amendment to the second degree, and no more are allowed.

My question is, On the motion for the previous question, if the question is voted down, should a substitute or an amendment be offered to the motion of the chairman, must it be germane to the innocuous amendment?

THE SPEAKER:[13] The amendment proposed by the gentleman from Texas is now before the House. The amendment contained in the motion of the gentleman from Texas would be subject to a germane amendment if the previous question on this motion were rejected.

§ 12. To Insist or Adhere

If both Houses insist or adhere in their positions, the bill fails. Only if they agree to proceed to conference, or to recede from their disagreement, insistence, or adherence, can reconciliation be achieved.[14]

Adherence Distinguished From Insistence

§ 12.1 *Parliamentarian's Note:* Adherence is to be distinguished from insistence in that adherence represents an uncompromising position and may not be accompanied by a request for a conference.

Insistence After Refusal To Recede and Concur

§ 12.2 The House having refused to recede from its disagreement to a Senate amendment and concur therein the motion to further insist may be entertained.

On Apr. 29, 1965,[15] the House was considering Senate amendment No. 15 to H.R. 7091, supplemental appropriations, which had been reported back from conference still in disagreement.

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 15 and concur therein. . . .

THE SPEAKER PRO TEMPORE:[16] The question is on the motion offered by the gentleman from Texas [Mr. Mahon].

13. Carl Albert (Okla.).
14. *House Rules and Manual* §§ 521, 522, 553, 554 (1997).
15. 111 CONG. REC. 8867, 8871, 89th Cong. 1st Sess.
16. Carl Albert (Okla.).

The question was taken; and on a division (demanded by Mr. Mahon) there were—ayes, 45, nays, 93.

So the motion was rejected.

MR. MAHON: Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate numbered 15.

The motion was agreed to.[17]

Precedence of Motions in Disposing of Senate Legislative Amendment on General Appropriation Bill

§ 12.3 In the 103d Congress, the House altered the traditional precedence of motions addressing amendments in disagreement on a general appropriation bill, to make one motion to insist on disagreement the most preferential where the initial motion proposed by the managers would change existing law.

Adopted as part of the rules package proposed by the Majority Leader, Mr. Richard A. Gephardt, of Missouri, on Jan. 5, 1993, the change was in Rule XXVIII clause 2(b)(2).[18] There was little debate on this particular change, but the expressed motivation was to give a committee having jurisdiction over a legislative amendment the opportunity to protect that jurisdiction from Senate encroachment by way of an amendment to a general appropriation bill. In his explanation of the resolution, the Majority Leader stated: "It is hoped that this procedure will both deter and allow the House to better consider Senate legislative language in appropriation bills."

The conditions for utilizing the privileged motion are that: (1) the Senate amendment has been reported from conference in disagreement; (2) the manager's motion, as signaled in the statement of the managers or revealed when the amendment is pending, is to change existing law—by concurring in the Senate amendment or concurring with an amendment which does not remove the legislative effect of the amendment; and (3) that the motion to insist on disagreement is made by the chairman of the appropriate legislative committee or his designee.

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17. See also 89 CONG. REC. 10777–79, 78th Cong. 1st Sess., Dec. 16, 1943.
18. See *House Rules and Manual* § 912c (1997).

The pertinent excerpts from the Record of Jan. 5, 1993,[19] during consideration of House Resolution 5, adopting the rules of the House for the 103d Congress, are set out below:

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Second Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Second Congress, are adopted as the Rules of the House of Representatives of the One Hundred Third Congress, with the following amendments to the standing rules, to wit: . . .

(16) In clause 2(b) of rule XXVIII, insert "(1)" after "(b)" and add the following new subparagraph at the end:

"(2) During consideration of such an amendment to a general appropriation bill, if the original motion offered by the floor manager proposes to change existing law, then pending such original motion and before debate thereon one motion to insist on disagreement to the amendment proposed by the Senate shall be preferential to any other motion to dispose of that amendment if offered by the chairman of a committee having jurisdiction of the subject matter of the amendment or by a designee. Such a preferential motion shall be separately debatable for one hour equally divided between its proponent and the proponent of the original motion. The previous question shall be considered as ordered on such a preferential motion to its adoption without intervening motion.". . . .

