enrollment of H.R. 4713, the Clerk of the House of Representatives be authorized to delete Senate amendment numbered 5, which inserts at page 3, after the second line following line 6, a new section 7.

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

Parliamentarian's Note: The Senate had adopted several numbered amendments to the House bill, and the House had agreed to Senate amendment number 5. The Senate then decided to recede from that amendment, which it could not do except by concurrent action of the two Houses in correcting the enrollment of the bill.

§ 5. House Action on Senate Amendments

House measures with Senate amendments which do not require consideration in the Committee of the Whole are privileged for consideration in the House and may at once be disposed of on motion or as the House may otherwise determine.[9] If any Senate amendment requires consideration in the Committee of the Whole, a motion to act on the Senate amendment is *not* privileged, and the rules provide that the entire measure be referred to the appropriate standing committee.[10] Upon being reported from that committee the measure is placed on the Union Calendar for consideration in the Committee of the Whole. However, as a practical matter this procedure is rarely used and such measures are either considered under the provisions of resolutions reported from the Committee on Rules ("special rules")[11] or by unanimous consent.[12] The motion to suspend the rules may also be used to dispose of such Senate amendments.

Motions for the disposal of these Senate measures or Senate amendments to House bills requiring consideration in Committee of the Whole become privileged after the stage of disagreement is

9. Rule XXIV clause 2, *House Rules and Manual* § 882 (1997).
10. Rule XX clause 1, *House Rules and Manual* § 827 (1997) and Rule XXIV clause 2, *House Rules and Manual* §§ 882, 883 (1997).
11. See §§ 5.5, 5.30, 5.31, 5.33, 5.54, infra.
12. See § 5.7, infra.

reached on that particular measure.[13] This stage is not reached until one House informs the other that it disagrees to some provision of that measure.[14] However, when these measures are considered under the provisions of a special rule, or by unanimous consent, motions for their disposal are thereby privileged (under the provisions of either the special rule or unanimous-consent agreement) despite the fact that the stage of disagreement may not have been reached. These measures are often sent to conference by unanimous consent,[15] pursuant to the provisions of a special rule from the Committee on Rules,[16] or pursuant to a committee-authorized motion to request or agree to a conference.[17] The provision in Rule XX, clause 1, now permits a motion to send a House bill with Senate amendments to conference, if the Speaker in his discretion recognizes a Member authorized by the committee having jurisdiction over the bill, to make such motion. However, motions for the disposal of these amendments in the House itself are still not privileged at this stage, and they require unanimous consent. While a privileged motion to go to conference under Rule XX clause 1 is pending, preferential motions to concur or to concur with amendments are not in order (the stage of disagreement not having been reached).[18]

Senate amendments must be read in full prior to their being taken from the Speaker's table.[19] They are debated in the House under the hour rule[20] or under the five-minute rule if in Committee of the Whole.[1] They are considered in their entirety either in the House[2] or in Committee of the Whole.[3]

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13. See § 5.4, infra; and 8 Cannon's Precedents § 3194.

14. 6 Cannon's Precedents §§ 756, 757.

15. *Id.* at § 732. See §§ 5.6–5.9, infra.

16. See precedents in Ch. 33, § 2, infra.

17. Rule XX clause 1, *House Rules and Manual* § 827 (1997), as amended by H. Res. 8, 89th Cong. 1st Sess. (1965) at p. 21.

18. *House Practice* (104th Cong.), § 11, Senate Bills; Amendments Between the Houses, p. 820, 124 CONG. REC. 38724, 95th Cong. 1st Sess., Dec. 7, 1977.

19. 8 Cannon's Precedents §§ 2400, 3232.

20. See § 5.56, infra.

1. *House Rules and Manual* § 828 (1997). See also § 5.50, infra.

2. See § 5.42, infra.

3. 5 Hinds' Precedents § 6194.

Amendment of Text to Which Both Houses Have Agreed

§ 5.1 During House consideration of Senate amendments to a House bill, it is not in order to enlarge the Senate amendment to change the text of the bill to which both Houses have agreed.

On June 10, 1940,[4] the House was considering Senate amendments to H.R. 9209, appropriations for the military. Mr. J. Buell Snyder, of Pennsylvania, offered a motion to recede and concur with an amendment. Mr. John Taber, of New York, rose with a point of order:

> . . . I shall feel obliged to make a point of order against the part of the amendment beginning with the comma in the first line thereof and continuing through the balance of the language, because . . . it is not an amendment to an amendment to which it is offered, it being an amendment to the language on page 37, line 6 [of the House text], to which paragraph the Senate made no amendment whatever. . . .
>
> THE SPEAKER PRO TEMPORE:[5] Does the gentleman from Pennsylvania desire to be heard on the point of order?
>
> MR. SNYDER: I concede the point of order, Mr. Speaker.
>
> THE SPEAKER PRO TEMPORE: The Chair sustains the point of order.

Amending Text Previously Agreed to By Both Houses

§ 5.2 Where a Senate amendment struck language in a House bill and inserted a new provision, the House concurred with an amendment striking the insertion and altering other portions of the House engrossment, thus amending its own agreed-upon text. In the Senate, the motion to concur in the House action was agreed to.

Under section XLV of his Manual of Parliamentary Practice, Jefferson states that "the Commons resolved that it is unparliamentary to strike out, at a conference, anything in a bill which hath been agreed and passed by both Houses."[6] In the modern practice, the further principle has been established in the House of Representatives that it may not, even in the slightest degree, change the text to which both Houses have agreed.[7]

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4. 86 CONG. REC. 7895, 76th Cong. 3d Sess.
5. William P. Cole, Jr. (Md.).
6. See *House Rules and Manual* § 527 (1997).
7. See 5 Cannon's Precedents § 6180; 8 Cannon's Precedents § 3257; and

While technically at variance with these principles, the House has permitted, by sufferance and by special procedures (under suspension or pursuant to a special order), the type of amendment illustrated below as a way of expediting consideration of amendments between the Houses.[8]

MR. [MARK O.] HATFIELD [of Oregon]: Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 115, a joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 and 2 to the joint resolution (H.J. Res. 115) entitled "Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.".

Resolved, That the House agree to the amendment of the Senate numbered 3 to the aforesaid joint resolution with the following amendment:

Delete the matter proposed by said amendment, and beginning on page 15, line 1 of the House engrossed joint resolution (H.J. Res. 115), strike all down to and including line 7, on page 36, and redesignate title IV as title III, and renumber sections accordingly.

MR. HATFIELD: Mr. President, I move that the Senate concur in the House amendment to the Senate amendment.

THE PRESIDING OFFICER:[9] The question is on agreeing to the motion.

So the motion was agreed to.

MR. HATFIELD: I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Receding From a House Amendment With a New House Amendment to Senate Text

§ 5.3 While under section XLV of Jefferson's Manual,[10] the House may not recede from its amendment to a Senate measure with an amendment, the House may, by unanimous consent, recede from its amendment and then amend the Senate text anew with another amendment.

House Rules and Manual § 527 (1997).

8. 141 CONG. REC. 32194, 104th Cong. 1st Sess., Nov. 13, 1995.

Similarly, on Oct. 14, 1986, the House agreed to a resolution considered under suspension of the rules, agreeing to a Senate amendment which inserted text in a House bill, with an amendment changing the text of the original House bill. See 132 CONG. REC. 30729, 99th Cong. 2d Sess. (H. Res. 589).

9. Charles E. Grassley (Iowa).

10. *House Rules and Manual* § 526 (1997).

On June 21, 1982,[11] it became essential that the House proceed to act first on Senate Concurrent Resolution 92, the first concurrent resolution on the budget for fiscal year 1983. The conference report on the resolution had been filed, showing that the conferees had reported in complete disagreement for technical reasons.

The unanimous-consent request proposed by the chairman of the Committee on the Budget, James R. Jones, of Oklahoma, was designed to permit the House to "act first" on the resolution by a rather unorthodox—and rarely used—procedure.

Mr. Jones of Oklahoma submitted the following conference report and statement on the Senate concurrent resolution (S. Con. Res. 92) setting forth the recommended congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the U.S. Government for the fiscal year 1982:

CONFERENCE REPORT (H. REPT. NO. 97–614)

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. 92) setting forth the recommended congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the United States Government for the fiscal year 1982, having met, after full and free conference, have been unable to agree on a conference report because the conference decisions have changed certain budget figures outside the scope of conference. As set forth in the accompanying joint explanatory statement, the conferees do propose a congressional budget incorporated in a further amendment for the consideration of the two Houses. . . .

MR. JONES of Oklahoma: Mr. Speaker, I ask unanimous consent that it shall be in order tomorrow or any day thereafter to consider a motion by the chairman of the Committee on the Budget to recede from the House amendment, reported from conference in disagreement, to Senate Concurrent Resolution 92, and to amend the Senate concurrent resolution with the text of the amendment in the nature of a substitute printed in the joint statement of managers in the conference report as submitted in the House of Representatives, that debate on said motion shall continue not to exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, that said motion shall not be subject to a demand for a division of the question, and that the previous question shall be considered as ordered on said motion to final adoption without intervening motion.

THE SPEAKER PRO TEMPORE:[12] Is there objection to the request of the gentleman from Oklahoma?

11. 128 CONG. REC. 14470, 14481, 14482, 97th Cong. 2d Sess.

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

MR. [TOM] LOEFFLER [of Texas]: Mr. Speaker, reserving the right to object, and I shall not object, I do so solely for the purpose of clarification.

As I understand the request of the distinguished chairman of the Budget Committee, this would only allow us to expedite consideration of the budget resolution conference report, which was reported in disagreement because of some minor-scope problems. This motion would, as I understand it, allow the House to proceed first to the consideration of the conference agreement. . . .

MR. LOEFFLER: Mr. Speaker, I thank the gentleman for his response, and I wish to inform the body that this unanimous-consent request has also been cleared by the Republican leadership.

Mr. Speaker, I withdraw my reservation of objection.

When Privileged for Consideration

§ 5.4 After the stage of disagreement on a House bill with Senate amendments has been reached, the consideration of the amendments are privileged.

On May 22, 1936,[13] Speaker Joseph W. Byrns, of Tennessee, had ruled out on a point of order the conference report on H.R. 9496, relating to losses suffered by the federal government through delivery of checks by mail, whereupon the Senate amendments thereto were again before the House for consideration.

MR. [FREDERICK R.] LEHLBACH [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LEHLBACH: Are amendments put on a House bill by the Senate privileged?

THE SPEAKER: After the stage of disagreement has been reached they are. For this reason it is necessary that the House take some action upon the amendments at this time.

Consequences of Objection to Unanimous-consent Request To Consider Senate Amendments

§ 5.5 Should objection be made to a unanimous-consent request to take from the Speaker's table a House bill with Senate amendments, and to disagree to the amendments and agree to a conference, the Speaker is not required by Rule XXIV clause 2 to send the bill and amendments directly to the legislative committee having jurisdiction thereof, but may hold the bill on the table until the Committee on Rules

13. 80 CONG. REC. 7790–92, 74th Cong. 2d Sess.

has an opportunity to act or until the House takes other action.

On Mar. 29, 1961,[14] during the pendency of a unanimous-consent request of Mr. Harold D. Cooley, of North Carolina, to take from the Speaker's table H.R. 5463, amending the Sugar Act of 1948, with Senate amendments thereto, Mr. Walter E. Rogers, of Texas, raised the following parliamentary inquiry:

> If an objection is made, does the bill go back to the committee having jurisdiction?
>
> THE SPEAKER:[15] It does not; and the Committee on Rules, I am sure, would be called together immediately and asked to report a rule to send the bill to conference.[16]

Consideration by Unanimous Consent

§ 5.6 A motion to take from the Speaker's table a House bill with Senate amendments (requiring consideration in the Committee of the Whole) for consideration in the House is not privileged before the stage of disagreement is reached, and such action requires unanimous consent.

On May 27, 1946,[17] Speaker Sam Rayburn, of Texas, recognized Mr. Clarence J. Brown, of Ohio, to pose a parliamentary inquiry regarding the consideration of H.R. 4908, a bill to provide for the appointment of fact-finding boards to investigate labor disputes:

> Would it be in order for a Member to move to take from the Speaker's desk H.R. 4908 for consideration at this time?
>
> THE SPEAKER: The motion is not a privileged motion at this stage of the proceedings.
>
> MR. BROWN of Ohio: Would it be within the discretion of the Speaker?
>
> THE SPEAKER: It would not. It requires unanimous consent.

§ 5.7 The House may, by unanimous consent, take from the Speaker's table a House bill with Senate amendments and consider

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14. 107 CONG. REC. 5288, 87th Cong. 1st Sess.
15. Sam Rayburn (Tex.).
16. See also 107 CONG. REC. 21475, 87th Cong. 1st Sess., Sept. 25, 1961 (Calendar Day). The motion to send a bill and amendments to conference was not made part of the rules until the 89th Congress. See H. Res. 8, 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965.
17. 92 CONG. REC. 5864, 79th Cong. 2d Sess.

those amendments in the House.

On Dec. 20, 1963,[18] Speaker John W. McCormack, of Massachusetts, recognized Mr. Wayne N. Aspinall, of Colorado:

> Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider in the House the bill (H.R. 5945) to establish a procedure for the prompt settlement, in a democratic manner, of the political status of Puerto Rico, with Senate amendments thereto.
>
> The Clerk read the title of the bill.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Colorado?
>
> There was no objection.
>
> THE SPEAKER: The Clerk will report the first Senate amendment.[19]

The motion to dispose of each Senate amendment was debatable for one hour.

§ 5.8 A House bill, with Senate amendments that require consideration in Committee of the Whole, may be taken from the Speaker's table for consideration, for agreement to the Senate amendments, or sent to conference, by unanimous consent.

On Aug. 13, 1957,[20] Mr. Kenneth B. Keating, of New York, made this inquiry about the consideration of a civil rights bill:

> Specifically with regard to the bill H.R. 6127, which is now on the Speaker's desk, I wish the Speaker would advise whether a unanimous-consent request is necessary from some Member to dispose of it in some manner as a preliminary to its being sent to the Committee on Rules?
>
> THE SPEAKER:[1] It requires unanimous consent to take it up for consideration, send it to conference, or to agree to the amendments of the Senate.

§ 5.9 A House bill, with Senate amendments requiring consideration in Committee of the Whole, was, by unanimous consent, taken from the Speaker's table for consideration; certain of the amendments were agreed to; and the House disagreed to the remaining amendments and agreed to a conference requested by the Senate.

On July 31, 1961,[2] Speaker Sam Rayburn, of Texas, recognized Mr. Thomas J. Steed, of Oklahoma, to make this request:

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18. 109 CONG. REC. 25365, 88th Cong. 1st Sess.

19. See also 111 CONG. REC. 27412, 89th Cong. 1st Sess., Oct. 19, 1965 (H.R. 168).

20. 103 CONG. REC. 14568, 85th Cong. 1st Sess.

1. Sam Rayburn (Tex.).

2. 107 CONG. REC. 14050, 87th Cong. 1st Sess.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider the bill (H.R. 7208) making appropriations for the legislative branch for the fiscal year ending June 30, 1962, and for other purposes, with Senate amendments thereto.

The Clerk read the title of the bill.

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

There was no objection.

MR. STEED: Mr. Speaker, I ask unanimous consent that the House concur in the amendments of the Senate numbered 1 through 41, inclusive, and in amendments numbered 43 and 49; that the House disagrees to the amendments of the Senate numbered 42, 44, 45, 46, 47, 48, 50, 51, and 52; and that the House agree to the conference asked by the Senate.

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

The Chair hears none and appoints the following conferees:

Messrs. Steed, Kirwan, Cannon, Horan, and Taber.[3]

Where Unanimous-consent Request Is Pending, Alternative Motions Not in Order

§ 5.10 When a unanimous-consent request to take from the Speaker's table a House bill with Senate amendments thereto (which require consideration in the Committee of the Whole) is pending, no motion for the disposal of those amendments is in order.

On Mar. 29, 1961,[4] Speaker Sam Rayburn, of Texas, recognized Mr. Harold D. Cooley, of North Carolina:

MR. COOLEY: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill—H.R. 5463—to amend and extend the Sugar Act of 1948, as amended, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

MRS. [CATHERINE D.] MAY [of Washington]: Mr. Speaker, reserving the right to object, may I propound a parliamentary inquiry?

THE SPEAKER: The gentlewoman will state it.

MRS. MAY: Mr. Speaker, may I offer a preferential motion?

THE SPEAKER: There is nothing before the House except the unanimous-consent request of the gentleman from North Carolina [Mr. Cooley].

§ 5.11 If objection is made to a unanimous-consent request to take a House bill with

3. See also 108 CONG. REC. 15854, 15856, 87th Cong. 2d Sess., Aug. 8, 1962.

4. 107 CONG. REC. 5288, 87th Cong. 1st Sess.

