Member in Control Must Remain Standing—Member Inadvertently Seated Himself

§ 33.22 While a Member controlling the floor in debate must remain standing, a Member who inadvertently seats himself and then immediately stands again before the Chair recognizes another Member may be permitted to retain control of the floor.

On Oct. 19, 1977,[5] the following proceedings occurred in the Committee of the Whole during consideration of the Energy Transportation Security Act of 1977 (H.R. 1037):

> MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I make the point of order that the gentleman from California (Mr. McCloskey) seated himself and thereby yielded back the balance of his time.
>
> THE CHAIRMAN:[6] The Chair adopts a commonsense interpretation of the rule.
>
> MR. DANIELSON: Mr. Chairman, I ask for regular order.
>
> THE CHAIRMAN: The gentleman from California (Mr. McCloskey) was back up on his feet almost immediately and indicated that he wanted to continue his colloquy with the gentleman from New York (Mr. Murphy).
>
> Does the gentleman from California (Mr. McCloskey) desire to yield to the gentleman from New York (Mr. Murphy)?
>
> MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I desire to yield to the gentleman from New York (Mr. Murphy).

§ 34. Control Passing to Opposition

As noted earlier, when an essential motion made by the Member in charge of the bill is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion. Under this principle the control of the measure passes to the opposition when the House disagrees to the recommendation of the committee reporting the bill or when the motion for the previous question on the measure is rejected.[7]

The opposing side also gains control of some time, but not of the pending proposition, where the rules or an agreement provides that on a certain question or motion a fixed amount of debate be conducted, equally divided between those favoring and those opposing the question.[8]

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5. 123 CONG. REC. 34220, 95th Cong. 1st Sess.

6. Morris K. Udall (Ariz.).

7. *House Rules and Manual* § 755 (1995).

8. See, for example, § 30.6, supra (where opposition recognized for five minutes on motion to recommit, of-

Cross References

Motion to discharge and management of discharged bill or resolution, see Ch. 18, supra.

Prior right to recognition of opposition after rejection of essential motion, see § 15, supra.

Priority of recognition for opposing debate to committee member, see § 13, supra.

Right of opposition to demand second on motion to suspend the rules, see Ch. 21, supra.

Right of opposition to move to recommit, see Ch. 23, supra.

Effect of Rejection of Essential Motion, Generally

§ 34.1 When an essential motion made by the Member in charge of a bill is decided adversely, control passes to the Member leading the opposition to the motion.

On June 2, 1930,[9] the House was considering the passage of a vetoed bill originating in the Senate. A motion to postpone consideration of the bill had been made by the chairman of the committee managing the bill and had been rejected. Mr. John N. Garner, of Texas, stated a parliamentary inquiry whether that motion was not an essential motion whose defeat required recognition to pass to the minority. Speaker Nicholas Longworth, of Ohio, discussed the principle raised and ruled that the motion to postpone consideration was not an essential motion within the meaning of the rule.[10]

Defeat of Motion To Table Resolution

§ 34.2 Where a Member calling up a resolution in the House uses part of his hour of debate and then offers a motion to table the resolution which is defeated, the Chair normally recognizes another Member for an hour of debate; but where no other Member seeks recognition, the Chair may recognize the Member who called up the resolution to control the remainder of his hour of debate.

feror of motion still retains control and right to yield for amendment).

See §§ 25.3–25.6, supra, for division of time required by rule and § 25.2, supra, for division of time directed by statute.

The principles of recognition of the opposing side are generally covered in §§ 8–23, supra.

9. 72 Cong. Rec. 9913, 9914, 71st Cong. 2d Sess.

10. For the general 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.

On June 15, 1979,[11] proceedings in the House related to House Resolution 291, a resolution of inquiry directing the President to provide Members of the House with information on the energy situation:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I call up the resolution (H. Res. 291), a resolution of inquiry directing the President to provide Members of the House with information on the energy situation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, full and complete information on the following:

(1) the existence and percentage of shortages of crude oil and refined petroleum products within the United States and administrative regions; . . .