MR. GEPHARDT: Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentlewoman from New York [Ms. Slaughter], and I yield 30 minutes to the gentleman from New York [Mr. Solomon], on behalf of the minority.

THE SPEAKER:[20] The Chair recognizes the gentlewoman from New York [Ms. Slaughter].

MS. [LOUISE M.] SLAUGHTER [of New York]: Mr. Speaker, I yield myself such time as I may consume. . . .

The next amendment is designed to address the problem of Senate amendments to appropriations bills which contain legislative language. If an amendment in technical disagreement to an appropriations bill conference report proposes to change existing law, then a motion to insist on disagreement to the amendment shall have preference, if made by the chairman of a committee having jurisdiction over the subject matter of the amendment. The motion would be debated for 1 hour divided between its proponent and the proponents of the original motion to dispose of the amendment. It is hoped that this procedure will both deter and allow the House to better consider Senate legislative language in appropriations bills.

19. 139 CONG. REC. 49, 50, 53, 54, 103d Cong. 1st Sess.

20. Thomas S. Foley (Wash.).

Elevated Status of Motion To Insist When Pending Motion on an Amendment to Appropriation Bill Proposes Change in Law

§ 12.4 Although the motion to insist on disagreement is normally not the most preferential motion when Senate amendments in disagreement are before the House, such a motion does have the most preferential status where the initial motion to recede and concur with an amendment proposes a change in existing law.

On Oct. 20, 1993,[1] the House for the first time utilized the new rule giving the legislative committee of jurisdiction the right to insist on disagreement to a Senate amendment which invades its legislative jurisdiction by an amendment attached to a general appropriation bill and reported in disagreement.

The proceedings during the consideration of H.R. 2520, the Interior appropriations bill for fiscal year 1994, were as shown:

THE SPEAKER PRO TEMPORE:[2] The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

> Senate amendment No. 124: Page 80, after line 5 insert:
>
> SEC. 321. FOREST SERVICE SEPARATION PAY.—(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.
>
> (b) In the event that an authority is enacted to offer separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate. . . .

MOTION OFFERED BY MR. YATES

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

> Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 124, and concur therein with an amendment, as follows:

1. 139 CONG. REC. 25608, 103d Cong. 1st Sess.

2. Kweisi Mfume (Md.).

In lieu of the matter inserted by said amendment, insert:

"SEC. 320. FOREST SERVICE SEPARATION PAY.—(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service to the same extent the Secretary of Defense is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code.

"(b) In the event that an authority is enacted to offer separation pay or a voluntary separation incentive similar to such section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate. . . .

PREFERENTIAL MOTION OFFERED BY MR. CLAY

MR. [WILLIAM L.] CLAY [of Missouri]: Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Pursuant to clause 2(b)(2) of rule XXVIII, Mr. Clay moves to insist on disagreement to Senate amendment numbered 124.

THE SPEAKER PRO TEMPORE: The Chair finds that the motion offered by the gentleman from Illinois [Mr. Yates] proposes changes in existing law as written and is within the jurisdiction of the Committee on Post Office and Civil Service. So the chairman of that committee, the gentleman from Missouri [Mr. Clay] is then recognized to offer a preferential motion which the Clerk will report by title.

The Clerk re-read the preferential motion.

THE SPEAKER PRO TEMPORE: The gentleman from Missouri [Mr. Clay] will be recognized for 30 minutes and the gentleman from Illinois [Mr. Yates] will be recognized for 30 minutes.

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

§ 12.5 The rejection of a motion to recede and concur is not equivalent to the affirmation of a motion that the House insist on disagreement.

On Sept. 19, 1962,[3] the House had just adopted the conference report on H.R. 12648, agricultural appropriations for fiscal 1963.

THE SPEAKER:[4] The further unfinished business is the vote on the motion of the gentleman from Georgia [Mr. Forrester] which the Clerk will report.

The Clerk read as follows:

Mr. [Elijah L.] Forrester moves that the House recede and concur in the amendment of the Senate numbered 19.

THE SPEAKER: The question is on the motion. . . .

3. 108 CONG. REC. 19945, 87th Cong. 2d Sess.
4. John W. McCormack (Mass.).