Senate amendment from the Speaker's table and concur in the amendment, the Speaker has no authority to automatically put the question on concurring to a vote.

The recurring procedural distinctions between unanimous-consent requests to concur or to consider a Senate amendment, before the stage of disagreement, was again the subject of an inquiry on June 29, 1976.[5]

MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10051) to amend section 815 of the Internal Revenue Code to allow a life insurance company to disregard (for purposes of that section) a distribution during the last month of its taxable year, determined to have been made out of the policyholders surplus account, if such distribution is returned to the company not later than the due date for filing its income tax return (including extensions thereof) for that year, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 5, insert:

SEC. 2. EXCLUSION FROM INCOME UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM. . . .

THE SPEAKER:[6] Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE SPEAKER: Is there objection to the request of the gentleman from Oregon (Mr. Ullman) to concur in the Senate amendments?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, is the question being put on consideration of the bill?

THE SPEAKER: On Senate amendments, to concur in the Senate amendments. The question was put.

MR. ULLMAN: Mr. Speaker, will the gentleman yield?

MR. BAUMAN: Reserving the right to object, I yield to the gentleman from Oregon.

MR. ULLMAN: Mr. Speaker, the unanimous-consent request is to agree to the Senate amendments. I attempted to explain what the Senate amendments do. This was a House-passed bill which we have already voted on, and we are agreeing by this action to the Senate amendments.

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, if an objection is lodged to the request, can the Chair then put the question?

If an objection is lodged to the request to agree to the Senate amendments, would the Chair then be able to put the question?

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5. 122 CONG. REC. 21140, 21141, 94th Cong. 2d Sess.

6. Carl Albert (Okla.).

THE SPEAKER: No.

MR. BAUMAN: In other words, there is no manner in which a Member can obtain a rollcall vote on this?

THE SPEAKER: Not on this request.

MR. BAUMAN: It either passes by unanimous consent or not at all?

THE SPEAKER: Yes.

MR. BAUMAN: The gentleman from Maryland thinks that is unfortunate, and withdraws his reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

Interruption of Amendments in Disagreement for Other Business

§ 5.12 The House interrupted the consideration of amendments in disagreement on a general appropriation bill to take up, pursuant to a unanimous-consent request, a continuing appropriation measure, making in order one indivisible motion to concur in all Senate amendments.

Following a record vote on a motion to dispose of one of the amendments in disagreement to the Department of Veterans' Affairs and Housing and Urban Development appropriation bill, fiscal 1990 (H.R. 2916), the chairman of the Committee on Appropriations was recognized to offer a unanimous-consent request, providing for consideration and disposition of the final continuing appropriation bill for fiscal 1990. The request and the motion made pursuant thereto, as excerpted from the *Congressional Record* of Oct. 25, 1989,[7] are carried here.

MAKING IN ORDER OFFERING OF MOTION FOR CONSIDERATION OF SENATE AMENDMENTS ON HOUSE JOINT RESOLUTION 423, FURTHER CONTINUING APPROPRIATIONS, 1990

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I ask unanimous consent that it be in order to offer an indivisible motion to take from the Speaker's table the joint resolution (H.J. Res. 423) making continuing appropriations for fiscal year 1990, and for other purposes, with Senate amendments numbered 1 through 13 thereto, and to concur in such Senate amendments; that such motion be debatable for 1 hour equally divided and controlled by myself and the gentleman from Massachusetts [Mr. Conte] and that the previous question be considered as ordered on such motion to final adoption without intervening motion.

THE SPEAKER PRO TEMPORE:[8] Is there objection to the request of the gentleman from Mississippi?

7. 135 CONG. REC. 25887–90, 101st Cong. 1st Sess.
8. Frank McCloskey (Ind.).

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, reserving the right to object, I understand that we are taking up the continuing resolution with this. Does that mean that we have now accepted the Senate amendments?

MR. WHITTEN: Mr. Speaker, will the gentleman yield?

MR. WALKER: I am happy to yield to the gentleman from Mississippi.

MR. WHITTEN: Mr. Speaker, it means we accept the Senate amendments as we have participated in working this out by telephone during the day. The Senate amendment carries with it what we thought we needed in addition to what we passed yesterday. . . .

PARLIAMENTARY INQUIRY

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WYLIE: Mr. Speaker, concerning the HUD–VA appropriation bill, will we get back to that this evening?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from Ohio that the House will continue with that later today. It will be temporarily interrupted.

MR. WYLIE: I thank the Chair.

FURTHER CONTINUING APPROPRIATIONS, 1990

MR. WHITTEN: Mr. Speaker, pursuant to the order of the House just agreed to, I move to take from the Speaker's table the joint resolution (H.J. Res. 423) making further continuing appropriations for the fiscal year 1990, and for other purposes, with Senate amendments numbered 1 through 13 thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 2, strike out "section" and insert "sections".

Page 2, line 11, after "Fund" insert: "and to remain available until expended".

Page 2, lines 11 and 12, strike out "120(f)(1) and".

Page 2, line 13, strike out all after "Fund" down to and including "1990" in line 16.

Page 2, line 23, after "activities" insert ": *Provided,* That during fiscal year 1990, and within the resources available to carry out Section 7(b) of the Small Business Act, as amended, gross obligations for new direct loans shall not exceed $1,813,250,000".

Page 3, line 4, after "authorized" insert: "Federal". . . .

Page 3, after line 10, insert:

"SEC. 109. Section 102(c) shall not apply to sections 107, 108, 109, 110, 111, 112, and 113."

Page 3, after line 10, insert:

"SEC. 110. Notwithstanding section 120(f) of title 23, United States Code, the Federal share payable on account of any project on the Interstate and other Federal-aid highway system resulting from Hurricane Hugo, September 1989, or the Loma Prieta Earthquake of October 17, 1989, with funds made available to carry out section 125 of such title shall be 100 percent for costs incurred in the 180-day period beginning on the date of such natural disaster.". . . .

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

Mr. Speaker, I am proud of our committee and of the Congress. We have proved that we can act in a hurry.

Eight days after the worst earthquake since 1906, which wreaked havoc on the people of California, with deaths totaling more than 80 and destruction of billions of dollars worth of valuable property, we on the Committee on Appropriations have worked out a resolution enabling the people of the area to go full speed ahead with efforts to relieve the suffering and to return, so far as possible, to orderly business and lives. . . .

Mr. Speaker, moving promptly on Friday, October 20, I introduced House Joint Resolution 423 for myself and on behalf of the delegations of the State of California, the State of South Carolina, and other areas affected by natural disasters on a national scale. On Monday, at 7:15 p.m. the committee reported the resolution.

Yesterday the House passed House Joint Resolution 423 which extends the present continuing resolution, Public Law 101–100, from October 25 to November 15, 1989. The existing resolution expires tonight at midnight. . . .

Mr. Speaker, the Senate earlier today adopted a resolution with 13 amendments. May I say in an effort to expedite this matter, we did work it out and reached an agreement by telephone where the Senate provision includes amendments we think important. So, it is a combination bill where we have gotten together in advance. I am glad to tell my colleagues that is the situation.

Distinction Between Unanimous Consent To Concur or Consider Senate Amendment

§ 5.13 A request to concur in a Senate action may lead to the final disposition of the matter, while a request to "consider" may permit a variety of motions and result in a vote on the motion offered.

Amendments between the Houses are often disposed of in the House by a properly phrased unanimous-consent request. The distinction between a request to "concur" in a Senate amendment and one to "consider" the amendment are shown by the following requests and inquiries:[9]

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9524) to extend the Emergency Petroleum Allocation Act of 1973, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

9. 121 CONG. REC. 30415–17, 94th Cong. 1st Sess., Sept. 26, 1975.

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Petroleum Allocation Act of 1975". . . .

PARLIAMENTARY INQUIRY

MR. [WILLIAM L.] ARMSTRONG [of Colorado]: Mr. Speaker, reserving the right to object, I wonder if I could propound a parliamentary inquiry.

THE SPEAKER:[10] The gentleman will state it.

MR. ARMSTRONG: Mr. Speaker, the effect of granting this unanimous-consent request will be not only that the bill will be considered, but it will be by granting the request adopted?

THE SPEAKER: There will be an agreement by the House to the Senate amendment.

MR. ARMSTRONG: And to adopt the bill?

THE SPEAKER: It is simply an amendment to the House bill, which would automatically be agreed to if there is no objection.

MR. ARMSTRONG: Well, Mr. Speaker, if I may ask, is there a way to divide that question? My interest does not preclude the consideration of this matter. My interest is to have a vote on the issue.

THE SPEAKER: This is not a divisible question. This is a unanimous-consent request. . . .

MR. ARMSTRONG: Mr. Speaker, further reserving the right to object, do I understand the gentleman's explanation that if the unanimous-consent request is agreed to, the effect is final action by the House; there would be no debate?

THE SPEAKER: That would be final action by the House.

MR. ARMSTRONG: Well, then, Mr. Speaker, reluctantly and not because I desire to delay consideration of this issue, but because I think a matter of this importance deserves the effort, I will, therefore, object to the unanimous-consent request.

THE SPEAKER: Objection is heard.

MR. STAGGERS: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9524) to extend the Emergency Petroleum Allocation Act of 1973, with a Senate amendment thereto, and consider the Senate amendment in the House.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Petroleum Allocation Act of 1975". . . .

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

There was no objection.

THE SPEAKER: Is there objection to consideration of the Senate amendment in the House?

MR. ARMSTRONG: Mr. Speaker, reserving the right to object, perhaps I am in doubt of our status. The information just given me is that upon the adoption of this amendment the bill

10. Carl Albert (Okla.).

will then be before the House in the Committee of the Whole.

THE SPEAKER: No.

MR. ARMSTRONG: Then I have been given the wrong information. I thank the Speaker for helping me. I withdraw my reservation of objection.

THE SPEAKER: Is there objection to consideration of the Senate amendment? The Chair hears none. The question is on the adoption of the Senate amendment.

MR. ARMSTRONG: 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 SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 16, not voting 75. . . .

§ 5.14 In response to a parliamentary inquiry, the Speaker stated the distinction between a unanimous-consent request to concur in Senate amendments and a request to consider such amendments in the House: only the second alternative permits debate and a vote.

Where a request was made to take from the Speaker's table a House measure with the Senate's amendments thereto, and concur in those amendments, an inquiry was directed to the Chair as shown in the following proceedings:[11]

MR. PHILLIP BURTON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 549) to approve the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," and for other purposes, with Senate amendments thereto, and concur in the Senate amendments. . . .

THE SPEAKER:[12] Is there objection to the request of the gentleman from California?

MR. [M. G. (GENE)] SNYDER [of Kentucky]: Mr. Speaker, further reserving the right to object, I have a parliamentary inquiry on the reservation. What was the unanimous-consent request, to take it up or to agree to the Senate amendments?

THE SPEAKER: To concur in the Senate amendments.

MR. SNYDER: A further inquiry on my reservation, Mr. Speaker: If that unanimous-consent request then is granted, am I precluded from asking for a vote?

THE SPEAKER: Yes; the request is not for the immediate consideration of the Senate amendments. It is a unanimous consent to concur in the Senate amendments. . . .

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11. 122 CONG. REC. 6147, 6148, 94th Cong. 2d Sess., Mar. 11, 1976.

12. Carl Albert (Okla.).

PARLIAMENTARY INQUIRY

MR. SNYDER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. SNYDER: Mr. Speaker, I wonder if it would be possible for the gentleman from California to phrase his unanimous-consent request in such a way so that we could have a vote on it and dispose of it? I do not wish to unduly delay the proceedings but could that be done?

THE SPEAKER: The Chair will state that the only way that that could be done would be if the gentleman from California (Mr. Burton) had asked unanimous consent for the immediate consideration of the Senate amendments in the House; if that had been done, then the Senate amendments could have been debated. . . .

MR. SNYDER: I would merely like to be able to register a vote against the matter.

THE SPEAKER: The Chair will state that the procedure we are presently following is in order.

MR. SNYDER: I understand that.

THE SPEAKER: The Chair will further state that Members through the whip's notice have been advised that there would be no more voting today, so that the Chair would not entertain a unanimous-consent request for the consideration of the Senate amendments at this time.

Unusual Unanimous-consent Procedure Providing for En Bloc Amendment of Five Senate Amendments to Five House Bills on a Related Subject

§ 5.15 Where the Senate had added components of the comprehensive National Energy Act (H.R. 8444, 95th Congress) to five private House bills, the House, acting by unanimous consent, amended four of the private bills by concurring in the germane amendments added by the Senate to each of them, and concurring in the energy-related amendments added by the Senate to each bill with a further amendment consisting of the entire text of the House-passed bill.

The Senate had anticipated the House action described above and had laid the foundation by amending the four private bills to set the stage for a possible need to invoke cloture. From the perspective of the House, adding the complete text of the House-passed measure to the portion of the energy regulatory programs added by the Senate put the House in a position to have the various aspects of the regulatory provisions of H.R. 8444 in conference so that House conferees would not be confined in negotiating a compro-

mise bill between the Senate language and existing law.

After amending the Senate energy-related amendments to the four bills, the House insisted on its amendments thereto, requested a conference on each, and appointed managers on the part of the House.

The tax portion of H.R. 8444, which was in title II of that bill, was addressed by a Senate amendment to a private relief tariff measure, which had been reported in the House by the Committee on Ways and Means (H.R. 5263) which the House sent to conference on Nov. 3, 1977.

All five private bills became public laws (Public Laws 95–617 through 95–621).

The pertinent proceedings in the House of Oct. 13, 1977,[13] are set out below:

SENATE AMENDMENTS TO H.R. 5037, FOR THE RELIEF OF JACK R. MISNER

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5037) for the relief of Jack R. Misner, with Senate amendments thereto and concur in Senate amendments No. 1 and No. 2 and concur in Senate amendment No. 3 with an amendment.

The Clerk read the title of the bill.

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

Strike out the text of the Senate amendment numbered 3 and insert in lieu thereof the text of H.R. 8444 as passed the House (other than title II thereof and items in the table of contents relating thereto) as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Energy Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of purposes.
Sec. 3. National energy goals.
Sec. 4. References to Federal Power Commission and Federal Energy Administration.

TITLE I—PRICING, REGULATORY, AND OTHER NONTAX PROVISIONS . . .

THE SPEAKER:[14] Is there objection to the request of the gentleman from West Virginia? . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, germaneness is out the window but I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5037, FOR THE RELIEF OF JACK R. MISNER

13. 123 CONG. REC. 33646, 33647, 33687, 33688, 95th Cong. 1st Sess.

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

MR. STAGGERS: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5037) for the relief of Jack R. Misner, with the House amendment to the Senate amendment thereto numbered 3, insist on the House amendment, and request a conference with the Senate thereon.

THE SPEAKER: Is there objection to the request of the gentleman from West Virginia? The Chair hears none and appoints the following conferees: Messrs. Staggers, Ashley, Ullman, Bolling, Foley, Dingell, Rogers, Eckhardt, Sharp, Moffett, Charles Wilson of Texas, Reuss, Rostenkowski, Vanik, Corman, Waggonner, Rangel, Anderson of Illinois, Brown of Ohio, Horton, Wydler, Brown of Michigan, Steiger, Collins of Texas, and Archer. . . .

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 5289, FOR THE RELIEF OF JOE CORTINA OF TAMPA, FLA.

MR. STAGGERS: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5289) for the relief of Joe Cortina of Tampa, Fla., with Senate amendments thereto, concur in Senate amendments numbered 1, 2, 3, 4, 5, 6, and 7, and concur in the Senate amendment numbered 8 with an amendment.

The Clerk read the title of the bill.

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

> Strike out the text of the Senate amendment and insert in lieu thereof the text of H.R. 8444 as passed by the House (other than title II thereof and items, in the table of contents relating thereto). . . .

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

MR. BAUMAN: Mr. Speaker, reserving the right to object, the gentleman has repeatedly asked permission to agree to certain Senate amendments and to disagree with a substitute amendment to others. The Senate amendments we have been asked to agree to, are all these germane to the different bills, or do they also deal with other matters?

MR. STAGGERS: They are all technical changes to conform to what the House has passed.

MR. BAUMAN: They do not deal with any substantive matters?

MR. STAGGERS: That is correct.

MR. BAUMAN: Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

The procedure was similar with the other two private bills, the House concurring in the Senate amendments relating to the private claims and concurring with amendment in the energy-related Senate amendment with a further amendment.

Referral of House Bill and Senate Amendments

§ 5.16 The Speaker's reference of a House bill with Senate amendments to a committee

is entered in the Record after the proceedings of the day.

The following entry appeared in the Record of July 26, 1951:[15]

> Under clause 2, of rule XXIV, the following bill with Senate amendments thereto, was taken from the Speaker's table and referred as follows:
>
> H.R. 2416. An act relating to the exclusion from gross income of income from discharge of indebtedness, to the Committee on Ways and Means and ordered to be printed with the amendments of the Senate numbered.

