

bers for unanimous-consent requests to take up such Senate bills for consideration.

On Aug. 21, 1935,⁽¹⁸⁾ Speaker Joseph W. Byrns, of Tennessee, made the following statement:

Permit the Chair to make a statement. In the omnibus bills which were passed on yesterday there were included several bills which had previously passed the Senate and were on the Speaker's table. The Chair feels that those Members who are interested in those particular bills should have an opportunity to ask unanimous consent for the immediate consideration of the Senate bills, so that they can be taken out of the omnibus bills when they are reported to the Senate. The Chair will therefore first recognize Members who have such bills. . . .

The Speaker then recognized Mr. William A. Pittenger, of Minnesota, to ask unanimous consent for the consideration of one of the Senate bills.

§ 17. As to Conference Reports and Other House-Senate Matters

The chairman of the committee with jurisdiction of the subject matter of a bill is ordinarily recognized for requests for a conference, motions and resolutions

18. 79 CONG. REC. 13993, 74th Cong. 1st Sess.

relating to disposition of Senate amendments, or calling up conference reports.⁽¹⁹⁾

One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party, preferably the senior conferee from that party, to control 30 minutes.⁽²⁰⁾ Under customary practice, the Members controlling the time for debate on a conference report are among those who served as House managers in the conference.⁽¹⁾

Rule XXVIII, clause 1(b)⁽²⁾ provides that the time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one third of such debate time shall be allotted to a Member who is opposed to said motion.

Similarly, the time allotted for debate in the consideration of a

19. See §§ 17.29 et seq., *infra*.

20. See § 17.9, *infra*.

1. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1995).

2. *House Rules and Manual* § 909a (1995).

conference report is equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the conference report, one third of such debate time shall be allotted to a Member who is opposed to said conference report.⁽³⁾ A similar provision applies specifically to consideration of amendments in disagreement.⁽⁴⁾

The offering of a preferential motion does not deprive the Member making the original motion to dispose of a Senate amendment of control of the floor for debate, and the Chair will recognize the Member controlling the floor when the preferential motion is offered.⁽⁵⁾ For example, where the manager of a conference report has offered a motion to insist on disagreement to a Senate amendment, a motion to recede and concur therein is preferential and is voted on first, but the manager retains control of the majority time on the amendment.⁽⁶⁾

On the other hand, where the House rejects a motion by the

manager of a bill to dispose of a Senate amendment remaining in disagreement, recognition to offer another motion is accorded to a Member who led the opposition to the rejected motion.⁽⁷⁾ Accordingly, where a motion by the Member in charge of a conference report to recede and concur in a Senate amendment with an amendment is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.⁽⁸⁾

A motion to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is preferential to a motion to disagree and request a conference and is debatable under the provisions of Rule XXVIII, clause 2.⁽⁹⁾

The prior right to recognition to move to recommit a conference report ordinarily belongs to a member of the conference committee, although on one occasion, the Chair recognized the ranking minority member of one of the two committees which had originally reported the bill, even though the member was not a conferee on the bill.⁽¹⁰⁾

3. Rule XXVIII, cl. 2(a), *House Rules and Manual* §912a (1995).

4. Rule XXVIII, cl. 2(b)(1), *House Rules and Manual* §912b (1995).

5. See, for example, § 17.44, *infra*.

6. See § 17.48, *infra*.

7. See § 17.54, *infra*.

8. See § 17.57, *infra*.

9. See the proceedings of Nov. 6, 1985, discussed in § 24.46, *infra*.

10. See § 17.62, *infra*.

Cross References

- Conferences and disposition of conference reports, see Ch. 33, *infra*.
- Disposition of amendments between the Houses, see Ch. 32, *infra*.
- Distribution and alternation of time on conference reports, see § 25, *infra*.
- Duration of time for debate on conference reports and amendments between the Houses, see § 68, *infra*.
- Yielding time on conference reports, see § 29, *infra*.

Motion To Send Bill to Conference

§ 17.1 The motion to send a bill to conference pursuant to Rule XX clause 1 is privileged at any time the House is in possession of the papers if the appropriate committee has authorized the motion and the Speaker in his discretion recognizes for that purpose.

On Mar. 20, 1975,⁽¹¹⁾ the following proceedings pertaining to consideration of the foreign assistance appropriations (H.R. 4592) occurred in the House:

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Speaker, in accordance with rule XX of the House rules and by direction of the Committee on Appropriations, I move to take from the

11. 121 CONG. REC. 7646, 94th Cong. 1st Sess.

Speaker's table the bill (H.R. 4592) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

THE SPEAKER:⁽¹²⁾ The question is on the motion offered by the gentleman from Louisiana (Mr. Passman).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER: The Chair will state that no objection is in order.

The motion was agreed to.

MR. BAUMAN: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, does this report not have to lay over for a period of time prior to the request being made for conferees?

THE SPEAKER: Not for the appointment of conferees.

MR. BAUMAN: Then, Mr. Speaker, it is in order today?

THE SPEAKER: The motion to send the bill to conference is in order today.

Further Debate by Unanimous Consent After Previous Question on Motion To Instruct Conferees

§ 17.2 By unanimous consent, further debate may be permitted on a motion to instruct conferees on which the previous question has been ordered.

12. Carl Albert (Okla.).

During consideration of a motion to instruct House conferees on the conference with the Senate on H.R. 3919 (crude oil windfall profits tax) on Feb. 20, 1980,⁽¹³⁾ the following proceedings occurred:

MR. [NORMAN E.] D'AMOURS [of New Hampshire]: Mr. Speaker, I offer a motion.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

Mr. D'Amours moves that, pursuant to the provisions of clause 1(b) of Rule XXVIII, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed to agree to the provisions contained in parts 1, 2 and 4 of title II of the Senate amendment to the text of the bill.

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ The gentleman from New Hampshire (Mr. D'Amours) is recognized for 1 hour. . . .

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I have a parliamentary inquiry. . . . [T]here may have been some confusion on the last vote, given what appeared on the screens in Members' offices. . . .

This question . . . we will vote on now is a vote on the motion to instruct the conferees?

13. 126 CONG. REC. 3322, 3337, 96th Cong. 2d Sess.

14. Benjamin S. Rosenthal (N.Y.).

THE SPEAKER PRO TEMPORE: The question that will occur now is on the motion to instruct the conferees.

(By unanimous consent Mr. Gibbons was allowed to speak out of order.)

MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, I cannot believe the last vote. It is absolutely astounding.

What my colleagues voted for was to instruct the conferees to throw away \$26 billion on some tax credits of doubtful value. . . .

But, please, do not instruct us. We are about to complete this conference. We are about to get things wound up and get it out here where we can either accept it or reject it.

Special Rule Providing for Debate on Conference Reports Considered En Bloc

§ 17.3 Pursuant to a special rule providing for four hours of debate on five conference reports considered en bloc in the House, equally divided between the majority and minority, with one hour to be confined to debate on one of the five reports (natural gas policy), the Speaker recognized the chairman and ranking minority member of the Ad Hoc Committee on Energy for one-half hour each for the first hour, to be confined to debate on the natural gas conference report, and then recognized them for one and one-half

hour each on the remaining reports.

On Oct. 14, 1978,⁽¹⁵⁾ the following proceedings occurred in the House:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, pursuant to House Resolution 1434, I call up the conference reports on the bills [H.R. 4018, Public Utility Rates; H.R. 5037, Energy Conservation; H.R. 5146, Coal Conversion; H.R. 5289, Natural Gas Policy; and H.R. 5263, Energy Tax]. . . .

The Clerk read the titles of the bills.

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ Pursuant to House Resolution 1434, the gentleman from Ohio (Mr. Ashley) will be recognized for 2 hours and the gentleman from Illinois (Mr. Anderson) will be recognized for 2 hours.

The Chair will recognize the gentleman from Ohio (Mr. Ashley) and the gentleman from Illinois (Mr. Anderson) for 30 minutes to debate the conference report on H.R. 5289. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: May I . . . inquire of the Chair whether the first hour of debate is to be directed to the natural gas conference report and not to the other four conference reports?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Only to the natural gas conference report?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Would it be out of order to discuss the other parts during that time?

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the Chair would have to rule as points along that line are brought to the attention of the Chair.

MR. BAUMAN: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the resolution provides the first hour of which shall be confined solely to the conference report on the bill H.R. 5289.

The House Has, by Use of a Special Order, Deemed a Conference Report, Not Yet Before the House, To Be Adopted

§ 17.4 A special order providing for consideration of a bill included an additional provision specifying a contingent order of the House—the adoption of a conference report pending in the Senate, if the Senate notified the House before a date certain that it had agreed thereto.

On Mar. 28, 1996,⁽¹⁷⁾ the House adopted H. Res. 391, a special rule providing for consideration of the bill (H.R. 3136) to provide for consideration of the Senior Citizens' Right to Work Act of 1996. The rule also provided a "contingent order" relating to title II which contained the text of the

15. 124 CONG. REC. 38349, 38350, 95th Cong. 2d Sess.

16. William H. Natcher (Ky.).

17. 142 CONG. REC. p. ____, 104th Cong. 2d Sess.

“Line Item Veto” bill previously passed by the House. The text of title II was the same as that agreed upon by House and Senate managers in the conference on the previously-passed Line Item Veto bill, S. 4. If the House were to be informed by a message from the Senate that the conference report on S. 4 had been approved by the Senate, then that conference report would be “deemed adopted” by the House, and the Clerk, in enrolling the bill H.R. 3136, would strike the then superfluous title II.

This rather complicated special order was drafted to make it possible for the House to adjourn for its Easter break, scheduled for Mar. 29-Apr. 15. Otherwise, there would have been an effort to remain in session until the Senate completed action on the conference report.

The Senate actually informed the House of the adoption of the conference agreement later on the same day (Mar. 28), and so the contingencies in H. Res. 391 were executed that same day. Title II of H.R. 3136, containing the line item veto provisions identical to those in S. 4, was stricken in the engrossment of the bill. The conference agreement on S. 4 was deemed adopted by the House. S. 4 was enrolled and sent to the

President. It became Public Law 104-130.

PROVIDING FOR CONSIDERATION OF H.R. 3136, CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Chairman, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3136) to provide for the enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit. The amendments specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) a further amendment, if offered by the chairman of the Committee on Ways and Means, which shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) or demand for division of the question, shall be considered as read, and

shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit, which may include instructions only if offered by the Minority Leader or his designee.

Sec. 2. If, before March 30, 1996, the House has received a message informing it that the Senate has adopted the conference report to accompany the bill (S. 4) to grant the power to the President to reduce budget authority, and for other purposes, then—

(a) in the engrossment of H.R. 3136 the Clerk shall strike title II (unless it has been amended) and redesignate the subsequent titles accordingly; and

(b) the House shall be considered to have adopted that conference report.

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The gentleman from New York [Mr. Solomon] is recognized for 1 hour.

MR. SOLOMON: Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. Beilenson], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. Solomon asked and was given permission to include extraneous material.)

AMENDMENT OFFERED BY MR. SOLOMON

MR. SOLOMON: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon:

Page 2, line 9, strike "one hour" and all that follows through "Means"

on line 12, and insert in lieu thereof the following:

"80 minutes of debate on the bill, as amended, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight or their designees".

MR. SOLOMON: Mr. Speaker, I ask unanimous consent that the amendment be agreed to.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection. . . .

MR. SOLOMON: . . . Mr. Speaker, this rule provides for consideration in the House of H.R. 3136, as modified by the amendments designated in the Committee on Rules report on this resolution. The rule provides for the adoption of two amendments. The first amendment is to title III of the bill relating to regulatory reform, and the second amendment is to title I of this bill relating to the Social Security earnings test limit. Both amendments address specific concerns of the administration and have been included in the bill in the spirit of bipartisan cooperation. It is hoped that the final product will meet the concerns of all parties involved. . . .

Finally, Mr. Speaker, the rule provides that if before March 30, 1996, the House has received a Senate message stating that the Senate has adopted the conference report on S. 4, which is the Line-Item Veto Act, then following House passage and engrossment of H.R. 3136, the Clerk shall be

18. Richard Hastings (Wash.).

instructed to strike title II unless amended from this bill. This title contains the exact text of the conference report of Senate bill 4.

Furthermore, upon the actions of the House, it will be deemed to have adopted the conference report on S. 4, which is the line-item veto conference report. This final procedure has been included in the rule as part of our continuing efforts to expedite the consideration of this terribly, terribly important piece of legislation.

The rule also sets up a highly unusual procedure, which the gentleman from New York [Mr. Solomon] described a few minutes ago, for disposing of the Line Item Veto Act. The rule provides that if the other body approves the conference report on this bill before Saturday and the House passes H.R. 3136, the conference report shall be sent to the President as a free-standing bill.

Because the Senate approved the conference report last night, that part of this bill will in fact be separated upon passage of this legislation. We believe it is unnecessary and unwise to construct final action on the Line Item Veto Act in this convoluted manner. There is no good reason why this matter should not be considered in the same way other conference reports are normally considered; that is, as free-standing legislation and without reference to action by the other body. For that matter, there is no good reason why any of the extraneous legislation included in this increase in the debt limit must be included.

Later the same day:

MESSAGE FROM THE SENATE . . .

The message also announced that the Senate agrees to the report of the

committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) "An act to grant the power to the President to reduce budget authority."

(For text of conference report deemed adopted pursuant to Resolution 391, see proceedings of the House of March 21, 1996, at page H2640.)

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 4. An act to give the President line item veto authority with respect to appropriations, new direct spending, and limited tax benefits.

TITLE II—LINE ITEM VETO

Sec. 201. Short Title.

This title may be cited as the "Line Item Veto Act".

High Privilege of Conference Report

§ 17.5 The rules provide that conference reports shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition;⁽¹⁹⁾ and the Chair may recognize a Member to call up a conference report before pro-

¹⁹ Rule XXVIII, cl. 1(a), *House Rules and Manual* §909 (1995).

ceeding to other business mandated by the rules.