The question was taken, and there were—yeas 143, nays 223, answered "present" 1, not voting 68. . . .

So the motion was rejected. . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The question now recurs on the motion of the gentleman from Mississippi [Mr. Whitten] that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

A motion to reconsider was laid on the table.

All Matters in Disagreement Must Be Reconciled Before Bill Can Become Law

§ 12.6 Pending a motion in the Senate to recede from its one amendment remaining in disagreement with the House following adoption of the conference report in both Houses and disposition of all other amendments, the Presiding Officer stated: (1) that if the motion were rejected, a motion to further insist upon the amendment and to request a further conference on that one amendment would be in order; but (2) that action on the entire bill would remain incomplete and the bill could not proceed to enrollment until the remaining amendment in disagreement was resolved.

Before a bill can be presented to the President as an enactment, both Houses must agree to the same text and must, through the amendment process and conference procedures, reach concurrence on each item therein.[5]

On May 22, 1975,[6] H.R. 5899, supplemental appropriations for fiscal year 1975, which had been sent to conference with 58 amendments in disagreement, was again on the Senate floor, the House having messaged to the Senate its insistence on disagreement to one remaining Senate amendment which had not been reconciled. When a motion in the Senate to recede from that last Senate amendment was offered, the following inquiry was directed to the Chair:

MR. [JOHN L.] MCCLELLAN [of Arkansas]: Mr. President, I move that the Senate recede from its amendment No. 107.

THE PRESIDING OFFICER:[7] First, the Chair will lay before the Senate the House amendment in disagreement to

5. See 5 Hinds' Precedents §§ 6233–6240.
6. 121 CONG. REC. 16127–29, 94th Cong. 1st Sess.
7. Theodore F. Stevens (Alaska).

Senate amendment No. 107, which the clerk will report.

The legislative clerk read as follows:

> The House insists on its disagreement to Amendment No. 107.

THE PRESIDING OFFICER: The question is on agreeing to the motion of the Senator from Arkansas. . . .

MR. [JACOB K.] JAVITS [of New York]: Mr. President, a parliamentary inquiry.

THE PRESIDING OFFICER: The Senator will state it.

MR. JAVITS: If the motion is rejected, will a motion to refuse to recede and to request the conferees to return to conference be in order?

THE PRESIDING OFFICER: A motion to insist and ask for a further conference would then be in order.

MR. JAVITS: I thank my colleague.

Have the conferees been discharged by the Senate?

THE PRESIDING OFFICER: The conferees have been discharged in the House and a new conference would have to be appointed. The conference would be on one issue.

MR. JAVITS: I thank the Chair. . . .

THE PRESIDING OFFICER: Does the Chair understand the inquiry is whether or not the bill will be delayed until the one item that is in conference is determined? Is that the inquiry?

MR. MCCLELLAN: State the parliamentary inquiry.

MR. [JAMES B.] ALLEN [of Alabama]: I asked the question, though I think it is pretty well known, since at this stage of the proceeding both Houses have agreed to more than $14 billion in appropriations, if the motion made by the Senator from Arkansas that the Senate recede from its amendment does not carry, then these $14 billion in appropriations will, at least for the time, fall. Is that correct?

THE PRESIDING OFFICER: The action on the bill would not be complete. The Chair does not recognize the reference to the appropriations falling. They would not be complete. The bill would not be prepared to be sent to the President.

MR. ALLEN: A new conference would have to be appointed and delay would take place?

THE PRESIDING OFFICER: The whole bill would be delayed until that one item was resolved. That is correct. . . .

So the motion was rejected.

MR. JAVITS: Mr. President, I move that the Senate further insist on its amendment.

THE PRESIDING OFFICER: The question is on agreeing to the motion.

The motion was agreed to. . . .

MR. ROBERT C. BYRD [of West Virginia]: Mr. President, I shall shortly move to stand in recess awaiting the call of the Chair, pending whatever action the House may wish to take in view of the action that has just been taken by the Senate. The House may further insist upon its disagreement and ask for a conference, or it may concur. Therefore, until we hear further from the House, I move that the Senate stand in recess awaiting the call of the Chair.