§ 5.17 The Speaker announced to the House that he had referred a general appropriation bill with Senate amendments thereto to the Committee on Appropriations.

On July 2, 1945,[16] Speaker Sam Rayburn, of Texas, made this announcement:

> The Chair desires to announce that he has referred the bill H.R. 3368, the war agencies bill, with Senate amendments thereto, to the Committee on Appropriations.

Use of Special Order To Prevent Amendment of Motion To Concur

§ 5.18 The House has on occasion utilized a special order to take from the Speaker's table a House bill, with Senate amendment thereto, and concur in the amendment with a further House amendment "without intervening motion," thus precluding a motion to recommit the Senate amendment.

The House bill, H.R. 1643, dealing with the extension of most-favored-nation treatment to Bulgaria, had been returned to the House with an amendment which was not germane, since it addressed the subject of continuing appropriations for the government to avoid a "shutdown" during a period of budget impasse. The motion included in the report of the Committee on Rules addressed the subject matter of the Senate amendment and added further provisions related to the operations of government.

Parliamentarian's Note: The special order was within the competence of the Committee on Rules and did not violate the restriction placed on the authority of that committee by Rule XI clause 4(b), that prohibits a rule precluding a motion to recommit from being made as provided in Rule XVI

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15. 97 CONG. REC. 8987, 82d Cong. 1st Sess.

16. 91 CONG. REC. 7142, 79th Cong. 1st Sess.

clause 4. That restriction applies to recommittal motions after the previous question is ordered on the passage of a bill or joint resolution. This distinction is discussed in § 729c, *House Rules and Manual,* 104th Congress.

The proceedings of Jan. 5, 1996,[17] were as follows:

MR. [DAVID] DREIER [of California]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 334

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1643) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria, with the Senate amendment thereto, and to consider in the House the motion printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. All points of order against the motion are waived. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

THE SPEAKER PRO TEMPORE:[18] The gentleman from California [Mr. Dreier] is recognized for 1 hour. . . .

The question is on ordering the previous question [on the resolution].

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

MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: 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 SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows: . . .

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

Later, pursuant to the resolution, Mr. Robert Livingston, of Louisiana, called up the bill H.R. 1643, and then offered the specified motion to amend the Senate amendment. After debate and unsuccessful attempts to modify the motion by unanimous consent, pursuant to the resolution, the Speaker announced that the previous question was considered as ordered, and the question was then put on the motion.

17. 142 CONG. REC. 332, 341, 342, 104th Cong. 2d Sess.

18. Jim Bunning (Ky.).

§ 5.19 A special rule can make in order a single motion to concur in several Senate amendments (even before the stage of disagreement is reached), specify the control of the debate on the motion, and order the previous question thereon without intervening motion.

In considering and passing the House-passed bill H.R. 1833, to amend title 18, United States Code, relating to partial-birth abortions, the Senate added six discrete amendments on that subject. The special order carried here was crafted to maintain the relationship between the amendments and prevent amendments to them. The rule and the motion made in order thereby were both passed by the House on Mar. 27, 1996.[19]

SENATE AMENDMENTS TO H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT

MRS. [ENID] WALDHOLTZ [of Utah]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 389 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions, with Senate amendments thereto, and to consider in the House a single motion to concur in each of the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

THE SPEAKER PRO TEMPORE:[20] The gentlewoman from Utah [Mrs. Waldholtz] is recognized for 1 hour.

MRS. WALDHOLTZ: . . . Mr. Speaker, House Resolution 389 provides for consideration of the Senate amendments to the Partial-Birth Abortion Ban Act, H.R. 1833. The rule provides for 1 hour of debate on a single motion to concur in each and all of the Senate amendments. The rule further provides that the previous question is considered as ordered on the motion for final adoption.

Mr. Speaker, this rule will allow the House to consider amendments adopted by the Senate to the partial-birth abortion ban including an amendment offered by Senator Dole that ensures doctors will be able to use this procedure when the life of a woman is in danger. . . .

So the resolution was agreed to.

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19. 142 CONG. REC. 6632, 104th Cong. 2d Sess.

20. Harold Rogers (Ky.).

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MR. [CHARLES T.] CANADY of Florida: Mr. Speaker, pursuant to House Resolution 389, I move to take from the Speaker's table the bill (H.R. 1833), to amend title 18, United States Code, to ban partial-birth abortions with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Page 2, line 9, strike out [Whoever] and insert: *Any physician who*

Page 2, line 12, after "both." insert: *This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury: Provided, That no other medical procedure would suffice for that purpose. This paragraph shall become effective one day after enactment.*

Page 2, line 13, strike out [As] and insert: *(1) As*

Page 2, after line 16, insert:

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provision of this section.

Page 2, line 17, strike out [(c)(1) The father,] and insert: *(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,*

Page 3, strike out lines 12 through 20.

MOTION OFFERED BY MR. CANADY

MR. CANADY of Florida: Mr. Speaker, I offer a motion.

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

The Clerk read the motion.

Mr. Canady of Florida moves to concur in each of the six Senate amendments to H.R. 1833.

THE SPEAKER PRO TEMPORE: Pursuant to the rule, the gentleman from Florida [Mr. Canady] and the gentlewoman from Colorado [Mrs. Schroeder] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. Canady].

Acting on Senate Amendments Before Stage of Disagreement

§ 5.20 Example of the form of motion used where a special order has provided for one indivisible motion to dispose of three Senate amendments to a House bill, before the stage of disagreement.

Motions to dispose of Senate amendments, before the stage of disagreement, are not privileged, unless given that status by a unanimous-consent agreement or a resolution reported from the Committee on Rules and adopted by the House. In the proceedings

of Nov. 26, 1991,[1] carried here, the report of the Committee on Rules on the special order specified the amendments to the Senate amendments which would be included in the nondivisible motion.

PROVIDING FOR DISPOSITION OF SENATE AMENDMENTS TO H.R. 3807, CONVENTIONAL FORCES IN EUROPE TREATY IMPLEMENTATION ACT OF 1991

MS. [LOUISE MCINTOSH] SLAUGHTER of New York: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That upon adoption of this resolution it shall be in order to consider a nondivisible motion to take from the Speaker's table the bill (H.R. 3807) to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with the Treaty of Conventional Armed Forces in Europe, with the Senate amendments thereto, and to concur in the Senate amendments with amendments printed in the report of the Committee on Rules accompanying this resolution. The motion and the Senate amendments shall be considered as having been read. Debate on said motion shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The previous question shall be considered as having been ordered on the motion to final adoption without intervening motion. All points of order against the motion are hereby waived.

THE SPEAKER PRO TEMPORE:[2] The question is, Will the House now consider House Resolution 316?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 316.

THE SPEAKER PRO TEMPORE: The gentlewoman from New York [Ms. Slaughter] is recognized for 1 hour.

MS. SLAUGHTER of New York: . . . Mr. Speaker, this House resolution makes in order a nondivisible motion to take H.R. 3807 from the Speaker's table, and agree to the Senate amendments with three House amendments. The House amendments are printed in the report to accompany the rule, and all points of order are waived against the motion. Finally, the rule provides 1 hour of debate on the motion. . . .

During its deliberations last night the Senate added three amendments relating to nuclear weapons destruction and emergency humanitarian assistance for the Soviet Union. Members of the Foreign Affairs and Armed Services Committees have met with their counterparts in the Senate and devised language which is mutually agreeable to all parties and—as I understand it—will be agreed to by the Senate once we have returned the legislation to that body. . . .

1. 137 CONG. REC. 35487–90, 102d Cong. 1st Sess.

2. Steny H. Hoyer (Md.).

MOTION OFFERED BY MR. FASCELL

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, pursuant to House Resolution 316, I move to take from the Speaker's table the bill (H.R. 3807) to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with implementation of the Treaty on Conventional Armed Forces in Europe, with Senate amendments thereto, and concur in the Senate amendments with amendments.

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

The text of the motion and the text of the House amendments are as follows:

Mr. Fascell moves to take from the Speaker's table the bill (H.R. 3807) to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with implementation of the Treaty on Conventional Armed Forces in Europe, with Senate amendments thereto, and concur in the Senate amendments with amendments, as follows:

Amendment to Senate amendment numbered 1:

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

TITLE II—SOVIET WEAPONS DESTRUCTION

PART A—SHORT TITLE

SEC. 201. SHORT TITLE.

This title may be cited as the "Soviet Nuclear Threat Reduction Act of 1991".

PART B—FINDINGS AND PROGRAM AUTHORITY

SEC. 211. NATIONAL DEFENSE AND SOVIET WEAPONS DESTRUCTION. . . .

Amendment to Senate amendment numbered 2:

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

TITLE III—EMERGENCY AIRLIFT AND OTHER SUPPORT

SEC. 301. AUTHORITY TO TRANSFER CERTAIN FUNDS TO PROVIDE EMERGENCY AIRLIFT AND OTHER SUPPORT. . . .

Amendment to Senate amendment numbered 3:

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

TITLE IV—ARMS CONTROL AND DISARMAMENT ACT

SEC. 401. ARMS CONTROL AND DISARMAMENT AGENCY.

Agreement to Senate Amendment Pursuant to Special Order

§ 5.21 A special order can provide either for consideration of a motion to concur in a Senate amendment with an amendment (as in the preceding precedent), or it can "self-execute" the concurrence, so that the only vote is on the special order itself,

obviating the necessity for further debate and a second vote implementing the terms of the motion.

On Jan. 5, 1996,[3] H. Res. 338, making in order H.R. 1358, conveying a National Marine Fisheries laboratory to Gloucester, Massachusetts, was called up in the House. The Senate amendment to H.R. 1358 was not germane, since it also addressed continuing appropriations of the government. As in the preceding precedent noted in this section, the special order precluded a motion to recommit without expressly so stating.

MR. [DAVID] DREIER [of California]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

Resolved, That upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts, with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment consisting of the text printed in the report of the Committee on Rules accompanying this resolution.

The text of the Senate amendment and the House amendment to the Senate amendment is as follows:

Senate amendment:
Strike out all after the enacting clause and insert: . . .

MR. DREIER: . . . Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution. . . .

THE SPEAKER PRO TEMPORE:[4] The question is on the resolution.

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

RECORDED VOTE

MR. [MARTIN] FROST [of Texas]: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 344, noes 24, not voting 65, as follows: . . .

So the resolution was agreed to.

Disposing of Amendment by Resolution Offered Under Suspension of Rules

§ 5.22 The Speaker recognized a Member to offer a resolution, under suspension of the rules, which provided for concurring in a Senate amendment to a House bill

3. 142 CONG. REC. 454, 465, 466, 104th Cong. 2d Sess.

4. Bill Emerson (Mo.).

on the Speaker's table with a further amendment which was stated in the text of the resolution.

On Dec. 20, 1973,[5] Speaker Carl Albert, of Oklahoma, recognized Mr. Wright Patman, of Texas, to move to suspend the rules and agree to House Resolution 753:

> Mr. Speaker, I move to suspend the rules and agree to the House resolution (H. Res. 753) to take from the Speaker's table the bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes, with Senate amendment thereto, and agree to the Senate amendments with an amendment to strike out title III of the Senate amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> H. RES. 753
>
> *Resolved*, That immediately upon the adoption of this resolution the bill H.R. 8449, together with the Senate amendment 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 with an amendment as follows:
>
> "Strike out title III of the Senate amendment in the nature of a substitute."

Parliamentarian's Note: The resolution being drafted with this language, the Member did not need to offer a motion from the floor which would spell out the text of the amendment to the Senate amendment. Had the suspension motion merely made in order the offering of a motion to amend the Senate amendment, the Speaker would have directed the reading of the proposed motion after the suspension motion was agreed to.

§ 5.23 The Speaker recognized a Member to offer a resolution, under suspension of the rules, which provided for concurring in two Senate amendments to a House bill on the Speaker's table and for concurring in another Senate amendment with a further amendment.

On Dec. 20, 1973,[6] Speaker Carl Albert, of Oklahoma, recognized Mr. Charles C. Diggs, Jr., of Michigan, to move to suspend the rules and agree to House Resolution 754:

5. 119 CONG. REC. 42883, 42884, 93d Cong. 1st Sess.

6. 119 CONG. REC. 42917, 93d Cong. 1st Sess.

Mr. Speaker, I move to suspend the rules and agree to the House resolution (H. Res. 754) to take from the Speaker's table the bill (H.R. 6186) to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions, with Senate amendments thereto, and agree to the Senate amendments numbered 1 and 2 and agree to Senate amendment numbered 3, with an amendment.

The Clerk read as follows:

H. RES. 754

Resolved, That immediately upon the adoption of this resolution the bill H.R. 6186, with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that (1) Senate amendments numbered 1 and 2 be, and the same are hereby, agreed to; and (2) Senate amendment numbered 3 be, and the same is hereby, agreed to with an amendment as follows: . . .

Reading of the lengthy amendment carried in the text of the resolution was dispensed with by unanimous consent; after the motion was seconded, the resolution was debated and approved.

The Speaker did not state for the Record that the Senate amendments were disposed of pursuant to the terms of the resolution, nor did the Record carry the text of the Senate amendments Nos. 1 and 2.[7]

§ 5.24 The House adopted a motion to suspend the rules and agree to a resolution which provided for taking a House joint resolution with a Senate amendment from the Speaker's table and agreeing to the Senate amendment.

On Oct. 14, 1972,[8] Speaker Carl Albert, of Oklahoma, recognized Mr. Wright Patman, of Texas, to move to suspend the rules and agree to House Resolution 1165:

Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1165) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

The Clerk read as follows:

H. RES. 1165

Resolved, That immediately upon the adoption of this resolution the joint resolution (H.J. Res. 1301) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act, together with the Sen-

7. See § 5.50, where the text of amendments concurred in were printed. In this instance, the Journal did carry the texts.

8. 118 CONG. REC. 36408, 36409, 92d Cong. 2d Sess.

ate amendment 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.

THE SPEAKER: Is a second demanded?

MR. [STEWART B.] MCKINNEY [of Connecticut]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection. . . .

THE SPEAKER PRO TEMPORE:[9] The question is on the motion offered by the gentleman from Texas (Mr. Patman) that the House suspend the rules and agree to House Resolution 1165.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

§ 5.25 The Speaker recognized the Chairman of the Committee on Interstate and Foreign Commerce to move to suspend the rules and agree to a resolution taking a House bill with a Senate amendment from the Speaker's table and agreeing to the Senate amendment.

On Aug. 27, 1962,[10] Speaker John W. McCormack, of Massachusetts, recognized Mr. Oren Harris, of Arkansas, to offer a motion relating to H.R. 11040, the Communications Satellite Act of 1962:

Mr. Speaker, I move to suspend the rules and agree to House Resolution 769.

The Clerk read the resolution as follows:

H. RES. 769

Resolved, That immediately upon the adoption of this resolution the bill H.R. 11040, with the Senate amendment 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.

THE SPEAKER: Is a second demanded?

MR. [WILLIAM L.] SPRINGER [of Illinois]: Mr. Speaker, I demand a second.

MR. [WILLIAM FITTS] RYAN [of New York]: Mr. Speaker, I demand a second. . . .

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection. . . .

The question was taken; and there were—yeas 372, nays 10, not voting 53. . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

Parliamentarian's Note: The resolution was introduced by the chairman of the committee when he was recognized to move to suspend the rules and agree to the amendment. Prior introduction would, under the rules, have re-

9. Hale Boggs (La.).

10. 108 CONG. REC. 17671, 17681, 87th Cong. 2d Sess.

quired reference to the Committee on Rules.

Motion To Suspend Rules Not Subject to Amendment

§ 5.26 When a motion to suspend the rules and concur in a Senate amendment is pending, a motion to concur in such amendment with an amendment is not in order.

On July 27, 1946,[11] Speaker Sam Rayburn, of Texas, recognized Mr. Hatton W. Sumners, of Texas:

> Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the joint resolution (H.J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles. . . .
>
> THE SPEAKER: Is a second demanded?
>
> MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I demand a second. . . .
>
> MR. SUMNERS of Texas: Mr. Speaker, I ask unanimous consent that a second be considered as ordered.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Texas?
>
> There was no objection.
>
> MR. HOBBS: Mr. Speaker, I offer an amendment.
>
> THE SPEAKER: No amendment is in order.
>
> MR. HOBBS: Mr. Speaker, I move to concur in the Senate amendment with an amendment.
>
> THE SPEAKER: That motion is not in order.
>
> MR. HOBBS: Mr. Speaker, I have an agreement with the gentleman from Texas that I would be permitted to offer an amendment to the Senate amendment.
>
> THE SPEAKER: The Chair knows nothing about that agreement. An amendment to this motion is not in order.
>
> The gentleman from Texas [Mr. Sumners] is recognized for 20 minutes and the gentleman from Alabama [Mr. Hobbs] is recognized for 20 minutes.

