually being debated

and amended on these pages. The first amendment disposed of in the Senate that I found was on page 5808 – it's a Committee on Finance amendment. Given that this is a revenue act, I'm guessing there will be a couple hundred amendments disposed of in the Senate.

Q15.2: I have lost track of an amendment (re: HR 3321) It was brought up by Rep. Miller on Page 811 of the 63rd Congress, April 29, 1913...

Scratch that. I found it. For some reason, although Miller offered his amendment first, the Chair recognized several other amendments before Miller amendment. These other amendments do not appear to be secondary or substitute amendments to Millers.

A15.2: I didn't dig through this in great detail, but a couple quick points...First, again, don't sweat "losing" track of an amendment. As we've discussed, this is going to happen. The member may pull the amendment from consideration based on subsequent debate, agreements, amendments, etc...That's why we talk about being interested in amendments that have been disposed of.

In this case, the amendment offered by Miller is under consideration (or at least appears to be) after he offers it. The intervening amendments were technically out of order (at least the amendment offered by Moore on page 816). Moore wanted to offer an amendment to a previous section, thinking that was the section Miller was amending. Miller's amendment was actually to a new section. The bill manager – Underwood – let Moore offer his amendment to the previous section anyhow, which caused it to "jump the line." The allowing of Moore to offer the amendment out of order was done via unanimous consent (we can tell this because of the line "Without objection, the gentlemen can proceed" on the top of page 816.)

Q15.3: I am having trouble locating a bill that I am about to start coding. I am in the 65th Congress, 1917, and am looking for SJR 111, War with Austria-Hungary. I can't find it anywhere in the index, as it cuts off before SJR 111 is listed.

Am I looking in the right place? I can't find it for the life of me, and feel like I'm doing something wrong.

A15.3: Wow...Never seen that before (the index being cut off). It makes sense...There are some problems in the codified record. Fortunately, in this case, SJR is also listed in the index for the second session. Here's the relevant discussion cut and pasted:

"S. J. Res. 111-Declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

Mr. Stone. from Committee on Foreign relations (8. Rept. 178),

1.-Debated and passed Senate, 63-68-Passed House. 99,100.-Examined and signed, 7G. 102.- Approved by the President [Public resolution, No. 17J, 112.]"

Q15.4: The debate ends very strangely. The index shows that HR 6810 is amended and passed and the last page is 2977, but I don't see a vote on the entire bill anywhere and there's talk of a

motion to recommit and a third reading of the bill. This starts on p. 2976. I've included a link below. Should I look for more sections of debate or is that where it ends?

Page 2976:

A15.4: Good question...The motion recommit is actually defeated on page 3004 and the bill passed on page 3005. I checked – there wasn't any intervening amending activity – so you should be in good shape.

Q15.5: I was in the process of shoring up the amendments on S 4403 (An act to regulate the immigration of aliens into the United States), and noticed there was no passage of the Senate bill itself. The last set of entries in the index pertaining to this bill are related to the issuance of members chosen for the conference committee, and that is where the entry ends. Does this bill pass? If so, am I missing something here?

FYI - 59th Congress; last 3 index entries are pages 9195 and 9250.

A15.5: Good question...This happens on occasion. The original debate and passage of S 4403 actually occurred during the first session of 59th Congress. Only the passage of the conference report is discussed in the index of the second session. If you check out the index from the first session, the bill is detailed on page 133. [Link here:](#)
Here's the relevant discussion:

"To amend an act entitled "An act to regulate the immigration of aliens Into the United States," approved March 3, 1903.

Mr. Dillingham; Committee, on Immigration 2524.

- Reported back with amendments (S. REPORT 2186) 4429.
- Passed over 5192, 5606, 5805.
- Debated 7143, 7212, 7213, 7280, 7284.
- Amended and passed Senate 7300.
- Referred to House Committee on Immigration and Naturalization 7393.
- Reported back with amendment (H. R. REPORT 4558) 7643.
- Recommitted to Committee on Immigration and Naturalization 7886.
- Reported back with amendment (H. R. REPORT 4912) 8302.
- Resolution from the Committee on Rules debated and agreed to 9152, 9157.
- Bill debated, amended, and passed House 915S, 9173, 9195.
- Senate disagrees to House amendment 9249.
- House asks for conference 9195.
- Conference appointed 0195, 9250."

Q15.6: I have been working to track this bill back to its origins and I think that I have it but I have been in so many loops and through the Senate that I have decided two things. There are some Senators I just don't like and I'm not sure of anything with this section of the bill.

A15.6: Again, good question. This is one of those it's not worth spending too much time getting hung up on. As I mentioned earlier, I believe the underlying amendment was in row 624 of your

amendment dataset. The best way to track these underlying amendments down is to identify the location of the amendment (i.e. the amendment is to page 8 or section 7) and do a find for that page number or section number in your excel spreadsheet.

Q15.7: So the veterans' bureau bill started in the House, went to the Senate where a bunch of amendments were agreed to, mostly on behalf of the finance committee. I just finished coding all the amendments in the Senate and then at the end of the senate debate they said the bill would be referred back to the House. After it went back to the House, I went to the pages where it was debated on again and finally agreed to (pages 4557 - 4563). But on these pages, it looks like they are just going over the amendments the Senate offered and the House disagreed with...I'm not really sure what exactly is happening. How do I code these?

A15.7: The short answer to it is that you don't need to code anything at this stage. This bill was referred to a conference committee and we don't need to code the outcome of each amendment at the conference committee stage. That the bill was referred to a conference committee is clear from the Speaker's initial language in the House:

The SPEAKER pro tempore. The gentleman from Iowa calls up the conference report as stated. The Clerk will report it. The conference report was read, as follows: The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recedes from its amendments numbered 13, 14, 15, 16, 18, 22, 23, 26, 28, 38, 46, 53, 54, 56, 57, 59, 61, and 62. That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 20, 21, 24, 25, 27, 29, 30, 31, 32, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 58, 60, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82; and agree to the same (*Congressional Record*, 67th Congress, August 2, 1921, 7520).

As we've discussed in class, the Constitution mandates that legislation pass the House and the Senate in the same form. This often necessitates legislation going to a conference committee. Members of the conference committee will negotiate a compromised document and this conference report is presented to the House and Senate floor for its approval or rejection. The conference report cannot be amended, though it is subject to a Senate filibuster.

Conference committees are often criticized for the leeway they're granted. Here's an often-used quote by Senator Paul Wellstone (D-MN) that summarizes this view:

Mr. WELLSTONE. I say to my colleague from Wyoming, I used to teach political science classes. I have to tell you. You know, I feel guilty. I need to refund tuition to students for those 2 weeks I taught classes on the Congress. I was so off in terms of a lot of the decision-making.

I should have focused on the conference committees as the third House of the Congress, because these folks can do any number of different things. And the thing that drives me crazy is you can have a situation where the Senate did not have a provision in the bill, the House did not have a provision in the bill, and the conference committee just puts it in the bill. Then it comes back for an up-or-down vote. No opportunity to amend.

Or you can have a situation where the Senate and the House pass bills with a provision in them and the conference takes it out. It is, I think, the least accountable part of decision-making in the Congress (*Congressional Record*, 105th Congress, July 8, 1998, 7650).

There are several alternatives to resolving bicameral differences (i.e. introducing clean bills, concurring in the other chambers' amendments on the floor, etc...). However, conference reports are historically the most frequent. When a conference committee concludes, it reports two different documents: first, the conference report – which is the legislative vehicle. Second, it reports a joint explanatory statement frequently referred to as a “statement of managers.”

As you can see from your case, the conference report generally results in substantial concessions. A number of amendments adopted in either chamber are not included in the final document. Additional changes to other amendments are described. The statement of managers is listed on page 4558 and outlines the reasoning for the changes taken. Again, you don't need to code anything stemming from the conference report. Just make a note of where the conference report can be found for future reference.

16. Committee Amendments

Q16.1: What do I do if the amendment is described as “a committee amendment”?

A16.1: From the codebook: When an amendment is described as a “committee amendment,” first, be sure to code the committee amendment variable accordingly. Next, a reading of the record should be undertaken to determine if the member who sponsored the amendment in the committee was identified. This is frequently the case. In the 77th Congress, Senator Walter George (D-GA), stated that an “amendment was presented to the committee by the Senator from Michigan [Mr. Vandenberg], and the committee voted favorably on the amendment offered (*Congressional Record*, 77th Congress, October 9, 1942, 10757.)” In this instance, Senator Arthur Vandenberg (R-MI) should be listed as the sponsor.

If the committee sponsor was not explicitly listed, list the sponsor as the member who spent the most time speaking for the amendment on the chamber floor (provided there is one). For example, in the 85th Congress, Senator Robert Kerr (D-OK) stated that, “Speaking for that committee and for what I believe to be the rights of the people of a great State and of a great metropolitan area, and in the conviction that it can do no harm to any area, I urge the passage of the proposed legislation by the Senate (*Congressional Record*, 85th Congress, August 22, 1942, 19125).” In this case, Kerr should be listed as the sponsor.

If an amendment sponsor cannot be clearly identified, do not spend too much time on it. This will happen on occasion. Simply leave it blank, make a note of it and move on.

Q16.2: Quick question. My bill is HR 6810, 66th Congress and the amendment in question is at the bottom of 4845. So, they skipped over a committee amendment on 4843 and they're coming back to it here through an UCA (which I didn't code for since it wasn't on an amendment). Overman offers his amendment and he mentions it's an amendment to the committee amendment. Simmons before that mentions that Overman's amendment would be "in lieu of the committee amendment" (substitute?). But the presiding officer doesn't even mention the committee amendment at all, gives a vote only on the Overman amendment and announces that only the Overman amendment passed. I think they just skipped voting on the committee amendment. Do I code the committee amendment at all? When I code the Overman amendment, do I code it as a substitute, a secondary or neither? I think it's a substitute, but I thought I should double-check. Thanks!

A16.2: Interesting situation and I think you could code it correctly in a number of different ways. It sounds like Overman is on the subcommittee and offering his amendment in place of the committee amendment. It looks like only a minor difference in the language. I think the Senate is considering the committee amendment as being withdrawn by UCA, and Overman's amendment essentially taking its place. It wouldn't code the committee amendment separately, but I would make a note of the situation. Given that the Senate is essentially withdrawing the committee amendment, I would treat the Overman amendment as a first-degree amendment to the text.

Q16.3: The Civil Expense Act has an amendment read out by the Pro Tempore in the Senate and the amendment is passed but I can't find who first suggested this portion. [[Here's the link](#)]

A16.3: Thanks for the e-mail and question. This is a good one as well and something that's going to occur fairly regularly. Here's the statement by the President Pro Tempore:

“The PRESIDENT pro tempore. The first amendment reported by the committee will be stated.