The motion was agreed to, and at 4:50 p.m., the Senate took a recess subject to the call of the Chair.

Failure To Address Title Amendment in Conference

§ 12.7 Every House amendment to a Senate bill must be reconciled before the Senate can enroll one of its bills sent to conference; and where conferees had neglected to address a House amendment to the title of a Senate bill, the House receded from its title amendment after the adoption of the conference report.

The proceedings relating to the consideration of the conference report on S. 327 in the 94th Congress are carried below:[8]

MR. [ROY A.] TAYLOR of North Carolina: Mr. Speaker, I call up the conference report on the Senate bill (S. 327) to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE:[9] Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 2, 1976.) . . .

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MR. TAYLOR of North Carolina: Mr. Speaker, I ask unanimous consent that the House recede from its amendment to the title of the Senate bill.

THE SPEAKER:[10] Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Insistence After Refusal To Recede

§ 12.8 A division of the question having been demanded on a motion to recede and concur in a Senate amendment, the Speaker indicated that refusal of the House to recede was not equivalent to insisting upon disagreement—the House could adhere—and that the House would vote separately on the motion to insist upon disagreement.

On June 25, 1973,[11] the House was considering Senate amendment No. 83 to H.R. 7447 (supplemental appropriations, fiscal

8. 122 CONG. REC. 29753, 29758, 29759, 94th Cong. 2d Sess., Sept. 10, 1976.
9. Lucien N. Nedzi (Mich.).
10. Carl Albert (Okla.).
11. 119 CONG. REC. 21171, 21172, 93d Cong. 1st Sess.

1973), which had been reported from conference in disagreement. Speaker Carl Albert, of Oklahoma, recognized 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 83.
>
> MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I offer a preferential motion.
> The Clerk read as follows:
>
> Mr. Giaimo moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.
>
> MR. MAHON: Mr. Speaker, I demand a division of the question.
> THE SPEAKER: The question is, Shall the House recede from its disagreement to the amendment of the Senate numbered 83? . . .
> MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry. . . .
> Mr. Speaker, my parliamentary inquiry is this: Am I correct, Mr. Speaker, that a "no" vote on the motion offered by the gentleman from Texas (Mr. Mahon) to recede would uphold the House position on the supplemental?
> The motion offered by the gentleman from Connecticut (Mr. Giaimo) was to recede and concur, but the chairman, the gentleman from Texas (Mr. Mahon) divided the question, and the vote is on a motion to recede. Therefore a "no" vote on the motion to recede would uphold the position of the House?
> THE SPEAKER: The Chair can state that if the "no" vote prevails, the next vote would be on the motion to insist on the House's position.[12]

§ 12.9 A motion to recede and concur in a Senate amendment with an amendment having been divided and the House having refused to recede, a motion to insist upon disagreement and request a further conference was entered.

On June 29, 1973,[13] a Senate amendment to H.R. 8410, providing for a temporary increase in the public debt limitation, was reported back from conference in technical disagreement. Mr. Wilbur D. Mills, of Arkansas, offered a motion to recede from the Senate amendment and concur therein with an amendment. The Speaker, Carl Albert, of Oklahoma, then recognized Mr. William A. Steiger, of Wisconsin:

> Mr. Speaker, on the motion of the gentleman from Arkansas I demand a division of the question.

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12. But see 103 CONG. REC. 15816, 85th Cong. 1st Sess., Aug. 23, 1957.

13. 119 CONG. REC. 22402, 22403, 93d Cong. 1st Sess.

THE SPEAKER: A division is demanded. The question is, Shall the House recede from its disagreement to the amendment of the Senate? . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 190, not voting 58. . . .

So the motion to recede was rejected. . . .

MR. MILLS of Arkansas: Mr. Speaker, I move that the House insist on its disagreement and request a further conference with the Senate.

The motion was agreed to.

§ 12.10 The stage of disagreement having been reached, the motion to recede and concur takes precedence of the motion to insist on disagreement; but where the motion to recede and concur is divided, and the House refuses to recede, a motion to insist is then entertained.

On Dec. 22, 1969,[14] the House was considering Senate amendment No. 33 to H.R. 15209, supplemental appropriations for fiscal 1970, reported from conference in disagreement.