Speaker's Authority To Refer House Bill and Senate Amendments to Committee

§ 5.27 If objection is made to a unanimous-consent request to take a House bill with Senate amendments from the Speaker's table, disagree to the amendments and agree to a conference, the Speaker may hold the bill on the table for a reasonable length of time, may refer it to the legislative committee having jurisdiction over it, or may await a rule from the Committee on Rules.

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11. 92 CONG. REC. 10310, 79th Cong. 2d Sess.

Parliamentarian's Note: The events in this and following precedents occurred before the 1989 amendment to Rule XX clause 1, which permits a privileged motion to send a Senate or House bill with amendments of the other House to conference.[12]

On July 6, 1937,[13] Mr. Marvin Jones, of Texas, requested unanimous consent to take from the Speaker's table the farm tenancy bill, H.R. 7562, with Senate amendments thereto, disagree to the amendments and agree to the conference requested by the Senate. Mr. Charles W. Tobey, of New Hampshire, objected, and Mr. Scott W. Lucas, of Illinois, made the following inquiry:

> In the event objection is made to the request of the gentleman from Texas, am I correct in my understanding that then the bill will be referred back to the Rules Committee?
>
> THE SPEAKER:[14] Will the gentleman from Illinois kindly restate his parliamentary inquiry?
>
> MR. LUCAS: If objection is made to the unanimous-consent request submitted by the distinguished gentleman from Texas, my inquiry is what will then happen to the bill as presented to the House?
>
> THE SPEAKER: In answer to the inquiry, the Chair will state that it is within the discretion of the Chair to allow the bill to lie on the Speaker's table for a reasonable length of time, or to refer the bill and Senate amendments to the Committee on Agriculture.
>
> MR. JONES: Mr. Speaker, may I answer the question further by a parliamentary inquiry? Would it not be in order for the chairman of the Committee on Agriculture to apply to the Rules Committee for a rule to send the bill to conference?
>
> THE SPEAKER: Undoubtedly.

§ 5.28 The Speaker has referred a House bill with Senate amendments to a standing committee instead of the Committee of the Whole.

On Aug. 26, 1935,[15] Speaker Joseph W. Byrns, of Tennessee, recognized Mr. James P. Buchanan, of Texas, and the following occurred:

> MR. BUCHANAN: Mr. Speaker, as chairman of the Appropriations Committee of the House, I request the Speaker to refer the third deficiency bill—H.R. 9215—now on the Speaker's table, to the Appropriations Committee of the House. This bill passed the

12. *House Rules and Manual* § 827 (1997); 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965. See also § 5.48 (*Parliamentarian's Note*), infra.
13. 81 CONG. REC. 6815, 6816, 75th Cong. 1st Sess.
14. William B. Bankhead (Ala.).
15. 79 CONG. REC. 14757–59, 74th Cong. 1st Sess.

House on Thursday, August 22, and, as usual, was promptly sent to the Senate, and was held there until 8 o'clock on the evening of Saturday, August 24, when it was messaged to the House, together with the resolution providing for the *sine die* adjournment of Congress at 12 o'clock on the same day, thus requiring action by the House on this bill within 4 hours, notwithstanding the fact that the Senate had placed amendments on the bill involving a possible outlay by the Government of from $800,000,000 to $2,000,000,000 by way of loans which were not in the bill as passed by the House and which had never received any consideration by the Appropriations Committee of the House or Senate and about which no Member of either branch of Congress was fully informed. Manifestly, if we are going to apply business methods to the conduct of the Government involving such vast outlays of public funds, hearings should be held by some committee of Congress in which all the facts should be developed in order to permit an intelligent determination of the soundness of the policy involved, the approximate obligations incurred, and whether or not the Government could raise the money without financial embarrassment or in any way affecting its credit. . . .

THE SPEAKER: The bill (H.R. 9215) making appropriations for deficiencies, known as the "third deficiency appropriation bill," is now on the Speaker's table. It is, of course, within the discretion of the Chair, under the rules of the House, to send it to the Committee on Appropriations. The ordinary course of procedure is to send it to conference, under a unanimous-consent request. The chairman of the committee having jurisdiction of the bill having made no such request, the Chair feels in view of the request of the chairman of the Committee on Appropriations and the importance of the questions involved, both of legislation and appropriation, as set forth briefly by the gentleman from Texas [Mr. Buchanan], that this bill should be referred to the committee having charge of the bill, in order that that committee may conduct such hearings and take such measures looking to recommendations as it may choose. The Chair accordingly refers the bill to the Committee on Appropriations under the established practice of the House which requires the Chair to take that course. [Applause.] In taking this action the Chair is following a similar action taken by a former Speaker of the House on January 23, 1931 (Record, p. 2975), when Mr. Speaker Longworth referred the Interior Department appropriation bill to the Committee on Appropriations.

MR. [CARL] VINSON of Georgia: Mr. Speaker, I rise to a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. VINSON of Georgia: Why is it not in order that the House consider this appropriation bill in the Committee of the Whole House on the state of the Union?

THE SPEAKER: That will be in order if the Committee on Appropriations reports it, as is required under the established practice of the House.

MR. VINSON of Georgia: But before the Speaker announced his decision, it would have been in order for the House by substitute motion to have referred

this bill to the Committee of the Whole House on the state of the Union?

THE SPEAKER: It would not, because that motion would not have been privileged, as the Chair ruled on Saturday. When a House bill with Senate amendments involving new matter of appropriations comes from the Senate it may be sent to conference by unanimous consent; otherwise, the duty of the Chair under the established practice of the House is to refer to it the standing committee having jurisdiction of it. The Chair has taken that course in this instance, and no motion of the kind referred to by the gentleman from Georgia is in order as a matter of privilege.

HOUSE BILL REFERRED

A bill of the House of the following title was taken from the Speaker's table, with Senate amendments thereto, and under the rule, referred as follows:

H.R. 9215. An act making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, and for other purposes; to the Committee on Appropriations.

§ 5.29 A Senate amendment to a House bill may be referred to a House committee having jurisdiction of the subject matter addressed in part of the amendment, even though the House bill was reported from another committee.

On Mar. 26, 1981,[16] the Speaker, pursuant to the authority granted him in Rule X clause 2, and Rule XXIV clause 2, referred the Senate amendment to the bill H.R. 31, amending the Truth in Lending Act, to the Committee on Energy and Commerce, for consideration of a portion of the Senate amendment within that committee's jurisdiction.

The bill itself had been reported from the Committee on Banking, Finance and Urban Affairs. The portion of the Senate amendment which was controversial dealt with the qualifications of the Surgeon General of the United States, a matter within the competence of the Committee on Energy and Commerce. The Speaker's referral was for a time certain.

The referral statement of the Speaker is carried here, and a portion of the proceedings of Apr. 8, 1981,[17] as well, to show the discharge of the Committee on Energy and Commerce from further consideration of the matter. Conferees were appointed from both of the committees.

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16. 127 CONG. REC. 5397, 97th Cong. 1st Sess.

17. *Id.* at p. 6826.

The excerpt from the Mar. 26 *Congressional Record* follows:

REFERRAL OF SENATE AMENDMENT UNDER TIME LIMITATION

Pursuant to clause 5, rule X and clause 2, rule XXIV, the Senate amendment to the bill (H.R. 31) to amend the Truth in Lending Act to encourage cash discounts, and for other purposes, was referred from the Speaker's table to the Committee on Energy and Commerce for a period ending not later than April 8, 1981, solely for consideration of such provisions of section 303 of the Senate amendment as fall within the jurisdiction of that committee under clause 1(h), rule X.

The pertinent proceedings of Apr. 8 are set out below:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate amendment to the bill (H.R. 31) to amend the Truth in Lending Act to encourage cash discounts, and for other purposes, and that the House disagree to the Senate amendment to H.R. 31 and request a conference with the Senate thereon. . . .

THE SPEAKER:[18] Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees:

Solely for consideration of all the provisions of the Senate amendment in the nature of a substitute except section 303, and modifications thereof committed to conference, the following Members on the part of the House: Messrs. St Germain, Annunzio, Gonzalez, Minish, Stanton of Ohio, Evans of Delaware, and Wylie; and

Solely for the consideration of section 303 of the Senate amendment in the nature of a substitute, and modifications thereof committed to conference, the following Members on the part of the House: Messrs. Dingell, Waxman, Scheuer, Broyhill, and Madigan.

Initiating Action on Special Order To Dispose of Senate Amendments

§ 5.30 Any Member may request that the chairman of the Committee on Rules call a meeting of that committee to consider reporting a resolution making in order disposition of a House bill, with Senate amendments that require consideration in the Committee of the Whole, notwithstanding Rule XXIV clause 2.

On Aug. 13, 1957,[19] after objections had been made to two requests relating to H.R. 6127, the Civil Rights Act of 1957, and Senate amendments thereto, Mr. Kenneth B. Keating, of New York,

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

19. 103 CONG. REC. 14568, 85th Cong. 1st Sess.

was recognized with a parliamentary inquiry:

> Would the Speaker advise what action is necessary now in order to get the bill to the Committee on Rules?
>
> THE SPEAKER:[20] Anyone can make the request of the chairman of the Committee on Rules to call a meeting of the committee to consider the whole matter.
>
> MR. KEATING: Mr. Speaker, a further parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. KEATING: Mr. Speaker, if that were done, would the bill which is now on the Speaker's desk be before the Rules Committee?
>
> THE SPEAKER: It would not be before the Committee on Rules. The Committee on Rules could consider the matter of what procedure to recommend to the House for the disposition of this whole matter.

Authority of the Committee on Rules

§ 5.31 The Committee on Rules has jurisdiction to report resolutions providing for the disposition of Senate amendments.

On May 29, 1968,[1] the House was considering the bill, H.R. 5037, the Law Enforcement and Criminal Justice Assistance Act of 1968, and the Senate amendments thereto. Mr. Emanuel Celler, of New York, Chairman of the Committee on the Judiciary, had asked for unanimous consent to take the bill and Senate amendments thereto from the Speaker's table, disagree with the amendments, and request a conference with the Senate. Mr. Richard H. Poff, of Virginia, then posed a series of parliamentary inquiries including the following:

> If the motion to go to conference is not adopted by the House, in such case would it be in order for the Committee on Rules to report a resolution making it in order to move to recede and concur?[2]
>
> THE SPEAKER:[3] Under the rules of the House, it is within the authority and jurisdiction of the Committee on Rules to report a resolution providing for the disposition of the Senate amendments.

Use of Special Order To Send Multiply-referred Bill to Conference

§ 5.32 Where the authorization of four House committees

20. Sam Rayburn (Tex.).
1. 114 CONG. REC. 15499, 90th Cong. 2d Sess.
2. The stage of disagreement not having been reached, the proper motion was "to concur," not to "recede and concur."
3. John W. McCormack (Mass.).

was required to authorize the motion to go to conference under Rule XX clause 1, the Committee on Rules reported, and the House adopted, a special order providing that the House disagree with the Senate amendment and request a conference.

On July 30, 1979,[4] the House agreed to a resolution sending H.R. 111, the Panama Canal Act of 1979, to conference, a unanimous-consent request to accomplish this step having been objected to. Following the adoption of the resolution, a motion was made to instruct the managers at the conference to "adhere" to the House position set forth in certain sections of the House text.

PROVIDING FOR SENDING H.R. 111 TO CONFERENCE

MR. [LEO C.] ZEFERETTI [of New York]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That upon the adoption of this resolution the bill (H.R. 111) to enable the United States to maintain American security and interests respecting the Panama Canal, for the duration of the Panama Canal Treaty of 1977, with the Senate amendments thereto, is taken from the Speaker's table to the end that the House disagrees to the Senate amendments and requests a conference with the Senate thereof.

THE SPEAKER PRO TEMPORE:[5] The gentleman from New York (Mr. Zeferetti) is recognized for 1 hour.

MR. ZEFERETTI: . . . [L]ast week on a motion to send House Resolution 111 to conference an objection was raised by an opponent of the measure. In this instance it would require the four committees who have jurisdiction over this bill to meet and vote on whether to direct the chairmen of these respective committees to offer a motion on the floor to request a conference. Unfortunately, such a procedure would require a significant amount of time and would have delayed further consideration of this bill.

The Rules Committee has been informed by the chairman of the Merchant Marine and Fisheries Committee that it is imperative for the House and Senate conferees to begin deliberation immediately so as to effectively come to agreement at the earliest possible date. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

4. 125 CONG. REC. 21298, 21302, 21309, 96th Cong. 1st Sess.

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

MOTION OFFERED BY MR. BAUMAN

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

The Clerk read as follows:

Mr. Bauman moves that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 111, be instructed to adhere to the language of sections 101, 102, 103, 104, 105, 110 of chapter 1; sections 231, 232, 233, 234, 235, 236, and 250 of chapter 5; sections 371, 372, 373, and 374 of chapter 9 of H.R. 111 as passed by the House with respect to the matters considered therein.

THE SPEAKER PRO TEMPORE: 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. . . .

So the motion was agreed to.

Parliamentarian's Note: While the House cannot "adhere and ask a conference," since adherence is inconsistent with the request for a conference[6] and the willingness to negotiate, the form of the motion to instruct conferees did not render it subject to a point of order, and none was raised. See 8 Cannon's Precedents §§ 3230, 3237, which indicate that consistency in motions to instruct is for the House, not the Chair, to decide.

6. See 5 Hinds' Precedents § 6303.

Special Order To Refer House Bill and Senate Amendments

§ 5.33 The Chair indicated that the Committee on Rules could report out a resolution, taking a House bill with Senate amendments (requiring consideration in the Committee of the Whole) from the Speaker's table and sending it to the legislative committee of the House having jurisdiction thereof.

On the legislative day of Sept. 26, 1961,[7] Speaker Pro Tempore John W. McCormack, of Massachusetts, recognized Mr. Albert Thomas, of Texas, and the following discussion of the treatment of House bills with Senate amendments ensued:

MR. THOMAS: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9169) making supplemental appropriations for the fiscal year ending June 30, 1962, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

7. 107 CONG. REC. 21475, 21476, 87th Cong. 1st Sess., Sept. 25, 1961 (Calendar Day).

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, reserving the right to object, and I do so in order to propound a parliamentary inquiry.

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

MR. BOW: Mr. Speaker, my parliamentary inquiry is this: If an objection is made to sending this to conference, the supplemental appropriation bill, whether or not the Speaker will then refer the bill to the committee having charge of the bill and that committee return the bill to the House in the Committee of the Whole House for the consideration of the Senate amendments as provided in "Cannon's Precedents" on page 115, and whether or not the House then can work its will in the Committee of the Whole House on each amendment of the Senate under the 5-minute rule, report the bill back to the House, and then move to send the bill to conference?

THE SPEAKER PRO TEMPORE: The parliamentary inquiry involves several different fields, related, but nevertheless separate.

MR. BOW: Mr. Speaker, I shall be glad to state them separately.

THE SPEAKER PRO TEMPORE: The gentleman is clearly within his rights. In the first place, this is a procedure that the present occupant of the chair has no recollection of ever having taken place during his period of service in this body, and the Chair is informed, for many years prior thereto.

When objection is made the leadership of the House is confronted with the problem as to what action should be taken in order to get the bill to conference as quickly as possible. The Chair, while not answering the parliamentary inquiry with reference to the committee and committee action and coming back to the House, and then to the Committee of the Whole, would frankly state to the gentleman that the present occupant of the chair would employ every method under the rules in order to get the bill from the Speaker's desk to conference.

MR. BOW: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BOW: Mr. Speaker, inasmuch as these amendments of the Senate are in the nature of charges against the Treasury of the United States, I will ask this parliamentary inquiry:

Is it not then necessary under the rules and procedures as found in volume 5 of the Procedure of the House of Representatives that the bill be sent to the committee and then considered in the Committee of the Whole before sending it to conference?

THE SPEAKER PRO TEMPORE: It is the opinion of the Chair that the answer which the Chair gave to the first part of the gentleman's parliamentary inquiry also answers this inquiry: that if objection is made, the Chair would feel constrained, insofar as the Chair is capable of accomplishing it, to have the bill taken from the Speaker's desk and sent to conference under the rules without reference to the committee.

MR. BOW: I thank the Chair, and withdraw my reservation.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, further reserving the right to

object, if the conference report[8] should go to the Rules Committee for a rule, would it be possible for the Rules Committee to vote out a rule sending the bill to committee?

THE SPEAKER PRO TEMPORE: The answer is in the affirmative to that parliamentary inquiry.

Uses of Special Order Before Stage of Disagreement

§ 5.34 Before the stage of disagreement has been reached, a motion to take a House bill with a Senate amendment thereto which requires consideration in the Committee of the Whole from the Speaker's table and concur in the amendment is not privileged; but by adoption of a special order the House can: (1) bestow privilege to such a motion; (2) limit other options for disposition of the Senate amendment; and (3) prevent amendment of the motion to concur.