Under a former rule,⁽²⁰⁾ the call of the Consent Calendar was mandatory on the first and third Mondays of the month immediately after the approval of the Journal. (The Consent Calendar was replaced in the 104th Congress by the Corrections Calendar.)⁽¹⁾ The proceedings of May 4, 1970,⁽²⁾ which was Consent Calendar Monday, are illustrative of the high privilege of conference reports. On that day, Speaker John W. McCormack, of Massachusetts, first recognized Mr. Carl D. Perkins, of Kentucky, to call up a conference report before directing the Clerk to call the Consent Calendar.

Chairman of Committee Opposed to Bill

§ 17.6 The Speaker recognized the ranking majority member of a committee, and not the chairman thereof, also a conferee, to call up a conference report.

On July 17, 1967,⁽³⁾ Speaker John W. McCormack, of Massa-

20. See Rule XIII, cl. 4, *House Rules and Manual* § 746 (1993).

1. See Rule XIII, cl. 4, *House Rules and Manual* § 745a (1995).

2. 116 CONG. REC. 13991-95, 91st Cong. 2d Sess.

3. 113 CONG. REC. 19032, 90th Cong. 1st Sess.

chusetts, recognized Samuel N. Friedel, of Maryland, ranking majority member of the Committee on Interstate and Foreign Commerce, to call up a conference report on Senate Joint Resolution 81, providing for a railway labor dispute settlement.

Parliamentarian's Note: Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce and a conferee on the bill, was not recognized to call up the report because he was opposed to the bill.⁽⁴⁾

Manager Called Up Conference Report Although He Was Opposed

§ 17.7 The senior manager on the part of the House at a conference called up for consideration and managed the debate on the conference report, although he had not signed the report and was opposed to it.

On Dec. 6, 1967,⁽⁵⁾ William R. Poage, of Texas, Chairman of the Committee on Agriculture and senior manager for the House in

4. See Mr. Staggers' statement at 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess., June 14, 1967, cited at § 16.16, *supra*.

5. 113 CONG. REC. 35144-55, 90th Cong. 1st Sess.

conference on H.R. 12144, the Federal Meat Inspection Act of 1967, called up the conference report on that bill and managed the debate thereon. Mr. Poage delivered the following remarks when calling up the report:

MR. POAGE: Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today I find myself in the same position which I occupied when we sent this bill to conference. I have no desire to interfere with or delay consideration of the bill. I full well recognize the very proper desire of every Member of this House to secure and maintain the very best possible meat inspection program for the United States. I join in that desire. The conference report which our committee brings you is intended to achieve that result. I hope it will.

This report is signed by all of the conferees on the part of the Senate and all but two of the conferees on the part of the House. I am one of those two.

Conference Report Within Jurisdiction of Two Committees

§ 17.8 A conference report on a bill with two titles was called up by the chairman of one committee, who controlled one-half hour on one title of the bill, and who then yielded to the chairman of another committee to control one-half hour on the other title and to move the previous question.

On May 13, 1970,⁽⁶⁾ Mr. Harley O. Staggers, of West Virginia, called up a conference report on H.R. 14465, the Airport and Airway Development and Revenue Acts of 1970. The managers on the part of the House had been appointed from two House committees, since title I of the bill dealt with airport authorizations, within the jurisdiction of the Committee on Interstate and Foreign Commerce, and title II dealt with raising revenue for airport construction, within the jurisdiction of the Committee on Ways and Means.

The Committee on Interstate and Foreign Commerce had reported the bill in the House, and Mr. Staggers, Chairman of that committee, therefore called up the conference report for consideration. He controlled one-half hour of debate on title I, which was within the jurisdiction of his committee. He then yielded to Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, to control one-half hour of debate on title II of the bill. Mr. Mills moved the previous question on the report.

Parliamentarian's Note: The hour of debate on a conference report is now equally divided be-

6. 116 CONG. REC. 15291-97, 91st Cong. 2d Sess.

tween the majority and minority parties. See § 17.9, *infra*.

***Debate on Conference Report—
How Divided***

§ 17.9 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party (preferably the senior conferee from that party) to control 30 minutes.

On Jan. 19, 1972,⁽⁷⁾ Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up the conference report on S. 382, the Federal Election Campaign Act of 1972. Speaker Carl Albert recognized Mr. Hays to control 30 minutes of debate on the report and Mr. William L. Springer, of Illinois (ranking minority member of the Committee on Interstate and Foreign Commerce and a conferee) to handle the other 30 minutes.

Conferees had been appointed from both the Committees on House Administration and Interstate and Foreign Commerce,

7. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

since the bill was the work product of both committees.

Parliamentarian's Note: Rule XXVIII, clause 2(a) was amended in the 92d Congress, 1st Session (H. Res. 5) to require a division of the hour for debate on a conference report. Prior to that time, debate on a conference report was under the hour rule, with the Member recognized to call up the report in control of the time.⁽⁸⁾ The rule now also provides that if the floor managers for the majority and minority both support the conference report, one-third of the debate time shall be allotted to a Member opposed.⁽⁹⁾

***Debate on Motion To Reject
Nongermane Portion of
Conference Report***

§ 17.10 Pursuant to Rule XXVIII clause 4, 40 minutes for debate on a motion to reject a nongermane portion of a conference report is equally divided between the proponent and an opponent of the motion to reject, and recognition is not based upon party affiliation; and

8. See, for example, 115 CONG. REC. 40451, 91st Cong. 1st Sess., Dec. 20, 1969; 108 CONG. REC. 4247–51, 87th Cong. 2d Sess., Mar. 15, 1962.

9. See *House Rules and Manual* § 912a (1995).

the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject.

H.R. 5247, a bill reported from the Committee on Public Works and Transportation, consisted of one title relating to grants to state and local governments for local public works construction projects. A new title added by the Senate and contained in a conference report provided grants to state and local governments to assist them in providing public services. On Jan. 29, 1976,⁽¹⁰⁾ a point of order was made in the House, pursuant to Rule XXVIII clause 4, against the title added by the Senate. The title was held to be not germane, because it proposed a revenue-sharing program within the jurisdiction of the Committee on Government Operations, and because the approach taken in the Senate version was not closely related to the methods used to combat unemployment as delineated in the House bill.⁽¹¹⁾ After the Speaker had ruled on the point of order, a motion was made:

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I offer a motion.

10. 122 CONG. REC. 1582, 94th Cong. 2d Sess.

11. For further discussion of the ruling on the issue of germaneness, see Ch. 28, §4.99, *supra*.

The Clerk read as follows:

Mr. Brooks moves that the House reject title II of H.R. 5247, as reported by the committee of conference.

THE SPEAKER:⁽¹²⁾ The gentleman from Alabama (Mr. Jones) will be recognized for 20 minutes, and the gentleman from Texas (Mr. Brooks) will be recognized for 20 minutes.

MR. BROOKS: Mr. Speaker, I yield myself such time as I may consume.

MR. [FRANK] HORTON [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. HORTON: Mr. Speaker, my parliamentary inquiry is this: Do we have 20 minutes on the minority side?

THE SPEAKER: The Chair will state that the division of time is between those in favor and those opposed to the motion to reject title II. The gentleman from Alabama (Mr. Jones) has 20 minutes and the gentleman from Texas (Mr. Brooks) has 20 minutes.

MR. [JAMES C.] WRIGHT [Jr., of Texas, on behalf of Mr. Jones]: Mr. Speaker, I have one other speaker, the majority leader. I do not know what the courtesy is, or the appropriate protocol, in a matter of this kind.

THE SPEAKER PRO TEMPORE: The Chair will rule that the gentleman from Texas [Mr. Wright] may close debate.⁽¹³⁾

12. Carl Albert (Okla.).

13. For another instance in which the Speaker acknowledged that the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled

Parliamentarian's Note: Where the House agrees to a motion to reject a nongermane portion of a conference report pursuant to Rule XXVIII clause 4, the pending question, in the form of a motion offered by the manager of the conference report, is to recede from disagreement to the Senate amendment and concur with an amendment consisting of the remaining portions of the conference report not rejected on the separate vote, and one hour of debate, equally divided between the majority and minority parties, is permitted on that pending question.⁽¹⁴⁾

Debate on Conference Report After Section Containing Nongermane Senate Matter Agreed to

§ 17.11 Pursuant to a special rule and to clause 1 of Rule XX, in effect in the 92d Congress, the House agreed to a section of a conference report (containing nongermane Senate matter) following 40 minutes of debate; the House then considered the entire conference report, the Member calling up the report and a Member of the minority

to close debate on the motion to reject, see Ch. 28, § 26.23, *supra*.

14. See § 68.24, *infra*.

party each being recognized for 30 minutes under Rule XXVIII clause 2.

On Nov. 10, 1971,⁽¹⁵⁾ pursuant to a special rule, a separate vote was demanded on a section of a conference report, and the House agreed to the section after 40 minutes of debate divided between the manager of the report and the Member demanding the separate vote.⁽¹⁶⁾

The House then considered the entire conference report, and the Speaker stated that one hour of debate would be had, the Member calling up the report, F. Edward Hébert, of Louisiana, to be recognized for 30 minutes, and a Member of the minority party, Leslie C. Arends, of Illinois, to be recognized for 30 minutes.

Debate Controlled by Conferees Appointed From Two Committees

§ 17.12 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and where conferees have been appointed from two committees of the House, the Speaker

15. 117 CONG. REC. 40489, 40490, 92d Cong. 1st Sess.

16. See § 17.34, *infra*.

recognizes one of the minority committee members (not necessarily a member of the same committee as the Member controlling the majority time) to control 30 minutes of debate.

On Jan. 19, 1972,⁽¹⁷⁾ Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up a conference report on S. 382, the Federal Election Campaign Act of 1972. Conferees on the part of the House had been appointed from two House committees with jurisdiction over the bill, the Committee on House Administration and the Committee on Interstate and Foreign Commerce.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays for 30 minutes of debate to control time for the majority. He recognized William L. Springer, of Illinois, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate for the minority.

Parliamentarian's Note: Mr. Springer controlled the minority time although he had resigned as a conferee on the bill, even though Samuel L. Devine, of Ohio, ranking minority member of the Committee on House Administration

17. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

and a conferee on the bill, was on the floor and participated in debate. Under customary practice, however, the Members controlling the time for debate on a conference report are among those who served as House managers in the conference.⁽¹⁸⁾

Rule XXVIII, clause 2(a) now provides that if the floor manager for the majority and minority both support the conference report, one-third of the debate time shall be allotted to a Member opposed.⁽¹⁹⁾

Permitting Additional Debate on Conference Report; Special Order

§ 17.13 While debate on a conference report is limited to one hour⁽²⁰⁾ to be equally divided between majority and minority parties,⁽¹⁾ the House

18. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* §912a (1995).

19. See *House Rules and Manual* §912a (1995).

20. See Rule XIV clause 2, *House Rules and Manual* §758 (1995).

1. See Rule XXVIII clause 2, *House Rules and Manual* §912a (1995). The rule also provides that if the majority and minority floor managers both support the conference report, one-third of the debate time shall be allotted to a Member opposed.

may, by unanimous consent, either extend that time or permit debate by "special order" on the conference report prior to actual consideration thereof; thus, on one occasion, by unanimous consent, two Members, the chairman and ranking minority member of the House conferees, were permitted "special orders" of one hour each to debate a conference report following adoption of a resolution making in order the consideration of the report but prior to actual consideration of the report.

On Mar. 26, 1975,⁽²⁾ the following proceedings occurred in the House during consideration of a resolution waiving points of order against consideration of a conference report not yet filed or printed. The manager of the rule, Mr. Matsunaga, during debate on the rule, yielded to the chairman of the House conferees (Mr. Ullman) to file the conference report. After filing, Mr. Ullman then requested a special order to explain the report while awaiting copies to reach the floor; the ranking minority member of the House con-

ferees also received permission for a special order.

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Ullman).

CONFERENCE REPORT ON H.R. 2166, TAX
REDUCTION ACT OF 1975

MR. [AL] ULLMAN [of Oregon] submitted the following conference report and statement on the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . to increase the investment credit and the surtax exemption, and for other purposes:

CONFERENCE REPORT (H. REPT. 94-
120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF
CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reduction Act of 1975". . . .

MR. ULLMAN: Mr. Speaker, I ask unanimous consent that upon the adoption of the rule I be granted a 60-minute special order.

2. 121 CONG. REC. 8899, 8900, 8916, 94th Cong. 1st Sess.

THE SPEAKER: ⁽³⁾ Is there objection to the request of the gentleman from Oregon?

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, we have in the rules of the House an adequate rule for the consideration of conference reports I have no way of knowing, nor does any Member in this Chamber know, who will control the time during a special order, except the gentleman from Oregon, whether questions, once raised, will be answered, or whether or not debate will deteriorate into partisan debate.

THE SPEAKER: The gentleman is very effectively but improperly stating the rules. The minority has 30 minutes and the majority has 30 minutes on the conference report.

MR. BAUMAN: I am talking about the lack of protection contained in the request for the 1-hour special order that was just made by the gentleman from Oregon.

THE SPEAKER: Any Member of the House may make a request for a special order.

MR. BAUMAN: I withdraw my reservation of objection.

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Speaker, further reserving the right to object, I also ask for a 60-minute special order following that of the gentleman from Oregon (Mr. Ullman).

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

There was no objection.

3. Carl Albert (Okla.).

Conference Report on Budget Resolution—Debate Is Under Hour Rule on Amendments in Disagreement

§ 17.14 While under section 305(a)(4) [now section 305(a)(6)] of the Congressional Budget Act ⁽⁴⁾ there can be up to five hours of debate on a concurrent resolution on the budget equally divided between the majority and minority parties, where the conferees have reported in total disagreement, debate on the motion to dispose of the amendment in disagreement is not covered by the statute and is therefore under the general “hour” rule in the House.

During consideration of the first concurrent resolution on the budget for fiscal year 1978 (S. Con. Res. 19) in the House on May 17, 1977,⁽⁵⁾ the following exchange occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 19) setting forth the congressional budget for the U.S. Government for the fiscal

4. *House Rules and Manual* §1007 (1995) at p. 893.

5. 123 CONG. REC. 15126, 15127, 95th Cong. 1st Sess.

year 1978 (and revising the congressional budget for fiscal year 1977), and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:⁽⁶⁾ The Clerk will read the conference report.