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 33 and concur therein.

THE SPEAKER:[15] For what purpose does the gentleman from New Jersey rise?

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Speaker, I ask that the question be divided. Mr. Speaker, I have a motion at the desk.

MR. MAHON: Mr. Speaker, I do not yield for a motion at this time.

THE SPEAKER: The gentleman from New Jersey demands a division?

MR. THOMPSON of New Jersey: The gentleman does.

THE SPEAKER: The question is, Will the House recede from its disagreement to the amendment of the Senate numbered 33? . . .

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

The previous question was ordered.

THE SPEAKER: The gentleman from New Jersey (Mr. Thompson) demanded a division on the motion made by the gentleman from Texas (Mr. Mahon).

The question is on the motion offered by the gentleman from Texas (Mr. Mahon) that the House recede from its disagreement to the amendment of the Senate numbered 33. . . .

The question was taken; and there were—yeas 156, nays 208, answered "present" 1, not voting 68. . . .

So the motion was rejected. . . .

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, I offer a motion.

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14. 115 CONG. REC. 40915, 40921, 40922, 91st Cong. 1st Sess.

15. John W. McCormack (Mass.).

The Clerk read as follows:

Mr. Bow moves that the House insist on its disagreement to the amendment of the Senate numbered 33.

THE SPEAKER: The question is on the motion offered by the gentleman from Ohio (Mr. Bow).

The motion was agreed to.

Effect of Insisting

§ 12.11 When the House insists upon its amendment and the Senate insists on disagreement the bill goes to conference and conferees may bring in a compromise report if they so desire.

On Mar. 16, 1942,[16] the House was considering its amendments reported from conference in disagreement to S. 2208, the second war powers bill of 1942. The Speaker, Sam Rayburn, of Texas, recognized Mr. Hatton W. Sumners, also of Texas:

Mr. Speaker, I move that the House insist upon its amendment numbered 32, and yield myself 10 minutes. . . .

MR. [EARL C.] MICHENER [of Michigan]: There seems to be a slight misunderstanding as to what is before the House. As I understand the matter, the chairman of the Judiciary Committee has made a motion that the conferees insist on the position of the House; that is, if that motion carries, and if the conferees do insist, title VIII will be out of the bill entirely, or at least the matter must come back to the House. Am I correct?

MR. [CHARLES F.] MCLAUGHLIN [of Nebraska]: Mr. Speaker, if the Chair will permit me, that is not the situation. . . .

MR. [CLARENCE E.] HANCOCK [of New York]: Will the gentleman yield?

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

MR. HANCOCK: The gentleman from Nebraska will remember that it was our hope that this bill with this title would come back to the House for instructions, and it was my hope that the chairman of the committee would make his motion in the form of a request for instructions. Before abandoning title VIII entirely, the gentleman from Nebraska and myself wished to have an expression of the sentiment of the House.

MR. MCLAUGHLIN: The gentleman is correct.

MR. MICHENER: That cannot be accomplished under the parliamentary procedure in the House, as presently presented. The gentleman from Nebraska and the gentleman from New York are suggesting doing something that cannot be done at this time under the rules of the House. That is why I am asking for a clarification by the Speaker as to just what the situation is.

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16. 88 CONG. REC. 2508, 2512, 2513, 77th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:[17] The Chair may say that there are two things the House may do: The House may insist on the amendment, or it can recede from it. If the bill goes to conference, then the conferees have the subject before them, to be considered by the conferees, if the Senate insists on its position. . . .

MR. MCLAUGHLIN: If we recede, we vote to pass without further action by the conferees the bill in the form in which it was prior to the time the Judiciary Committee, by committee amendment, moved that this title be stricken out, and prior to the time the House adopted that amendment. If we vote to insist, then we send it back to conference for action by the conferees. Is that not the situation?

THE SPEAKER PRO TEMPORE: If the House adopted the pending motion, then it goes back to the Senate for further consideration. It goes to the Senate first before it goes to conference.

MR. MCLAUGHLIN: If the Senate does not agree with our action in accepting the Sumners motion insisting on the House amendment, then the matter will have to go to conference?