As the time for *sine die* adjournment of the 95th Congress, 1st Session, approached, the passage of a continuing appropriations bill became a high priority. As with the Labor-HEW appropriation bill, which remained in disagreement because of a restriction on abortion funding, the continuing appropriation bill also had a similar restriction remaining in disagreement.

On Dec. 7, 1977,[9] the House considered and adopted the following resolution reported from the Committee on Rules:

Mr. Dodd, from the Committee on Rules, reported the following privileged resolution (H. Res. 928, Rept. No. 95–833), which was referred to the House Calendar and ordered to be printed:

H. RES. 928

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider a motion to take from the Speaker's table the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes, with the Senate amendments thereto, and concur in the Senate amendments, without any intervening motion, and at the conclusion of the debate thereon the previous question shall be considered as ordered, and the question shall be put on the motion to concur without any intervening motion.

MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of the Committee on Rules, I call up

8. Mr. Gross apparently intended to refer to the House bill with Senate amendments, because a conference report does not require a rule from the Committee on Rules for its consideration.

9. 123 CONG. REC. 38721, 38722, 95th Cong. 1st Sess.

House Resolution 928 and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:[10] The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER PRO TEMPORE: The question is, will the House now consider House Resolution 928?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry.

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

MR. BAUMAN: Mr. Speaker, does not the consideration of this resolution require a two-thirds vote?

THE SPEAKER PRO TEMPORE: The Chair will state that that is correct.

MR. BAUMAN: Is there no debate permitted on consideration of the question?

THE SPEAKER PRO TEMPORE: The Chair will state that no debate is permitted on consideration of the question.

The question is, will the House now consider House Resolution 928?

The question was taken.

MR. BAUMAN: 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 SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 86, not voting 97. . . .

So (two-thirds having voted in favor thereof) the House agreed to consider House Joint Resolution 662.

The result of the vote was announced as above recorded.

Later on the same day,[11] the resolution was adopted and the prescribed action undertaken:

MR. DODD: Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

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

The question was taken and on a division (demanded by Mr. Bauman) there were—yeas 54; nays 40.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Texas (Mr. Mahon).

MOTION OFFERED BY MR. MAHON

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted, I offer a motion.

The Clerk read as follows:

> Mr. Mahon moves to take from the Speaker's table the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

THE SPEAKER PRO TEMPORE: The Clerk will report the title of the joint

10. K. Gunn McKay (Utah).

11. 123 CONG. REC. 38723, 38724, 38728, 38729, 95th Cong. 1st Sess.

resolution and the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

(1) Page 2, lines 15 and 16, strike out "as modified by the House of Representatives on August 2, 1977".

(2) Page 2, line 17, after "resolution" insert: "*Provided, however,* that none of the funds provided for in this paragraph shall be used to perform abortions: except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

"The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced."

PARLIAMENTARY INQUIRIES

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

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

MR. BAUMAN: Mr. Speaker, if the motion offered to concur in the Senate amendments is defeated, is it still not in order for a Member to be recognized to offer a motion to concur in the Senate amendments with an amendment?

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman that it would take unanimous consent.

MR. BAUMAN: Because of the rule that was adopted, that would not be in order?

THE SPEAKER PRO TEMPORE: No, it would not.

MR. BAUMAN: So, Mr. Speaker, the rule totally precludes any possibility of offering an amendment?

THE SPEAKER PRO TEMPORE: The gentleman is correct, other than by unanimous consent or by the adoption of another rule.

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

Under the normal order of procedure, which the rule has changed, such a motion would be first in order now instead of the pending motion, would it not?

The rule mentions nothing about precluding a motion to concur in the Senate amendments with an amendment. Would that not have been in order if this motion were defeated?

THE SPEAKER PRO TEMPORE: The rule makes in order one motion to concur and nothing else. Rejection of that motion would not at that stage permit other privileged motions in the House to dispose of the Senate amendment.

MR. BAUMAN: Mr. Speaker, I understand, and I thank the Chair.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) is recognized for 1 hour. . . .

All time has expired.

Under the rule, the previous question is ordered.

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.

MR. MAHON: 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 171, nays 178, answered "present" 1, not voting 84. . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

When the motion made in order by the special order was defeated, the Committee on Rules met once more and reported a new resolution, not specifying the text of a motion but permitting consideration of the Senate amendments in the House.[12]

Mr. Dodd, from the Committee on Rules, reported the following privileged resolution (H. Res. 929, Rept. No. 95–834), which was referred to the House Calendar and ordered to be printed:

H. RES. 929

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes, together with the Senate amendments thereto, and to consider the Senate amendments in the House.

MR. DODD: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 929 and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:[13] The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER PRO TEMPORE: The question is, Will the House now consider House Resolution 929?

The question was taken; and on a division (demanded by Mr. Bauman) there were—yeas 110, nays 31.

MR. BAUMAN: 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 SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 109, not voting 85. . . .

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 929.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The gentleman from Connecticut (Mr. Dodd) is recognized for 1 hour. . . .

MR. DODD: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MR. MAHON: Mr. Speaker, pursuant to the rule just adopted in the House, I move to take from the Speaker's table

12. *Id.* at pp. 38780–82.

13. W. C. (Dan) Daniel (Va.).

the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes, together with the Senate amendments thereto, and to consider the Senate amendments in the House.

The Clerk read the title of the joint resolution.

SENATE AMENDMENTS

THE SPEAKER:[14] The Clerk will report the first Senate amendment.

The Clerk read as follows:

> Senate amendment No. 1: Page 2, lines 15 and 16, strike "as modified by the House of Representatives on August 2, 1977".

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

The Clerk read as follows:

> Mr. Mahon moves that the House concur in the amendment of the Senate numbered 1.

MR. MAHON: Mr. Speaker, this is purely a technical amendment. It should be clear that the continuing resolution provides for the operation of the Departments of Labor and HEW at the conference rate and also that these departments operate under the provisions of the conference agreement on the Labor-HEW bill. I do not know of any other conflict on this.

The motion was agreed to.

THE SPEAKER: The Clerk will report the second Senate amendment.

The Clerk read as follows:

> Senate amendment No. 2; page 2, line 17, after "resolution" insert: "*Provided, however,* That none of the funds provided for in this paragraph shall be used to perform abortions: except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.
>
> "Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.
>
> "The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.".

THE SPEAKER: The Chair recognizes the gentleman from Illinois (Mr. Michel).

MOTION OFFERED BY MR. MICHEL

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Michel moves that the House concur in the amendment of the Senate numbered 2 with an amendment, as follows: "*Provided,* That none of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would

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

result if the pregnancy were carried to term when so determined by two physicians.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

"The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.".

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

MR. MICHEL: Mr. Speaker, I yield 30 minutes to the chairman of our committee, the gentleman from Texas (Mr. Mahon), and pending that I will proceed for just a few moments.

The motion offered to the second Senate amendment, relating to abortion restrictions, was agreed to. Later in the same day, the Senate concurred in the House action and H.J. Res. 662, providing further continuing appropriations for fiscal 1978, was cleared for presentation to the President.

Special Orders (Resolutions) for Consideration of Senate Amendments

§ 5.35 Before the stage of disagreement is reached, a motion to concur in a Senate amendment to a House bill is not privileged; but a special order can be adopted which makes such a motion in order, divides debate time, and protects the motion from amendment or being displaced by a more privileged motion to dispose of the Senate amendment.

A special order which provides for concurrence in a Senate amendment can take several forms. The choice is whether to make in order a motion to concur, which is then debatable when offered and which permits a vote on the motion, or to "self-execute" the concurrence: "Upon the adoption of this resolution, the Senate amendment is hereby agreed to." The resolution is carried here to illustrate one of the approaches which can be utilized to dispose of a Senate amendment before the stage of disagreement:[15]

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 251 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 251

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a motion to take from the Speaker's table the bill (H.R. 20) to amend title 5, United

15. 139 CONG. REC. 21805, 21806, 103d Cong. 1st Sess., Sept. 21, 1993.

States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, with a Senate amendment thereto, and to concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

THE SPEAKER PRO TEMPORE:[16] The gentleman from South Carolina [Mr. Derrick] is recognized for 1 hour. . . .

MR. DERRICK: Mr. Speaker, House Resolution 251 provides for consideration of H.R. 20, the Federal Employees Political Activities Act. The rule provides for a motion to take H.R. 20 from the Speaker's table with a Senate amendment and to concur in the Senate amendment. The rule provides that the Senate amendment shall be considered as read. The rule further provides that the motion will be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service. . . .

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MR. [WILLIAM L.] CLAY [of Missouri]: Mr. Speaker, pursuant to House Resolution 251, I move to take from the Speaker's table the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

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

The Clerk read as follows:

Mr. Clay moves to take from the Speaker's table the bill, H.R. 20, with a Senate amendment thereto, and to concur in the Senate amendment.

THE SPEAKER PRO TEMPORE: Pursuant to the rule, the Senate amendment is considered as read.

The text of the Senate amendment is as follows:

Amendment:
Strike out all after the enacting clause and insert:

That this Act may be cited as the "Hatch Act Reform Amendments of 1993".

Parliamentarian's Note: In this instance, the Committee on Rules chose to make the motion to concur in order, rather than a "hereby" resolution, to avoid a possible point of order under section 308 of the Budget Act (requiring a CBO estimate of cost in the report on any bill or resolution containing new budget au-

16. Barney Frank (Mass.).

thority. On Feb. 24, 1993,[17] a discussion occurred in the House about the susceptibility of a special order providing for the consideration of a House bill and "self-executing" the adoption of an amendment to such a Budget Act point of order. The Chair ruled on that occasion that a special order for the consideration of a House bill that "self-executes" the adoption of an amendment providing new budget authority into the bill to be subsequently considered does not, itself, provide the new budget authority and is not subject to the point of order.

§ 5.36 Although House rules preclude dividing a Senate amendment which strikes House text and inserts new language, such a division can be made in order by a special order reported from the Committee on Rules and adopted by the House.

When the Senate considered for amendment H.R. 9209, the Emergency Unemployment Compensation Act Amendments of 1993, it struck out all after the enacting clause of the House bill and added a new text, consisting of seven sections. The House wished to address section 7 of the Senate amendment, which dealt with congressional pay, by a separate vote. The following special order was reported from the Committee on Rules, debated and agreed to on Mar. 4, 1993.[18] The rule, pertinent debate, and the procedure in the House are carried here.

EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. Moakley, from the Committee on Rules, submitted a privileged report (Rept. No. 103–26) on the resolution (H. Res. 115) providing for the consideration of the Senate amendment to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, which was referred to the House Calendar and ordered to be printed:

H. RES. 115

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee

17. See 139 CONG. REC. 3554, 3555, 103d Cong. 1st Sess.

18. 139 CONG. REC. 4157–59, 103d Cong. 1st Sess.

on Ways and Means or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion. The motion shall be divided for a separate vote on concurring in section 7 of the Senate amendment, any rule of the House to the contrary notwithstanding.

MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution. . . .

THE SPEAKER PRO TEMPORE:[19] The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

MR. MOAKLEY: Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume. . . .

The rule provides 1 hour of general debate. The rule also automatically divides the question, allowing a separate vote on the last section of the bill, elimination of cost of living adjustment for Members of Congress in 1994. Mr. Speaker, the division is in order any rule of the House to the contrary notwithstanding. . . .

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

MR. [ROBERT T.] MATSUI [of California]: Mr. Speaker, pursuant to House Resolution 115, I move to take from the Speaker's table the bill (H.R. 920) "An act to extend the emergency unemployment compensation program, and for other purposes," with the Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: Under the rule, the Senate amendment is considered as read.

The text of the Senate amendment is as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993".

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993". . . .

SEC. 7. ELIMINATION OF COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 1994.

(a) COST OF LIVING ADJUSTMENT.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the re-

19. Romano L. Mazzoli (Ky.).

mainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

THE SPEAKER PRO TEMPORE: Under the rule, the gentleman from California [Mr. Matsui] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. Santorum] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. Matsui].

§ 5.37 Before the stage of disagreement is reached, a motion to take from the Speaker's table a House bill, with the Senate amendment thereto, and concur in the Senate amendment, is not privileged; but the motion can be made in order by a special order which provides for debate time and prohibits any intervening motion.

On Apr. 22, 1993,[20] in an attempt to conclude consideration of an emergency supplemental appropriation bill, fiscal 1993 (H.R. 1335), the chairman of the Committee on Appropriations made a unanimous-consent request in the following form.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Speaker, I ask unanimous consent that it be in order today to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill, H.R. 1335, making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, with a Senate amendment thereto, and to concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

THE SPEAKER PRO TEMPORE:[1] Is there objection to the request of the gentleman from Kentucky? . . .

There was no objection.

For text of H.R. 1335, see proceedings of the House of March 18, 1993, at page H 1508.

MOTION OFFERED BY MR. NATCHER

MR. NATCHER: Mr. Speaker, pursuant to the order of the House, I offer a motion.

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

The Clerk read as follows:

Mr. Natcher moves to take from the Speaker's table the bill (H.R. 1335) making emergency supplemen-

20. 139 CONG. REC. 8108, 103d Cong. 1st Sess.

1. G. V. (Sonny) Montgomery (Miss.).

tal appropriations for the fiscal year ending September 30, 1993, and for other purposes, with a Senate amendment thereto, and to concur in the Senate amendment.

THE SPEAKER PRO TEMPORE: The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

SENATE AMENDMENT

Strike out all after the enacting clause and insert:

"That the following sum is appropriated out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

"DEPARTMENT OF LABOR

"ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

"For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.".

THE SPEAKER PRO TEMPORE: Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. Natcher] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDade] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. Natcher].

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

Mr. Speaker, as the Members know, late on March 18, this body passed H.R. 1335. The House-passed version of this bill included $16.2 billion of new emergency funding and $3.2 billion in obligation ceiling increases for transportation programs that the President recommended to help get our country moving again. The Senate completed action on this bill yesterday and amended it so that only $4 billion for unemployment benefits remain in the bill.

Motion To Dispose of Senate Amendments, En Bloc, Before Stage of Disagreement

§ 5.38 Example of the use of a special order to permit the House to consider one privileged motion to dispose of Senate amendments to a House bill, waiving all points of order against the motion and specifying that the motion is not subject to a demand for division of the question unless demanded by the Majority Leader or his designee.

On Nov. 10, 1995,[2] the Committee on Rules called up House Resolution 261, permitting disposition of amendments on a continuing appropriations bill.

The chairman of the Committee on Appropriations[3] offered the motion permitted by the special

2. 141 CONG. REC. 32112, 32113, 104th Cong. 1st Sess.
3. Robert Livingston (La.).

order later on that same day.[4] The Senate amendment numbered 3 proposed to strike a portion of the House bill and insert a new provision. This motion to strike out and insert not being subject to a division, Mr. Livingston's amendment proposed to delete the Senate's insertion and then to strike the portions of the House text—thus removing from the bill all provisions dealing with the use of federal subsidies or grants to lobby government officials or agencies.

The rule, the motion, and a portion of the debate on both are carried here.

MR. [DAVID] DREIER [of California]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to take from the Speaker's table the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, with any Senate amendment thereto, and to consider in the House a motion offered by the majority leader or his designee to dispose of all Senate amendments. Any Senate amendments and motions shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except any such demand made by the majority leader or his designee.

THE SPEAKER PRO TEMPORE:[5] The gentleman from California [Mr. Dreier] is recognized for 1 hour. . . .

MR. DREIER: Mr. Speaker, this rule provides for consideration in the House, without intervening point of order, of a motion if offered by the majority leader or his designee to dispose of Senate amendments to House Joint Resolution 115, a continuing resolution making appropriations for fiscal year 1996 through December 1, 1995.

This rule provides for 1 hour of debate equally divided between the majority leader and the minority leader or their designees, and further provides that the previous question is ordered to adoption of the motion without intervening motion or demand for a division of the question unless the demand is made by the majority leader or his designee. . . .

MR. LIVINGSTON: Mr. Speaker, pursuant to House Resolution 261, I call up the joint resolution (H.J. Res. 115), making further continuing appropriations for the fiscal year 1996, and for other purposes, with Senate amendments thereto, and I offer a motion.

4. 141 CONG. REC. 32135–37, 104th Cong. 1st Sess.

5. John D. Hayworth, Jr. (Ariz.).

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:[6] Pursuant to House Resolution 261, the Senate amendments are considered as read.

The text of the Senate amendments is as follows:

Senate amendments:

Page 2, line 20, after "1948," insert: *section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236),*

Page 10, line 19, after "resolution." Insert: *Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85–451, as amended.*

Page 15, strike out line 1 and all that follows over to and including line 7 on page 36, and insert:

TITLE III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986. . . .

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

The text of the motion is as follows:

Mr. Livingston moves:

(1) That the House concur in the amendment of the Senate numbered 1,

(2) That the House concur in the amendment of the Senate numbered 2,

(3) That the House concur in the amendment of the Senate numbered 3 with an amendment as follows:

Delete the matter proposed by said amendment, and beginning on page 15, line 1 of the House engrossed joint resolution, H.J. Res. 115, strike all down to and including line 7, on page 36, and redesignate Title IV as Title III, and renumber sections accordingly.