The Clerk read the conference report. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the Senate amendment to the House amendment.

The Clerk read the Senate amendment to the House amendment as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment, insert: . . .

MR. GIAIMO: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Giaimo moves to concur in the Senate amendment to the House amendment.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Connecticut (Mr. Giaimo) for 1 hour.

Parliamentarian's Note: Since the Senate amendment to the House amendment had not been reported from conference in disagreement, but had been subsequently added by the Senate after consideration of the conference report in that body, the requirement for equal division of time on a motion to dispose of a Senate amendment reported from conference in disagreement was not applicable.

On May 13, 1976,⁽⁷⁾ the conferees' report on Senate Concur-

rent Resolution 109, the first concurrent resolution on the budget for fiscal 1977, was called up in the House. The conferees reported in total disagreement on a House amendment in the nature of a substitute for the resolution.

The Senate had amended the House amendment to incorporate the provisions informally agreed upon in conference but outside the scope of the differences with respect to three functional categories. In accordance with the procedure applicable when conferees report that they are unable to agree, the report was called up in the House but not acted upon. The Speaker then directed the Clerk to report the pending Senate amendment to the House amendment for disposition by motion.

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the U.S. Government for the fiscal year 1977—and revising the congressional budget for the transition quarter beginning July 1, 1976—and ask for its immediate consideration.

The conference report stated in part:⁽⁸⁾

The managers on the part of the House and the Senate at the con-

6. William H. Natcher (Ky.).

7. 122 CONG. REC. 13756, 94th Cong. 2d Sess.

8. See 122 CONG. REC. 13026, 94th Cong. 2d Sess., May 7, 1976, for text of conference report.

ference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the United States Government for the fiscal year 1977 (and revising the congressional budget for the transition quarter beginning July 1, 1976), report that the conferees have been unable to agree. This is a technical disagreement, necessitated by the fact that in three instances the substitute language agreed to by the conferees includes figures which (for purely technical reasons) would fall outside the permissible range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the Senate will offer a motion in the Senate to recede and concur in the House amendment to the Senate-passed resolution with an amendment (in the nature of a substitute) consisting of the language agreed to in conference, and that upon the adoption of such amendment in the Senate the managers on the part of the House will offer a motion in the House to concur therein.

THE SPEAKER:⁽⁹⁾ The Chair lays before the House the Senate amendment to the House amendment, which the Clerk will read.

The Clerk read the Senate amendment to the House amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House insert:

9. Carl Albert (Okla.).

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

MR. ADAMS: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Adams moves that the House concur in the Senate amendment to the House amendment.

THE SPEAKER: The gentleman from Washington (Mr. Adams) is recognized for 1 hour.

MR. ADAMS: Mr. Speaker, I yield 30 minutes to the gentleman from Ohio for purposes of debate only, pending which I yield myself such time as I may consume.⁽¹⁰⁾

On May 17, 1978,⁽¹¹⁾ the conferees' report on Senate Concurrent Resolution 80, the first concurrent resolution on the budget for fiscal 1979, was called up in the House. The conferees reported in total disagreement, and

10. *Parliamentarian's Note*: Since the Senate amendment to the House amendment had not been reported from conference in disagreement, but had been subsequently added by the Senate after consideration of the conference report in that body, the requirement for equal division of time on a motion to dispose of a Senate amendment "reported from conference" [see Rule XXVIII, clause 2(b)] in disagreement was not applicable.

11. 124 CONG. REC. 14116, 14117, 95th Cong. 2d Sess.

the conference report stated in part: ⁽¹²⁾

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 80) setting forth the congressional budget for the United States Government for the fiscal year 1979, having met, after full and free conference have been unable to agree on a conference report because the conference decisions have reduced certain budget figures, including the deficit and the public debt, below the provisions enacted by either House. As set forth in the accompanying Joint Explanatory Statement, the conferees do propose a congressional budget, containing the lower figures, incorporated in a further amendment for the consideration of the two Houses.

In accordance with the procedure applicable when conferees report that they are unable to agree, the report was called up in the House but not acted upon. The Senate having added an amendment to the House amendment after its consideration of the conference report, the Speaker then directed the Clerk to report the pending Senate amendment to the House amendment for disposition by motion.

The Clerk read the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment, insert:

12. See 124 CONG. REC. 13615, 95th Cong. 2d Sess., May 15, 1978.

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1978—

(1) the recommended level of Federal revenues is \$447,900,000,000 and the amount by which the aggregate level of Federal revenues should be decreased is \$24,700,000,000. . . .

MR. [ROBERT N.] GIAIMO [of Connecticut] (during the reading): Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE: ⁽¹³⁾ Is there objection to the request of the gentleman from Connecticut?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, could the gentleman tell us in what parliamentary form this budget comes before us? Are we dealing with a conference report or a motion to agree to the Senate amendment with an amendment?

MR. GIAIMO: We are in technical disagreement on the conference report, because of the questions of scope, both as to the aggregates and as to the functional categories.

We have before us an amendment to the House amendment to the original Senate resolution. The amendment to the House amendment is the substitute amendment which was agreed upon in conference by the conferees.

It is our intention to move to concur in the Senate amendment to the House amendment.

13. Dan Rostenkowski (Ill.).

MR. BAUMAN: Mr. Speaker, further reserving the right to object, it is my recollection that when the Budget Act was originally passed, the law contemplated bringing before the House a conference report, parts of which could be attacked through the ordinary parliamentary rules of the House, so that individual changes made in the conference report could be dealt with. It appears to me the parliamentary avenue the gentleman has chosen to bring this before us precludes the rights of Members of the House and forces us to swallow the whole thing in one gulp without adequate deliberation and a chance to work our will.

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, will the gentleman yield?

MR. BAUMAN: I yield to the gentleman from New York.

MR. CONABLE: Mr. Speaker, does this result in us not having the statutory period of time to debate the conference report?

MR. BAUMAN: The full 5 hours the Budget Act allows.

MR. GIAIMO: Mr. Speaker, if the gentleman will yield, not 5 hours, we have 1 hour, as I understand the parliamentary situation.

MR. CONABLE: Why is it brought up in this way, Mr. Chairman?

MR. GIAIMO: As I understand the rules, this is the only way it can be brought up and it has been done in this way in the past.

MR. CONABLE: Why do we have the 5-hour rule statutorily, if it has been brought up under a 1-hour rule in the past?

MR. GIAIMO: The 5-hour rule provides where the conference report is

not in technical disagreement, because of questions of scope.

MR. CONABLE: Mr. Speaker, if the gentleman will yield further, is it in technical disagreement, because so many of the items in dispute between the House and the Senate were settled outside the parameters set by the two bodies?

MR. GIAIMO: Either above or below the parameters.

MR. CONABLE: Then when we make such a settlement, we always avoid the statutory requirement of 5 hours of debate; is that the conclusion?

MR. GIAIMO: The gentleman can draw whatever inference he wishes.

MR. BAUMAN: Mr. Speaker, further reserving the right to object, I think it is still worth making the point. . . . Now we come back and are offered a parliamentary motion that circumvents the rules of the House and does not allow us to attack individual categories of spending or actions of the conferees. This appears to confirm the charges and again calls into question the entire budget process.

Mr. Speaker, I withdraw my reservation of objection.

Parliamentarian's Note: Rule XXVIII clause 2(b), requiring division of time for debate on an amendment reported from conference in disagreement, does not apply to a motion to dispose of a Senate amendment added after consideration of a conference report in disagreement in that body.

Recognition To Move Adoption of Part of Conference Report Denied

§ 17.15 A Member cannot be recognized to move the adop-

tion of a conference report only with respect to certain amendments included therein.

On Aug. 22, 1940,⁽¹⁴⁾ Mr. Andrew J. May, of Kentucky, called up a conference report on a Senate joint resolution. Mr. Walter G. Andrews, of New York, moved the adoption of the report "insofar as amendments numbered 1 to 14 are concerned." Speaker William B. Bankhead, of Alabama, ruled that Mr. Andrews could not be recognized for that motion, since conference reports must be acted upon as a whole.

Recognition for Motion To Recede and Concur With Amendment After Rejection of Nongermane Matter

§ 17.16 Pursuant to Rule XXVIII clause 4, where the House adopts a motion to reject a portion of a conference report containing a modification of a nongermane Senate amendment, the conference report is considered as rejected and the manager is recognized to offer a motion (considered to be the pending question) to recede and concur in the Senate amend-

ment with an amendment consisting of the remainder of the conference report.

The proceedings of Dec. 2, 1982, relating to rejection of matter found to be nongermane in the conference report on H.R. 2330 (the Nuclear Regulatory Commission authorization), are discussed in more detail in Ch. 28, §§ 26.34 and 26.35, supra. The following exchange⁽¹⁵⁾ occurred after adoption of the motion to reject a portion of the conference report:

THE SPEAKER PRO TEMPORE [William H. Natcher, of Kentucky]: Pursuant to clause 4, rule XXVIII, a motion to reject section 23 of the conference report having been adopted, the conference report is considered as rejected and the gentleman from Arizona (Mr. Udall) is recognized to offer an amendment consisting of the remainder of the conference report.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, pursuant to clause 4, rule XXVIII, and the action of the House, I move that the House recede from its disagreement and concur in the Senate amendment with an amendment which I send to the desk.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

Mr. Udall moves that the House recede and concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following.

14. 86 CONG. REC. 10763, 76th Cong. 3d Sess.

15. 128 CONG. REC. 28552, 97th Cong. 2d Sess.

Time for Debate Divided Three Ways

§ 17.17 In certain instances, under Rule XXVIII, where Members of the majority and minority who would otherwise divide the time for debate do not oppose a proposition, one who does oppose such proposition may be recognized to control one-third of the time.

Provisions of Rule XXVIII apply to debate on motions to instruct conferees, conference reports, and Senate amendments in disagreement. Application of these provisions is discussed in §§ 17.18–17.20, and in § 26, *infra*.

§ 17.18 Pursuant to clause 2(b) of Rule XXVIII, debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties, unless the minority Member favors the motion, in which event one-third of the time is allocated to a Member opposed.

The following exchange occurred in the House on Aug. 1, 1985,⁽¹⁶⁾ during consideration of the con-

16. 131 CONG. REC. 22638, 99th Cong. 1st Sess.

ference report on Senate Concurrent Resolution 32 (the First Concurrent Resolution on the Budget for fiscal year 1986):

THE SPEAKER:⁽¹⁷⁾ Under the rules, the gentleman from Pennsylvania (Mr. Gray) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. FRANK: Mr. Speaker, is the gentleman from Ohio (Mr. Latta) opposed to the bill?

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I am not opposed to the bill.

MR. FRANK: Mr. Speaker, I believe then that under rule XXVIII, a Member in opposition to the bill is entitled to 20 minutes.

THE SPEAKER: The gentleman is correct. Under the rule, the gentleman is entitled to one-third of the time.

The gentleman from Pennsylvania (Mr. Gray) will be recognized for 20 minutes, the gentleman from Ohio (Mr. Latta) will be recognized for 20 minutes, and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

§ 17.19 Pursuant to clause 2(a) of Rule XXVIII, where the floor managers for the majority and minority parties on a conference report are both

17. Thomas P. O'Neill, Jr. (Mass.).

supporters thereof, a Member opposed may be recognized for one-third of the debate time and it is within the discretion of the Chair as to which Member is recognized in opposition; such recognition does not depend upon party affiliation, and the time in opposition may be divided by unanimous consent or yielded by the Member recognized.

The following proceedings occurred in the House on Dec. 11, 1985,⁽¹⁸⁾ during consideration of the conference report on House Joint Resolution 372 (the public debt limit increase):

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to the order of the House of Tuesday, December 10, 1985, I call up the conference report on the joint resolution (H.J. Res. 372), increasing the statutory limit on the public debt.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ Pursuant to the order of the House of Tuesday, December 10, 1985, the conference report is considered as having been read. . . .

The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 30 minutes and the gentleman from Tennessee (Mr. Duncan) will be recognized for 30 minutes.

18. 131 CONG. REC. 36069, 99th Cong. 1st Sess.

19. Lawrence J. Smith (Fla.).

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. OBEY: Mr. Speaker, did I hear the Speaker say that the time would be divided between the gentleman from Illinois (Mr. Rostenkowski) and the gentleman from Tennessee (Mr. Duncan)?

THE SPEAKER PRO TEMPORE: The gentleman heard correctly.

MR. OBEY: Mr. Speaker, [is the gentleman] from Tennessee opposed to the legislation?

MR. [JOHN J.] DUNCAN [of Tennessee]: Mr. Speaker, I am not opposed to the legislation.

MR. OBEY: Mr. Speaker, that being the case, I ask under rule XXVIII, since the rules provide that those in opposition be entitled to 20 minutes, I would ask that I be assigned that 20-minute time block.

THE SPEAKER PRO TEMPORE: The Chair advises that the gentleman is correct, and the gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, the gentleman from Tennessee (Mr. Duncan) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Obey) will be recognized for 20 minutes.

MR. DUNCAN: I have a parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state his inquiry.

MR. DUNCAN: Mr. Speaker, did I understand there is to be additional time assigned to those who oppose the conference report? If I understand correctly, we have some people on our side.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin (Mr. Obey) is opposed, and he will control the 20 minutes time.

MR. DUNCAN: Mr. Speaker, Mr. Crane is also opposed. We would expect equal time, Mr. Speaker. Mr. Crane is on the committee, and he would expect equal time.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin is also on the conference committee.

MR. DUNCAN: No, Mr. Speaker, he is not on the Committee on Ways and Means. Mr. Crane is.

We would expect, and I am for the proposal, and he is in opposition.

THE SPEAKER PRO TEMPORE: Under the rule, 60 minutes is allotted: 20 minutes to the gentleman from Illinois, 20 minutes to the gentleman from Tennessee (Mr. Duncan), and 20 minutes to one Member opposed, in this case the gentleman from Wisconsin (Mr. Obey).

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CRANE: Mr. Speaker, I am on the committee; I rose, registered my objection, and I do not know whether that was heard in the din of the crowd here tonight, but I would at least ask the Speaker to permit a division of that time. I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair will advise that the gentleman from Wisconsin was on his feet and was recognized, in the Chair's discretion and was granted the 20 minutes of the 60.