THE SPEAKER PRO TEMPORE: That is correct.

MR. MCLAUGHLIN: In that event the conferees on the part of the House and the conferees on the part of the Senate will have within their power and discretion the right to bring in any proposal which they see fit to bring back to the House and to the Senate?

THE SPEAKER PRO TEMPORE: It will be before the conference and the conferees may bring in a compromise report, if they so desire.

17. Richard M. Duncan (Mo.).

Concurrence as Precluding Motion To Further Disagree

§ 12.12 The Chair informed a Member that no further opportunity to move that the House disagree to a Senate amendment would be in order if the House, having receded, concurred with an amendment.

On May 14, 1963,[18] the House was considering Senate amendment No. 76 to H.R. 5517, supplemental appropriations for fiscal 1963. Mr. Albert Thomas, of Texas, moved that the House recede and concur with an amendment. After Mr. Thomas moved the previous question on his motion, Mr. George Meader, of Michigan, rose:

Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[19] The gentleman will state it.

MR. MEADER: If the previous question is ordered and the vote is favorable on the motion of the gentleman from Texas, will there be an opportunity to move that the House further disagree to the Senate amendment No. 76?

18. 109 CONG. REC. 8509, 88th Cong. 1st Sess.

19. John W. McCormack (Mass.).

THE SPEAKER: At this point the Chair will answer the gentleman's parliamentary inquiry in the negative; no.

Insistence After Rejection of Conference Report

§ 12.13 If a conference report is rejected, the amendments of the Senate are again before the House; and a motion to further insist on disagreement with the amendment of the Senate and request further conference is in order.

On Sept. 20, 1962,[20] the House was considering the conference report on H.R. 12391, the Food and Agricultural Act of 1962. Mr. Thomas G. Abernethy, of Mississippi, raised the following parliamentary inquiry:

If the motion to adopt the conference report is defeated, would it be in order for the conferees to return to conference on an appropriate motion?

THE SPEAKER:[1] It would be in order for some Member to offer a motion that the House insist on its position and ask for a further conference.

Recognition if Conference Report Is Rejected

§ 12.14 If a conference report is rejected, recognition for a motion to further insist on disagreement and request further conference is within the discretion of the Chair.

On Sept. 20, 1962,[2] the House was considering the conference report on H.R. 12391, the Food and Agricultural Act of 1962. Mr. Thomas G. Abernethy, of Mississippi, posed the following question:

If the motion to adopt the conference report is defeated, would it be in order for the conferees to return to conference on an appropriate motion?

THE SPEAKER:[3] It would be in order for some Member to offer a motion that the House insist on its position and ask for a further conference.

MR. ABERNETHY: Could any Member of the House offer that motion?

THE SPEAKER: That would depend upon recognition of the Chair.

Effect of Rejection of Motion To Insist

§ 12.15 Rejection of a motion to insist upon disagreement to a Senate amendment is not

20. 108 CONG. REC. 20094, 20129, 87th Cong. 2d Sess.
1. John W. McCormack (Mass.).

2. 108 CONG. REC. 20094, 20129, 87th Cong. 2d Sess.
3. John W. McCormack (Mass.).

tantamount to concurrence and further action is required to dispose of the Senate amendment.

On Sept. 19, 1962,[4] the House adopted the conference report on H.R. 11151, the legislative appropriation bill for fiscal 1963. The following occurred:

THE SPEAKER:[5] The further unfinished business is the vote on a motion of the gentleman from Oklahoma [Mr. Steed] which the Clerk will report.

The Clerk read as follows:

Mr. [Thomas J.] Steed moves that the House insist upon its disagreement to the amendment of the Senate numbered 44. . . .

The question was taken; and there were—yeas 125, nays 248, not voting 62. . . .

So the motion was rejected. . . .

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

The Clerk read as follows:

Mr. Steed moves the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein.

THE SPEAKER: The question is on the motion of the gentleman from Oklahoma.

The motion was agreed to.

A motion to reconsider was laid on the table.

Resolution Providing for Insistence

§ 12.16 The House may adopt a resolution taking a Senate bill with House amendments from the Speaker's table, insisting on House amendments, and agreeing to a further conference.