THE SPEAKER PRO TEMPORE: Pursuant to House Resolution 261, the gentleman from Louisiana [Mr. Livingston] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 30 minutes. . . .

MR. LIVINGSTON: . . . Mr. Speaker, I am offering a motion to dispose of these amendments. The first two are not controversial and make improvements to the CR and my motion is to concur with these amendments, for they are fine. The modification to the Simpson-Istook-McIntosh language unfortunately is technically insufficient and therefore, is not acceptable. There is agreement that we can not get an acceptable version on this matter agreed to on this CR. Therefore, my motion is to delete

6. David Dreier (Calif.).

the Senate proposed modification and to delete the underlying Simpson-Istook-McIntosh language, so that it hopefully will be addressed at another time.

Special Order To Make Particular Disposition of Senate Amendment Only Option

§ 5.39 Before the stage of disagreement, a request to take a House bill, with a Senate amendment and concur in the amendment is not privileged; and where other options for disposition of the Senate amendment are to be avoided, a special order is sometimes employed.

The special order reported from the Committee on Rules and a summary of the explanation, as excerpted from the *Congressional Record* of Aug. 25, 1980,[7] are carried here as well as the procedural steps which followed the adoption of the resolution.

MULTIEMPLOYER PENSION PLAN AMENDMENTS ACT OF 1979

MR. [GILLIS W.] LONG of Louisiana: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 764

Resolved, That upon the adoption of this resolution it shall be in order to consider a motion to take from the Speaker's table the bill (H.R. 3904) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment with an amendment printed in the *Congressional Record* of August 21, 1980, by Representative Thompson of New Jersey, without any intervening motion, and at the conclusion of debate thereon the previous question shall be considered as ordered on said motion to final adoption without intervening motion. . . .

MR. LONG of Louisiana: Mr. Speaker, I yield the usual 30 minutes to the gentleman from Tennessee (Mr. Quillen) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 764 makes in order the consideration of H.R. 3904, the Multiemployer Pension Plan Amendments of 1980, as amended by the Senate. The rule provides for a motion to concur in the Senate amendment with an amendment, as printed in the *Congressional Record* of August 21 by Representative Thomp-

7. 126 CONG. REC. 23003, 23008, 23038, 23049, 96th Cong. 2d Sess.

son, without intervening motion. Upon conclusion of debate, the previous question shall be considered as ordered on the final adoption of the motion, also without intervening motion.

In effect, this rule allows the House to vote on a motion to return H.R. 3904 to the Senate, in essentially the same form it overwhelmingly passed this body by a vote of 374 to 0 on May 22. It was the hope at that time that the Senate would act quickly on the matter. Instead the Senate waited until July 29 to consider the measure. Though the bill reported in the Senate was generally consistent with the aims of H.R. 3904, several nongermane amendments were added on the Senate floor. . . .

The resolution was agreed to.

MOTION OFFERED BY MR. THOMPSON

MR. [FRANK] THOMPSON [Jr., of New Jersey]: Mr. Speaker, pursuant to House Resolution 764, I move to take from the Speaker's table the bill (H.R. 3904) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment printed in the *Congressional Record* of August 21, 1980.

The Clerk read the title of the bill.

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

> In lieu of the matter proposed to be inserted by the Senate amendment to the bill (H.R. 3904), insert the following:
>
> SECTION 1. SHORT TITLE.
>
> This Act may be cited as the "Multiemployer Pension Plan Amendments Act of 1980". . . .

MR. THOMPSON (during the reading): Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE:[8] Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from New Jersey (Mr. Thompson) is recognized for 1 hour.

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

Mr. Speaker, my amendment, in its broad outlines, does the following:

It deletes the crippling nongermane amendments. It restores certain House provisions of H.R. 3904. Some of these are essential to better protect the interests of retirees of our inflation ravaged society. Other provisions reflect compromises between the majority and minority members of both committees. Finally certain provisions inserted by the other body at the 11th hour, re-

8. George E. Danielson (Calif.).

quired technical changes to make them workable. . . .

Mr. Speaker, I yield back the balance of my time.

THE SPEAKER PRO TEMPORE: Pursuant to House Resolution 764, the previous question is ordered.

The question is on the motion offered by the gentleman from New Jersey (Mr. Thompson).

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

MR. THOMPSON: 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 363, nays 0, not voting 69.

Intervening Motion Precluded by Special Rule

§ 5.40 The House may agree to a resolution reported from the Committee on Rules, providing for disagreeing to Senate amendments to a House bill on the Speaker's table and for messaging of the House's action to the Senate without intervening motion.

On Nov. 29, 1973,[9] Mr. Claude Pepper, of Florida, by direction of the Committee on Rules, called up House Resolution 721, which the House approved:

> *Resolved,* That immediately upon the adoption of this resolution the bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, together with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby disagreed to, and the Clerk is hereby directed to message that action of the House to the Senate without any intervening motion.

Parliamentarian's Note: The Senate had added amendments to H.R. 11104—relating to election campaign financing and establishing an election reform commission—which were not germane to the House bill, a measure dealing with the public debt. The leadership decided to send the amendments back to the Senate in order to expedite enactment of the debt-limit bill. To accomplish that end, and to avoid a possible motion to send the bill to conference, the resolution was drafted to provide for the disagreement to, and immediate return of, the Senate amendments. A motion to agree to the conference requested by the Senate would have been privileged and could have been offered immediately upon the adoption of

9. 119 CONG. REC. 38675, 93d Cong. 1st Sess.

House Resolution 721, had it not precluded all intervening motions, since the stage of disagreement would then have been reached and the amendments would have been before the House.

Providing for Consideration of Senate Amendments Before Stage of Disagreement and Before Receipt of Papers

§ 5.41 The House adopted a special order, by unanimous consent, making it in order for the Majority Leader or his designee to move to concur, with one indivisible motion, in various Senate amendments to a House-passed bill (which had not yet been messaged to the House).

H.R. 3660, the Government Ethics Reform Act of 1989, passed the House on Nov. 16, 1989;[10] the Senate acted on the following day.[11] The request of Mr. Steny H. Hoyer, of Maryland, was made just before a late-night recess on Nov. 17;[12] the message of the Senate action was received in the House after midnight on that same legislative day.[13] The House concurred, pursuant to the special order carried here, in the early morning hours of Nov. 18, 1989.[14]

MAKING IN ORDER AT ANY TIME MOTION TO CONSIDER SENATE AMENDMENTS TO H.R. 3660, GOVERNMENT ETHICS REFORM ACT OF 1989

MR. HOYER: Mr. Speaker, I ask unanimous consent that it be in order to consider at any time a motion, if offered by the majority leader, or his designee, after consultation with the minority leader, to take from the Speaker's table the bill (H.R. 3660), and for other purposes, with the Senate amendment or amendments thereto, and to dispose of the Senate amendment or amendments; that such motion be debatable for not to exceed 1 hour, equally divided and controlled by the majority leader and the minority leader, or their designees; that the previous question be considered as ordered on the motion to final adoption without intervening motion; that all points of order against the motion be waived; that such motion shall be considered as having been read; and that such motion not be subject to a demand for a division of the question.

10. See 135 CONG. REC. 29513, 101st Cong. 1st Sess.
11. See 135 CONG. REC. 29679, 101st Cong. 1st Sess., Nov. 17, 1989.
12. *Id.* at p. 29982.
13. *Id.* at p. 30011.
14. 135 CONG. REC. 30029, 101st Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:[15] Is there objection to the request of the gentleman from Maryland?

There was no objection. . . .

RECESS

THE SPEAKER PRO TEMPORE: The House will now stand in recess subject to the call of the Chair.

Members will be given an hour's notice before any legislative business by the whip system, and bells will be rung 15 minutes prior to reconvening.

The House is now in recess.

Accordingly (at 9 o'clock and 45 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 20 minutes a.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3660. An act to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for governmentwide ethics reform, and for other purposes.

GOVERNMENT ETHICS REFORM ACT OF 1989

MR. [VIC] FAZIO [of California]: Mr. Speaker, pursuant to the order of the House of earlier today, I move to take from the Speaker's table the bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for governmentwide ethics reform, and for other purposes, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

> Senate amendments: Page 2, strike out lines 1 to 4, and insert:
>
> SECTION 1. SHORT TITLE.
>
> This Act may be cited as the "Ethics Reform Act of 1989". . . .

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, I reserve the balance of my time.

MR. FAZIO: Mr. Speaker, I yield back the balance of my time.

MRS. MARTIN of Illinois: Mr. Speaker, I yield back the balance of my time.

THE SPEAKER:[16] Pursuant to the order of the House of earlier today, the previous question is ordered.

The question is on the motion offered by the gentleman from California [Mr. Fazio].

The motion was agreed to.

A motion to reconsider was laid on the table.

Debate on Motion Before Stage of Disagreement

§ 5.42 Where a motion to consider and dispose of Senate amendments is made, prior

15. Gillespie V. (Sonny) Montgomery (Miss.).

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

to the stage of disagreement, the proponent of the motion is entitled to one hour and may yield time as he sees fit.

Rule XXVIII clause 2(a),[17] providing for a division of time between the majority and the minority parties is applicable only to conference reports and amendments in disagreement. While there have been occasions where the Speaker has allocated time, without objection, on an initial motion to dispose of Senate amendments in the House, the practice prescribed in the standing rules is as carried here.[18]

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 666) making further continuing appropriations for the fiscal year 1991, and for other purposes, with Senate amendments thereto, and consider the Senate amendments in the House.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Senate amendments:

In subsection 101(b), after "the Senate as of October 1, 1990," insert "or at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1990,".

In section 103, strike out "$262,969,000,000" and insert "$265,369,000,000".

In subsection 108(c), strike out "October 20, 1990" and insert "October 19, 1990". . . .

There being no objection to the request, the chairman of the Committee on Appropriations was recognized to offer a motion.

MOTION OFFERED BY MR. WHITTEN

MR. WHITTEN: Mr. Speaker, I move to concur in Senate amendments Nos. 1, 2, 3, 4, and 5.

THE SPEAKER:[19] The Clerk will report the motion.

The Clerk read as follows:

Mr. Whitten moves to concur in Senate amendments Nos. 1, 2, 3, 4, and 5. . . .

THE SPEAKER: The gentleman from Mississippi [Mr. Whitten] is recognized for 1 hour.

MR. WHITTEN: Mr. Speaker, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. Conte] for purpose of debate only pending which I yield myself such time as I may consume.

Division of Time Before Stage of Disagreement

§ 5.43 The Chair has on occasion divided debate time under the hour rule into 20-

17. *House Rules and Manual* § 912a (1997).

18. See 136 CONG. REC. 28013, 101st Cong. 2d Sess., Oct. 8, 1990.

19. Thomas S. Foley (Wash.).

minute segments on a motion relating to Senate amendments before the stage of disagreement, following the formula for debate on a motion to dispose of an amendment in disagreement prescribed in Rule XXVIII clause 2(b).

On Nov. 17, 1989,[20] the House was considering Senate amendments to H.R. 3566, the Labor and Health and Human Services appropriation bill for fiscal year 1990. Consideration was pursuant to a unanimous-consent agreement permitting individual motions to dispose of seven Senate amendments. The last amendment was controversial and time for debate was demanded. The proceedings and the Chair's allocation of the time are carried here.

THE SPEAKER PRO TEMPORE:[1] The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate Amendment No. 7: Page 74, after line 7, insert:

SEC. 521. RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(1) AMENDMENT.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by striking subsection (b) and inserting the following: . . .

MOTION OFFERED BY MR. NATCHER

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Natcher moves that the House disagree to the amendment of the Senate numbered 7.

MR. [SILVIO O.] CONTE [of Massachusetts] (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Massachusetts.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Reserving the right to object, Mr. Speaker, I would propound first a parliamentary inquiry.

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, it is our desire at this point to attempt to defeat this particular motion; so I assume at this point that we would object to the unanimous-consent request and then an hour would be allocated for debate on the motion; is that correct?

THE SPEAKER PRO TEMPORE: Does the gentleman wish debate time?

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20. 135 CONG. REC. 29904, 29905, 101st Cong. 1st Sess.

1. Brian J. Donnally (Mass.).

MR. WALKER: Yes, we do wish debate time, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from Kentucky [Mr. Natcher] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. Conte] will be recognized for 30 minutes.

MR. WALKER: Mr. Speaker, if they are both in favor, the time could be allocated, 20 minutes to the various sides, is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. CONTE: We have no objection to that, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is the gentleman from Massachusetts in favor of the motion?

MR. CONTE: Yes, Mr. Speaker, I am in favor of the motion.

THE SPEAKER PRO TEMPORE: If that is the case, the Chair will allocate the time three ways. The gentleman from Kentucky [Mr. Natcher] will be recognized for 20 minutes, the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. Walker] will be recognized for 20 minutes.

Amending Special Order Providing for Disposition of Senate Amendments

§ 5.44 If the previous question is voted down on a resolution providing for agreeing to Senate amendments to a House bill, the resolution is open to amendment.

On June 17, 1970,[2] Mr. Spark M. Matsunaga, of Hawaii, by direction of the Committee on Rules, called up House Resolution 914:

Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments are, and the same are hereby, agreed to.

THE SPEAKER:[3] The gentleman from Hawaii is recognized for 1 hour.

After one hour of debate, Mr. Matsunaga moved the previous question on the resolution.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, a "no" vote on the previous question does give an opportunity for one of those who led the fight against the resolution to amend the resolution now pending before the House?

THE SPEAKER: The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment.

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2. 116 CONG. REC. 20159, 20198–200, 91st Cong. 2d Sess.
3. John W. McCormack (Mass.).

Effect of Rejection of Special Rule

§ 5.45 The Chair indicated that should a resolution providing for concurring in Senate amendments to a House bill be rejected, the bill and amendments would remain on the Speaker's table for further action by the House.

On June 17, 1970,[4] the House was considering House Resolution 914, which provided for the taking of H.R. 4249, to extend the Voting Rights Act of 1964, with Senate amendments thereto, from the Speaker's table, to the end that those amendments be agreed to. Mr. Albert W. Watson, of South Carolina, raised a parliamentary inquiry:

> Mr. Speaker, if this resolution is voted down then, further, it will mean we will follow the orderly procedure and let this matter go to conference and reconcile the differences?
>
> THE SPEAKER:[5] The Chair will state that if the resolution is voted down the matter will lie on the Speaker's desk until the House determines what it wants to do with the matter.
>
> MR. WATSON: I thank the Speaker.

4. 116 CONG. REC. 20159, 20198–200, 91st Cong. 2d Sess.
5. John W. McCormack (Mass.).

Reading of Senate Amendment

§ 5.46 Where the House has before it a resolution providing for concurrence in a Senate amendment, such Senate amendment may be read by unanimous consent.

On Mar. 31, 1950,[6] Mr. John E. Lyle, Jr., of Texas, by direction of the Committee on Rules, called up House Resolution 531:

> *Resolved*, That immediately upon the adoption of this resolution the bill (H.R. 1758) to amend the Natural Gas Act approved June 21, 1938, as amended, with Senate amendment 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. . . .
>
> MR. LYLE: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. Allen].
>
> MR. [LEO E.] ALLEN of Illinois: Mr. Speaker, I yield myself such time as I may desire.
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?
>
> MR. ALLEN of Illinois: I yield to the gentleman from Illinois.
>
> MR. YATES: Mr. Speaker, under the terms of this rule we are asked to approve an amendment which has been added by the other body. Is it in order to request that that amendment, which

6. 96 CONG. REC. 4553, 4554, 81st Cong. 2d Sess.

has not been read to the House, be read at this time?

THE SPEAKER: It may be done by unanimous consent.

MR. YATES: Mr. Speaker, I ask unanimous consent that the amendment added by the other body be read to the House at this time.

THE SPEAKER: That will come out of the time of the gentleman from Illinois [Mr. Allen].

MR. ALLEN of Illinois: I yield for that purpose, Mr. Speaker.

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

There was no objection.

Senate Amendment Printed in Record

§ 5.47 Where the House adopts a resolution taking from the Speaker's table a House joint resolution with a Senate amendment and agreeing to the Senate amendment, the text of the Senate amendment is printed in the Record after the vote agreeing to the resolution.

On Sept. 25, 1972,[7] Mr. William M. Colmer, of Mississippi, of the Committee on Rules, called up House Resolution 1133:

Resolved, That immediately upon the adoption of this resolution the joint resolution (H.J. Res. 1227) approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with Respect to the Limitation of Strategic Offensive Arms, together with the Senate amendment 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. . . .

THE SPEAKER:[8] The question is on the resolution. . . .

The question was taken; and there were—yeas 308, nays 4, answered "present" 2, not voting 116. . . .

So the resolution was agreed to. . . .

A motion to reconsider was laid on the table.