MR. DUNCAN: Mr. Speaker, under the rules of the House, I think that the gentleman would be entitled to half of that; otherwise, I think everyone wants to be fair; that I would ask unanimous consent that he be granted that.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin (Mr. Obey) can yield whatever time that he may desire.

MR. DUNCAN: Would Mr. Obey yield half of that to our side?

THE SPEAKER PRO TEMPORE: The gentleman from Tennessee poses a question to the gentleman from Wisconsin.

The gentleman from Wisconsin has the 20 minutes; the gentleman from Tennessee wishes to know if he would grant half of that to the minority.

MR. OBEY: Mr. Speaker, I do not think the rule requires that those who are opposed grant the time to the opposition party. I will certainly make certain that people are recognized, but I would appreciate it if they could come to me and let me know that they want to speak.

MR. DUNCAN: Mr. Speaker, I ask unanimous consent that Mr. Crane have the same amount of time that the majority has and that he may control that time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Tennessee?

MR. OBEY: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

§ 17.20 Pursuant to clause 2(a) of Rule XXVIII, it is within

the discretion of the Speaker as to which Member is recognized to control 20 minutes of debate in opposition to a conference report (where the minority manager is not opposed), and such recognition does not depend on party affiliation.

On Dec. 16, 1985,⁽²⁰⁾ after the conference report on House Joint Resolution 456 (making further continuing appropriations for fiscal 1986) was called up in the House, the Speaker Pro Tempore allocated time for debate in support and in opposition, as indicated below:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE:⁽¹⁾ This conference report is being considered pursuant to the unanimous consent request granted earlier today, which the Clerk will read.

The Clerk read as follows:

Mr. Whitten asked unanimous consent that it shall be in order, any rule of the House to the contrary notwithstanding, at any time on

Monday, December 16, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on House Joint Resolution 456 subject to the availability of said conference report and motions to dispose of amendments in disagreement for at least 1 hour, that all points of order be waived against the conference report and amendments in disagreement and motions to dispose of said amendments, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi (Mr. Whitten) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. Conte) will be recognized for 30 minutes.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts (Mr. Conte) is for the bill. . . .

Mr. Speaker, since the gentleman from Massachusetts is for the bill, under the rule I ask for the 20 minutes to be allotted to a Member in opposition, when both the chairman and the ranking minority Member are in support of the bill.

THE SPEAKER PRO TEMPORE: The gentleman has that right.

The time will be divided in this fashion: The gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Conte) will be recognized for 20 minutes; and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

20. 131 CONG. REC. 36716, 36717, 99th Cong. 1st Sess.

1. Dale E. Kildee (Mich.).

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, the minority has just been effectively frozen out of controlling any of the time, when I was seeking recognition to take the 20 minutes. The Chair has denied, then, the minority the opportunity to control our portion of the time.

Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should have been entitled to the 20 minutes.

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts (Mr. Frank) may yield time as he wishes. . . .

The gentleman from Massachusetts (Mr. Conte), the minority side, will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Frank), who is opposed, will be recognized for 20 minutes; and the gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes.

The procedure under which we are proceeding was agreed upon earlier today, and the Chair will be guided by the will of the House, which was stated earlier today.

Division of Time Under Former Practice

§ 17.21 Under the former practice, the offeror of a motion to instruct conferees controlled one hour of debate and could yield half of that time to an opponent.

During consideration of House Joint Resolution 372 (public debt limit increase) in the House on Oct. 11, 1985,⁽²⁾ a motion was made by Robert H. Michel, of Illinois, as follows:

MR. MICHEL: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Michel moves that the managers on the part of the House at the conference on the disagreeing votes on the two Houses on the joint resolution, H.J. Res. 372, be instructed to promptly report amendments to the Budget Control and Impoundment Act which provide mechanisms for deficit reductions, including specific and mandatory budget goals for achieving a balanced budget within the next 6 years.

THE SPEAKER:⁽³⁾ The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I would not expect to use the complete hour.

THE SPEAKER: Will the gentleman yield a half hour to the Democratic side?

MR. MICHEL: Mr. Speaker, I would like to yield 15 minutes for the moment and 15 minutes for our side and let us see where we go.

THE SPEAKER: Does the gentleman want to ask unanimous consent that the debate be 30 minutes instead of 1 hour?

MR. MICHEL: Mr. Speaker, I do not want to do anything that is going to upset some Members here, but if we can put a little bit of restraint—

2. 131 CONG. REC. 27366, 27367, 99th Cong. 1st Sess.

3. Thomas P. O'Neill, Jr. (Mass.).

THE SPEAKER: Does the gentleman intend to yield equal time to the opponents of the motion, if there is opposition?

MR. MICHEL: Mr. Speaker, I would certainly intend that the time be equally divided.

THE SPEAKER: The gentleman from Illinois (Mr. Michel) is recognized for 30 minutes and the gentleman from Illinois (Mr. Rostenkowski) is recognized for 30 minutes.

Parliamentarian's Note: Rule XXVIII, clause 1(b)⁽⁴⁾ now provides that the time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one third of such debate time shall be allotted to a Member who is opposed to said motion.

§ 17.22 Under the former practice, a motion to instruct conferees was debatable for one hour within the control of the proponent of the motion, and another Member could not obtain recognition from the Chair to speak in opposition, unless yielded time by the proponent (or unless the previous question was rejected).

4. *House Rules and Manual* §909a (1995).

Parliamentarian's Note: Under a rule adopted in the 101st Congress, time for debate on a motion to instruct conferees is divided. (H. Res. 5, Jan. 3, 1989).

During consideration of H.R. 12930 (the Treasury, Postal Service, general government appropriation bill) in the House on Sept. 7, 1978,⁽⁵⁾ the following exchange occurred:

MR. [TOM] STEED [of Oklahoma]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12930) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1979, and for other purposes, with Senate amendments therefor, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

THE SPEAKER:⁽⁶⁾ Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Brown of Ohio moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 12930, the "Treasury, Postal Service, and General Government Appropriations, 1979," be instructed

5. 124 CONG. REC. 28362, 28363, 95th Cong. 2d Sess.

6. Thomas P. O'Neill, Jr. (Mass.).

to agree to the amendment of the Senate numbered 7.

THE SPEAKER: Under the rules, the gentleman from Ohio (Mr. Brown) is recognized for one hour.

For what purpose does the gentleman from Ohio (Mr. Vanik) rise?

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Speaker, I desire to be heard in opposition to the motion.

THE SPEAKER: The Chair will state that the time is under the control of the gentleman from Ohio (Mr. Brown).

The gentleman from Ohio (Mr. Brown) is recognized for one hour. . . .

MR. BROWN of Ohio: Mr. Speaker, I yield to the gentleman from Ohio (Mr. Vanik), for the purpose of debate only.

Senate Amendments—Actively Seeking Recognition

§ 17.23 A Member desiring to offer a motion in the House to dispose of a Senate amendment must actively seek recognition from the Chair before another motion to dispose of the amendment has been adopted, and the fact that he may have been standing at that time is not sufficient to confer recognition.

During consideration of House Joint Resolution 357 (further continuing appropriations) in the House on Nov. 22, 1981,⁽⁷⁾ the following proceedings occurred:

7. 127 CONG. REC. 28751, 97th Cong. 1st Sess.

THE SPEAKER:⁽⁸⁾ The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37

MR. [VIC] FAZIO [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House insist on its disagreement to the amendment of the Senate numbered 37.

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Fazio). All those in favor say "aye," opposed "no."

The ayes have it. The motion is agreed to.

The Clerk will report the next amendment in disagreement.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I have a motion at the desk. I have a motion. I was standing, Mr. Speaker.

THE SPEAKER: To what amendment does the gentleman have a motion?

MR. CONTE: Senate amendment No. 37.

THE SPEAKER: The Chair will state that the House has already disposed of that amendment.

MR. CONTE: I was standing here seeking recognition, Mr. Speaker.

Mr. Speaker, what was the decision?

THE SPEAKER: The gentleman may have been standing, but he was not seeking recognition, in the opinion of the Chair.

MR. CONTE: What was the outcome of that, Mr. Speaker?

THE SPEAKER: Senate amendment No. 37 was disagreed to.

8. Thomas P. O'Neill, Jr. (Mass.).

MR. CONTE: And I was standing with a motion, Mr. Speaker.

THE SPEAKER: The Chair recognized that there were three or four others standing, and the gentleman was in a conversation with one of his colleagues, and was not asking for recognition.

—*Full Committee Chairmen*

§ 17.24 Where the Member calling up a conference report in disagreement does not seek recognition to offer a motion to dispose of the matter in disagreement, the majority Member recognized to offer a motion controls one-half the time thereon, and the minority the other half, pursuant to Rule XXVIII clause 2; thus, in the present instance, where the chairman of the subcommittee of the Committee on Appropriations calling up a conference report in disagreement on a Senate amendment to a House amendment to a Senate amendment to a House bill did not seek recognition to offer a motion, the Chair recognized the chairman of the Committee on Appropriations to offer the preferential motion to concur in the Senate amendment and divided the time between the majority and minority.

On Nov. 3, 1977,⁽⁹⁾ the proceedings relating to the consideration of H.R. 7555 (the Departments of Labor and Health, Education, and Welfare appropriations) in the House were as follows:

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, pursuant to the resolution just agreed to, I call up the conference report on the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82 to the bill (H.R. 7555) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term

MR. [GEORGE H.] MAHON [of Texas] [Chairman of the Committee on Appropriations]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Mahon moves that the House concur in the amendment of the Sen-

9. 123 CONG. REC. 36959, 36966, 95th Cong. 1st Sess.

10. K. Gunn McKay (Utah).

ate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Michel) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Mahon).

—*Manager of Conference Report Recognized*

§ 17.25 Where a conference report in disagreement, which has been available for three days as required by clause 2 of Rule XXVIII, is called up, the conference report and the Senate amendment in disagreement are considered as having been read, and the Chair recognizes the manager of the conference report to offer a motion to dispose of the Senate amendment; the motion is debatable for one hour, equally divided between the majority and minority parties.

On May 29, 1980,⁽¹¹⁾ during consideration of the conference report on a House concurrent resolution, the following proceedings took place in the House:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the

11. 126 CONG. REC. 12678, 12680, 12684, 96th Cong. 2d Sess.

conference report on the concurrent resolution (H. Con. Res. 307) setting forth the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983 and revising the congressional budget for the U.S. Government for the fiscal year 1980, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

THE SPEAKER:⁽¹²⁾ The Clerk will read the conference report.

The Clerk read the conference report. . . .

THE SPEAKER: Pursuant to the rule, the Senate amendment is considered as having been read.

The Senate amendment reads as follows:

Strike out all after the resolving clause, and insert:

“That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that: . . .

MR. GIAIMO: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

THE SPEAKER: The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

MR. GIAIMO: Mr. Speaker, I ask unanimous consent for 2 hours of debate on my motion.

12. Thomas P. O'Neill, Jr. (Mass.).

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

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

—Manager of Conference Report May Defer to Another To Offer Motion To Dispose of Amendment

§ 17.26 The manager of a conference report and amendments reported from conference in disagreement may defer to another member of the committee to offer the initial motion to dispose of an amendment reported in disagreement.

On May 24, 1984,⁽¹³⁾ during consideration of the conference report on House Joint Resolution 492 (urgent supplemental appropriations for the Department of Agriculture) in the House, the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ The question is on the motion offered by

13. 130 CONG. REC. 14254, 98th Cong. 2d Sess.

14. George E. Brown, Jr. (Calif.).

the gentleman from Mississippi (Mr. Whitten).

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will designate amendment No. 14.

The amendment reads as follows:

Senate amendment No. 14: Page 2, after line 17, insert:

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency . . . not to exceed \$21,000,000. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

MR. WHITTEN: Mr. Speaker, on this amendment I yield to the gentleman from Massachusetts (Mr. Boland).

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

No funds are appropriated herein for the Central Intelligence Agency in fiscal year 1984 for the purpose . . . of supporting, directly or indirectly, military or paramilitary operations in Nicaragua. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I yield our time to my good friend from Virginia (Mr. Robinson).

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) will be recognized for 30 min-

utes and the gentleman from Virginia (Mr. Robinson) will be recognized for 30 minutes.

Parliamentarian's Note: Mr. Whitten technically could not "yield" to Mr. Boland in this instance, since he did not have the floor between motions, but simply defer and not seek recognition.

—When Preferential Motion To Dispose of Senate Amendment May Be Offered

§ 17.27 Where a Member offering a motion to dispose of a Senate amendment in disagreement controls one-half hour of debate, a preferential motion to dispose of the Senate amendment may not be offered while he has the floor unless yielded for that purpose, but may be offered pending recognition of a Member from the other political party to control one-half the time on the initial motion; moreover, the previous question may not be moved by the Member first recognized so as to prevent the Member from the other party from controlling half the debate and from offering a proper preferential motion to dispose of the Senate amendment.

On July 2, 1980,⁽¹⁵⁾ during consideration of the supplemental appropriations and rescission bill for fiscal year 1980 (H.R. 7542) in the House, the following proceedings occurred:

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ The question is on the motion offered by the gentleman from Maryland (Mr. Long), to concur with the Senate amendment numbered 95.

The motion was rejected.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Bauman moves to recede and concur in the amendment of the Senate (No. 95) with an amendment as follows: . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I have a preferential motion.

MR. BAUMAN: Mr. Speaker, I have been recognized, I believe. . . .

MR. LONG of Maryland: Mr. Speaker, I was on my feet for a preferential motion.

THE SPEAKER PRO TEMPORE: On this motion the gentleman from Maryland (Mr. Bauman) has the time. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: . . . I offer a preferential motion that is at the desk. . . .

MR. BAUMAN: Well, I did not yield for that purpose, Mr. Speaker. I control the time, do I not?

15. 126 CONG. REC. 18357, 18359-61, 96th Cong. 2d Sess.

16. Paul Simon (Ill.).

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Bauman) has 30 minutes, the majority side has 30 minutes. . . .