On Aug. 12, 1964,[6] Speaker Pro Tempore Carl Albert, of Oklahoma, recognized Mr. B. F. Sisk, of California:

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 818 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes, with House amendments thereto, be, and the same is hereby, taken from the Speaker's table; that the House insists on its amendments to said bill and agrees to the further conference requested by the Senate on the disagreeing votes thereon.

4. 108 CONG. REC. 19945–47, 87th Cong. 2d Sess.
5. John W. McCormack (Mass.).
6. 110 CONG. REC. 19194, 19195, 88th Cong. 2d Sess.

MR. SISK: Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown] and pending that, I yield myself such time as I may consume. . . .

Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: A motion to further insist on the House amendment and agree to the further conference requested by the Senate was privileged, for the stage of disagreement had been reached when the House insisted on its amendment and agreed to the Senate request for a conference on Oct. 2, 1963. That conference had reported back in disagreement on Dec. 19, 1963. Instead of using the motion route, hearings before the Committee on Rules were requested so that matters in disagreement could be compromised. When it was found that differences could be resolved by further conference, the Committee on Rules reported this resolution.

Insistence by Unanimous Consent

§ 12.17 The House has agreed to a unanimous-consent request taking a House bill with Senate amendments from the Speaker's table and further insisting on disagreement to the Senate amendments.

On Oct. 11, 1962,[7] Speaker John W. McCormack, of Massachusetts, recognized Mr. Jamie L. Whitten, of Mississippi:

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 12648, with Senate amendments Nos. 2, 19, 44, and 47 through 54, and further insist upon disagreement to said amendments.

THE SPEAKER: Is there objection to the request of the gentleman from Mississippi [Mr. Whitten]?

There was no objection.

Parliamentarian's Note: Since the stage of disagreement had already been reached, a motion for this purpose was privileged and the Member could have proceeded by moving to insist rather than seeking unanimous consent.

7. 108 CONG. REC. 23206, 87th Cong. 2d Sess.

Adhere, significance of motion to, § 12.1
Adjourn, Senate amendments to, resolution not operable until agreed to in both Houses, § 6.62
Amendments
altering text passed by both Houses, on occasion House has agreed to, § 5.2
appropriation bill, where Senate amendment proposes legislation on, further House amendment must be germane, §§ 6.15, 6.16
constitutional, and Senate amendments thereto are considered in the House, § 5.61
degree of, formula for determining, § 6.3
degree, third, not in order, § 6.4
House
division of, to Senate amendment, when in order, § 11.8
House cannot recede from or insist on, with amendment, § 7.24
House may recede from, § 10.1
receding from, and concurring with further, §§ 10.5, 10.6
receding from, effect of House, § 10.3
receding from, where Senate has amended, effect of, § 10.7
Senate bill passed when House recedes from, thereto, § 10.2
Senate
action on, by special rule (under suspension) before stage of disagreement, § 11.4
adjournment, concurrent resolution providing for not operable until, agreed to, § 6.62
agreeing to some, disagreeing with others, § 5.9
agreeing to, with further amendment may be accomplished under suspension of the rules, § 6.2
Amendments—Cont.
Senate—Cont.
amendment to, cannot touch House-passed text, § 11.24
amendment to, must be germane, §§ 11.25–11.27
appropriation bill, where, proposes legislation on, further House amendment must be germane, §§ 6.15, 6.16
calling up House bill with, which does not require consideration in Committee of the Whole, § 5.59
Committee of the Whole consideration of, voting on recommendation in House, § 5.51
Committee on Rules, role of, in disposing of, §§ 5.30, 5.31
concur in, debate on motion to, § 11.17
concur in, motion to, with amendment may be amended if proponent yields for that purpose, § 11.23
concur in, with further amendment not divisible, motion to, § 11.9
concurrence in, instance where House vacated motion, and offered different amendment thereto, § 11.3
concurrence in, with amendment by unanimous consent, § 11.1
concurring in, before stage of disagreement, § 11.1
concurring in, considered more privileged than committing, Senate having ignored request for conference and amended, § 7.5
concurring in, with amendment by unanimous consent, no vote possible, § 11.2
concurring in, with amendment without intervening motion, § 5.18