The Senate amendment, concurred in, reads as follows:[9]

Strike out all after the resolving clause and insert:

That the Congress hereby endorses those portions of the Declaration of Basic Principles of Mutual Relations Between the United States of America and the Union of Soviet Socialist Republics signed by President Nixon

7. 118 CONG. REC. 31995–99, 92d Cong. 2d Sess.

8. Carl Albert (Okla.).

9. An effort is made in the House to assure that where the House concurs, or concurs with a further amendment, the Senate amendment is printed in the Record proceedings. If the Senate amendment is lengthy and has already been printed in the proceedings of that body, the House Record may refer to the Senate proceedings rather than reprinting.

and General Secretary Brezhnev at Moscow on May 29, 1972, which relate to the dangers of military confrontation and which read as follows: . . .

Initial Consideration of Senate Amendments; in House or in Committee of the Whole

§ 5.48 ***Parliamentarian's Note:*** **Any amendment of the Senate to a House bill is subject to the point of order that it must first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point. However, a motion to disagree with the amendments of the Senate to a House bill or resolution and to request or agree to a conference with the Senate, or a motion to insist on the House amendments to a Senate bill or resolution and request or agree to a conference with the Senate, is always in order if the Speaker, in his discretion, recognizes for that purpose and if the motion is made by direction of the committee having jurisdiction of the subject matter of the bill or resolution.**[10] **And House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine.**[11]

Timing of Point of Order That Senate Amendment Requires Committee of the Whole Consideration

§ 5.49 A point of order under Rule XX clause 1 that a particular Senate amendment should have been considered in the Committee of the Whole comes too late after conferees have been appointed and have reported.

On Oct. 20, 1966,[12] the House was considering the conference report on H.R. 13103, a bill to amend the Internal Revenue Code of 1954. Mr. Howard W. Smith, of Virginia, rose to a point of order against title III of the conference

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10. Rule XX clause 1, *House Rules and Manual* § 827 (1997); and *Deschler's Procedure* (93d Cong.), Ch. 32 § 5.1.

11. Rule XXIV clause 2, *House Rules and Manual* § 882 (1997); and *Deschler's Procedure* (93d Cong.), Ch. 32 § 5.1.

12. 112 CONG. REC. 28240, 28241, 89th Cong. 2d Sess.

report, which consisted entirely of a Senate amendment:

> Mr. Speaker, I just want to ask this question:
>
> If that amendment had been offered when the bill was under consideration in the House it would have had to be under rule XX, and considered under rule XX that I have just read.
>
> Now, because it is a bill which is an appropriation bill we cannot consider it except in the Committee of the Whole House on the State of the Union. This rule provides that if there is put on it a Senate amendment and it comes back it is subject to a point of order that it has not been considered in the Committee of the Whole House on the State of the Union. . . .
>
> THE SPEAKER:[13] The Chair is prepared to rule.
>
> The gentleman from Virginia makes the point of order that title III of the conference report contravenes the first sentence of rule XX:
>
> > Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point:[14]
>
> Without passing upon the germaneness of the amendment, because that point was not raised, the Chair calls attention to the fact that the Senate amendment went to conference by unanimous consent. Where unanimous consent was obtained, the effect of that is to circuit rule XX, in other words, to waive or vitiate that portion of rule XX.
>
> If objection had been made at the point when the unanimous-consent request was made to send the bill to conference, then the bill could have been referred to the proper standing committee, and then, if and when reported out of the committee would have been brought up for consideration in the Committee of the Whole House on the State of the Union.
>
> At this point, and under the parliamentary situation, the bill was sent to conference by unanimous consent; and this applies to all bills that go to conference by unanimous consent, if there be provisions therein that might be subject to the first sentence of rule XX. If there is no objection made at that time the bill goes to conference; which in this case had the effect of suspending that portion of rule XX. Therefore, it is properly before the House at the present time as part of the conference report and the Chair overrules the point of order.

—Debate in Committee of the Whole

§ 5.50 Senate amendments to an appropriation bill are considered in the Committee of the Whole under the five-minute rule.

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13. John W. McCormack (Mass.).

14. The pertinent part of Rule XX clause 1, quoted by the Speaker, had been part of the rules since 1880. See *House Rules and Manual* § 827 (1997).

On July 12, 1945,[15] the following occurred in the House:

NATIONAL WAR AGENCIES APPROPRIATION BILL, 1946

MR. [CLARENCE] CANNON of Missouri: Mr. Speaker, I 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. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes, with Senate amendments. Pending that motion, Mr. Speaker, I ask unanimous consent to dispense with general debate.

THE SPEAKER:[16] Is there objection to the request of the gentleman from Missouri?

MR. [JOHN] TABER [of New York]: Mr. Speaker, reserving the right to object, that is satisfactory to me. That would not mean, of course, that there could be no debate on amendments?

MR. CANNON of Missouri: Amendments will be considered under the 5-minute rule.[17]

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

There was no objection.

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

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes, with Senate amendments, with Mr. Sparkman in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:[18] The Clerk will report the first Senate amendment.

The Clerk read the Senate amendment, as follows:

Senate amendment No. 1: Page 1, line 9, insert:

"COMMITTEE ON FAIR EMPLOYMENT PRACTICE

"Salaries and expenses: For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive Orders Nos. 8802 and 9346, including salary of a Chairman at not to exceed $8,000 per annum and 6 other members at not to exceed $25 per diem when actually engaged; travel expenses (not to exceed $63,800); expenses of witnesses in attendance at Committee hearings, when necessary; printing and binding (not to exceed $4,800); purchase of newspapers and periodicals (not to exceed $500); not to exceed $694 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 28, 1944 (Public Law 364); and the temporary employment of persons, by contract or otherwise, without regard to section

15. 91 CONG. REC. 7474, 7493, 7494, 79th Cong. 1st Sess.
16. Sam Rayburn (Tex.).
17. For an example of the procedure in considering Senate amendments to a general appropriation bill in Committee of the Whole, see 91 CONG. REC. 7474, 7493, 7494, 79th Cong. 1st Sess., July 12, 1945.
18. John J. Sparkman (Ala.).

3709 of the Revised Statutes and the civil-service and classification laws (not to exceed $8,900); $250,000: *Provided,* That no part of the funds herein appropriated shall be used to pay the compensation of any person to initiate, investigate, or prosecute any complaint against any defendant where such defendant does not have the same right to appeal an adverse decision of the Committee on Fair Employment Practice to the President of the United States, or to refer said complaint to the President of the United States for final disposition, as is asserted by or allowed the said Committee on Fair Employment Practice in cases where persons complained against refuse to abide by its orders: *Provided further,* That no part of this appropriation shall be used to pay the compensation of any person to initiate, investigate, or prosecute any proceedings against any person, firm, or corporation which seeks to effect the seizure or operation of any plant or other property of such person, firm, or corporation by Federal authority for failure to abide by any rule or regulation of the Committee on Fair Employment Practice, or for failure to abide by any order passed by the Committee on Fair Employment Practice: *Provided further,* That no part of the funds herein appropriated shall be used to pay the compensation of any person employed by said Committee on Fair Employment Practice who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the Congress."

MR. CANNON of Missouri: Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Mr. Cannon of Missouri moves that the House concur in Senate amendment No. 1 with an amendment as follows:

"Strike out the matter proposed to be inserted by said amendment and insert the following in lieu thereof:

" 'COMMITTEE ON FAIR EMPLOYMENT PRACTICE

" 'Salaries and expenses: For completely terminating the functions and duties of the Committee on Fair Employment Practice, including such of the objects and limitations specified in the appropriation for such agency for the fiscal year 1945 as may be incidental to its liquidation, $250,000: *Provided,* That if and until the Committee on Fair Employment Practice is continued by an act of Congress, the amount named herein may be used for its continued operation until an additional appropriation shall have been provided.' "

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Colmer to the amendment offered by Mr. Cannon of Missouri: On line 7 of the committee substitute after the word "if", strike out the words "and until".

MR. COLMER: Mr. Chairman, this is a very important amendment. We might just as well understand that to begin with. If my amendment is adopted it means that the funds appropriated must be used for the liquidation of the FEPC. If my amendment is rejected it means that the $250,000 thus appropriated can be used for the continued operation of the FEPC. . . .

THE CHAIRMAN: The time of the gentleman from Missouri has expired. All time has expired.

The question recurs on the amendment as amended by the amendment offered by the gentleman from Missouri.

The amendment as amended was agreed to.

MR. CANNON of Missouri: Mr. Chairman, I think there is no disagreement on the remaining amendments.

In order to conserve the time of the House and get the conference report back this afternoon, I ask unanimous consent that the remaining Senate amendments be taken up en bloc and that they be considered as read.

THE CHAIRMAN: Is there objection to the request of the gentleman from Missouri? . . .

MR. [ANDREW J.] MAY [of Kentucky]: . . . What I am trying to get at is this: Did your statement to the effect that this is the only way by which a bill could be enacted which would take care of the several war agencies for which appropriations are carried in this bill, mean that the other body at the other end of the Capitol is so obstinate about the one proposition of the FEPC that it will block all of the war agencies rather than take it out?

MR. CANNON of Missouri: May I say to the gentleman from Kentucky that the intransigents were not confined to any one House.

MR. MAY: Then the gentleman proposes to surrender without a reason?

MR. CANNON of Missouri: We are not surrendering; we are winning.

MR. [HOWARD W.] SMITH of Virginia: Reserving the right to object, Mr. Chairman, I would like to understand from the gentleman from Missouri whether his unanimous-consent request is that we consider the amendments en bloc and disagree to the Senate amendments and send them to conference? We do not agree by this to any Senate amendment?

MR. CANNON of Missouri: When we have secured consent to consider them simultaneously, I will then move to disagree to the Senate amendments and agree to the conference asked by the Senate.

MR. [VITO A.] MARCANTONIO [of New York]: Mr. Chairman, reserving the right to object, in reply to the gentleman from Virginia, so as to clear up any misunderstanding, we are not disagreeing to the Senate amendment on FEPC except by the action taken in the Committee of the Whole. The gentleman's motion refers merely to the remaining Senate amendments?

MR. CANNON of Missouri: The request refers to the remaining amendments only.

THE CHAIRMAN: Is there objection to the request of the gentleman from Missouri?

There was no objection.

MR. CANNON of Missouri: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with Senate amendments, with recommendation in accordance with action taken by the Committee.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Sparkman, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate amendments to the bill (H.R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes,

directed him to report the same back to the House with the recommendation that the House concur in Senate amendment numbered 1, with an amendment, and that the House disagree to Senate amendments numbered 2 to 33, inclusive, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

MR. CANNON of Missouri: Mr. Speaker, I move the previous question.

THE SPEAKER: The Clerk will report the first recommendation of the Committee.

The Clerk read as follows:

> The Committee of the Whole House on the State of the Union recommends that the House concur in Senate amendment No. 1, with the following amendment:
>
> "Strike out the matter proposed to be inserted by Senate amendment No. 1 and insert in lieu thereof the following:
>
> " 'COMMITTEE ON FAIR EMPLOYMENT PRACTICE
>
> " 'Salaries and expenses: For completely terminating the functions and duties of the Committee on Fair Employment Practice, including such of the objects and limitations specified in the appropriation for such agency for the fiscal year 1945 as may be incidental to its liquidation, $250,000: *Provided,* That if and until the Committee on Fair Employment Practice is continued by an act of Congress, the amount named herein may be used for its continued operation until an additional appropriation shall have been provided: *Provided further,* That in no case shall this fund be available for expenditure beyond June 30, 1946.' "

THE SPEAKER: The question is on agreeing to the recommendation.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: As I understand it, this entire amendment, beginning on line 9, page 1, and ending on line 14, page 3, as amended, is a Senate amendment. It is brought in here as a Senate amendment. Now the question is on adopting that Senate amendment, the entire amendment; not adopting the amendment offered by the gentleman from Missouri to the amendment, but on adopting the entire FEPC amendment?

THE SPEAKER: The question is on the motion agreed to in Committee of the Whole. That is, to agree to the Senate amendment with an amendment. There is no division of the question, if that is what the gentleman is asking.

MR. RANKIN: Then we have a right to vote on whether or not we will adopt the Senate amendment as amended.

THE SPEAKER: There is just one question before the House. That is, to concur in the recommendation of the Committee of the Whole.

MR. RANKIN: Mr. Speaker, I demand a separate vote on this entire Senate amendment. The rules of the House provide that when an amendment is brought in, even though it is amended in Committee of the Whole, when we get back to the House we do not vote on amendments to the amendment but we vote on the amendment as amended.

THE SPEAKER: We vote on the recommendation which the Committee of the Whole made to the House. That is

all there is before the House at this time.

MR. RANKIN: That is that the amendment as amended be adopted?

THE SPEAKER: That is the question. . . .

The yeas and nays were refused.

So the recommendation of the Committee of the Whole was agreed to.

On motion of Mr. Cannon of Missouri a motion to reconsider was laid on the table.

THE SPEAKER: The question is on the remainder of the recommendation of the Committee of the Whole that the House disagree to the Senate amendments numbered from 2 to 33, inclusive, and agree to the conference asked by the Senate.

The recommendation was agreed to and a motion to reconsider was laid on the table.

—Voting on Recommendation of Committee of the Whole in the House

§ 5.51 The recommendation of the Committee of the Whole that the House concur in a Senate amendment with an amendment may not be divided for a vote in the House.

On July 12, 1945,[19] the Committee of the Whole, having considered H.R. 3368, war agency appropriations for fiscal 1946, with Senate amendments thereto, recommended that the House concur in Senate amendment No. 1 with an amendment.

THE SPEAKER:[20] The question is on agreeing to the recommendation.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: As I understand it, this entire amendment, beginning on line 9, page 1, and ending on line 14, page 3, as amended, is a Senate amendment. It is brought in here as a Senate amendment. Now the question is on adopting that Senate amendment, the entire amendment; not adopting the amendment offered by the gentleman from Missouri to the amendment, but on adopting the entire FEPC amendment?

THE SPEAKER: The question is on the motion agreed to in Committee of the Whole. That is, to agree to the Senate amendment with an amendment. There is no division of the question, if that is what the gentleman is asking.

MR. RANKIN: Then we have a right to vote on whether or not we will adopt the Senate amendment as amended.

THE SPEAKER: There is just one question before the House. That is, to concur in the recommendation of the Committee of the Whole.

MR. RANKIN: Mr. Speaker, I demand a separate vote on this entire Senate amendment. The rules of the House provide that when an amendment is brought in, even though it is amended in Committee of the Whole, when we

19. 91 CONG. REC. 7494, 79th Cong. 1st Sess.

20. Sam Rayburn (Tex.).

get back to the House we do not vote on amendments to the amendment but we vote on the amendment as amended.

THE SPEAKER: We vote on the recommendation which the Committee of the Whole made to the House. That is all there is before the House at this time.

—*If House Rejects Committee of the Whole Recommendation*

§ 5.52 If the House disagrees to the recommendation of the Committee of the Whole that the House concur in a Senate amendment with an amendment, such Senate amendment is before the House for consideration.

On July 12, 1945,[1] the Committee of the Whole recommended that the House concur with an amendment to a Senate amendment to H.R. 3368, war agency appropriations for fiscal 1946. Speaker Sam Rayburn, of Texas, recognized Mr. Joseph W. Martin, Jr., of Massachusetts, to pose a parliamentary inquiry:

> If we do not adopt the amendment which was just adopted in Committee of the Whole, we will then take the Senate amendment as it stands? . . .
>
> THE SPEAKER: The Senate amendment itself will be in order for consideration.

—*Senate Amendments Sent to Conference Do Not Thereafter Require Consideration in Committee of the Whole*

§ 5.53 Amendments between the Houses that have been sent to conference do not require consideration in the Committee of the Whole in the event the conference report is ruled out of order.

On Aug. 19, 1937,[2] the conference report on H.R. 7646, relating to flood walls and drainage structures in the Ohio River Basin, was ruled out on a point of order. Mr. Bertrand H. Snell, of New York, was recognized by Speaker William B. Bankhead, of Alabama, to raise a point of order:

> When a conference report has been thrown out on a point of order is it not the same as if it had been rejected by the House?
>
> THE SPEAKER: The gentleman from New York makes a parliamentary inquiry as to whether, when a point of order to a conference report is sustained ipso facto, the Senate amendments come before the House for fur-

1. 91 CONG. REC. 7494, 79th Cong. 1st Sess.

2. 81 CONG. REC. 9376–79, 75th Cong. 1st Sess.

ther consideration. Is that the parliamentary inquiry?

MR. SNELL: Yes.

THE SPEAKER: In reply to the gentleman the Chair calls the gentleman's attention to section 3257, volume 8, Cannon's Precedents:

> When a conference report is ruled out of order, the bill and amendments are again before the House as when first presented, and motions relating to amendments and conference are again in order.