“The first amendment of the Committee on Appropriations was, under the head of "Under, the Treasury. Department," subhead "Public- buildings," on page 3, after line 2., to insert: Atlanta, Ga., old post-office building: The Secretary of the Treasury is authorized to have appraised, in a fair and impartial manner, the old post-office building In the city of Atlanta, Ga., having in view the value of said' building for municipal purposes, and to convey said building, together with the lot or lots heretofore donated by the city of Atlanta to the- Government of the United States on which said building is situated, to the said city of Atlanta, on the payment by It Into the Treasury of the United States of the amount of the appraised value of said building thus ascertained : Provided, That the acceptance of such conveyance by the city of Atlanta shall constitute a release of any and all obligations of the Government of the United

States under the deed from the city of Atlanta to the United States or by the agreement referred to therein..

The amendment was agreed' to. (*Congressional Record*, 61st Congress, June 8, 1910, 7594).”

This is a straight committee amendment that is passed via voice vote. By “committee amendment,” we mean when the bill was reported by the Committee on Appropriations, it also reported out this suggested amendment. We know this because (1) the PPT starts by noting that “The first amendment reported by the committee will be stated,” and (2) The amendment begins with “The first amendment of the Committee on Appropriations was...”

In cases where one member is leading the debate on the Committee Amendment, you can feel free to attribute the committee amendment to that member (i.e. make that member the sponsor). Just be sure to make a note of it. In this case, there’s no debate at all, so no way to attribute the amendment to any specific member. In these cases, simply list the specific committee as the sponsor. So the amendment sponsor should read “Committee on Appropriations.” The sponsor party and state listing can be left blank in these cases. What we will most likely do is – after you’ve completed the data collection -- attribute these amendments to the chairman of the committee.

Again, very good question. You can expect several cases like this.

Q16.4: I just want to make sure that in the instances where the record reads "The amendment was agreed to.", seen first on page 6789 and linked below, that this is a voice vote that is occurring and not a rehashing of what occurred in committee. Should I be coding these? The absence of the "The PRESIDING OFFICER" in the record makes me question whether or not this what we are looking for.

A16.4: Good question and this case is a pretty common one. You’ll notice on the bottom left column on page 6789, the Presiding Officer notes that the “The reading of the bill was resumed.” Until another member interjects, everything you’re seeing is from the presiding officer. What he’s doing here is just going through a number of –apparently non-controversial -- committee amendments in a quick fire fashion. Every “the amendment was agreed to” is a voice vote. You’ll get these cases on occasion and they’re generally pretty easy coding.

Q16.5: One other thing. I haven't come across an amendment sponsor on any of these cases. Should I just attribute all of the amendments to Henry Hollis, the committee chairman?

A16.5: Given that these are fairly non-controversial committee amendments, I think this is exactly correct. Just be sure to make you have the committee amendment box coded correctly and you should be in good shape.

Q16.6: I am seeing several cases where amendments are being made to a committee amendment where no vote is taken. The Sponsor simply states that he accepts the amendment. This is being done prior to any vote or unanimous consent. Should this simply be coded as the committee amendment or should each change be noted?

A16.6: Good question and something you will see occur frequently in stretches. Technically speaking, these are occurring via unanimous consent and you don't need to code these. I believe – but could be off on this – a member could object to the sponsor modifying his amendment and thus force a vote on the underlying measure. At a minimum, there are being dispensed with without a vote, and therefore you don't need to code them. What I'd recommend doing is simply making a note of them in the notes section of the committee amendment. If you've already coded them, code their vtype as “unanimous consent.”

Q16.7: I have a committee amendment on page 6950 that was agreed to. It was then reconsidered and amended several times. On page 6957 the committee amendment was agreed to “as amended”. I have coded this committee amendment as separate items since the votes were taken separately and with a modified amendment. Is this correct?

A16.7: Hmm...Thanks for sending me the pdf. Here's my read on this...

First, the amendment introduced on page 6950 is not the same amendment that was adopted on page 6957. The amendment on page 6950 was to page six, after line seven. It's passed – but after Reed's speech, it's reconsidered and then passed over. This means it's likely going to come up again later.

After the amendment to page 6 is passed over, a new committee amendment is introduced on pages 6950-6951. This amendment introduces a new section four on page nine. Here's what I have as occurring on this amendment:

On page 6951, Joseph Frelinghuysen (R-NJ) offers an amendment. As an aside – Representative Rodney Frelinghuysen (R-NJ) is currently the sixth Frelinghuysen the state of New Jersey has sent to Congress since 1793. You don't need to know this, but I think it's kind of cool. Ransdell (D-LA), the bill manager, has no objection. Both Frelinghuysen's amendment and the committee amendment are adopted by unanimous consent. Here are the lines:

Mr. RANSELL. On behalf of the committee I will state that I have no objection to that amendment to the amendment.

The PRESIDING OFFICER. Is there objection to the amendment to the amendment? The Chair bears none, and it is agreed to.

After the conclusion of the reading of the amendment,

The PRESIDING OFFICER. Without objection, the amendment as amended is agreed to. (*Congressional Record*, 65th Congress, September 11, 1917, 6951).

For the second time in as many pages, Reed then gives a speech questioning the amendment. Ransdell goes ahead and moves the Senate reconsider the amendments passage on page 6951. Senator Atlee Pomerene (D-OH) then offers a perfecting amendment to the committee amendment:

Mr. POMERENE. Then I move to strike out the following' language, beginning in line 24, page 10: "to do any act or to carry on any business prohibited by his proclamation of July'13, 1917," and to insert in lieu thereof- the following: "to carry-on any marine or war-risk insurance" (*Congressional Record*, 65th Congress, September 11, 1917, 6951).

There is some debate, followed by a substitute amendment by Reed on page 6953:

Mr. REED. So I am going to move as a' substitute, if I may do so under the parliamentary situation, to strike out the language on lines 22 to 24, page 10, and lines 1 and 2, on page 11, as follows: The President, however, shall have no power to license any enemy or ally -of enemy Insurance, or reinsurance company or other person to do any act or to carry on any business prohibited by his proclamation of July 13, 1917 (*Congressional Record*, 65th Congress, September 11, 1917, 6953).

Pomerene alters his perfecting amendment slightly and then the questions are put. This is a nice amending tree example, as the chair insists that Pomerene's perfecting amendment be dispensed with first:

The PRESIDING OFFICER. The question will first- arise upon the perfection of the committee amendment by the adoption of the amendment proposed by the Senator from Ohio [Mr. POMERENE].

Mr. REED. And I move as a substitute for that to strike out-

The PRESIDING OFFICER. If this amendment is adopted, then the motion of the Senator from Missouri to strike out that whole clause, as amended, will be in order.

Mr. REED. Very well (*Congressional Record*, 65th Congress, September 11, 1917, 6955).

Pomerene's amendment is agreed to via voice vote on page 6956. The question then recurs on Reed's substitute amendment. Here's the relevant text:

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Now the question recurs on the amendment proposed by the Senator from Missouri to strike out the clause commencing on line 22 of page **10** and ending on line 2 of page 11, as now amended (*Congressional Record*, 65th Congress, September 11, 1917, 6956).

Reed's substitute amendment is agreed to, and the question recurs on the modified committee amendment. Here's the exchange you have highlighted:

The PRESIDING OFFICER. The question is on agreeing to the amendment to strike out the clause as proposed. The amendment to the amendment was agreed to.

Mr. RANSELL. 'Can we not finish the section? I see no objection to our concluding the section. If I move to reconsider- I ask the Chair what would be the effect of the motion to reconsider upon the amendment offered by the Senator from New Jersey [i.e. FRELINGHUYSEN] that was agreed to?

The PRESIDING OFFICER. It was agreed to.

Mr. RANSELL. Then if I move to reconsider it would still remain in, I presume?

The PRESIDING OFFICER. Absolutely so. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to (*Congressional Record*, 65th Congress, September 11, 1917, 6957).

I'm not quite sure why Ransdell is inquiring about the effects of a motion to reconsider. Possibly he wants to make sure reconsidering the adoption of the Reed amendment wouldn't influence the Frelinghuysen amendment adopted via unanimous consent. Regardless, Ransdell doesn't offer the motion to reconsider and the modified committee amendment was passed via voice vote in the last line.

From a coding standpoint, there are three amendments in this exchange that need to be coded. First, the original committee amendment to page 9. You can code it as being adopted via voice vote as the only vtype – or you can code vtype1 as “without a vote” and vtype2 as “unrecorded voice vote.” I would make a note that the amendment and Frelinghuysen amendments were adopted via unanimous consent before being reconsidered. Second, Pomerene's perfecting amendment passed on page 6956. Finally, Reed's substitute amendment adopted on page 6957. Just make sure you code these as secondary amendments to the underlying committee amendment.

17. Suspension of the Rules

Suspension of the rules is a procedure generally used to quickly pass legislation in the House. It's typically reserved for non-controversial legislation and allows bill sponsors to bypass the traditional calendar. Currently, and for much of the House's history, it necessitated a 2/3rds majority. However, during the 60th Congress, Republican leaders altered chamber rules that bills could be passed via suspension by only a simple majority.

On this point, Sala (2002) notes that in response to Democratic obstructionism, Republican House leaders imposed a restrictive rule “which permitted majority-rule suspension of the rules to pass appropriations bills reported favorably from the Committee of the Whole (*Congressional Record*, 60th Congress April 8, 1908, 4514-4515).” The resolution also provided that the suspension procedure could be used on any day -- as opposed to on just the first and third Mondays of each month (Osborn 1943).

Q17.1: I ran into a case with S 252 from the 62nd Congress where the bill is reported out of the House Committee with an amendment. This amendment is never directly read on the floor although a member mentions the report. The bill ends passes under suspension of the rules. The Senate then concurs in the House version. Should I just code the Senate concurring in the House bill since there is no direct mention of or vote on the House committee amendment?

A17.1: This is pretty common on bills being passed via suspension. I think you've got this coded the exact right way. Since they don't read the amendment, there's really no way to determine who the sponsor is or what the amendment does. Just make a note of it on the Senate's concurrence of the House bill.

18. Motion to Recommit

Q18.1: I asked you about this a little in class, but for the case where the guy moves to recommit the bill to the committee with instruction to report back with an amendment he added, when they took the vote on the motion, it listed everyone's names and their votes. Do I record this under yeas and nays? Or ignore it, because they were voting on the motion, not the amendment right? Or is it pretty much the same thing in this case?

A18.1: Again, this is a great question and a unique situation for this era. The short answer is yes, in this instance treat this as a recorded vote (or yeas and nays vote) on an amendment -- even though it was technically on a motion. I'll probably update the codebook on this point. Here's a longer, rambling explanation for why we're doing this:

First, I'm assuming the case you're referencing is the one on page 2426. If I'm off base with this, let me know. Here's the relevant exchange:

Mr. BLAND of Indiana and Mr. DENISON rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. DENISON. To move to recommit.

Mr. BLAND of Indiana. Mr. Speaker. I also desire to move to recommit.

The SPEAKER pro tempore. Is the gentleman from Illinois opposed to the bill?

Mr. DENISON. No, sir.

The SPEAKER pro tempore.. Is the gentleman from Indiana opposed to the bill?