MR. BAUMAN: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Massachusetts (Mr. O'Neill) seek recognition?

MR. O'NEILL: Mr. Speaker, I offer a preferential motion.

MR. BAUMAN: Mr. Speaker, a point of order. I moved the previous question on the pending motion.

THE SPEAKER PRO TEMPORE: The motion for the previous question does not rule out a preferential motion, if moved while time is remaining to the opposite party. The previous question is not yet in order.

Recognition for Unanimous-consent Request To Dispose of Senate Amendment

§ 17.28 In response to a parliamentary inquiry, the Chair announced guidelines for recognition for unanimous-consent requests to dispose of Senate amendments to House-passed bills on the Speaker's table, indicating that the Chair will entertain a unanimous-consent request for the disposition of a Senate amendment to a House-passed bill on the Speaker's table, only if made by the chairman of the committee with jurisdiction, or by an

other member of the committee where the Chair has been advised by the chairman of the committee that such member has been authorized formally or informally by the committee to make the request.

The following exchange occurred in the House on Apr. 26, 1984:⁽¹⁷⁾

MR. [DANIEL E.] LUNGREN [of California]: . . . Mr. Speaker, since we have moved with such dispatch on the question dealing with the labor unions' concern, I would like to direct to the Chair a parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The gentleman will state it.

MR. LUNGREN: Mr. Speaker, it deals with a piece of legislation that has come out of the same committee and is a variation of H.R. 3635, the Child Protection Act of 1983, which we passed 400 to 1 on November 11, 1983.

There was an agreement worked out between the Members of the House and the Senate for a compromise. That went to the Senate. They passed our version, with an amendment in the nature of a substitute and it is my information that H.R. 3635 was sent to the Speaker's desk from the Senate on April 2 or 3 of this year.

My parliamentary inquiry, Mr. Speaker, is: Is H.R. 3635 presently at the Speaker's desk?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

17. 130 CONG. REC. 10193, 10194, 98th Cong. 2d Sess.

18. Thomas S. Foley (Wash.).

MR. LUNGREN: Mr. Speaker, does that mean that the Senate amendment, H.R. 3635, has not yet been referred to a committee?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LUNGREN: And can the Chair inform me at this time and inform the House as to what procedure might be available to us at this time to allow for immediate consideration of that Senate amendment?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the Chair would only recognize for a request by the chairman or another member if authorized by the committee.

MR. LUNGREN: Authorization of the committee, that means authorization of the Democratic leadership?

THE SPEAKER PRO TEMPORE: Authorization of the committee.

MR. LUNGREN: Does the Chair mean that it takes an official vote of the committee or an agreement by the chairman of the committee itself?

THE SPEAKER PRO TEMPORE: The Speaker would look to the chairman of the committee.

§ 17.29 The Speaker, in response to a parliamentary inquiry, indicated that only the chairman of the committee having jurisdiction of the subject matter of a bill would be recognized to ask unanimous consent to take it from the Speaker's table, disagree to a Senate amendment, and ask for a conference.

On Sept. 1, 1960,⁽¹⁹⁾ Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry on the disposition of a House bill with a Senate amendment which had been returned to the House and was on the Speaker's table. Mr. Halleck inquired whether it would be in order to submit a unanimous-consent request to take the bill from the table, disagree to the Senate amendment, and send the bill to conference. Speaker Sam Rayburn, of Texas, responded that such a request could only be made by Chairman Harold D. Cooley, of North Carolina, of the committee with jurisdiction over the bill, the Committee on Agriculture.

—Unanimous-consent Request To Call House Bill With Senate Amendments From Speaker's Table

§ 17.30 House bills with Senate amendments may be called from the Speaker's table by unanimous consent for disposition of the Senate amendments or for a request to go to conference, and the Speaker recognizes the Member in charge of the bill for that purpose.

¹⁹ 106 CONG. REC. 18920, 86th Cong. 2d Sess.

On July 11, 1932,⁽²⁰⁾ Speaker John N. Garner, of Texas, made the following statement:

The Chair asks the attention of the House for a moment. Where a House bill has been passed, has gone to the Senate, and the Senate has amended it, the Chair thinks it is the duty of the Chair to recognize the Member in charge of the bill to ask unanimous consent for its present consideration either to go to conference or concur in the Senate amendment. If any of the gentlemen have bills under such circumstances, the Chair will recognize them for the purpose of asking unanimous consent for the consideration of the Senate amendment at this time.⁽²¹⁾

Parliamentarian's Note: A privileged motion to disagree with Senate amendments or insist on House amendments, and request or agree to a conference, is in order (at the Speaker's discretion) if authorized by the reporting committee, under clause 1 of Rule XX, and may be offered by the chairman of the committee or another member designated by the committee. Otherwise, Senate amendments requiring consider-

20. 75 CONG. REC. 15034, 72d Cong. 1st Sess.

21. The disposition of House bills with Senate amendments on the Speaker's table is governed by Rule XXIV clause 2, *House Rules and Manual* §882 (1995) and Rule XX clause 1, *House Rules and Manual* §827 (1995). Generally, see Chs. 32, 33, *infra*.

ation in Committee of the Whole are not subject to disposition by privileged motion under clause 1, Rule XX before the stage of disagreement has been reached.

§ 17.31 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments, where such a request was made without the authorization of the chairman of the committee with jurisdiction and where Members had been informed there would be no further legislative business for the day.

On July 31, 1969,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, refused to recognize Mr. Hale Boggs, of Louisiana, for a unanimous-consent request:

MR. BOGGS: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments . . . and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

1. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

—Committee Chairman Moves To Suspend Rules

§ 17.32 The Speaker recognizes the chairman of the committee with jurisdiction of a bill to move to suspend the rules and agree to a resolution taking the bill with Senate amendments from the Speaker's table, disagreeing to Senate amendments, and requesting a conference.

On Oct. 1, 1962,⁽²⁾ Speaker John W. McCormack, of Massachusetts, recognized Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, to suspend the rules and agree to House Resolution 818:

Resolved, That immediately upon the adoption of this resolution the bill H.R. 7927, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, disagreed to and a conference is requested with the Senate upon the disagreeing votes of the two Houses thereon.

Parliamentarian's Note: H.R. 7927, the Postal Rate and Postal

2. 108 CONG. REC. 21528, 87th Cong. 2d Sess.

Pay Act of 1962, was within the jurisdiction of the Committee on Post Office and Civil Service.

§ 17.33 The Speaker recognizes the chairman of the committee with jurisdiction over the subject matter of a bill to move to suspend the rules and agree to a resolution taking the bill with Senate amendments from the Speaker's table and agreeing to the Senate amendments.

On Aug. 27, 1962,⁽³⁾ Speaker John W. McCormack, of Massachusetts, recognized Oren Harris, of Arkansas, Chairman of the Committee on Interstate and Foreign Commerce, to move to suspend the rules and agree to House Resolution 269:

Resolved, That immediately upon the adoption of this resolution the bill H.R. 11040, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

Parliamentarian's Note: H.R. 11040, the Communications Satellite Act of 1962, was within the jurisdiction of the Committee on Interstate and Foreign Commerce.

3. 108 CONG. REC. 17671, 87th Cong. 2d Sess.

Debate on Nongermane Senate Amendments

§ 17.34 Where a Member opposed to a section of a conference report demanded a separate vote on that section pursuant to a special order permitting such procedure and pursuant to Rule XX, clause 1, that Member and the Member calling up the conference report were each recognized for 20 minutes of debate as required by Rule XX clause 1.

On Nov. 10, 1971,⁽⁴⁾ Mr. F. Edward Hébert, of Louisiana, called up a conference report on H.R. 8687, military procurement authorization. Speaker Carl Albert, of Oklahoma, stated that the special order under which the report was being considered, House Resolution 696, provided that a separate vote could be demanded on certain sections of the conference report (containing nongermane portions of the Senate amendment). Mr. Donald M. Fraser, of Minnesota, demanded a separate vote on section 503 of the report pursuant to the special order and pursuant to Rule XX clause 1 of the House rules.

The Speaker then stated the order of recognition pending the separate vote:

4. 117 CONG. REC. 40483, 92d Cong. 1st Sess.

Under clause 1 of Rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.

Pursuant to that rule, the gentleman from Louisiana [Mr. Hébert] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. Fraser] will be recognized for 20 minutes.

Debate on Motion To Dispose of Amendment in Disagreement

§ 17.35 Debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b),⁽⁵⁾ and where the manager of the conference report making the motion does not immediately seek recognition for debate, the Chair nevertheless allocates 30 minutes to him and may recognize a minority Member at that time for 30 minutes.

The House having under consideration the bill H.R. 7797 (relating to foreign assistance appropriations for fiscal year 1978) on

5. The rule now makes provision for a three-way division of debate where the majority and minority floor managers support the motion. See § 17.17, *supra*.

Oct. 18, 1977,⁽⁶⁾ the following proceedings occurred:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

“Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than \$18,100,000 shall be used for military assistance, not more than \$1,850,000 shall be used for foreign military credit sales, and not more than \$700,000 shall be used for international military education and training to the Government of the Philippines.” . . .

THE SPEAKER PRO TEMPORE:⁽⁷⁾ . . . Does the gentleman from Maryland (Mr. Long) seek recognition?

MR. LONG of Maryland: Mr. Speaker, I do not, at this time.

THE SPEAKER PRO TEMPORE: Does the gentleman from Florida (Mr. Young) desire to be recognized.

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Long) and the gentleman from Florida (Mr. Young) will be recognized for 30 minutes each.

§ 17.36 Where conferees report in disagreement, their report

6. 123 CONG. REC. 34112, 95th Cong. 1st Sess.
7. William H. Natcher (Ky.).

is read but not acted on when called up; the Speaker directs the Clerk to report the (Senate) amendment in disagreement and recognizes the manager of the report for a motion to dispose of said amendment; and said motion is debatable for one hour, equally divided between the majority and minority pursuant to clause 2(b) of Rule XXVIII.

On Sept. 15, 1977,⁽⁸⁾ the procedure for consideration of a conference report in total disagreement was demonstrated as follows:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of September 15, 1977, I call up the conference report on the concurrent resolution (H. Con. Res. 341) revising the congressional budget for the U.S. Government for the fiscal year 1978, and ask for its immediate consideration.

THE SPEAKER:⁽⁹⁾ The Clerk will read the conference report. . . .

The Clerk will report the Senate amendment [in disagreement]. . . .

MR. GIAIMO: Mr. Speaker, I offer a motion.

8. 123 CONG. REC. 29424, 29425, 95th Cong. 1st Sess. Rule XXVIII, cl. 2(b) now provides for a three-way division of debate where the majority and minority floor managers support the motion. See § 17.17, supra.
9. Thomas P. O'Neill, Jr. (Mass.).

The Clerk read as follows:

Mr. Giaimo moves to recede from disagreement to the Senate amendment and to concur therein with an amendment as follows:

In lieu of the matter proposed by the Senate, insert the following: . . .

THE SPEAKER: The gentleman from Connecticut (Mr. Giaimo) and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

During consideration of the first concurrent resolution on the budget for fiscal year 1980 (H. Con. Res. 107) in the House on May 23, 1979,⁽¹⁰⁾ the following proceedings occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979. . . .

THE SPEAKER PRO TEMPORE:⁽¹¹⁾ The Clerk will read the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares [that]

(a) In order to achieve a balanced budget in fiscal year 1981, the fol-

lowing budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981— . . .

MR. GIAIMO: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes [and] the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

Former Practice as to Debate on Amendments in Disagreement

§ 17.37 Prior to the amendment to Rule XXVIII, clause 2(b) in the 92d Congress (providing that debate on an amendment in disagreement be divided between the majority and minority parties), debate on an amendment reported from conference in disagreement was under the hour rule and the Member calling up the conference report was in control of the debate thereon.

10. 125 CONG. REC. 12469, 12471, 12472, 96th Cong. 1st Sess.

11. John Brademas (Ind.).

On Aug. 1, 1962,⁽¹²⁾ Mr. John E. Fogarty, of Rhode Island, called up a conference report together with certain Senate amendments in disagreement. During consideration of the amendments, Speaker Pro Tempore Carl Albert, of Oklahoma, answered a parliamentary inquiry put to him by Mr. H. R. Gross, of Iowa:

MR. GROSS: Is the gentleman from Rhode Island [Mr. Fogarty] going to explain any of these amendments?

THE SPEAKER PRO TEMPORE: That is within the discretion of the gentleman.

MR. GROSS: A further parliamentary inquiry. Does not the gentleman have an hour on each of these amendments?

THE SPEAKER PRO TEMPORE: The gentleman has if he desires to use it.⁽¹³⁾

Parliamentarian's Note: House Resolution 1153, which was adopted on Oct. 13, 1972, 92d Cong. 2d Sess., to become effective at the end of the 92d Congress, amended Rule XXVIII by requiring that debate on amendments reported from conference in disagreement be equally divided and controlled by the majority and minority par-

12. 108 CONG. REC. 15294, 87th Cong. 2d Sess.

13. See also 108 CONG. REC. 23432-43, 87th Cong. 2d Sess., Oct. 12, 1962.

For consideration of amendments in disagreement, see Rule XXVIII, cl. 2(b)(1), *House Rules and Manual* §912(b) (1995), and Chs. 32, 33, *infra*.

ties. Thus the hour of debate on a motion offered to dispose of an amendment in disagreement is equally controlled by the Member calling up the report and a Member of the minority, typically the senior conferee of that party. Language in Rule XXVIII, clause 2(b)(1) now provides further that if the managers for the majority and minority both support a motion to dispose of an amendment one-third of the debate time shall be allotted to a Member opposed to the motion.

Recognition for Motions To Dispose of Amendments in Disagreement

§ 17.38 As each amendment in disagreement is reported, the Chair recognizes the Member handling the conference report to offer a motion relating to that amendment; and even though another Member offers a preferential motion relating to that amendment, the Member handling the report remains in control of the debate under the hour rule (subject to the division of time required by clause 2(b) of Rule XXVIII).