THE SPEAKER PRO TEMPORE:[12] The gentleman from Michigan (Mr. Dingell) is recognized for 1 hour. . . .

MR. DINGELL: Mr. Speaker, at this time I move to table the resolution of inquiry now before the House.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from Michigan (Mr. Dingell).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 4, nays 338, not voting 92, as follows. . . .

So the motion to table was rejected.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Speaker, may I inquire as to how much time remains?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that he has 48 minutes remaining.

MR. DINGELL: Mr. Speaker, I will, then, at this time yield 24 minutes to my distinguished friend, the gentleman from Ohio (Mr. Devine), for purposes of debate only.

Rejection of Previous Question

§ 34.3 If the previous question is voted down on a resolution before the House, control of the measure passes to the opponents of the resolution, and the Chair then recognizes a Member of the minority party, if opposed.

On July 20, 1939,[13] Mr. Howard W. Smith, of Virginia, man-

11. 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess.

12. John Brademas (Ind.).

13. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

aging a resolution to authorize an investigation, moved the previous question on the resolution. Speaker William B. Bankhead, of Alabama, answered parliamentary inquiries as to control of the resolution should the previous question be rejected:

MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?

THE SPEAKER: Undoubtedly.

MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER: If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

§ 34.4 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the Chair would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[14] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries as to the procedure to be followed should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate. . . .

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: If the previous question is voted down we will have the option to reopen debate, the resolution will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution,

14. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.

§ 34.5 Where the motion for the previous question on a resolution (reported from the Rules Committee) is rejected, the Chair recognizes the Member who led the opposition to the previous question, who may offer an amendment and is recognized for one hour.

During consideration of House Resolution 312, waiving points of order and providing special procedures during consideration of H.R. 4390 (the legislative branch appropriations for fiscal year 1980) on June 13, 1979,[15] the following proceedings occurred:

THE SPEAKER:[16] The question is on ordering the previous question. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 292, not voting 16, as follows: . . .

[Mr. Delbert L. Latta, of Ohio, who had led the opposition to the previous question was recognized.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

THE SPEAKER: The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

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

§ 34.6 Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the fight against the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

On May 29, 1980,[17] during consideration of House Resolution 682 (providing for consideration of H.R. 7428, public debt limit extension), the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 682, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 682

Resolved, That upon the adoption of this resolution it shall be in order

15. 125 CONG. REC. 14650, 96th Cong. 1st Sess.

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

17. 126 CONG. REC. 12667, 12668, 12672, 12677, 96th Cong. 2d Sess.

to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7428) to extend the present public debt limit through June 30, 1980. . . .

THE SPEAKER:[18] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

The question is on ordering the previous question.

The question was taken; and the Speaker announced that the noes appeared to have it. . . .

The vote was taken by electronic device, and there were—yeas 74, nays 312, not voting 47, as follows:

So the previous question was not ordered. . . .

THE SPEAKER: The Chair recognizes the gentleman from Maryland (Mr. Bauman).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Bauman: Strike out all after the resolving clause and insert in lieu thereof the following: . . .

A point of order against the amendment based on the germaneness rule was sustained.

MR. BAUMAN: Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. Bauman moves to refer House Resolution 682 to the Committee on Rules.

THE SPEAKER: The gentleman from Maryland (Mr. Bauman) is recognized for 1 hour. . . .

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

The previous question was ordered.

THE SPEAKER: The question is on the privileged motion offered by the gentleman from Maryland (Mr. Bauman).

The preferential motion was agreed to.

Parliamentarian's Note: Upon the rejection of the previous question on a special rule from the Committee on Rules, motions under Rule XVI, clause 4, to refer or to postpone are in order, as well as motions to amend and to lay on the table.

§ 34.7 Where the House rejects the previous question, the Member who led the opposition thereto is entitled to one hour of debate and is entitled to close debate where he has yielded half of his time to another Member.

The following proceedings occurred in the House on June 25, 1981,[19] during consideration of House Resolution 169 (providing for consideration of H.R. 3982, Omnibus Budget Reconciliation Act of 1981):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

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

19. 127 CONG. REC. 14065, 14078, 14079, 14081, 97th Cong. 1st Sess.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982. . . .