Mr. BLAND of Indiana. I will not support the bill in its present form; I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Indiana to make a motion to recommit (*Congressional Record*, 67th Congress, June 10, 1921, 2426).

Under House rules, a motion to recommit the bill, either with or without instructions, to the committee that originally reported it is almost always in order. A motion to recommit without instructions essentially kills the bill without a final passage vote. A motion to recommit with instructions is essentially a last chance amendment. Generally, the instructions specify an amendment and request the modified bill be reported forthwith. It's traditionally the right of the minority. That's why, in your case, the Speaker recognized Rep. Schuyler Bland (D-VA) – not Denison.

Blands' amendment specified that:

Mr. BLAND of Indiana moves to recommit the bill (H. R. 6611) to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with an amendment as follows: "Strike out the word 'fifty' in line 10 on page 5 and insert in lieu thereof the words 'one hundred and forty' (*Congressional Record*, 67th Congress, June 10, 1921, 2426).

Without reading the text of the bill, I would guess this represents a substantial increase in the amount of money to bill is appropriating. This is not something a conservative Republican like Denison would support. Thus, we want to code this.

If you haven't recorded a recorded vote, here's the basic procedure. To get the recorded vote information, pull up the spreadsheet "RecordedAmendmentInfo.xls" in the data subfolder of the dropbox. Then, click on the House tab. The rnum variable is not listed in the *Congressional Record*. To find your vote, scroll down to the 67th Congress, and your date – 6/11/1921. In this case, there is only one vote listed. It's in row 1556 and I have highlighted it in red. You should be able to simply cut and past the relevant totals into your spreadsheet.

The reason why this episode was a little surprising is that the motion to recommit was infrequently used during this period. As Ornstein (2010) notes, "A motion to recommit with instructions, as the great rules guru Don Wolfensberger has pointed out, goes back at least to 1891 and Speaker Thomas Reed (R-Maine). But that MTR was granted to a Member who was friendly to a bill, to offer a chance to clean up errors. A motion to recommit with instructions as a device for the minority to offer an alternative goes back to 1909 and the revolt led by progressive Republicans against powerful conservative Republican Speaker Joe Cannon (Ill.) to grant some rights to those opposed to bills. *An MTR with instructions as a device for the minority party per se to offer an alternative goes back to 1932.*" Thus, seeing it used in the early 1920s was a little surprising.

In the modern era, MTR's are used frequently by minority parties seeking to alter bills and to put the majority "on record." For example, minority party Republicans successfully altered 11 bills with the motion to recommit during the first five months of the 110th Congress (Layton 2007). During consideration of a bill increasing the minimum wage, they offered a motion to recommit to both the bill and the rule that would have lowered health care costs for small business owners. This forced the majority party to cast two uncomfortable votes against an issue that they likely wanted to avoid.

Q18.2: One more thing - you said that the congressman who reported the bill to be recommitted with an amendment was Bland, the Democrat from Virginia, but I think it was actually the other Bland, a Republican from Indiana so that makes him in the majority party right? But I don't understand that, because I thought MTR was traditionally a right of the minority party...

A18.2: Thanks for the follow-up and I apologize for mixing up the Blands. That actually makes a little more sense. The motion to recommit is a tool that can be used by members opposed to the underlying measure – while usually these members are in the minority party -- it's not always the case. As I noted in the previous e-mail, this is especially true early on...MTR's developed in response to moderate majority party members demanding more autonomy and it wasn't until the early 30s that it become primarily a minority party tool. Given the earlier dispute between Denison and Elliot, it seems this bill is dividing Republicans. Without digging into the text of the bill and the amendment, it's tough to speculate on the nature of that disagreement as Denison, Elliot and Oscar Bland actually all appear pretty similar.

Q18.3: Here are the pages on the move to recommit to the Committee on Interstate Commerce.

A18.3: Thanks for shipping this my way. This is a good example of a motion to recommit. It's not something we'd look to code here as it doesn't actually amend the bill (i.e. it's not a "motion to commit with instructions".) This motion to commit is simply an attempt to kill the legislation. We'll touch on this on Wednesday.

Q18.4: When someone moves to recommit a paragraph does that count as recommitting the amendment? Does that matter in this coding? There are two instances I have come across: HR3321 (Underwood Tariff) in the 63rd congress in the 1st Session (1913) Volume 5 on pg 3454

A18.4: Again, thanks for sending this. The short answer is that this shouldn't matter for coding, but I haven't seen anything like it before. I believe you're getting some odd procedural situations because (1) the Democrats have this binding agreement within the caucus and (2) are dealing with an extremely important tariff bill. Here are the relevant texts from this:

Mr. WILLIAMS. I now ask that the part of the paragraph after the semicolon be recommitted.

The VICE PRESIDENT. Is there objection? The Chair hears none.

...

Mr. WILLIAMS. If the Senator from Nebraska will pardon me, while I myself am rather inclined that he is wrong, I am rather inclined to think that, while this duty cannot be defended upon revenue principles or upon protective principles, either, it could be defended upon ethical principles, to prevent frauds and substitutes of one thing for

another and the sale of it as another. Still, upon consultation, I will ask that the matter be recommitted, if that will be satisfactory to the Senator, and the committee will consider it (*Congressional Record*, 62nd Congress, August 16, 1913, 3454).

It appears that Williams is using the motion to recommit in the same way you would use a motion to pass over. He's sending that section back to the committee for them to take a look at it, and the idea is that the section will be reported to the floor again later. So what he's offering here is a motion to recommit without instructions. From a coding standpoint, we're only interested in motions to recommit with instructions. A motion to recommit with instructions is essentially a last chance amendment. Generally, the instructions specify an amendment and request the modified bill be reported forthwith (i.e. immediately). This is an interesting procedural situation, but not really something you need to be concerned with at this point.

Q18.5: On pages 765 - 766 there is a motion to recommit but there isn't a sufficient number of representatives that vote (I think?) so the speaker says the motion to recommit is lost. Do I still record this? And are we supposed to record when the bill is passed? In this case there was a division vote (page 766), and then Blanton asks for the yeas and nays but not enough rise so that is rejected. So do I record all of this or not?

A18.5: Again, I'm really surprised to see a motion to recommit with instructions here. Here's the relevant debate:

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas- moves to recommit. The Clerk will report the motion.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Appropriations Committee with instructions to report the same back to the House forthwith, with the following amendments, to wit: On page 43, line 11, strike out "\$53,000,000' and insert in lieu thereof "\$3,000,000 "; and in line 17 strike out "\$3,000,000" and insert in lieu thereof "\$3,000,000"; and in line 19 strike out "\$90,000,000 " and insert in lieu thereof "\$10,000,000."

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Michigan moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas [Mr. BLANTON] to recommit the bill. The question was taken, and the Speaker announced that the yeas appeared to have It.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays, and, pending that, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-four Members are present. A quorum is present. The gentleman from Texas demands the yeas and nays. As many as favor taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Not a sufficient number have risen. The yeas and nays are refused, and the motion to recommit is lost.

The question is on the passage of the bill.

The question was taken; the Speaker announced that the yeas appeared to have it (*Congressional Record*, 67th Congress, April 28, 1921, 765-766.)

A couple things here...Blanton is moving to “recommit the bill to the Appropriations Committee with instructions to report the same back to the House forthwith...”. This is a last-chance amendment. It doesn’t go to the Appropriations Committee; it just immediately amends the text. And it’s a significant amendment. He’s gutting the funding from this bill – 130 million dollar cut – in today’s dollar’s that’s 1.5 billion.

The motion is defeated via voice vote. He asks for a roll call vote – possibly for electoral purposes. He doesn’t get a sufficient second on this. So this gets coded as an amendment that fails via voice vote with a failed yeas and nays request.

Second, you don’t need to know this, but Thomas Lindsay Blanton (D-TX) is an interesting character. Later in this Congress he gets censured and nearly expelled for inserting lewd material in the *Congressional Record*. In short, he’s likely to pop up again.

19. Specific Cases:

Q19.1: I'm working on a section of the record where the senate is considering an army appropriations bill (I think in the committee of the whole) and in line 63 of my document I have Mr. Thurman making an amendment to the bill. But I'm not sure if Thurman is amending an amendment proposed by the Committee on Appropriations as sponsored by Windom or if he is just amending the bill on its own. It's just a little confusing because I know his amendment seems to be in response to an amendment proposed by the Committee on Appropriations but the vice president doesn't say that the amendment is an amendment to the amendment of the committee, etc.. If you could just take a look and let me know what you think is going on that'd be great.

A19.1: I think your initial read on this is spot on. This looks like a committee amendment to strike and insert – and that part of what’s being struck is the 20,000 member cap on troops. Thurman – who may be the most senior Democratic senator in the chamber at this time – is going to oppose most increases in spending on the military (a pretty standard position). What’s interesting here is that he’s behaving strategically by introducing this amendment (as evidenced by his vote against his own measure.) I think coding the original amendment sponsor as Windom is fine...Just make sure you note that it is a committee amendment.

Q19.2: I was getting into some great stuff with substitute amendments, and amendments to substitute amendments, but I'm not totally sure how it ended up. From what I see, (CR 328-331 Army Appropriations bill) there was a substitute amendment offered by Mr. Culberson to the amendment offered by Mr. Banning. The substitute was accepted but I never saw a vote on Banning's amendment. Is there not going to be a vote if the substitute is accepted?

A19.2: Great episode. I read it through a couple of times trying to get a feel for what happened. Here’s my read:

Banning (the chair of the military affairs committee) offers an amendment to strike a proviso from the bill authorizing the recruitment of cavalry units.

Culberson offers a substitute that strikes the proviso Banning is looking to strike but authorizes an exception in Texas.

Atkins offers a substitute that incorporates the Banning/Culberson amendments but limits the number of men that can be recruited for Texas. It fails.

Clymer offers a substitute that’s similar to Atkins, except slightly less restrictive. It passes.

The modified Culberson/Clymer substitute than gets adopted. No vote appears to recur on the original Banning amendment.

My best guess is that because the Culberson/Clymer substitute included the Banning amendment (it didn’t actually alter the text of the language, it just added two exceptions to it), they didn’t bother to hold a vote on Banning amendment once the Culberson/Clymer substitute was adopted. They definitely should have...This would be a mistake on the chair’s part (which does happen). Code the Banning amendment as being adopted by voice vote in the committee, but definitely make a note of the unusual parliamentary situation.

Q19.3: On page 4156 (Volume 7. June 5, 1878. Row 134 on my excel spreadsheet), there was a vote on Wilson's amendment that got a little confusing. There were several votes and I was unsure whether I should record the final vote with the ayes and nays or the vote that was conducted first. Would you mind taking a look at it to make sure that I recorded it correctly? It is highlighted in yellow. Also, I was curious why Tipton did not vote in the final vote even

though he was one of the 3 members who called for the ayes and nays. Is this some kind of a strategy?

A19.3: Good episode. This is my read on it:

S 1016 is called up. The pending question is on a perfecting amendment to strike and insert by Wilson (D-WV).