On Oct. 24, 1967,⁽¹⁴⁾ Mr. Joseph L. Evins, of Tennessee, was han-

14. 113 CONG. REC. 29837, 29838, 29842, 90th Cong. 1st Sess.

dling a conference report being considered by the House on H.R. 9960, an appropriation for fiscal year 1968. As each amendment in disagreement was reported, Speaker John W. McCormack, of Massachusetts, recognized Mr. Evins to make a motion in regard to that amendment. On amendments 58 and 59 (considered en bloc by unanimous consent), Mr. Evins moved that the House insist on its disagreement. Mr. Robert N. Giaimo, of Connecticut, then made the preferential motion that the House recede and concur in those amendments. The Speaker recognized Mr. Evins as the Member in control of the report to control one hour of debate on both motions, and the preferential motion was rejected.

§ 17.39 Where a Senate amendment reported from conference in disagreement remains in disagreement following subsequent action by the House and Senate, a further motion to dispose of the Senate amendment in the House is privileged and subject to one hour of debate, equally divided, under Rule XXVIII, clause 2(b), between majority and minority parties (subject to the division of time required by Rule XXVIII, clause 2(b) when the

majority and minority floor managers support the motion).

On Feb. 22, 1978,⁽¹⁵⁾ during consideration of H.R. 9375 (supplemental appropriations for 1978) in the House, the following proceedings occurred:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 9375) making supplemental appropriations for the fiscal year ending September 30, 1978, and for other purposes, with the remaining amendment in disagreement thereto, and that the House recede from its disagreement to Senate amendment numbered 43 and concur therein.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment No. 43: Page 14, after line 4, insert:

Appropriations provided under this heading in the Department of Defense Appropriation Act, 1977, are rescinded in the amount of \$462,000,000.

THE SPEAKER:⁽¹⁶⁾ The gentleman from Texas (Mr. Mahon) is recognized for 30 minutes, and the gentleman from Michigan (Mr. Cederberg) is recognized for 30 minutes.

Proponent of Motion To Recede and Concur Did Not Seek Recognition

§ 17.40 Where the proponent of a motion to recede and con-

15. 124 CONG. REC. 4061, 95th Cong. 2d Sess.

16. Thomas P. O'Neill, Jr. (Mass.).

cur in a Senate amendment failed to seek recognition to debate the motion, the Chair recognized the Member handling the conference report (who did not then have a motion pending).

On May 14, 1963,⁽¹⁷⁾ the House was considering a conference report and Senate amendments in disagreement, called up and managed by Mr. Albert Thomas, of Texas. Mr. Robert R. Barry, of New York, offered a preferential motion that the House recede and concur in a certain amendment in disagreement (after a motion to recede and concur with an amendment offered by Mr. Thomas was ruled out on a point of order). A division of the question was demanded and Speaker John W. McCormack, of Massachusetts, stated that the question was on receding from disagreement.

Mr. Thomas then raised a parliamentary inquiry:

Mr. Speaker, is it in order for the chairman of the House conferees to make a short statement at this time on it?

The Speaker answered that the motion was debatable, and since Mr. Barry did not seek recognition, the Speaker recognized Mr. Thomas on the motion. In answer

to a parliamentary inquiry by Mr. Barry, the proponent of the motion, the Speaker stated that Mr. Thomas had control of time on the motion since he had been recognized.

Parliamentarian's Note: Where the manager of a conference report with amendments in disagreement has offered a proper motion on an amendment in disagreement, he controls the time even where a preferential motion is offered (see §17.38, *supra*).

Motion To Dispose of Amendment Was Preferential in Form Only—Chair Recognized for Subsequent Preferential Motion

§ 17.41 Where a motion, already offered and under debate, to dispose of a Senate amendment appeared to be in form a preferential motion, but was in fact a motion merely re-inserting House text stricken by the Senate amendment (and therefore in effect a motion to insist on disagreement), the Chair could consider the substance of the motion and was not prohibited from recognizing for a subsequent proper preferential motion and putting the question first thereon, a point of order against the

17. 109 CONG. REC. 8506, 88th Cong. 1st Sess.

initial motion having been reserved.

The following proceedings occurred in the House on July 2, 1980,⁽¹⁸⁾ during consideration of H.R. 7542 (supplemental appropriations and rescission bill for fiscal year 1980):

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Bauman moves to recede and concur in the amendment of the Senate (No. 95) with an amendment as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

CHAPTER VI

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount to carry out the provisions of Section 491 of the Foreign Assistance Act of 1961, as amended, \$43,000,000 to remain available until expended. . . .

MR. [ALLEN E.] ERTEL [of Pennsylvania] (during the reading): Mr. Speaker, I reserve a point of order.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The gentleman from Pennsylvania reserves a point of order. . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I have a preferential motion. . . .

18. 126 CONG. REC. 18357, 18359, 18360, 96th Cong. 2d Sess.

19. Paul Simon (Ill.).

MR. BAUMAN: Mr. Speaker, I have the floor and I do not yield. . . .

THE SPEAKER PRO TEMPORE: On this motion the gentleman from Maryland [Mr. Bauman] has the time. . . .

MR. BAUMAN: My parliamentary inquiry is that the Chair stated a moment ago that the time on a preferential motion to concur with an amendment is divided between the majority and the minority. Is it not controlled by the maker of the motion? . . .

THE SPEAKER PRO TEMPORE: The practice of the House is clearly on a motion of this type after an initial motion has been rejected on an amendment reported from conference in disagreement that the time is divided between the majority and the minority parties.

MR. BAUMAN: The second question I have is, has not the gentleman from Maryland made a preferential motion which is now pending?

THE SPEAKER PRO TEMPORE: The gentleman from Maryland [Mr. Bauman] made a motion which was in form a preferential motion. Upon examination by the Chair, it is in fact a motion to insist upon the original House position rather than a motion to amend the Senate amendment. . . .

MR. BAUMAN: Well, is not the gentleman from Maryland's motion a preferential motion under the rule?

THE SPEAKER PRO TEMPORE: In form it is but upon examination it is in fact a motion to insist upon the House position.

MR. BAUMAN: Well, does not the Chair have to be subjected to a point of order at an appropriate time in order to make that ruling? Does the Chair on

its own inquire behind the form of motion? . . .

Well, but the Chair made a statement a few moments ago, unsolicited by anyone that my motion was not a preferential motion. This gentleman would like to ask upon what authority the Chair is able to rule a preferential motion offered in proper form is non-preferential when no one has raised the issue.

THE SPEAKER PRO TEMPORE: The Chair has not ruled out the motion of the gentleman from Maryland. It is still pending. The parliamentary inquiry was whether it was a preferential motion. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I offer a preferential motion. . . .

THE SPEAKER PRO TEMPORE: . . . The Clerk will read the preferential motion.

The Clerk read as follows: Mr. O'Neill moves that the House concur in the amendment of Senate numbered 95 with an amendment as follows:

In lieu of the matter deleted and inserted by said amendment, insert the following: . . .

MR. BAUMAN: Mr. Speaker, I make a point of order that this motion is not a preferential motion. It is, in fact, an amendment to the pending motion of the gentleman from Maryland, which sought to concur in the Senate amendment with an amendment. . . .

THE SPEAKER PRO TEMPORE: The Chair is trying to be fair to all Members, but the fact remains that the motion to concur with an amendment takes precedence over a motion to insist on the House petition, and the point is not well taken.

MR. BAUMAN: A point of order, Mr. Speaker.

The gentleman from Maryland has offered a motion to concur in the amendment of the Senate with an amendment, and now another motion to concur in the amendment of the Senate with an amendment is being offered. That additional motion is not in order at this point.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland has offered an amendment which in form was a motion to concur with an amendment. In fact, it is a motion to insist on the original House language.

Proponent of Preferential Motion Does Not Control Debate

§ 17.42 Where amendments have been reported from conference in disagreement, the motion to recede and concur with an amendment has preference over a motion to insist on disagreement, but the proponent of the preferential motion does not thereby gain control of the time for debate.

On May 14, 1975,⁽²⁰⁾ during consideration of the conference report on H.R. 4881⁽²¹⁾ in the House, the following proceedings occurred:

THE SPEAKER:⁽²²⁾ The Clerk will report the next amendment in disagreement.

20. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.
21. The emergency employment appropriations for fiscal year 1975.
22. Carl Albert (Okla.).

The Clerk read as follows:

Senate amendment No. 61: Page 41, line 9, insert:

“FEDERAL RAILROAD ADMINISTRATION
“RAIL TRANSPORTATION IMPROVEMENT
AND EMPLOYMENT

“For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, \$700,000,000. . . .”

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.
The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 61.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the House recede from its disagreement to Senate amendment number 61 and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

“CHAPTER VIII

“DEPARTMENT OF TRANSPORTATION

“FEDERAL RAILROAD ADMINISTRATION

“For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, \$200,000,000. . . .”

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, how is the time divided?

THE SPEAKER: The time is divided equally between the gentleman from Texas (Mr. Mahon), who has 30 minutes, and the gentleman from Illinois (Mr. Michel) who has 30 minutes or such small fraction thereof as he may decide to use.

§ 17.43 The stage of disagreement having been reached on a Senate amendment to a House amendment to a Senate amendment to a House bill, the motion to concur in the Senate amendment takes precedence over a motion to disagree and request a conference, but the Member offering the preferential motion does not thereby obtain control of the time which is controlled by the manager of the bill and is equally divided between the majority and minority.

On Oct. 13, 1977,⁽¹⁾ the House had under consideration H.R. 7555 (Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1978) when the following proceedings occurred:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take

1. 123 CONG. REC. 33688, 33689, 33693, 95th Cong. 1st Sess.

from the Speaker's table the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

THE SPEAKER:⁽²⁾ The Clerk will report the motion.

The Clerk read as follows:

MOTION OFFERED BY MR. FLOOD

Mr. Flood moves to take from the Speaker's table the bill H.R. 7555, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

MR. [NEWTON I.] STEERS [Jr., of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Steers of Maryland moves that the House concur in the Senate Amendment to the House Amendment to the Senate Amendment No. 82.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) is in control of the time, and the gentleman is recognized for 30 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: Mr. Speaker, since the gentleman from Maryland (Mr. Steers) made the motion which is being considered by the House, does the gentleman from Maryland not have control of the time?

THE SPEAKER: In response to the parliamentary inquiry, the preferential motion made by the gentleman from Maryland (Mr. Steers) does not take the time from the gentleman from Pennsylvania, the chairman of the committee, who previously had the time under his original motion. The motion was in order. The vote will come first on the preferential motion.

The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

§ 17.44 The offering of a preferential motion cannot deprive the Member making an original motion (to dispose of a Senate amendment) of control of the floor for debate, and the Chair will recognize the Member controlling the floor when a preferential motion is offered.

During consideration of the foreign assistance appropriation bill (H.R. 7797) in the House on Oct. 18, 1977,⁽³⁾ the following motions were offered:

3. 123 CONG. REC. 34112, 95th Cong. 1st Sess.

2. Thomas P. O'Neill, Jr. (Mass.).

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than \$18,100,000 shall be used for military assistance, not more than \$1,850,000 shall be used for foreign military credit sales, and not more than \$700,000 shall be used for international military education and training to the Government of the Philippines." . . .

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Young of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The Chair recognizes the gentleman from Maryland (Mr. Long).

Parliamentarian's Note: Although during the above proceedings Mr. Young moved the previous question on his preferential motion, ordinarily the maker of a preferential motion should not be permitted to move the previous question thereon, since he does not gain the floor for any purpose other than to offer the motion. The manager of the

bill should be the one recognized to move the previous question on the motion.

Although, as in the above instance, the minority Member controlling half the time on a motion on an amendment in disagreement may make a preferential motion during his time for debate, the more usual practice is that the preferential motion be made either before or after the hour of debate on the initial motion.

§ 17.45 A motion to concur in a Senate amendment (the stage of disagreement having been reached) takes precedence over a motion to disagree, but the proponent of the preferential motion does not gain control of the time for debate, which remains in the control of the Member calling up the bill and offering the initial motion.

On Oct. 14, 1978,⁽⁵⁾ the following proceedings occurred in the House during consideration of H.R. 12929 (Departments of Labor and Health, Education, and Welfare appropriations):

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I again move to take from the Speaker's desk the bill (H.R. 12929) making appropriations for

4. William H. Natcher (Ky.).

5. 124 CONG. REC. 38230, 38231, 38236, 95th Cong. 2d Sess.

the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes, with Senate amendment No. 103 thereto and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read Senate amendment No. 103 as follows:

Page 40, strike out lines 1 to 4, inclusive, and insert:

Sec. 210. None of the funds in this Act shall be used to perform abortions except . . . where medically necessary

MR. FLOOD: Mr. Speaker, I have moved to disagree to the Senate amendment.

THE SPEAKER:⁽⁶⁾ That motion is now pending.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Mahon moves that the House concur in the amendment of the Senate.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) is recognized for 1 hour. . . .

MR. FLOOD: Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

Parliamentarian's Note: The Member calling up a bill which has been reported from conference and which remains in the stage of disagreement controls one hour of

debate on a motion to dispose of an amendment adopted by the Senate after consideration of the conference report in both Houses (and not reported from conference in disagreement), and the division of time between the majority and minority under clause 2(b) of Rule XXVIII does not apply.

§ 17.46 Although the motion to concur in a Senate amendment takes precedence over the motion to disagree where the stage of disagreement has been reached, the Member offering the preferential motion does not thereby gain control of the time for debate, which remains in the control of the manager of the bill under the hour rule.

On Nov. 29, 1977,⁽⁷⁾ the following proceedings occurred in the House:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 82, and disagree thereto.

6. Thomas P. O'Neill, Jr. (Mass.).

7. 123 CONG. REC. 38033, 95th Cong. 1st Sess.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment No. 82, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate numbered 82, insert the following:

Sec. 209. None of the funds contained in this Act shall be used to perform abortions: . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Mahon moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82. . . .

THE SPEAKER:⁽⁸⁾ The gentleman from Pennsylvania is recognized for 1 hour.