THE SPEAKER:[20] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

After debate, Mr. Bolling moved the previous question on the resolution.

THE SPEAKER: The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

[The previous question was rejected.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

THE SPEAKER PRO TEMPORE:[1] The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

MR. LATTA: Mr. Speaker, for purposes of debate only, I yield to my good friend, the Speaker of the House. . . .

THE SPEAKER PRO TEMPORE: Let the Chair inquire of the gentleman from Ohio, did he . . . yield 30 minutes of the hour to the Speaker?

MR. LATTA: Right. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: I reserve my right until such time as the gentleman wants to move the previous question.

MR. LATTA: We have the right under the rules of procedure to close debate.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LATTA: We have the right to close debate on this issue.

MR. O'NEILL: I have no requests for time on this side.

—*Prior to Adoption of the Rules*

§ 34.8 Recognition to offer an amendment to a resolution called up prior to the adoption of rules passes to a Member leading the opposition to the resolution if the previous question is rejected.

On Jan. 10, 1967,[2] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1), authorizing the Speaker to administer the oath of office to challenged Member-elect Adam C.

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

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

2. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the procedure to be followed:

> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry. . . .
>
> Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?
>
> THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment.
>
> MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry. . . .
>
> Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?
>
> THE SPEAKER: . . . [T]he usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.

Rejection of Conference Report

§ 34.9 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 jurisdiction of the bill to move to concur in the Senate amendment with an amendment.

On Dec. 10, 1969,[3] Mr. Wright Patman, of Texas, manager of a conference report, moved the previous question and the House rejected the conference report. When Mr. Patman did not seek further recognition, Speaker John W. McCormack, of Massachusetts, recognized Garry E. Brown, of Michigan, a minority member of the Committee on Banking and Currency which had reported the bill, to offer a motion to concur in the Senate amendment with an amendment.

§ 34.10 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.

3. 115 CONG. REC. 38102–06, 91st Cong. 1st Sess.

On Sept. 16, 1977,[4] during proceedings relating to the consideration of the conference report on H.R. 5262 (international financial institutions), called up by Mr. Henry S. Reuss, of Wisconsin, 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:[5] 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).

4. 123 CONG. REC. 29597, 29599, 95th Cong. 1st Sess.

5. Barbara Jordan (Tex.).

Rejection of Motion To Dispose of Senate Amendment—Recognition To Offer Successor Motion

§ 34.11 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,[6] Malcolm C. Tarver, of Georgia, the Member in charge of a bill reported from conference with amendments in disagreement, moved that the House recede and concur with an amendment in a Senate amendment in disagreement. The motion was rejected.

Clarence Cannon, of Missouri, a Member opposed to the Senate 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:

6. 88 CONG. REC. 5637, 77th Cong. 2d Sess.

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 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. . . .

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.[7]

7. *Id.* at pp. 5642, 5643.

The opposition has control only to offer a motion related to the pending amendment in disagreement; control over the conference report and the remaining amendments in disagreement remains with the manager (see § 17.38, supra).

§ 34.12 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,[8] 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: . . .

8. 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:[9] 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.[10]

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

§ 34.13 Upon rejection of a motion offered by the manager of a conference report on an amendment in disagreement, recognition passes to a Member opposed to offer another motion.

During consideration of H.R. 9375 (supplemental appropriations) in the House on Dec. 6, 1977,[11] the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[12] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 20, after line 10, insert: Appropriations provided under this heading in the Department of Defense Appropriation Act, 1977, are rescinded in the amount of $462,000,000.

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

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein.

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

9. Carl Albert (Okla.).

10. 122 CONG. REC. 34092, 94th Cong. 2d Sess., Sept. 30, 1976.

11. 123 CONG. REC. 38421, 38431, 38432, 95th Cong. 1st Sess.

12. Lucien N. Nedzi (Mich.).

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

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

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Texas (Mr. Mahon).

The question was taken; and the Speaker Pro Tempore announced that the noes appeared to have it. . . .