Butler offers a second-degree perfecting amendment to Wilson's amendment. It's passed via division vote. Looking through your coding, it seems like you're confusing division and recorded votes (which is very easy to do). Unless you get a listing on the members who voted yea and those who voted nay, it's either a division vote or a teller vote. This is an important distinction because for division and teller votes, the members names are not listed and therefore, the public doesn't know how their representative voted.

The information for Butler's amendment is listed now in row 132.

Another second-degree perfecting amendment to Wilson's amendment is offered by Crapo. It's disposed of without a vote (Wilson simply accepts it). As I mentioned, you don't have to code these, but you had it listed in row 133, so I went ahead and included the other variables.

A vote on the Wilson amendment is taken via division (again – no names are listed). The result is no quorum. Finley calls for the tellers, which passes. Boyd, Lapham and Tipton called for the yeas and nays. I only listed the first member, Boyd in the spreadsheet but mentioned the others in the notes. Both Boyd and Lapham voted no on the amendment as well. Good question regarding Tipton...On the next page he announced he was paired on the vote with Knapp. Otherwise, he also would have voted no.

The recorded roll call votes should be listed in your spreadsheet already...If you scroll down to the votes already included, there was a vote on 6/5 (though the sponsor was listed as Butler). I believe that's the roll call that is presented here.

Q19.4: The vote on Riddle's amendment on page 4160 also got confusing because the record did not state what amendment was being voted on and because there were several votes on the amendment. Additionally, Riddle offered a motion to reconsider after his amendment passed which I didn't really understand. Could you look at this entry as well? It is highlighted in yellow right below Wilson's amendment.

A19.4: This one was interesting and I hadn't seen this before. The vote is on Riddle's amendment to Burchard's substitute to HR 4414 (a bill Burchard sponsored). The division vote fails. Vance requests the yeas and nays – but he doesn't get them. Riddle requests tellers come in to count the number of members who support the call for the yeas and nays. This reveals a sufficient second for the vote. The recorded vote (information for which is listed in row 155) is then successful. The motion to reconsider was made by Riddle because it can only be made once

and Riddle wants to deny opponents the ability to offer it at a later time when they might have the votes. The motion to reconsider was rejected (it was successfully tabled), thus ensuring Riddle's amendment to Burchard's amendment would be adopted.

Q19.5: On pages 4161- 4170, there was a lot of debate on Covert's amendment to reduce the tax on tobacco from 24 cents to 20 cents. Covert's amendment was successfully amended by Tucker; however, there was never a vote on Covert's amendment. On page 4170, the House almost had a vote on Covert's amended amendment but there was a motion to adjourn instead. I couldn't tell if Covert's amendment was adopted or if they decided to table it.

A19.5: Another great episode. Here's what I have...

Covert offers this first-degree perfecting amendment. Tucker moves to amend it. It's extremely controversial. Two cool procedural things that happen – (1) they run out of time debating the amendment, so Tucker drops his amendment, has another member renew it so they can get more time to debate/discuss it. (2) Republicans HATE this amendment. You can tell because Aldrich and Cannon (two bigwigs in the party) move the chamber adjourn at multiple points to try and prevent a vote on it. What happens is that they fail to prevent a successful recorded vote on the Tucker amendment. It's adopted. But they successfully postpone the vote on the modified Tucker/Covert amendment with a motion to adjourn.

Q19.6: There were 215 amendments offered on one day (May 29th, 1878) on one bill (HR 4104 (government appropriations)). This was the biggest day by far in the time period I had.

A19.6: Yeah...Again, my guess is this involved a great deal of political posturing on salary or staff increases.

Q19.7: I am wondering how the following should be coded.

Representative B offers an amendment to Representative A's amendment.
Representative A then withdraws his original amendment. In this case, is the amendment offered by Representative B still coded as an amendment to an amendment?

The reason I ask is because the following then happened.

Representative C offered an Amendment to Representative B's amendment.
This amendment was voted down, but in the interim, Representative A offered a new amendment to the amendment offered by Representative B.

After this, Representative D offered an amendment to Representative A's new amendment.

What I am not clear on is the following.

Should Representative C's amendment and Representative A's second amendment be coded as 2's in the Resolution column (AJ), which is to say substitutes for a first degree amendment? Or are they second degree amendments?

I am sorry if this is incoherent. From what I can gather from the record, it seems like the Representatives themselves were quite confused as to what was going on.

A19.7: If you have the page number from the record when these examples pop up, let me know. It's easier if I can look at it directly.

Here's my read on this...

(1) Somebody screwed something up from a procedural standpoint. I don't think Rep. A can technically withdraw his amendment without unanimous consent once Rep. B's amendment was pending. That being said, once the amendment was withdrawn, B's pending amendment should have been (A) either taken with it or (B) modified to amend the text of the bill directly.

(2) Assuming Rep. B's amendment was never modified to amend the bill directly and that the underlying measure was a Resolution and not a bill, I'd go ahead and code both Rep. A and Rep. C's amendments as substitutes for second degree amendments (so "3's").

Q19.8: I'm lost on what's happening on 5163. A ton of amendments are being offered, and the amendment is modified, but I'm not sure what to code. Do I need to code Allison's amendment? I assume Gorman accepts Gray's amendment to modify, but I'm not sure what's going on with Aldrich's.

A19.8: Here's my read on this:

Gorman – the Democrat leader -- has amendment is pending when business begins. By unanimous consent, Frye is allowed to offer to amendments to the bill before consideration resumes on the Gorman amendment. This occurs on page 5155, and both amendments are adopted.

On page 5161, George Gray – another fairly prominent Democratic senator – offers an amendment. It looks like the gist of this amendment is to clarify Gorman's amendment in the face of Republican criticism that Gorman is trying to hamstring the government from funding projects Republicans support. You're correct, it sounds like Gorman did not accept Gray's amendment, rather he used it to modify his own amendment. Because of this, you don't need to code the Gray amendment.

On page 5161, Aldrich – the Republican leader – offers an amendment Gorman hates. There's some partisan debate on it, until Vest finally gets annoyed and offers a motion to table the Gorman amendment (page 5163). The motion to table is non-debate and takes with it any amendments that were pending (including Aldrich's). Allison proposes a substitute amendment,

which Vest agrees to here, but he eventually renews his motion to lay Gorman's amendment on the table. This succeeds on page 5164. Because it was never disposed of, you don't need to code the Aldrich amendment. The Gorman amendment is defeated via a motion to table.

Q19.9: The event begins on page 9052; Mann proposes an amendment (some sort of text revision), and Sherman immediately proposes an amendment to his amendment (another text revision). Well, the question is finally taken on the amendments on page 9061, but it is taken on Sherman's amendment, not Mann's. The first is a division vote, the second a teller vote; after these are taken, it seems both amendments have been accepted and disposed of. Could you go through this section and explain how to code for Mann's amendment (a vote type)?

A19.9: Good episode, and it took me a couple reads to figure out what was happening here...The initial discussion was interesting. The special rule the House adopted prior to the consideration of the S 88 specified that the measure under consideration was not actually S 88, but a substitute amendment to S 88 offered on behalf of the Interstate and Foreign Commerce committee. This is being considered in the Committee of the Whole.

It appears that Mann is offering a fairly controversial amendment, which it sounds like is a committee amendment. Because the amendment isn't to the bill, rather the Interstate and Foreign commerce committee substitute amendment, it's a second-degree amendment (as are all amendments considered in the House here). As such, Mann's amendment wouldn't be subject to another amendment (that would be a third degree amendment). Mann asks unanimous consent that his amendment being considered a first degree amendment and thus, it could be subjected to a second-degree amendment (apparently there was an issue with this otherwise). Given the unanimous consent granted, I would code Mann's amendment as being first degree and a committee amendment.

Sherman offers a second-degree amendment. I would code Sherman's amendment as being both a secondary amendment and a substitute amendment. Formally, he makes sure it's not classified as a substitute amendment for procedural purposes, but the discussion surrounding it suggests that it is.

The votes occur on page 9061. The amendment that received the teller and division votes was the Sherman amendment. When the chair notes that the "amendment to the amendment was agreed to" that signifies the passage of the Sherman amendment via voice vote.

The chair then notes that that "committee amendment as amendments was agreed to." This is the Mann amendment. Again, it sounds like the Sherman amendment completely altered the Mann/Committee amendment, and as such, code the amend_result as "21."

Q19.10: Adamson (GA) proposes a substitute out of order on page 9075; under the rules, substitutes are voted on just prior to vote on entire bill. I was just wondering if you could go

over the final passage of the bill as amended in the House and explain what was happening after the Adamson voice vote? Are they just going ahead and voting in favor of the bill as amended?

A19.10: Here's what I have happening here...Kahn offers an amendment which is rejected via voice vote. Again, this amendment is actually a second-degree amendment to the underlying Interstate and Foreign Commerce Committee substitute amendment.

Adamson's substitute amendment to the Commerce Committee substitute is then voted on, and rejected via voice vote. Members demand a division vote, during which Henry interrupts and asks the substitute be read. It sounds like this is a delaying tactic...At any rate, the chair notes that debate on the bill has nearly expired. If time expires, any amendments still pending aren't considered (depending on the special rule). He notes that if they read the substitute amendment they likely wouldn't have time for a vote. Henry asks unanimous consent time be extended – this is rejected.

The vote recurs on Adamson's substitute amendment via division and it's rejected 44 to 118. As the time specified by the special rule (order here) has expired and thus, no other amendments are in order. The House is now out of the Committee of the Whole. The first thing that happens when the Committee of the Whole "rises," is they check to see if a separate vote is demanded on any of the amendments that were adopted while the chamber was in the Committee of the Whole. As page 9075 notes, "No separate vote was demanded." The amendments to the Commerce Committee substitute were voted on again in gross and adopted via voice vote. You don't need to code this.

The question than recurs on the Commerce Committee substitute to S 88 – as amended. It's adopted via voice vote. Finally, a recorded vote occurs on S 88 – which is essentially the Commerce Committee substitute. It passes 241 to 17.

Q19.11: Per our conversation, I have "lost" the following amendments after they were brought up

Bill: S110

Congress: 63rd

Year: 1914

Introduced Pg. 5340: Ransdell amendment

Introduced Pg. 5529: Smith (SC) amendment

A19.11: Overall, there a couple odd facets of this bill. It's also a great example of why you want to work backwards on this. Ultimately, we don't care about amendments that get introduced – just those that get disposed of. In this instance, here's what I have happening. Smith (SC) introducing a substitute amendment to S110 on p. 5529. Smith (GA) announces his intention to amend the Smith (SC) substitute amendment on p. 5339, and Ransdell (D-LA), announces his intention to amend the Smith (GA) amendment to the Smith substitute. All of this occurs before they actually start voting...Normally, I wouldn't even make a note of it until you see the presiding officer put the question.