MR. SNELL: When this first came back from the Senate there was an important matter that should have gone before the committee for consideration because it entailed expenditure of large amounts of money, and is it a privileged motion to move to consider that in the House at the present time?

THE SPEAKER: It is in the opinion of the Chair, because by sending the bill and Senate amendments to conference, the provisions of the rules requiring consideration in Committee of the Whole were waived.

Consideration of Senate Amendments in the House

§ 5.54 The House may adopt a resolution taking a House bill with Senate amendments thereto from the Speaker's table and making it in order to consider the amendments in the House, rather than in Committee of the Whole, as required by Rule XX clause 1.

On July 2, 1960,[3] Mr. Richard Bolling, of Missouri, reported House Resolution 596:

> Mr. Bolling, from the Committee on Rules, reported the following privileged resolution (H. Res. 596—Rept. No. 2085), which was referred to the House Calendar and ordered to be printed:
>
> *Resolved*, That immediately upon the adoption of this resolution, the bill H.R. 12740 making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with the Senate amendments thereto, shall be taken from the Speaker's table and the Senate amendments considered in the House.

MR. BOLLING: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 596 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved,* That immediately upon the adoption of this resolution, the bill H.R. 12740 making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with the Senate amendments thereto, shall be taken from the Speaker's table and the Senate amendments considered in the House.

THE SPEAKER:[4] The question is, Will the House now consider the resolution?

The question was taken; and the Speaker announced that the yeas had it.

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3. 106 CONG. REC. 15775, 15785, 15786, 86th Cong. 2d Sess.
4. Sam Rayburn (Tex.).

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GROSS: Mr. Speaker, does not consideration require unanimous consent?

THE SPEAKER: It requires a two-thirds vote.

MR. GROSS: 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 SPEAKER: Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 291, nays 79, not voting 62. . . .

So (two-thirds having voted in favor thereof) the House agreed to consider the resolution.[5]

Debate then occurred on the resolution, it was agreed to, and the Senate amendments were considered.

§ 5.55 House bills with Senate amendments which do not require consideration in the Committee of the Whole may at once be disposed of as the House may determine and are privileged matters on the Speaker's table.

On Feb. 1, 1937,[6] Speaker William B. Bankhead, of Alabama, recognized Mr. John J. O'Connor, of New York:

Mr. Speaker, I call up House Joint Resolution 81, to create a Joint Congressional Committee on Government Organization, with a Senate amendment, for immediate consideration as a privileged resolution. . . .

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SNELL: I understood the gentleman called this up as a privileged matter. On what ground is this a privileged matter?

THE SPEAKER: In reply to the inquiry of the gentleman from New York [Mr. Snell], under paragraph 2 of rule XXIV of the House Manual it is stated: . . .

> But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills.

MR. SNELL: I appreciate that, and I have no objection to the consideration of this matter, but I wonder if it was a matter that could be taken up without

5. *Parliamentarian's Note:* A two-thirds vote was required to consider this resolution from the Committee on Rules on the same day on which it was reported to the House. Only a majority vote was required for its adoption.

6. 81 CONG. REC. 644, 645, 75th Cong. 1st Sess.

being referred back to the committee for consideration.

THE SPEAKER: Under the rule which the Chair has just read, the Chair is clearly of the opinion that it may be brought up in this manner.[7]

Debate in House

§ 5.56 Senate amendments considered in the House are debatable under the hour rule.

On Feb. 1, 1937,[8] Mr. John J. O'Connor, of New York, had called up, and the House was considering, House Joint Resolution 81, to create a Joint Committee on Government Organization, with a Senate amendment thereto. Speaker William B. Bankhead, of Alabama, recognized Mr. John E. Rankin, of Mississippi:

If this matter is debatable, I want to be heard in opposition.

MR. O'CONNOR of New York: How much time does the gentleman desire?

MR. RANKIN: How much time has the gentleman at his disposal?

THE SPEAKER: The gentleman from New York [Mr. O'Connor] is entitled to 1 hour, and he may yield such part as he desires.[9]

Amendments Considered in Their Entirety

§ 5.57 Senate amendments are considered in their entirety and it is not in order to consider separate items contained therein.

On May 20, 1936,[10] the House was considering the Senate amendments to the Interior Department appropriations bill for 1937 which had been reported back from conference in disagreement. After the Clerk read one amendment which contained seven separate projects, Mr. Fred Cummings, of Colorado, raised a parliamentary inquiry:

Will a motion be in order to consider these items separately?

THE SPEAKER:[11] No; there is only one Senate amendment.

—Unless Special Rule Permits Division

§ 5.58 Although House rules preclude dividing a Senate amendment which strikes House text and inserts new language, such a division can be made in order by a special order reported from the

7. See also 106 CONG. REC. 18357, 86th Cong. 2d Sess., Aug. 30, 1960.
8. 81 CONG. REC. 645, 75th Cong. 1st Sess.
9. See also 106 CONG. REC. 18357, 86th Cong. 2d Sess., Aug. 30, 1960.
10. 80 CONG. REC. 7623, 7624, 74th Cong. 2d Sess.
11. Joseph W. Byrns (Tenn.).

Committee on Rules and adopted by the House.

When the Senate considered for amendment H.R. 9209, the Emergency Unemployment Compensation Act Amendments of 1993, it struck out all after the enacting clause of the House bill and added a new text, consisting of seven sections. The House wished to address section 7 of the Senate amendment, which dealt with congressional pay, by a separate vote. The following special order was reported from the Committee on Rules, debated and agreed to on Mar. 4, 1993.[12] The rule, pertinent debate, and the procedure in the House are carried here.

EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. Moakley, from the Committee on Rules, submitted a privileged report (Rept. No. 103–26) on the resolution (H. Res. 115) providing for the consideration of the Senate amendment to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, which was referred to the House Calendar and ordered to be printed:

H. RES. 115

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion. The motion shall be divided for a separate vote on concurring in section 7 of the Senate amendment, any rule of the House to the contrary notwithstanding.

MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution. . . .

THE SPEAKER PRO TEMPORE:[13] The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

MR. MOAKLEY: Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume. . . .

The rule provides 1 hour of general debate. The rule also automatically divides the question, allowing a separate vote on the last section of the bill, elimination of cost of living adjustment for Members of Congress in 1994. Mr. Speaker, the division is in order any

12. 139 CONG. REC. 4157–59, 4163, 4164, 103d Cong. 1st Sess.

13. Romano L. Mazzoli (Ky.).

rule of the House to the contrary notwithstanding. . . .

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

MR. [ROBERT T.] MATSUI [of California]: Mr. Speaker, pursuant to House Resolution 115, I move to take from the Speaker's table the bill (H.R. 920) "An act to extend the emergency unemployment compensation program, and for other purposes," with the Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: Under the rule, the Senate amendment is considered as read.

The text of the Senate amendment is as follows:

> Senate amendment: Strike out all after the enacting clause and insert:
>
> SECTION 1. SHORT TITLE.
>
> This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993".
>
> SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.
>
> (a) GENERAL RULE.—Sections 102 (f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993". . . .
>
> SEC. 7. ELIMINATION OF COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 1994.
>
> (a) COST OF LIVING ADJUSTMENT.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.
>
> (b) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

THE SPEAKER PRO TEMPORE: Under the rule, the gentleman from California [Mr. Matsui] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. Santorum] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. Matsui]. . . .

THE SPEAKER PRO TEMPORE: All time has expired.

Pursuant to House Resolution 115, the previous question is ordered on the motion, and pursuant to House Resolution 115, the question on concurring in the Senate amendment will be divided.

The first question before the House is on concurring in sections 1 through 6 of the Senate amendment. . . .

So sections 1 through 6 of the Senate amendment to H.R. 920 were concurred in. . . .

THE SPEAKER PRO TEMPORE: The Chair will advise the Members that the question, having been divided, now before the House is on concurring in section 7 of the Senate amendment . . . .

The question, therefore, is on concurring in section 7 of the Senate amendment to H.R. 920. . . .

So section 7 of the Senate amendment to H.R. 920 was concurred in.

Who May Call Up

§ 5.59 House bills with Senate amendments which do not require consideration in a Committee of the Whole may be called up for consideration by a Member authorized by the committee reporting the bill to take such action.

On Aug. 24, 1935,[14] the following occurred on the floor of the House:

MR. [VIRGIL M.] CHAPMAN [of Kentucky]: Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I call up from the Speaker's table the bill, H.R. 9070, the omnibus bridge bill, with Senate amendments thereto.

THE SPEAKER:[15] The gentleman from Kentucky, by direction of the Committee on Interstate and Foreign Commerce, calls up a bill with Senate amendments thereto.

The Clerk reported the title of the bill.

THE SPEAKER: The Clerk will report the Senate amendments. . . .

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, under what right is this bill called up?

THE SPEAKER: Under clause 2 of rule XXIV, which authorizes any member of a committee, when directed by the committee, to call up House bills with Senate amendments, on the Speaker's desk.

MR. MCFARLANE: Mr. Speaker, I raise the point that the committee has not had a meeting since the bill was passed.

THE SPEAKER: The Chair cannot go behind the statement of the gentleman from Kentucky.

MR. MCFARLANE: Then, I ask the gentleman from Kentucky whether the committee has met and considered this bill?

MR. CHAPMAN: Mr. Speaker, the gentleman from Kentucky will reply by repeating what he said in the beginning, that by the direction of the Committee on Interstate and Foreign Commerce I call this bill from the Speaker's table.

THE SPEAKER: Clause 2 of rule XXIV provides:

> House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole [be disposed of in the same manner on motion directed to be made by such committee].

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14. 79 CONG. REC. 14645, 74th Cong. 1st Sess.

15. Joseph W. Byrns (Tenn.).

Motion To Disagree in House To Permit Reconsideration in Senate

§ 5.60 A Senate amendment was disagreed to by the House for the purpose of permitting the Senate to reconsider its action in amending a House bill.

On Feb. 1, 1937,[16] Mr. John E. Rankin, of Mississippi, proposed an amendment to a Senate amendment to House Joint Resolution 81, creating a Joint Committee on Government Organization. Speaker William B. Bankhead, of Alabama, ruled out Mr. Rankin's amendment on the ground that it would have amended the text of the joint resolution, not the Senate amendment thereto. Mr. Marvin Jones, of Texas, then raised a parliamentary inquiry:

> If it is not in order to offer an amendment such as the gentleman from Mississippi proposes, if the Senate amendment were rejected and sent back to the Senate the purpose of the amendment could be accomplished.
>
> THE SPEAKER: The Chair will state to the gentleman that on the premise laid by him if the Senate amendment were voted down the Senate could reconsider its action and increase the number of the House committee.
>
> MR. JONES: If it were sent back to the Senate would not it go as an original proposition so they could recede from their amendment and take up the bill as an original measure and put in nine Members of the House?
>
> THE SPEAKER: The Senate could reconsider its action. . . .
>
> MR. [JOHN J.] O'CONNOR of New York: I think I can solve this by proceeding in accordance with my heart.
>
> I will withdraw my motion to concur in the Senate amendment and move to disagree to the Senate amendment. . . .
>
> THE SPEAKER: The gentleman from New York [Mr. O'Connor] withdraws his motion to agree to the Senate amendment and now moves to disagree to the Senate amendment.
>
> The question is on the motion of the gentleman from New York.
>
> The motion was agreed to.

Considering Senate Amendment to House Joint Resolution Amending Constitution

§ 5.61 Senate amendments to a House joint resolution proposing a constitutional amendment are considered in the House.

On Mar. 21, 1947,[17] Mr. Earl C. Michener, of Michigan, called up House Joint Resolution 27, with the Senate amendments thereto.

16. 81 CONG. REC. 646–48, 75th Cong. 1st Sess.

17. 93 CONG. REC. 2389, 2392, 80th Cong. 1st Sess.

Since the matter did not require consideration in the Committee of the Whole, the matter could be disposed of by motion under Rule XXIV clause 2:

> Mr. Speaker, I ask the Speaker to lay before the House for immediate consideration House Joint Resolution 27, a joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President, with Senate amendments.
>
> THE SPEAKER:[18] The Clerk will report the title of the joint resolution and the Senate amendments.
>
> The Clerk read the title of the joint resolution.
>
> The Clerk read the Senate amendments, as follows:
>
> > Page 1, line 9, strike out all after "SECTION 1." over to and including "term." in line 4, page 2, and insert "No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than 2 years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term."
>
> MR. MICHENER: Mr. Speaker, this bill with the Senate amendment was returned to the House on March 13. It was taken informally before the full Committee on the Judiciary, and I am instructed by that committee to call the resolution up at this time for the purpose of agreeing to the Senate amendment. I have followed precedent and cleared through the majority leader and the minority leader.
>
> I therefore move that the House concur in the Senate amendment.
>
> THE SPEAKER: The Clerk will report the motion.
>
> The Clerk read as follows:
>
> > Mr. Michener moves that the House concur in the Senate amendment.
>
> THE SPEAKER: The gentleman from Michigan is recognized for 1 hour. . . .
>
> MR. MICHENER: Mr. Speaker, I move the previous question.
>
> The previous question was ordered.
>
> The question was taken; and on a ivision (demanded by Mr. Thomason) there were—ayes 81, noes 29.
>
> MR. [AIME J.] FORAND [of Rhode Island]: Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.
>
> THE SPEAKER: The Chair will count.
>
> MR. FORAND: Mr. Speaker, I withdraw the point of order.
>
> So (two-thirds having voted in favor thereof) the Senate amendments were concurred in.
>
> A motion to reconsider was laid on the table.

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18. Joseph W. Martin, Jr. (Mass.).

Senate Amendment to Concurrent Resolution for Adjournment

§ 5.62 A concurrent resolution providing that the two Houses adjourn to a day certain is not operative until agreed to by both, and where the Senate amends the resolution changing the date, such amendment must be concurred in before the adjournment can take place.

On Mar. 30, 1944,[19] the following took place in the House:

THE SPEAKER PRO TEMPORE:[20] The Chair lays before the House, House Concurrent Resolution No. 75, with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

Senate amendment: On page 2, line 3, strike out "Thursday, March 30" and insert "Saturday, April 1."

Amend the title so as to read: "Concurrent resolution providing for the adjournment of Congress from Saturday, April 1, 1944, to Wednesday, April 12, 1944."

THE SPEAKER PRO TEMPORE: Without objection, the amendment is agreed to.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, reserving the right to object, I make a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN: What is the procedure?

MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Speaker, I move that the House concur in the Senate amendment.

MR. HOFFMAN: Well, Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Is the gentleman propounding a parliamentary inquiry?

MR. HOFFMAN: Yes, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN: What is the procedure on this resolution?

THE SPEAKER PRO TEMPORE: It is a privileged resolution, and the procedure would be for some Member—and the gentleman from Georgia [Mr. Ramspeck] has done so—to make a motion that the House concur in the Senate amendment.

MR. HOFFMAN: And then a vote is taken on the motion?

THE SPEAKER PRO TEMPORE: That is correct.

MR. HOFFMAN: Does that require a quorum?

THE SPEAKER PRO TEMPORE: Any action by the House requires a quorum if the one who takes such step raises that question.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. RANKIN: As I understand the situation, whether there is a quorum present or not, unless this amendment

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19. 90 CONG. REC. 3318, 78th Cong. 2d Sess.

20. John W. McCormack (Mass.).

is agreed to the resolution does not become final until this amendment is disposed of. That is correct, is it not?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Procedure Leading to Correction of Error in Senate Amendment

§ 5.63 A concurrent resolution may authorize the Secretary of the Senate to reengross the amendment of the Senate to a House bill and make a correction in such reengrossment.

On June 27, 1951,[1] the following occurred on the floor of the House:

MR. [ALBERT] THOMAS [of Texas]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 35) ordering the reengrossment of the Senate amendment to H.R. 3880, the independent offices appropriation bill for 1952.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed to reengross the amendments of the Senate to the bill (H.R. 3880) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1952, and for other purposes; and to reengross Senate amendment numbered 79 so as to read as follows:

On page 35, line 23, strike out "$875,163,335" and insert "$873,105,770."

THE SPEAKER:[2] Is there objection to the request of the gentleman from Texas?

MR. [JOHN] PHILLIPS [of California]: Mr. Speaker, reserving the right to object, will the gentleman from Texas [Mr. Thomas] please explain the reason for the request on the part of the other body?

MR. THOMAS: Mr. Speaker, this resolution authorizes reengrossment of amendment No. 79 of the independent offices appropriation bill. It all adds up to this: Apparently the other body has made a mistake in printing or engrossing this amendment. Amendment No. 79 deals with salaries and expenses for the Veterans' Administration. What happened was that they show a reduction in that appropriation of about $1,200,000 more than the figure actually agreed upon by the Senate.

§ 6. —Amending Senate Amendments; Degree of Amendment

When amending a Senate amendment the House need not confine itself within the limits set

1. 97 CONG. REC. 7254, 82d Cong. 1st Sess.

2. Sam Rayburn (Tex.).