The vote was taken by electronic device, and there were—yeas 166, nays 191, answered "present" 3, not voting 74, as follows: . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

MR. [B. F.] SIKES [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Sikes moves that the House insist on its disagreement to Senate Amendment No. 43.

—*Debate on Successor Motion*

§ 34.14 Under clause 2(b) of Rule XXVIII, the time allotted for debate on an original motion to dispose of disagreement on a Senate amendment is divided equally between majority and minority parties (except that if both floor managers support the motion then one-third of the time may be claimed by an opponent); and where the original motion to dispose of the Senate amendment in disagreement is rejected, the time for debate on a successor motion is also governed by clause 2(b) of Rule XXVIII and may be equally divided.

On Aug. 6, 1993,[13] the House had under consideration Senate amendments in disagreement to H.R. 2493 (Agriculture appropriations for 1994):

THE SPEAKER PRO TEMPORE:[14] The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 81, after line 12, insert:

Sec. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $50,000 in the 1994 crop year.

MOTION OFFERED BY MR. SKEEN

MR. [JOE] SKEEN [of New Mexico]: Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Motion offered by Mr. Skeen:

Mr. Skeen moves that the House recede and concur in the amendment

13. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

14. Romano L. Mazzoli (Ky.).

of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, add the following: "The GAO shall conduct a study and report to Congress on the effectiveness of the program."

THE SPEAKER PRO TEMPORE: The gentleman from New Mexico [Mr. Skeen] is recognized for 30 minutes.

MR. [HARRIS W.] FAWELL [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. FAWELL: First of all, the motion that the gentleman from New Mexico offered was read so fast I did not understand just what it was. But I rise in opposition.

THE SPEAKER PRO TEMPORE: If the gentleman is opposed to the motion offered by the gentleman from New Mexico, the gentleman [Mr. Fawell] is entitled to 20 minutes to debate the issue. . . .

MR. FAWELL: . . . Assuming that this particular motion fails, can the Chair advise me where we will be then?

THE SPEAKER PRO TEMPORE: Another Member will be recognized for another motion on this amendment in disagreement. . . .

The question is on the amendment offered by the gentleman from New Mexico [Mr. Skeen]. . . .

The vote was taken by electronic device, and there were yeas 140, nays 274, not voting 19, as follows: . . .

So the House refused to recede and concur in the amendment of the Senate numbered 164 with an amendment. . . .

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

The Clerk read as follows:

Mr. Fawell moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, strike "$50,000" and insert "$0".

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Fawell] will be recognized for 30 minutes in support of his motion, and the gentleman from Illinois [Mr. Durbin] will be recognized for 30 minutes in opposition.

Under a former practice, if the initial motion to dispose of the amendment in disagreement was rejected, the time for debate on a subsequent motion was under the hour rule and entirely within the control of the Member of the opposition recognized to make the motion. Thus, on July 19, 1977,[15] during consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriation bill for fiscal 1978) in the House, it was demonstrated that, 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

15. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

opposition to offer another motion to dispose of the amendment.

THE SPEAKER PRO TEMPORE:[16] The Clerk will report the next amendment in disagreement.

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.

16. Norman Y. Mineta (Calif.).

§ 34.15 Division of time for debate provided in clause 2(b) of Rule XXVIII between the majority and minority party on an amendment reported from conference in disagreement applies to a second motion to dispose of the Senate amendment upon defeat of the first, and where the second motion is offered by a minority Member, the Chair may allocate one-half of the time to him and one-half to a majority Member later to be designated, notwithstanding earlier control of time by the manager of the conference report and the ranking minority member on the initial motion.

During consideration of the supplemental appropriations and rescission bill for fiscal year 1980 (H.R. 7542) in the House on July 2, 1980,[17] the following proceedings occurred:

17. 126 CONG. REC. 18357, 18359, 18360, 96th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:[18] 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: 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. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Maryland is recognized. . . .

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: Mr. Speaker, I did not yield to the gentleman to offer a motion.

MR. O'NEILL: I was recognized.

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

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

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? Only amendments in disagreement are divided.

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.

18. Paul Simon (Ill.).