As you've noted in the dataset, the votes don't actually occur until page 5590. Just beforehand, Smith (SC) modified his substitute amendment to a substitute amendment offered on behalf of the committee. This is odd, but apparently necessary from a procedural standpoint. All of the amendments I saw voted on from page 5590-5592 were amending the substitute amendment by Smith offered on behalf of the committee (thus, they're all second-degree amendments, or "amendments to an amendment.") The underlying amendment categories, AS-AW, should only be coded if the amendment is a second-degree amendment.

Smith (SC) offers three perfecting amendments to his own substitute amendment on page 5590. These are accepted via voice vote. Smith (GA) then offers a series of amendments to the Smith (SC) substitute amendment. In his speech, Smith (GA) notes that he amended the amendment he presented on page 5339 that Ransdell proposed to amend. He notes that the amendment now meets with Ransdell's approval. As such, it's likely that Ransdell simply dropped his perfecting amendment (offered on page 5339) to Smith (GA)'s amendment. Thus, there is no need to code that.

The bill then passes via voice vote.

It gets sent to the House and assigned to the committee on Agriculture. It gets reported on page 11313 with a substitute amendment backed by Lever – the chair of the House Committee on Agriculture. It's debatable regarding whether they're voting on the Lever substitute amendment, or just a modified S 110 bill reported out of committee with Lever's amendment already attached to it. In fact, it looks like it's the latter...Regardless, I think coding this as you did is the correct thing to do.

What happens next is moderately cool, and something I haven't seen before. Lever wants to pass this via the suspension procedure -- which as I'm guessing you noticed, upset a number of people. In order to get a sufficient second (and I never knew this), you need a majority to support it via a teller vote. So the teller vote that had been coded wasn't on the Lever bill, rather whether there was a second on the motion to suspend the rules. The Lever substitute then passes under the suspension of the rules via division vote on page 11322. We know it's a division vote because the speaker says, "by division..."

Q19.12: How do you know the sponsor, etc when the House gets the amendments back from the Senate? Lastly, I've been all the way through the HR6355 bill and I only came across like three different times they vote on amendments. Could that be right?"

A19.12: Just three amendments is certainly possible...As is zero amendments. It's going to depend on the nature of the bill (i.e. is it controversial?). This is the Indian Citizenship Act, which granted full U.S. citizenship to Native Americans. I'm guessing it wasn't particularly controversial at the time, as many Native Americans had already become citizens through other means (i.e. joining the military). Not that it means much, but Senator Charles Curtis (R-KS), who reports the bill out in the Senate was the first Native American to serve as Vice President. I've gone through the pages of the index for you and given an explanation for what was happening. I also updated the dataset you have in the dropbox, titling it

68AmendmentsArpAJM. I also added the uca and failyeas variables. Feel free to merge this with the dataset you're working out of.

1665 – It's introduced by Snyder (the root sponsor) and sent to the Committee on Indian Affairs

2977 – Reported out of the Committee on Indian Affairs by Snyder and placed on the House calendar. He notes that it was amended in the committee, but as it occurred in committee and not on the floor there's nothing we need to code here. Snyder is the root sponsor and also happens to be the chairman of the Committee...That's why he's reporting the bill out of the Committee. The root sponsor being the chairman of the committee is not always going to be the case – in fact, it's most likely not going to work out like this.

4446 – A committee amendment is read and adopted by voice vote. You coded this exactly right, nice job. I added the following line in the notes:
“Attributing the amendment to Snyder, the chairman of the committee.”

4476-4477 – The presiding officer of the Senate reads HR 6355 and it's referred to the Senate Committee on Indian Affairs.

6752 – The chairman of the Senate Committee on Indian Affairs, Harreld (R-OK) is not present, so Curtis (R-KS) – who I'm guessing is a senior member on the committee – reports HR 6355 and other bills out of the committee. HR 6355 is reported with an amendment, but it's not dispensed with here. The bills are placed on the Senate calendar.

8621-8622 – The bill is brought up with a committee amendment. I attributed this to Harreld, as he is the chair of the committee, but you could just as accurately put “Committee on Indian Affairs” for amendment sponsor. The amendment is adopted via voice vote, and I've entered it in line 2 of your dataset.

9303 – The bill is read in the House. Again, according to the Constitution, the bill needs to pass both chambers in identical versions. Instead of going to a conference committee, the House votes on the Senate's amendments – which is essentially just the Harreld amendment. I relisted the Harreld amendment in the dataset, made not of it and put a “1” in the “concur” variable. When we run the model for the paper, we'll probably drop these concurred in amendments (as we're double-counting the same amendments). However, they're great to keep track of.

Q19.13: So, Daniel (VA) introduces an amendment to the bill, Gallinger asks him if he's withdrawing it, and he says "no"; Gallinger then proceeds to run his mouth, and somehow the debate ends without a formal announcement from the VP...why?

7915--the bill has formerly been voted on & passed, but Daniel calls for a motion to reconsider the vote so he can get a hearing on his amendment (from pg 7662). After this occurs, I'm completely confused about what is happening, so just wanted some clarification.

A19.13: Here's the situation...

Daniel offers the amendment; Gallinger gives a speech and time given to the bill runs out. This concludes debate on HR 239 on May 31st. Thus, Daniel's amendment should still be pending. On June 1 (p. 7696), La Follette moves to consider HR 239 by unanimous consent. The Vice President announces the pending question is on Daniel's amendment. It's rejected via voice vote. La Follette then offers two amendments which were accepted via voice vote. The bill passes via voice vote and La Follette offers an amendment to the title that is also adopted via voice vote. I haven't seen that happen too often (the title being amended).

On p. 7915, the debate is over the conference report. Daniel is annoyed that his amendment was rejected when he was out of the chamber. He's asking for unanimous consent to reconsider the bill and his amendment. The punchline is that he doesn't get it. On page 7920, Kean lays his motion on the table and the conference report is passed.

Q19.14: The amendment I mentioned Monday (that was reconsidered so that it could be amended by a secondary amendment) is on page 4894. I coded it the way you told me (coded for the original amendment once), but I'm sending it your way just to double-check. There's also a really great debate starting on that page which begins over a disagreement of whether the word "and" should replace the word "or" and somehow they wind up talking about the ancient British common-law criminal code. It seems like this could make a nice anecdote.

A19.14: Thanks again for sending this case my way. In the case of the Curtis amendment, I think you have this coded correctly. The issue was that this amendment was offered twice?

I agree regarding the anecdote. That simple one word change essentially amounts to a doubling of the punishment – which is pretty severe. Great catch – please keep sending these our way. From your data, you also asked about a secondary amendment offered to Jones' substitute amendment on page 4895:

Q19.15: I know you're going out of town, so if you can't get to this I'll just leave a line blank for now, but I have an issue with a motion to reconsider. McCumber offered a committee amendment and it gets passed. Then, Simmons asks for a motion to reconsider, and that gets passed. The problem I have is that Simmons does not ask for the entirety of the amendment to be reconsidered, he only asks for lines 1-11 to be reconsidered and then passed over. That was accepted, so I'm confused on how to code both of these. [Link here:](#)

It starts with the last amendment on the first column of this page! Thank you!!

A19.15: Great case...And confusing. It took me a couple reads to get this. The punchline is that Simmons screwed up. The committee amendment offered by McCumber has several different facets. It passes without a roll call vote. Simmons has an issue with only part of McCumber's amendment and asks that that part of the amendment be "passed over" – or considered later. The chair tells him that to do this, he'll need to make a motion to reconsider the vote that passed the entire amendment. He then modifies his request, suggesting the Senate reconsider the entire amendment (not just line 7 on down). Ultimately, this is adopted by unanimous consent (we can tell because the chair notes that "Without objection...").

You code this amendment in one of two ways. First, and easiest, because the amendment's passage was reconsidered by unanimous consent, I would simply not code it at this time. When they consider it again, you might want to make a note of this. Second, and more complicated, you code this amendment as passing by unrecorded voice vote and then code a successful motion to reconsider offered by Simmons. Make a note that the motion to reconsider was adopted by unanimous consent. Then – when the Senate comes back to the amendment – you could code the next vote as votetype2. However, I think simply not coding its first consideration makes sense and is easier.

Q19.16: The chairman (Anderson, R-MN) has a somewhat interesting behavior. Here's where I think the Chair might be blocking amendments. I haven't really carefully read the text of the amendments, so it's possible they're all really non-germane, but he keeps ruling in favor of Volstead who keeps calling points of order of non-germane amendments. It's page 2552 and it happens on 2569 as well. [Link here:](#)

A19.16: Really nice example...It also doesn't appear that they're trying to cut down discussion, as they let that debate go on for an extensive period of time. It looks like Volstead felt that this amendment was a legitimate threat to the bill, but it's interesting to see there was no appeal on the Anderson ruling.

Q19.17: Also, could you take a look at p. 2776 (the Johnson and Bee amendments). The exchange continues on to 2777. I found the debate somewhat confusing and there's recurring votes. I may have just lost track. Not exactly sure what's happening there. [Here's a link.](#)

A19.17: We touched on this, but this was an odd case. It sounds like Bee was trying to offer a motion to strike as a substitute to Johnson's amendment. The chair wouldn't allow it to be offered as a substitute, insisting it be offered as a separate amendment directly to the text. The House voted on Johnson's amendment first – accepted it, and then rejected Bee's amendment. Given this, I would code either as secondary amendments.

Q19.18: Also, throughout the debate around 2776-2780, the Chair seems to ignore and fail to recognize Rep. Goldfogle quite frequently. That might be worth a look. Goldfogle complains about it on 2779. They are from opposing parties, I believe.

A19.18: Great case...I'm saving it and will use it at some point down the road.

Q19.19: There's a squabble over whether the Chair cut off Hardy (D-TX) before his 5 minutes are up on p.2793. [Link here:](#)

A19.19: Another good case...I'm guessing if the chair was arbitrarily cutting Hardy off, they wouldn't have given him unanimous consent to proceed.

Q19.20: This one isn't related to the chair's behavior, but it's interesting nonetheless. On p.2797, Blanton engages in a pretty obvious attempt to obstruct an amendment by Gard, which appears to be pretty divisive. It won on a division but didn't pass on a teller vote by a couple of votes. The amendment itself is on 2789. [Link here:](#)

A19.20: This is exactly why we're coding all these different voting rules. There is an expectation that the voting rule can lead to different results. It's great to be able to show that's the case.

Q19.21: First, Murray asked for division on one of his amendments, and it failed by division. He asked for tellers, but the chair ruled that there were not enough members present to conduct tellers. Murray then made a point of no quorum (probably to go get more people so that he could get a teller vote). After the quorum, Murray attempted to ask for a teller again, but the Chair essentially told him to shut up. Numerous people came to the defense of Murray, but the chair blew off all of them.

A19.21: Great case, and one we'll be using in the future. In addition to demonstrating the difficulties in requesting votes, it highlights the difference between the two chambers regarding rulings on procedural matters. In the Senate, the chair's ruling would have been appealed (and given the nature of the debate) likely overturned. Due to the absolute power wielded by the Chairman in the House, no appeal was even offered.