Parliamentarian's Note: Under the former practice, debate on a motion to dispose of a Senate amendment which had not been reported from conference in disagreement but which was otherwise before the House, the stage of disagreement having been reached, was under the control of the manager of the bill under the hour rule and was not divided between the majority and minority parties. The custom has since developed of equally dividing between majority and minority parties the time on all motions to

8. Thomas P. O'Neill, Jr. (Mass.).

dispose of amendments emerging from conference in disagreement, whether reported in disagreement, or before the House upon rejection of a conference report by a vote or on a point of order.⁽⁹⁾

§ 17.47 During consideration of Senate amendments reported from conference in disagreement, a preferential motion to recede and concur in a Senate amendment takes precedence over a motion offered by the manager of the report to insist on disagreement to the Senate amendment; but the offeror of the preferential motion does not thereby gain control over the time for debate, which continues for one hour equally divided and controlled by the majority and the minority manager of the conference report.

On Aug. 1, 1979,⁽¹⁰⁾ the following proceedings took place in the House during consideration of Senate amendments reported from conference on H.R. 4388 (energy and water development appropriations):

THE SPEAKER PRO TEMPORE:⁽¹¹⁾ The Clerk will designate the next amendment in disagreement.

9. See § 17.52, *infra*.

10. 125 CONG. REC. 21994, 96th Cong. 1st Sess.

11. James C. Wright, Jr. (Tex.).

The Clerk read as follows:

Senate amendment No. 30: Page 31, line 8, strike out “: *Provided*, That notwithstanding the provisions of 16 U.S.C., chapter 35 or any other law, the Corporation is authorized and directed to complete construction of, operate and maintain the Tellico Dam

MR. [TOM] BEVILL [of Alabama]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House insist on its disagreement to the amendment of the Senate numbered 30.

PREFERENTIAL MOTION OFFERED BY MR. BREAUX

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Breaux moves that the House recede and concur in the amendment of the Senate numbered 30.

THE SPEAKER PRO TEMPORE: Does the gentleman from Alabama wish to debate this amendment?

MR. BEVILL: Yes, Mr. Speaker, I believe I am allotted 1 hour; is that correct?

THE SPEAKER PRO TEMPORE: The rule would provide 30 minutes on the side. The gentleman from Alabama (Mr. Bevill) is recognized for 30 minutes.

§ 17.48 The manager of a conference report with Senate amendments reported from conference in disagreement having offered a motion to insist on disagreement to a

Senate amendment, a motion to recede and concur therein is preferential and is voted on first, but the manager retains control of the thirty minutes of majority time on the amendment.

During consideration of House Joint Resolution 637 (further continuing appropriations for fiscal year 1981) on Dec. 13, 1980,⁽¹²⁾ the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 40.

PREFERENTIAL MOTION OFFERED BY MR. DUNCAN OF OREGON

MR. [ROBERT] DUNCAN of Oregon: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Duncan of Oregon moves that the House recede and concur with the amendment of the Senate numbered 40.

THE SPEAKER PRO TEMPORE:⁽¹³⁾ Does the gentleman from Mississippi (Mr. Whitten) desire recognition?

MR. WHITTEN: Not at this time, Mr. Speaker.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I wonder if the

12. 126 CONG. REC. 34087, 96th Cong. 2d Sess.

13. George E. Brown, Jr. (Calif.).

gentleman from Oregon (Mr. Duncan) would explain precisely what his amendment does?

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi (Mr. Whitten) has the time. The Chair recognizes the gentleman from Mississippi (Mr. Whitten) for 30 minutes.

MR. WHITTEN: I yield to the gentleman from Oregon (Mr. Duncan).

—When Proponent of Preferential Motion May Control Time

§ 17.49 While the manager of a conference report controls the majority time on all motions with respect to an amendment in disagreement where he has offered an initial motion and sought recognition to control time for debate, he does not necessarily control the majority time on a motion to concur with an amendment offered after the House has voted to recede (a motion to recede and concur having been divided), if (1) the manager's original motion was to insist, which has been preempted by adoption of the motion to recede, and (2) the manager did not seek recognition to control debate time on the motion to recede and concur when it was offered, but allowed the Chair to imme-

diately put the question on receding; in such case, the proponent of the preferential motion to concur with an amendment may be recognized to control one-half the time and a Member of the other party one-half the time under the hour rule as required by Rule XXVIII, clause 2(b).

The following proceedings occurred in the House on Oct. 1, 1982,⁽¹⁴⁾ during consideration of House Joint Resolution 599 (continuing appropriations for fiscal year 1983):

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 19, after line 2, insert:

Sec. 151. (a) Section 4109 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

“(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller . . . at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.” . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

14. 128 CONG. REC. 27295–97, 97th Cong. 2d Sess.

15. Norman Y. Mineta (Calif.).

The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

MR. [LAWRENCE] COUGHLIN [of Pennsylvania]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Coughlin moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

MR. [WILLIAM D.] FORD of Michigan: Mr. Speaker, I demand a division of the question.

THE SPEAKER PRO TEMPORE: The question will be divided.

The Chair will state that the gentleman from Mississippi (Mr. Whitten) has the time. Does the gentleman wish to use his time for debate now?

MR. WHITTEN: Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Coughlin).

THE SPEAKER PRO TEMPORE: If the gentleman from Mississippi does not seek to control debate time, the Chair will put the question on receding.

The question is, will the House recede from its disagreement to Senate amendment No. 83?

The House receded from its disagreement to Senate amendment No. 83.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Michigan (Mr. Ford) seek recognition?

MR. FORD of Michigan: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Ford moves that the House concur in Senate amendment numbered 83 with an amendment as fol-

lows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: . . .

THE SPEAKER PRO TEMPORE: Since the House has receded, the gentleman from Mississippi's original motion has been preempted and he did not seek to control time therefore the gentleman from Michigan (Mr. Ford) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Coughlin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Ford).

Recognition After Rejection of Conference Report

§ 17.50 Where a conference report was rejected and the manager of the report did not seek further recognition, the Speaker recognized a minority member of the committee with legislative jurisdiction to move to concur in the Senate amendment with an amendment.

On Dec. 10, 1969,⁽¹⁶⁾ Mr. Wright Patman, of Texas, the manager of a conference report on an export control bill, moved the previous question. When the House rejected the report, and when Mr. Patman did not seek further recognition, Speaker John W. McCormack, of Massachusetts, recognized Gary E. Brown, of Michigan,

¹⁶ 115 CONG. REC. 38102-06, 91st Cong. 1st Sess.

a minority member of the Committee on Banking and Currency which had reported the bill. Mr. Brown was recognized to offer a motion to concur in the Senate amendment with an amendment.

§ 17.51 Where a conference report on a House bill with a Senate amendment is rejected, the Chair directs the Clerk to report the Senate amendment; and if the manager of the report does not seek recognition to offer a motion to dispose of the Senate amendment the Chair recognizes the Member who had led the opposition to the conference report to offer a motion to dispose of the amendment.

On Sept. 16, 1977,⁽¹⁷⁾ during proceedings relating to the consideration of the conference report on H.R. 5262 (international financial institutions), the following occurred:

So the conference report was rejected.

The result of the vote was announced as above recorded.

MR. [TOM] HARKIN [of Iowa]: Madam Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Harkin moves that the House recede from its disagreement to the

amendment of the Senate to the text of the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Funds, and for other purposes, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The gentleman from Iowa (Mr. Harkin) will be recognized for 30 minutes in support of his motion, and the gentleman from Ohio (Mr. Stanton) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. Harkin).

§ 17.52 Following rejection of a conference report on a point of order, debate on a motion to dispose of the Senate amendment remaining in disagreement is evenly divided between the majority and minority parties under the rationale contained in clause 2(b) of Rule XXVIII requiring such division of time on motions to dispose of amendments reported from conference in disagreement.

On Sept. 30, 1976,⁽¹⁹⁾ Mr. Jack Brooks, of Texas, made the fol-

18. Barbara Jordan (Tex.).

19. 122 CONG. REC. 34080, 34085, 94th Cong. 2d Sess.

17. 123 CONG. REC. 29597, 29599, 95th Cong. 1st Sess.

lowing motion with respect to a Senate amendment to H.R. 13367, extending the State and Local Fiscal Assistance Act of 1972, the Speaker having ruled out the conference report on a point of order and directed the Clerk to report the Senate amendments remaining in disagreement for disposition by motion.

MR. BROOKS: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Brooks moves that the House recede from its disagreement and concur in the Senate amendment to the House bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972 and for other purposes, with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

SEC. 5. EXTENSION OF PROGRAM AND FUNDING

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended—

(1) by inserting “or (c)” immediately after “as provided in subsection (b)” in subsection (a)(1): . . .

MR. [FRANK] HORTON [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: ⁽²⁰⁾ The gentleman will state his parliamentary inquiry.

MR. HORTON: Mr. Speaker, I would like to ask what the allocation of time is on this particular motion.

THE SPEAKER: The Chair will state that the rule provides, of course, for 30

minutes on a side under consideration of a conference report but the practice has been followed, if the Chair recalls correctly, of allotting 30 minutes to a side on a motion when a conference report is ruled out on a point of order.

Under that procedure, the gentleman from Texas (Mr. Brooks) will be recognized for 30 minutes.

The Chair would inquire who will be handling the matter on the minority side?

MR. HORTON: Mr. Speaker, I will be handling time on this side.

THE SPEAKER: And the gentleman from New York (Mr. Horton) will be recognized for 30 minutes for debate only.

The Chair recognizes the gentleman from Texas (Mr. Brooks) for 30 minutes.

Rejection of Motion To Dispose of Amendment in Disagreement

§ 17.53 Where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment; debate on the motion offered by the manager of the conference report is equally divided between the majority and minority parties (pursuant to Rule XXVIII, clause

20. Carl Albert (Okla.).

2(b)); under a former practice, after rejection of such motion, recognition to offer another motion having passed to the opposition, debate on the opposition motion was under the hour rule and within the control of the Member recognized to make such motion.

Parliamentarian's Note: The custom has developed of equally dividing between majority and minority parties the time on all motions to dispose of amendments emerging from conference in disagreement, whether reported in disagreement or, for example, before the House upon rejection of a conference report by a vote or on a point of order,⁽²¹⁾ or upon rejection of an initial motion to dispose of the amendment.⁽²²⁾

During consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriations for fiscal year 1978) in the House on July 19, 1977,⁽¹⁾ the following proceedings occurred:

THE SPEAKER PRO TEMPORE:⁽²⁾ The Clerk will report the next amendment in disagreement.

21. See § 17.52, *supra*.

22. See the proceedings of July 2, 1980, at §§ 17.27 and 17.41, *supra*.

1. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

2. Norman Y. Mineta (Calif.).

The Clerk read as follows:

Senate amendment No. 24: Page 17, line 11, strike out "\$2,943,600,000" and insert "\$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

MR. BOLAND: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

MR. FUQUA: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fuqua moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.
The motion was agreed to.

§ 17.54 Where the House rejects a motion by the manager of a bill to dispose of a Senate amendment remaining in disagreement, recognition to offer another motion is accorded to a Member who led the opposition to the rejected motion.

On Sept. 30, 1976,⁽³⁾ Mr. Jack Brooks, of Texas, made the following motion with respect to a Senate amendment to H.R. 13367, extending the State and Local Fiscal Assistance Act of 1972, the Speaker having ruled out the conference report on a point of order and directed the Clerk to report the Senate amendments remaining in disagreement for disposition by motion.

MR. BROOKS: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Brooks moves that the House recede from its disagreement and concur in the Senate amendment to the House bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972 and for other purposes, with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

3. 122 CONG. REC. 34080, 34085, 94th Cong. 2d Sess.

SEC. 5. EXTENSION OF PROGRAM AND FUNDING

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended—

(1) by inserting “or (c)” immediately after “as provided in subsection (b)” in subsection (a)(1): . . .

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I would like to ask what the allocation of time is on this particular motion.

THE SPEAKER:⁽⁴⁾ The Chair will state that the rule provides, of course, for 30 minutes on a side under consideration of a conference report but the practice has been followed, if the Chair recalls correctly, of allotting 30 minutes to a side on a motion when a conference report is ruled out on a point of order.

Under that procedure, the gentleman from Texas (Mr. Brooks) will be recognized for 30 minutes.

The Chair would inquire who will be handling the matter on the minority side?

MR. HORTON: Mr. Speaker, I will be handling time on this side.

THE SPEAKER: And the gentleman from New York (Mr. Horton) will be recognized for 30 minutes for debate only.

The motion was rejected.⁽⁵⁾

MR. HORTON: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Horton moves that the House recede and concur in the Senate amendment to H.R. 13367, with an

4. Carl Albert (Okla.).

5. 122 CONG. REC. 34092, 94th Cong. 2d Sess., Sept. 30, 1976.

amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

After Rejection of Previous Question on Motion To Concur, Opponents of Motion Recognized

§ 17.55 The opponents of a motion to concur in a Senate amendment with an amendment are entitled to seek recognition on the amendment after the House rejects the ordering of the previous question on that motion.

On May 14, 1963,⁽⁶⁾ the House was considering amendments reported from conference in disagreement on H.R. 5517, making supplemental appropriations for fiscal 1963. The amendments were being managed by Mr. Albert Thomas, of Texas, who had called up the conference report. Mr. Thomas moved the previous question (without debate) on his motion to concur in a Senate amendment with an amendment. The previous question was rejected. Mr. George Meader, of Michigan, who was in opposition to the motion to concur, then sought recognition. He was recognized by Speaker John W. McCormack, of

6. 109 CONG. REC. 8508-11, 88th Cong. 1st Sess.

Massachusetts, to control debate on the motion. The motion to concur with an amendment was rejected, a previously pending motion to concur was rejected, and Mr. Meader was then recognized to move that the House insist on its disagreement to the Senate amendment, which was adopted by the House.⁽⁷⁾

Rejection of Motion To Recede and Concur—Effect on Recognition

§ 17.56 Where a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to a Member opposed; thus, where a motion made by the Member in charge of a bill to recede and concur in a Senate amendment with an amendment had been defeated, recognition for a motion to recede and concur with another amendment passed to a Member opposed to the defeated motion.

7. See § 17.57, *infra*, for the principle that after defeat of the motion to recede and concur, an essential motion, the right to recognition passes to the opposition to the motion. However, the manager of the conference report retains control over the consideration of the remainder of the amendments in disagreement (see § 17.38, *supra*).