Q19.22: Interesting Situations in 59th Congress:

HR 15442 (An Act to Establish a Bureau of Immigration & Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the U.S.)

Pages 7057-58 (in the House); an example of presiding officer as tie breaker--Campbell (KS) moves to strike out Section 4 of the bill (to remove the provision authorizing the new Bureau to make or cause to be made by an agent or agents of the bureau to examine the court's methods in naturalization proceedings); Chair declares the ayes have it; Bonyng (CO) asks for a division, which results in 56 yeas & 59 nays; Williams (not sure which state) makes a point of order for an absence of a quorum; Chairman states there is a quorum; Campbell demands tellers, which results in a tie vote (59/59); chairman then declares his vote for the affirmative to break the tie.

HR 15442

Pages 7770-83; Wharton (IL) moves to amend Section 9 (as revised—that no alien shall hereafter be naturalized or admitted as a citizen of the U.S. who cannot read, write, speak, and understand his own or the English language: Provided, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the U.S.) which appears to be a more lenient set of qualifications than the original bill being debated. First, a UVV was called—the chair announces the ayes have it; then Mann demands a division vote, which reveals little support for the amendment; Wharton calls for tellers and is rejected by the Chair; Clark raises a point of order regarding a lack of quorum, which the chair then counts 160 present—enough for a quorum; the amendment fails.

A19.22: Thanks for sending this along. The cases moving from voice to division are fantastic and should work quite well.

Q19.23: HR 21574—Appropriations act for the 3 branches' expenses, and other purposes
Debate in House—Check out the entire section from page 380 to 390; seems to be a sequence--
after a division vote demanded individual members demand a roll call, and the chair responds
that “As many as are in favor of ordering the yeas and nays will rise and stand until counted.
[after counting] Twenty-two gentlemen have arisen, not a sufficient number—so the yeas and
nays are refused.

You guys might want to just check out the whole series of debate on HR 21574, since they are in
the process of giving both themselves and the executive branch raises. Funny debate from
persons not desiring to vote themselves a raise.

A19.23: The HR 21574 case is phenomenal and exactly in line with our expectations regarding
roll call vote requests and pay raises. We’ll definitely be using that as we move forward.

Q19.24: The Senate was debating the Immigration Act (HR 10384) when Reed from MO offered
three amendments. He offered three amendments that essentially barred non-white immigrants
from certain places. After all three failed, he gives a little speech in which he said that he
planned to offer numerous amendments that would have allowed only white people to emigrate
to the US (page 209). He withdrew all these amendments after seeing the first three amendments
fail. The most interesting part is that his three amendments all failed by recorded vote, which
seems to mean that he wanted to get the other senators on the recording regarding race.

A19.24: Thanks for sending this along. Absolutely fantastic case...This is exactly what we’re
looking for. I’ve been reading the debate as it relates to the amendments, and it is so on point it’s
uncomfortable. Here’s a particularly relevant exchange between Reed and Vardaman (D-MS):

“Mr. VARDAMAN. - Mr. President, I will suggest, if the Senator will pardon me, that the
natives of both continents should be excluded. I do not think the inhabitants of either are fit for
citizenship in this Republic. And I say this not in a spirit of hostility to the black man, or the
yellow man, but for the preservation of the purity of the white race in America and the
conservation of the white man's civilization, which in turn - will redound to the good of all the
races of the world.

Mr. REED. That is exactly my opinion, and I move, Mr. President, to amend the amendment by
inserting after the word "of;" in line 11; page 7, the words "Africa or..."

Mr. VARDAMAN. If the Senator will permit me to interrupt him further, I will suggest that
when you eliminate all of Africa you include the English and Dutch and German citizens of that
country. Why not just state the races to be eliminated? That is what is wanted, and that, too,
without equivocation or tergiversation. It is a question of race rather than a problem in
geography. – (Congressional Record, 64th Congress, December 11, 1916, 157).”

Vardaman would later push harder on this point, suggesting to Reed that they might as well be
“candid” on the issue...

“Mr. VARDAMAN. Really, the purpose of this amendment is to exclude people on account-of
their race rather than their intellectual acquirements. It is not so much a question of book

learning as it is a matter of blood. The best educated negro in the world is not as capable of understanding the genius of American institutions as the average illiterate, sound-minded white man; it is not in the strain of blood. --159

Mr. SMITH of South Carolina. I suspect the Senator is right. (Congressional Record, 64th Congress, December 11, 1916, 159)."

What's interesting here is that Southern Democrats – almost exclusively – are the only ones to speak on these amendments. Here's Hardwick (D-GA) just before the vote:

"Mr. HARDWICK: Mr. President, I do, not know that other Senators will agree with. me; I do not know that a majority of my colleagues even on this side of the Chamber will indorse the statement I am about to make; but I do not hesitate to say, measuring my words, with full responsibility for them, that if I could have my way I would write in plain, unvarnished, and, unmistakable language into the American statutes that: no. immigrants could come to these shores who were not of pure Caucasian blood, because; after all, when all is said and all is done, this country is the white man's country, dedicated to his civilization, and governed by his laws... -- (Congressional Record, 64th Congress, December 12, 1916, 206)."

The only real statements made in opposition to the amendments are by Gallinger (R-NH), who thinks that excluded Africa is unnecessary because so few immigrants come from there and those that have come would fail the literacy test included in the measure. Gallinger concludes with this statement, which Reed hammers him on:

"Mr. GALLINGER. Well, Mr. President, I think it is rather bad legislation to take into consideration the shades of color. I, however, am not going to occupy the time of the Senate in combating the Senator's amendment, but I am quite content to enter my protest against it and to vote against it. If the Senator puts it into the bill, I shall find no fault (Congressional Record, 64th Congress, December 12, 1916, 209)."

Despite being quiet on the floor, the amendments are voted down and the roll call requests are all made by Republican opponents. I'm not quite sure what to make of it. Again, we'll definitely use it if we write the GPSA paper – it's a phenomenal case. I think the empirics here would be quite interesting.

Q19.25: Am I reading this right?

The PRESIDING OFFICER. The next committee amendment passed over will be stated. The next amendment of the Committee on Finance passed over was, on page 36, line 12, to change the number of the section from "306" to "312," and in line 19, after the words "a tax," to strike out "equal to such tax" and insert "of \$1 per proof gallon," so as to make the section read:

Sec. 312. That upon all grape brandy or wine spirits withdrawn by a producer of wines from any fruit distillery or special bonded warehouse under subdivision' (c) of section 402 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, there shall be levied, assessed, collected, and paid in addition to the

tax therein imposed. a tax of \$1 per proof gallon, to be assessed, collected, and paid under the provisions of existing law.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. PHELAN Mr. President, I was under the impression that when the Senate agreed to the other amendments on this subject the agreement affected these several items which were just now being read. Otherwise, I should have called for a yeas-and-nays vote. I do not want it to appear that there was unanimous acquiescence in the amendment, because there is not. I wish the Chair would be good enough to put the question on the amendment to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment just stated. [Putting the question.]

The amendment was agreed to. (Congressional Record, 55th Congress, August 17, 1917, 6116).”

It appears that the chair basically told Mr. Phelan to sit down and shut up.

A19.25: Good question...Here's my read on it:

The Presiding Officer is trying to save time by avoiding calling voice votes. They're not particularly time-consuming, but there's a little bit of formality that goes along with them. When he states, "Without objection, the amendment is agreed to," he's announcing that the amendment passed because nobody vocalized any objection. Essentially, it's passing via unanimous consent.

Without seeing the full debate, I'm not sure what Phelan is referencing here. However, the end point is that he at least wants a voice vote on the amendment. He doesn't want it to pass via unanimous consent, because there was some disagreement to it.

The Presiding Officer appears to be alright with this and immediately puts a question on the amendment via voice vote. As expected, it passes.

Again, odd situation, but a nice case overall.

Q19.26: Ok , so I am trying to code this amendment, but I can't tell what they have done with it. It is HR3321 (Underwood Tariff) in the 63rd congress in the 1st Session (1913) Volume 5 on pgs 3170-3171. I see where the amendment is presented, but then the Vice President just says that it will be printed and lie on the table. From there they move on to a resolution about something different...How do I find out what happened to the bill?

A19.26: Thanks for the e-mail and good question. First, here's some background on how Senate business generally begins...

On page 3166, the Senate is convening a new legislative day. The Senate rules have always specified that a new legislative day starts with the “morning hour.” During morning hour, a specific set of procedures are generally followed (though they can be dispensed with by unanimous consent). If the Vice President is not present, the President pro tempore will preside or appoint a senator in his place. This is followed by a prayer by the chaplain and reciting of the Pledge of Allegiance. During the morning hour, the Senate receives communications from the President/executive branch, petitions and memorials from citizens, reports from committees, bills and resolutions will be referred and senators will make brief speeches by unanimous consent. When the morning hour concludes, the chamber immediately resumes consideration of any unfinished business that was pending from the conclusion of the previous day.

As an aside, because the United States Senate was designed to be confusing, (1) the legislative day is not necessarily the same as the “calendar day,” (2) the morning hour is actually two hours and (3) it actually starts at noon. I’ll touch on these points on Wednesday.

What you’re reading on page 3170 is Senator Bois Penrose (R-PA) is making a brief speech by unanimous consent and announcing his intention to offer an amendment when the Senate resumes consideration of the Underwood Tariff Act. When an amendment is “printed and ordered to lie on the table,” it’s being made publically available for other senators who want to examine it before it is debated and voted on. After it’s ordered to lie on the table, the chamber resumes consideration of unfinished business (Affairs in Mexico).

Debate resumes on the Underwood Tariff Act on page 3176. You’ll notice in the index (on page 98) it lists the Act being considered on page “3170, 3176-3196, etc...”. This is usually pretty accurate. So debate on the Act should conclude for the day on page 3196.

Presumably, Penroses’ amendment will be considered later in the debate. If it is, the clerk will reread it. This is why it’s generally best to look for the vote first, then go back and code the amendment – as opposed to coding the amendment first and then finding the vote. Occasionally amendments will get withdrawn; other amendments will be voted on beforehand, etc., making it difficult to track what happened to the original.

Good question and case.

Q19.27: I came across something mildly humorous in the Record: While discussing the Lloyd La Follette Act, one of the members (Randell of Texas) goes on at length about the woes of the House not passing his Anti-Graft bill some time ago. Then, he calls out Norris of Nebraska for proposing an amendment (“in derision of the measure”) to Randell’s Act that “provided in effect that no Member of Congress should be permitted to do anything at all under the penalty of being hanged by the neck until dead, and thereafter be prohibited from holding any office or profit or trust under the Government of the United States.”

A19.27: Thanks for the line and great case. That is a fantastic line. Do you have the page number/volume for this one? I might have to dig this out.

Q19.28: OK so for HR3321 (Underwood Tariff) in the 63rd congress in the 1st Session (1913) Volume 5 pg 3381, Gronna wants to modify the amendment he previously offered...I can't tell if the amendment has already been passed and this is an additional amendment or if this still counts as the original amendment. How should I code it?

A19.28: First, thanks for sending that debate along. Really nice couple exchanges there about "going on the Record." Regarding Gronna's amendment...This was a little odd. I hadn't seen this exact language used.

Gronna: "Mr. President, yesterday I asked the consent of the Senate to modify the amendment I offered in accordance with the amendment which I now send to the desk (*Congressional Record*, 63rd Congress, August 14, 1913, 3380)."

The first thing to do is to check your dataset for an amendment offered by Gronna on the previous day. If you find one, check the text to see if it's the same or comparable. In this case, I'm guessing this is the first time the amendment was dispensed with. It sounds like Gronna introduced an amendment with the intention of letting it lay over a couple days. This is generally done (at least in the modern House), because special rules will instruct the chairman of the Committee of the Whole to grant priority recognition to House members whose amendments are pre-printed in the *Congressional Record*. Gronna then asked consent to modify it, received that consent and is now formally introducing the modified amendment (which is getting voted on). Unless you find an early amendment from him that appears the same, I would consider this a new amendment.

Q19.29: So I realized, upon looking over my spreadsheet, that the reason I thought I had disposed of the PO bill, was because I coded amendments on the wrong bill.... Regardless, I have a question pertaining to the PO bill; one of the members asks UCA to have an amendment and a secondary amendment "printed in the *Congressional Record*." Do I code for this? If so, what do I put for the vote, because, as far as I can tell, there wasn't one...

Barnhart Amendment, page 5122, 62 Congress, 8/22/1912

A19.29: I just wanted to confirm with you that here Barnhart is asking that the amendment be printed in the Record so others can read it before the bill comes up for debate again. I remember in DC I used to think, why would they print something that isn't law or passed, but the process here is that the amendment is printed and placed on the Speaker's table or a table just off of the floor for other members to read.

In coding a similar instance may happen but you should see the Speaker/Presiding Officer make a note that the amendment was agreed to or if the sponsor of a bill accepts the change, it will be announced that the change was made.

Barnhart's amendment has not passed, but it should come up in the pages that follow of the House debate.

Q19.30: You might also be interested in the argument at the top of page 179 where there is a motion to adjourn and they call for Yeas and Nays. I thought that it was a humorous exchange anyway.

A19.30: Yeah, nice catch. It's an odd coalition there – some hard line Republicans and hard line Democrats on the same side...Pretty clear that it's a sincere debate over procedure.

Q19.31: I came across the following example of requesting to go on record for position taking purposes. The following text comes from the La Follete discussing an amendment to the Tax Revision.

"So I ask for the adoption of this amendment, and I ask for a roll call on it. Let us know who the men are who are dodging their taxes in this country" Congressional Record Vol. 61 pg 7520

A19.31: Thanks for sending this along. The entire amendment discussion is worthwhile from a position-taking standpoint. I like that he refers to the "the representatives of wealth". Here's the full cut – we'll include it in the next paper draft:

Mr. LA FOLLETTE. I offer the amendment which I send to the Clerk's desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 126, after line 20, insert the following new paragraph:

The commissioner shall make a report to Congress on the first day of each regular session, stating the name and residence of each person, delinquent on the 1st day of the preceding July in tax payments, and the amount of tax due from such person and unpaid.

Mr. LA FOLLETTE. Mr. President, I am not going to detain the Senate and ask it to listen to any extended argument in support of the amendment. It is a proposition to bring to the attention of Congress the slackers in taxation.

I know of no reason why the representatives of wealth, who stand for property to the amount of something like one or two billion dollars, who have not paid their taxes, should not be reported, not only to the Congress but to the country. The War Department gave to the country the names of the slackers in the draft. They were rather careless about it, and they published a good many names of men who had gone to the front, some of whom had given their lives in the late war.

I can conceive of nothing more reprehensible than tax dodging. It is possible, as in the case of those designated as slackers in the draft, that there might be the publication of some names of those who had some answer to make, some excuse to offer, some explanation to give, for the fact that they had not reported fully to the Internal Revenue Commissioner upon the amount of their incomes. But upon making that explanation, they would be exculpated, just exactly as those were exculpated who had been reported in the matter of the draft improperly.

So I ask for the adoption of this amendment, and I ask for a roll call on it. Let us know who: the men are who axe, dodging their taxes in this country (*Congressional Record*, 67th Congress, November 7, 1921, 7520).

Thanks again for the solid case.

Q19.32: It is HR3321 (Underwood Tariff) in the 63rd congress in the 1st Session (1913) Volume 5 on pgs 3436-3437. The amendment offered by Williams...Is it actually a substitute amendment or just a perfecting amendment??

A19.32: Thanks for sending this my way. It's a nice case. Here's the relevant amendment:

Mr. WILLIAMS. Mr. President, paragraph 225 is incorrectly printed. It ought to be printed: Lemons, limes, oranges, grapefruit, shaddocks, and pomelos, 1/2 of 1 cent per pound.

Of course I am forced to offer an amendment to print it in that shape. I move, then, in behalf of the committee, that that paragraph be amended so as to read: Lemons, limes, oranges, grapefruit, shaddocks, and pomelos, 1/3 of 1 percent per pound.

I move that substitute for the paragraph as it reads; in other words, the proposition is to strike out all the language about packages, capacity, and so forth (*Congressional Record*, 62nd Congress, August 16, 1913, 3436).

Your read on this is right...It seems like a pretty minor substitute amendment. However, procedurally, I think you have to code this as a substitute. Had Williams of wanted to, he could have offered it as a perfecting amendment that simply inserted "1/3" for "1/2." He didn't do that – possibly because of an earlier agreement with the Democratic caucus regarding how amendments would be dispensed with. His later exchange with Smoot suggests this was the case. Because he refers to it as a substitute amendment himself, that's how I would code it.

Q19.33: I have a quick question. In HR3321 (Underwood Tariff) in the 63rd congress in the 1st Session (1913) Volume 5 on pg 3546, one member asks for a division while another member asks for a roll call vote, but they both withdraw their requests...should I just code this as a voice vote and make a note of the other withdrawn vote types?

A19.33: You've got it correct. That is the right way to code this situation. It's a nice episode...Here's the relevant text:

The next amendment was, in paragraph 262, page 79, line 6, after the word " corduroys," to insert "chenilles."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, I ask for a division on that amendment.

The PRESIDING OFFICER. The Senator from New Hampshire asks for a division. Those in favor of the amendment proposed by the committee will rise and stand until counted.

Mr. HUGHES. I ask for the yeas and nays.

Mr. GALLINGER. I will withdraw my suggestion if the Senator from New Jersey withdraws his. I will add—

Mr. HUGHES. I withdraw my demand for the yeas and nays.

Mr. GALLINGER. I will add that it grieves me to see only two Senators on the other side of the Chamber.

The PRESIDING OFFICER. The Chair will state that in that case it is proper to suggest the absence of a quorum.

Mr. GALLINGER. I do not suggest the absence of a quorum, Mr. President.

Mr. HUGHES. I withdraw my demand for the yeas and nays.

Mr. BRANDEGEE. Counting the Presiding Officer, there are three Senators on the other side present.

The PRESIDING OFFICER. The demand for the yeas and nays is withdrawn. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to (*Congressional Record*, 62nd Congress, August 16, 1913, 3546).

What appears to be happening here is that Gallinger (R-NH) – who likely opposes the committee amendment – is trying to take advantage of the low Democratic turnout. A division vote can be passed without a quorum. Hughes (D-NJ) requests the yeas and nays because he knows that if the Democrats lose, the vote will demonstrate the lack of a quorum and thus, won't be binding. Gallinger knows he's been caught and withdraws his request.

Q19.34: I've come across a case from the 66th congress that you might find interesting. It begins in the second session, 3/11/1920, on page 4199 and continues through page 4203.

Johnson (R-SD) introduces a 60+ page amendment to the Army Act of 1920. The amendment addresses "military justice" (court martial procedure, etc.), but the bill itself deals more with military organization. Several MCs complain that the amendment isn't germane, and they debate this for several pages. The more interesting part - to me, anyways - is that the Chair makes several lengthy statements about his personal process of deciding germaneness.

The Chair rules that the amendment isn't germane on page 4203, and Johnson immediately appeals the ruling, as he told the Chair he would. The Chair puts it to question but is unable to determine the outcome from the voice vote. Mann asks for tellers, and the body votes to sustain the Chair's ruling 74-66, with applause breaking out after the announcement of the result.

A19.34: Thanks for sending that along...It's an interesting case. I was surprised they were being so lenient with Johnson regarding that amendment. Normally, a 66 page amendment in the House is going to be blocked before the floor, if it is allowed, it's going to get a point of order and shut down in half a page. I think this is an interesting political situation. Royal Cleaves Johnson took time off his House service to be seriously wounded in WW1 and his amendment relates to the military. Given this, I think they were giving him as much leeway as possible.

Q19.35: This isn't really a question but a kind of weird thing happened at the end of the senate debate (page 4107). An amendment was offered by Walsh in the minority party (something about men who contract tuberculosis will be assumed to have contracted it in the line of duty unless it was proven they contracted it by some mislawful conduct) and the amendment was agreed to. And then on page 4107, Pittman asks Smoot to make sure the House doesn't object to Walsh's amendment because he feels it is vitally important to the bill. And then Smoot is like ok and seems like he is kind of surprised. I didn't know if this was unusual or not so I thought I'd ask!

A19.35: Thanks for sending this my way...It's definitely an odd request, but not all that surprising given that (1) Pittman is right – a ton of stuff dies in conference committees and (2) this seems like a classic position-taking example. TB was a pretty big deal during WW1 – both at home and abroad. There were a ton of discharges because of the disease and in a large number of instances the disease was contracted during leave – not while the serviceman was on duty. Still, from Pittman's perspective, going on record in favor of the government paying for servicemen who contracted TB is likely a position that's really popular with voters.

Q19.36: I thought that you might like to see this. Normally I see the senators being very careful what they agree to. This transaction by Reed and Ransdell actually seems civil and even trusting. Reed inquires about a provision and Ransdell agrees to the change that specifics will be provided later.

A19.36: Thanks for sending that along...It is certainly an interesting case. Here's the relevant debate that you've highlighted:

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, line 1, it is proposed to strike out "Federal Trade Commission," and insert "President." The amendment was, agreed to. The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 40, line 14,, after the word "patent," to insert "trademark, print, label "; and in line 17, after the word "war;" to insert: "Provided, That no final judgment or decree shall be entered in favor of such

enemy or ally of enemy by any court except after 30 days' notice to the alien-property custodian," so as to make the clause read:

(g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this act to enjoin infringement of letters patent, trade-mark, print, label, and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be, entitled so, to do if the United States was not at war: Provided, That no final judgment or decree shall be entered in favor of such enemy or ally of enemy by any court except after 30, days' notice to the alien-property custodian.

Mr. REED. I desire to inquire whether there is any place in the bill specifying the character of notice to be given?

Mr. RANSDELL. I do not know that any provision in the bill specifies as to that.