During consideration of H.J. Res. 1131, a further continuing appropriation for fiscal year 1975, in the House on Oct. 7, 1974,⁽⁸⁾ the proceedings described above were as follows:

THE SPEAKER:⁽⁹⁾ The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 9, strike out: "to the Government of Turkey until the President certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus" and insert "or for the transportation of any military equipment or supplies to any country which uses such defense articles or services in violation of the Foreign Assistance Act of 1961 or the Foreign Military Sales Act, or any agreement entered into under such Acts."

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert: "or for the transportation of any military equipment or supplies to the Government of Turkey unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, or any

agreement entered into under such Acts by making good faith efforts to reach a negotiated settlement with respect to Cyprus."

THE SPEAKER: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes and the gentleman from Michigan (Mr. Cederberg) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas (Mr. Mahon).

MR. MAHON: Mr. Speaker, I should just like to say a word and then I will yield to my colleague, the gentleman from New York (Mr. Rosenthal). . . .

THE SPEAKER: The question pending is on the motion of the gentleman from Texas. Those in favor of it will vote "yea."

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Is this vote on the previous question?

THE SPEAKER: The vote is on the motion.

The vote was taken by electronic device, and there were—yeas 69, nays 291, not voting 74

So the motion was rejected. . . .

MR. ROSENTHAL: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rosenthal moves that the House recede from its disagreement to Senate amendment numbered 3 and concur therein with an amendment as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 3, insert the following: "or for the transportation of any military equipment or supplies to Turkey until and unless the President certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement

8. 120 CONG. REC. 34151, 34157-59, 93d Cong. 2d Sess.

9. Carl Albert (Okla.).

entered into under such Acts, and that substantial progress toward agreement has been made regarding military force in Cyprus.”

THE SPEAKER: The gentleman from New York is recognized for 1 hour.

MR. ROSENTHAL: Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Delaware (Mr. du Pont), pending which I yield myself 5 minutes. . . .

MR. ROSENTHAL: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from New York (Mr. Rosenthal).

The question was taken; and the Speaker announced that the ayes appeared to have it. . . .

So the motion was agreed to.

Parliamentarian's Note: Pursuant to Rule XXVIII, clause 2(b), time for debate on a motion to dispose of a Senate amendment reported from conference in disagreement is equally divided between majority and minority parties. (But see §17.18, *supra*, for division of time where majority and minority are in agreement on the motion. Provision for a three-way division of the hour was added to the rules in 1985.) When the Mahon motion was defeated and Mr. Rosenthal was recognized for one hour, he yielded one-half of his time to a minority party Member pursuant to that rule.

§ 17.57 Where a motion is made by the Member in charge of a conference report to recede and concur in a Senate amendment with an amendment and the motion is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.

On June 26, 1942,⁽¹⁰⁾ Mr. Malcolm C. Tarver, of Georgia, the Member in charge of a bill reported from conference in disagreement, moved that the House recede and concur with an amendment. The motion was rejected.

Mr. Clarence Cannon, of Missouri, opposed to the amendment, then arose to make the motion to further insist on disagreement to the Senate amendment, at the same time that Mr. Tarver arose to make the same motion. After the question of recognition was discussed, Speaker Sam Rayburn, of Texas, recognized Mr. Cannon to make the motion:

MR. TARVER: Mr. Speaker, I desire to submit a parliamentary inquiry. It was my purpose to offer a motion as I have done in connection with the same subject matter on previous occasions. I had risen for the purpose of offering a motion to further insist upon the disagreement of the House to Senate

10. 88 CONG. REC. 5642, 5643, 77th Cong. 2d Sess.

amendments Nos. 90 and 91. I wish to inquire whether or not I am privileged, as chairman of the House conferees, to offer that motion?

MR. CANNON of Missouri: Mr. Speaker, my motion is to further insist.

MR. TARVER: Mr. Speaker, I was on my feet before the gentleman from Missouri rushed over between me and the microphone and offered his motion.

MR. CANNON of Missouri: Mr. Speaker, it is a long-established rule of procedure that when a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to the opposition. That is the position in which the gentleman finds himself. He has made a major motion. The motion has been defeated. Therefore the right of recognition passes to the opposition, and I ask to be recognized to move to further insist.

MR. TARVER: Mr. Speaker, may I be heard with regard to that statement?

THE SPEAKER: The Chair will hear the gentleman.

MR. TARVER: The question has never been raised so far as I have known in the course of my experience of some 16 years upon an appropriation bill conference report, but if as the gentleman states the right of making the motion passes to the opposition, it should pass to my Republican colleague the gentleman from Kansas [Mr. Lambertson] with whom the gentleman from Missouri has been associated in the defeat of the motion offered by the chairman of the subcommittee. I have desired to offer the motion myself in the absence of the exercise of that privilege by the gentleman from Kansas.

MR. [WILLIAM P.] LAMBERTSON [of Kansas]: Mr. Speaker, I ask for recognition.

THE SPEAKER: The gentleman from Georgia has the floor.

MR. TARVER: I have completed all I desire to say except that I desire to offer the motion if it is permissible; otherwise, I insist that the right should pass to the opposition and to the gentleman from Kansas [Mr. Lambertson].

THE SPEAKER: The Chair is of the opinion that the gentleman from Missouri has been properly recognized to offer a motion. The gentleman will state his motion.

MR. CANNON of Missouri: Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.⁽¹¹⁾

§ 17.58 Where a conference report was agreed to and a motion to recede and concur in a Senate amendment was rejected, the manager of the conference report did not seek further recognition and the Speaker Pro Tempore recognized a minority Member who offered a motion to

11. *Id.* at pp. 5642, 5643. For the requirement that recognition pass to the opposition after the rejection of an essential motion made by the Member in charge of a proposition, see § 15, *supra*.

The opposition is recognized only to offer a motion related to the pending amendment in disagreement; control then passes back to the manager of the conference report (see § 17.38, *supra*).

further insist on disagreement.

On Dec. 3, 1969,⁽¹²⁾ Mr. Joseph W. Evins, of Tennessee, manager of a conference report and amendments in disagreement, moved the previous question and the report was agreed to. Mr. Evins then offered a motion that the House recede and concur in a Senate amendment. The motion was rejected, and Mr. Evins did not seek further recognition on the amendment.

Speaker Pro Tempore Charles M. Price, of Illinois, then recognized Glenn R. Davis, of Wisconsin, a minority Member, to offer a motion to further insist on disagreement.

§ 17.59 Upon rejection of a motion offered by the manager of a conference report in disagreement to recede and concur in the Senate amendment in disagreement with an amendment, the manager may be recognized to offer a motion that the House insist on its disagreement to the amendment with a request for a further conference.

On May 23, 1979,⁽¹³⁾ the following proceedings occurred in the

12. 115 CONG. REC. 36759, 36760, 91st Cong. 1st Sess.

13. 125 CONG. REC. 12469, 12471, 12489, 96th Cong. 1st Sess.

House during consideration of the first concurrent resolution on the budget for fiscal year 1980:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979. . . .

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ The Clerk will read the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares [that]

(a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981— . . .

MR. GIAIMO: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

[The motion was rejected.]

MR. GIAIMO: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Giaimo moves that the House insist upon its disagreement to the

14. John Brademas (Ind.).

Senate amendment and request a further conference with the Senate thereon.

The motion was agreed to.

Defeat of Motion To Reject Nongermane Portion of Motion To Recede and Concur—Effect on Recognition

§ 17.60 Upon defeat of a motion to reject a nongermane portion of a motion to recede and concur in a Senate amendment with a further amendment, the Member who had moved to recede and concur with an amendment and a minority Member are each recognized for 30 minutes of debate on that motion.

On July 31, 1974,⁽¹⁵⁾ Speaker Carl Albert, of Oklahoma, recognized Wilbur Mills, of Arkansas, to call up the conference report on H.R. 8217 (exemption from tariff duty of equipment on United States vessels) in the House:

MR. MILLS: Mr. Speaker, I call up the conference report on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .

15. 120 CONG. REC. 26082, 26083, 26088, 26089, 93d Cong. 2d Sess.

There was no objection.

The Clerk read the statement. . . .

MR. MILLS: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mills moves that the House recede from its disagreement to the Senate amendment to the text of the bill, H.R. 8217, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill (page 2, after line 6), insert the following:

Sec. 3. The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93-233 and amended by section 2 of Public Law 93-256 and by section 2 of Public Law 93-329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975". . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make a point of order on section 3 of this bill because it does not conform to the House germaneness rule, rule 28, clause 5(b)(1). . . .

Section 3 deals with the unemployment compensation program as it relates to extended benefits. This has nothing to do with the "repair of vessels." . . .

MR. MILLS: Mr. Speaker, I must admit that the point of order is well taken. I cannot resist the point of order.

THE SPEAKER: The point of order is sustained.

MR. PICKLE: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Pickle moves that the House reject section 3 of the proposed amendment to the Senate amend-

ment to the text of the bill H.R. 8217.

THE SPEAKER: The gentleman from Texas (Mr. Pickle) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. Mills) will be recognized for 20 minutes. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Texas (Mr. Pickle).

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to the vote on the ground that a quorum is not present. . . .

THE SPEAKER: . . . [T]he Chair does recognize the gentleman from Iowa who objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present, and evidently a quorum is not present. . . .

The vote was taken by electronic device, and there were—yeas 63, nays 336, not voting 35, as follows: . . .

So the motion was rejected. . . .

THE SPEAKER: The Chair desires to state that under the rule the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes.

Motion To Recede and Concur Divided—Effect of Rejection of Motion To Recede

§ 17.61 Where a motion to recede and concur with an amendment to an amend-

ment reported in disagreement from conference has been divided, and the motion to recede is rejected, the conferee managing the bill is entitled to recognition to offer a motion to insist on disagreement.

The following proceedings occurred in the House on Sept. 24, 1975:⁽¹⁶⁾

THE SPEAKER:⁽¹⁷⁾ . . . The question is on the motion to recede.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [M. G.] SNYDER [of Kentucky]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present. . . .

The vote was taken by electronic device, and there were—yeas 197, nays 203, not voting 33, as follows: . . .

So the motion to recede was rejected. . . .

MR. [JOHN M.] SLACK [of West Virginia]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Slack moves that the House insist on its disagreement to Senate amendment No. 8.

THE SPEAKER: Does the gentleman from West Virginia desire time on the motion?

MR. SLACK: Mr. Speaker, I desire no time.

16. 121 CONG. REC. 30081, 30082, 94th Cong. 1st Sess.

17. Carl Albert (Okla.).

MR. SNYDER: Mr. Speaker, will the gentleman yield just for 30 seconds?

MR. SLACK: I yield to the gentleman from Kentucky.

MR. SNYDER: Mr. Speaker, I just wanted to say I had the same motion.

The motion was agreed to.

Motion To Recommit Conference Report

§ 17.62 On one occasion, the Speaker Pro Tempore recognized the ranking minority member of one of the two committees which had originally reported a bill in the House, who was not a conferee on the bill, to move to recommit a conference report, rather than the second highest ranking minority member of the other committee which had reported the bill, who was a conferee (although the highest ranking minority member of a select committee normally has the right to recognition to move to recommit a bill reported from a select committee).

The following proceedings occurred in the House on June 27, 1980,⁽¹⁸⁾ during consideration of

18. 126 CONG. REC. 17371, 96th Cong. 2d Sess.

the conference report on S. 1308 (Energy Mobilization Board):

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ For what reason does the gentleman from Ohio (Mr. Devine) rise?

MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Speaker, I offer a motion to recommit.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Speaker, I am a member of the conference committee, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Ohio (Mr. Devine).

MR. DEVINE: Mr. Speaker, I offer a motion to recommit, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

MR. LUJAN: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LUJAN: Mr. Speaker, does not a member of the conference committee have preference in recognition to the ranking minority member on the standing committee working on the bill?

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Brown) was on his feet at the time of the recommital motion. Does the gentleman from Ohio, the second ranking minor-

19. John P. Murtha (Pa.).

ity member of the conference committee, have a motion?

MR. [CLARENCE J.] BROWN of Ohio: I am unqualified for the motion to recommit. I was standing, however, to make sure that the motion to recommit was protected for the minority, and when the Chair recognized the gentleman from Ohio (Mr. Devine), the ranking minority member of the Commerce Committee, I took my seat. . . .

MR. LUJAN: Mr. Speaker, I did not hear an answer to my parliamentary inquiry.

THE SPEAKER PRO TEMPORE: As the gentleman knows, the Chair's control over recognition is not subject to challenge and the Chair recognized the gentleman from Ohio (Mr. Devine).

The gentleman from Ohio (Mr. Devine) is recognized for a motion.

MR. DEVINE: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the conference report?

MR. DEVINE: I am opposed to the bill, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Devine moves to recommit the conference report to accompany the Senate bill, S. 1308, to the committee of conference.

Parliamentarian's Note: Ordinarily, the prior right to recognition to move to recommit should belong to a member of a conference committee (the committee reporting the bill).⁽²⁰⁾

20. See 132 CONG. REC. 26294, 99th Cong. 2d Sess., where Mr. William

§ 18. As to Simple or Concurrent Resolutions; Special Rules

Simple resolutions (headed "H. Res.") are used to express a fact, or to declare the principles, opinions, or purposes of the House. Rules, including "special rules" providing for consideration of bills, are adopted by simple resolution. Special committees are authorized and expenditures made from the contingent fund in this manner. Resolutions of inquiry or disapproval, including resolutions under congressional disapproval procedures prescribed by statute, are generally made by simple resolution; and such resolutions are used to express the sense of the House on various matters.

Concurrent resolutions (headed, e.g., "H. Con. Res.") are used as a means by which the two Houses may concurrently express certain facts, opinions or purposes. A concurrent resolution is not binding on either House until agreed to by both, and is not sent to the President for approval.

Rule XXII clause 2(b)⁽¹⁾ now provides:

R. Archer, Jr., of Texas, a conferee and member of the Ways and Means Committee, was recognized for a motion to recommit the conference report on the Tax Reform Act of 1986 (H.R. 3838).

1. *House Rules and Manual* §852 (1995).