Mr. REED. If not, it would seem to me that some language ought to be placed in the bill to cover that. If not, I am afraid it will lead to all kinds of difficulties and disputes.

Mr. RANSDELL. I think there would be no objection to making such a correction as the Senator indicates, and if he has an amendment prepared, I will be glad to have him present it.

Mr. REED. I will try to prepare an amendment to cure it.

Mr. RANSDELL. There is nothing in the bill along that line, and there is absolutely no objection to adopting the suggestion of the Senator from Missouri. It might benefit the bill if it were made more specific in that respect. I will ask the Senator to prepare the amendment and we can return to that portion of the bill later.

Mr. REED. I will try to prepare it. in a moment.

Mr. FLETCHER. The amendment can be agreed to now, and the amendment suggested by the Senator from Missouri can be added later.

Mr. REED. With the understanding that I reserve the right to offer the amendment.

Mr. FLETCHER. The bill in paragraph (g) simply provides that the notice shall be given "to the alien-property custodian."

Mr. RANSDELL. It does not say how it shall be given, and I think it would probably be well to specify as to that.

The VICE PRESIDENT. Without objection the amendment reported by the committee is agreed to (*Congressional Record*, 65th Congress, September 12, 1917, 7010-7011.)

Reed's point that this language seems exceptionally vague is correct. Oftentimes, this is done intentionally. Members know that specifics are going to spark an aggressive debate and make the passage of the bill less likely. Thus, they craft legislation vaguely and defer to the executive/bureaucracy to create and enforce a rule that covers the issue (this was what sparked the debate over religion/health care that led to the Blunt Amendment). I'm not sure how frequently this was done in this era, however.

I'm a little surprised this issue wasn't raised in committee and that Ransdell is being so loose with it. I'm also a little surprised by how big a pain in the ass Reed is being on the floor during consideration of this bill. He is not letting anything go here and I'm guessing that's annoying Ransdell on the floor.

Again, nice case. Thanks for sending it my way.

Q19.37: I know we talked about points of order in class a few weeks ago but I can't remember what we said about it specifically...on page 765 there are like 3 congressmen that make points of order and then they withdraw their point of order and I'm not really sure why or what it all means. It's something about a violation of rules right? Because then on page 766, there is a point of order made that no quorum is present. I understand that one, but I'm still a little confused about the other ones.

A19.37: Wow...Somehow this case managed to contain a motion to recommit, three points of order and a failed yeas and nays request -- three exceptionally weird procedural events -- in less than a page. Great find. Let's work through this first question regarding points of order.

First, here's some background information on questions of order that you may have seen already:

Of the powers presiding officers possess, ruling on **points of order** is the most substantial. A point of order is raised by a member who believes a chamber rule is being violated. Generally, points of order touch on one of two important procedural facets: the right to continue debate or the right to offer amendments. As such, rulings have the power to end debate or significantly alter the substantive content of legislation.

When a point of order is presented to the chair, he or she can choose to uphold (sustain) it, reject it, or submit it to the floor for consideration by the full chamber. Points of order that the chair upholds or rejects are subject to an appeal from the full chamber. Most points of order submitted to the Senate floor are debatable, an advantage for filibustering minority coalitions. Appeals of rulings also are debatable, but the appeal is subject to a non-debatable motion to table that requires only a simple majority to pass.

Appeals in the House occur far less frequently than the Senate. The Speaker expects members to defer to him or her on questions of order, and enjoys more controls to force party loyalty on such questions. Bach (1991) notes that from 1927 to 1974, the House took only eight appeals from

the Speaker's rulings. The Speaker was overturned on only one occasion. He further notes that “when 44 Democrats voted in 1980 to overturn a ruling that a floor amendment not in order because it constituted legislation on an appropriations bill, Speaker O’Neill wrote each of the dissenting Democrats that “lilt (deference) is elementary to our procedural control of the House that the chair be supported by members of our party (Bach 1991, 79).

The right to offer non-germane amendments is one of the Senate's most distinguishing features, but it is not absolute. There are several occasions when the chamber requires germaneness: when the Senate is operating under a unanimous consent agreement that specifically forbids non-germane amendments, for amendments to general appropriations measures, after cloture has been invoked or during the consideration of a budget resolution or reconciliation measure (Tiefer 1989).

Generally, if an amendment to an appropriations bill is challenged as containing legislation then in the modern era the senator offering the measure is likely to raise a defense of germaneness. Senate rule XVI, paragraph 4 specifies that the presiding officer should submit such questions to the full Senate where they are to be decided without debate (Riddick and Frumin 1992). The Presiding Officer doesn’t always do this, and it’s likely the defense of germaneness was not a viable option during this era.

From a coding standpoint, an amendment defeated via point of order dies without a vote. You don’t need to code it.

Alright...Background established, let’s go through your case. On page 765, Kelley returns to consideration of an amendment proposed by Stephens that had a point of order pending on it. Presumably, this amendment was passed over earlier. Here’s the relevant text:

Mr. KELLEY of Michigan. Mr. Chairman, I ask to return to page 17 for the consideration of an amendment which was offered, and to which a reservation of the point of order was made by the gentleman from Ohio [Mr. BEGG].

The CHAIRMAN. The gentleman asks to return to page 17, according to previous agreement.

Mr. STEPHENS. Mr. Chairman-

The CHAIRMAN. The- Clerk will report the pending amendment.

Mr. STEPHENS. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. STEPHENS. I ask unanimous consent to withdraw the amendment and offer another one.

The CHAIRMAN. The gentleman from Ohio [Mr. STEPHENS] asks unanimous consent to withdraw the amendment offered by him when the paragraph on page 17 was reached during the reading of the bill, and to offer one in lieu thereof. Is- there objection?

Mr. BANKHEAD. Reserving the right to object, let us have the proposed substitute read, Mr. Chairman, in order to see what it is (*Congressional Record*, 67th Congress, April 28, 1921, 765.)

So we can deduce that Stephens offered the amendment and Beggs raised a point of order against it. Most likely in response to that point of order, Stephens is asking unanimous consent to alter his amendment so that Beggs will drop his point. The new amendment is read and debate continues:

The CHAIRMAN. Is, there objection?

Mr. MADDEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The amendment has been read only for information. Is there objection to the gentleman withdrawing the former amendment and offering the one that has just been read? The gentleman from Ohio offered. an amendment, and there was no objection to its being reported.

Mr. BEGG. Reserving the right to, object-

The CHAIRMAN. The Chair will state that permission has been given (*Congressional Record*, 67th Congress, April 28, 1921, 765.)

Unanimous consent is given; Madden reserves the right to offer a point of order later in the debate. Begg has already reserved a point of order and he addresses it next:

Mr. BEGG. Mr. Chairman, I reserve the point of order - and shall not make it. That is practically the same amendment that I made the point of order to the other day, and my reason for not making the point of order to-day is not that I have changed my mind in the least regarding the appropriateness of legislating on these appropriation bills. But my distinguished colleague from Ohio [Mr. Stephens] has worked hard and dug up what seems to be a very serious abuse in the department in that they appropriate materials for any old subject or purpose which they desire, without giving a rendering or accounting to the department from which they take it. And rather than to permit that to continue until the chairman of the Naval Affairs Committee may possibly, perchance, some time have the opportunity and right of way on the calendar to rectify it, I think it is wiser to submit to the legislation on the appropriation bill rather than to make a point of order against it. I therefore withdraw my reservation.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] withdraws his reservation, of the point of order (*Congressional Record*, 67th Congress, April 28, 1921, 765.)

Here's the punchline from Begg's speech: "(1) Stephens new amendment is the exact same as his old amendment and clearly violates House rules. (2) I agree completely with the substantive point of Stephens amendment and even though it violates chamber rules, I'm going to look the other way and withdraw my point of order." Debate continues:

Mr. CURRY. I make the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CURRY. That it changes existing law on an appropriation bill. While the legislation may be proper, and probably we ought to have it, it should come from the Committee on Naval Affairs, of which the gentleman from Ohio is a member and time be given to consider it. It interferes absolutely at the present time with the system that has been in vogue in the navy yards, and without proper legislation and without telling the department what they- shall or shall not do, 'except so far as this resolution, is concerned, changes the law.

Mr. STEPHENS. Will the gentleman reserve his point of order?

Mr. CURRY. Yes; I will reserve it (*Congressional Record*, 67th Congress, April 28, 1921, 765.)

Curry essentially ignores Beggs' comment and makes the point of order instead. Stephens asks Curry to reserve it – meaning hold off on it right now. Curry agrees. Somehow, Stephens convinces Curry to withdraw his point as well...Possibly something was said off the floor. This leads to the following:

The CHAIRMAN. The gentleman from, California makes the point of order against the pending amendment.

Mr. CURRY. Mr. Chairman, I withdraw the point of order.

Stephens gives another speech in support of his amendment and it passes via voice vote (*Congressional Record*, 67th Congress, April 28, 1921, 765.)

So in short, the House seems to agree that Stephen's amendment is in violation of House rules. But everyone appears to like it, and because of that, they're looking the other way to let it go through. A number of points of order are raised, but all are withdrawn.

Q19.38: This isn't a question but the case I was talking about in class that I thought was funny is on page 759 if you were interested. The bill states that 33,000,000 dollars shall go navy armor

and armament and Kindred, a representative from NY proposes an amendment that \$15,000,000 of this amount be spent on armor and armament of the Brooklyn NY Navy Yard. And then everyone laughs and the amendment is rejected.

A19.38: Thanks for this...Really nice case for position-taking purposes. And it was a nice attempt on Kindred's part. Here's the text, we'll save it and use it down the road:

Mr. KINDRED. I move to strike out the last word, and offer the following amendment without debate.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 17, after the words "thirty-three millions of dollars," insert the words 'provided that \$15,000,000 of this sum shall be expended on armor and armament in the Brooklyn, N. Y., Navy Yard.

[Laughter.]

The question was taken, and the amendment was rejected (*Congressional Record*, 67th Congress, April 28, 1921, 759.)

20. Useful Links:

Here are some links that also may prove useful for you.

1. http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm

This lists the party division in each U.S. Senate.

2. http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm

This is the party division for each U.S. House.

3. <http://bioguide.congress.gov/biosearch/biosearch.asp>

This database contains biographical information on all elected congressmen.

4. <http://politicalgraveyard.com/>

Another useful source for information on elected officials.

5. http://www.senate.gov/reference/glossary_term/budget_resolution.htm

This provides a short, useful glossary of terms and concepts should you encounter something that needs additional clarification.

6. <http://www.gpoaccess.gov/riddick/browse.html>

This is a link to Riddick's Senate procedures...Should you have any questions on procedure in the chamber, it's a good resource.

7. www.voteview.com

If you're interested in installing the voteview software used in class, it can be downloaded here. On the left-hand side of the page, click on:

[NOMINATE Data, Roll Call Data, Software](#)

Scroll down and click on:

[VOTEVIEW for WINDOWS](#)

Then follow the instructions on installing it.

