of the motion here, excerpted from the *Congressional Record* of Feb. 22, 1978,[11] is illustrative of the modern practice.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I move the previous question on the motion to recede and concur.

PREFERENTIAL MOTION OFFERED BY MR. LLOYD OF CALIFORNIA

MR. [JIM] LLOYD of California: Mr. Speaker, I offer a preferential motion that the motion of the gentleman from Texas (Mr. Mahon) to recede and concur be laid upon the table.

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE:[12] The gentleman will state it.

MR. MAHON: If the motion to table is defeated, then the next order of business would be a vote on my motion to recede and concur in the Senate amendment?

THE SPEAKER PRO TEMPORE: The next vote would be on ordering the previous question which the gentleman from Texas has moved, and then on the motion of the gentleman from Texas to recede and concur.

MR. MAHON: That is, if the motion to table is defeated?

THE SPEAKER PRO TEMPORE: If the motion is defeated.

PARLIAMENTARY INQUIRY

MR. LLOYD of California: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LLOYD of California: If my motion should be defeated, would there be an opportunity to amend?

THE SPEAKER PRO TEMPORE: If the motion to table is defeated and the previous question is ordered, the answer is no on the pending motion.

MR. LLOYD of California: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The question is on the preferential motion to lay on the table offered by the gentleman from California (Mr. Lloyd).

The question was taken.

MR. LLOYD of California: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

§ 8. Recognition To Offer Motions; Control of the Floor

Motions in the House to dispose of Senate amendments were traditionally debated under the hour rule, with the proponent of the motion controlling the time and yielding to others for debate.

11. 124 CONG. REC. 4072, 4073, 95th Cong. 2d Sess.
12. Charles A. Vanik (Ohio).

Amendments to House rules resulting from the adoption of the Legislative Reorganization Act of 1970 added the concept of dividing debate time on a conference report or on an amendment reported therefrom in disagreement between the majority and minority parties.[13] In the 92d Congress, Rule XXVIII clause 2(b)(1) was amended to provide for a division of the debate time on a motion to dispose of a Senate amendment reported in disagreement from conference.[14] The hour is now divided between the majority and the minority parties, in effect between the manager of the conference report and the ranking conferee on the minority side. In the 99th Congress, the division of debate time was again changed in those situations where the managers for the majority and the minority support the motion offered to dispose of a Senate amendment in disagreement. In that case, a person opposed to that motion may claim one-third of the hour.[15]

Under practices that have evolved since the adoption of the changes noted above, most motions to dispose of amendments between the Houses are now controlled and debated according to the strictures of Rule XXVIII. This rule also provides for the availability of copies of Senate amendments reported in disagreement, as well as copies of the conference report and the statement of managers.[16]

Control of Time—Division of Time

§ 8.1 When amendments in disagreement are considered in the House after disposition of the conference report, each amendment is debatable for one hour, equally divided between the majority and minority parties, and this division of time is not disturbed by the offering of a preferential motion.

The rule dividing time on an amendment in disagreement[17] was first adopted in the 92d Con-

13. See H. Res. 5, 117 CONG. REC. 144, 92d Cong. 1st Sess., Jan. 22, 1971.
14. H. Res. 1153, adopted Oct. 13, 1972, 118 CONG. REC. 36023, 92d Cong. 2d Sess.
15. H. Res. 7, 131 CONG. REC. 393, 99th Cong. 1st Sess., Jan. 3, 1985.
16. See §§ 8.24, 8.25, infra.
17. Rule XXVIII clause 2(b)(1), *House Rules and Manual* § 912b (1997).

gress.[18] It was later amended, in the 99th Congress,[19] to provide for a three-way division of time if the majority and minority floor leaders on the conference report both support the offered motion.

In the 94th Congress, a controversial Senate amendment was reported in disagreement from the conference dealing with the bill H.R. 8069, the Department of Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1976. The original motion to dispose of the Senate amendment, offered by the majority floor manager of the report, was to recede from disagreement and concur with a further amendment. Immediately after the motion of Mr. Daniel J. Flood, of Pennsylvania, was read, Mr. Robert E. Bauman, of Maryland, offered a preferential motion to recede and concur. The Chair[20] explained that the offering of this preferential motion did not deprive Mr. Flood of the floor. When the minority floor leader yielded part of his debate time to Mr. Bauman, the latter spoke briefly and then attempted to move the previous question, but the Chair declined to entertain the motion since it would cut off the time allocated to the managers under Rule XXVIII clause 2(b)(1). After debate, the question on receding and concurring was divided, the House receded from disagreement, rejected a motion to concur with an amendment, and eventually concurred in the Senate amendment.[1]

MR. BAUMAN: Mr. Speaker, I believe the gentleman from Pennsylvania (Mr. Flood) has offered or will offer a motion, and I have a preferential motion at the desk.

THE SPEAKER: The Clerk will first report the motion offered by the gentleman from Pennsylvania (Mr. Flood).

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the

18. See H. Res. 1153 (118 CONG. REC. 36013–23, 92d Cong. 2d Sess., Oct. 13, 1972).

19. See H. Res. 7 (131 CONG. REC. 393–413, 99th Cong. 1st Sess., Jan. 3, 1985).

20. Carl Albert (Okla.).

1. 121 CONG. REC. 38714, 38716–19, 94th Cong. 1st Sess., Dec. 4, 1975.

transportation of any student to a school other than the school which is nearest or next nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

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

The Clerk read as follows:

Mr. Bauman moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

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

MR. BAUMAN: Mr. Speaker, may I inquire, who has the right to the time under the motion?

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has 30 minutes, and the gentleman from Illinois (Mr. Michel) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Bauman). . . .

MR. BAUMAN: The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

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

MR. FLOOD: Mr. Speaker, I demand the question be divided.

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

THE SPEAKER: The gentleman from Pennsylvania has the floor and the Chair is trying to let the gentleman be heard.

MR. FLOOD: Mr. Speaker, I demand a division.

MR. BAUMAN: Mr. Speaker, I have not yielded. My time has not expired.

THE SPEAKER: The gentleman has time for debate only.

MR. BAUMAN: No; Mr. Speaker, it was not yielded for debate only.

THE SPEAKER: The gentleman from Maryland has 15 seconds.

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

THE SPEAKER: The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

MR. BAUMAN: Mr. Speaker, I was yielded to. There was no limitation on for what purpose.

THE SPEAKER: The gentleman was yielded 5 minutes. He can use it for debate only. The gentleman's time has expired.

The Chair recognizes the gentleman from Pennsylvania.

MR. FLOOD: Mr. Speaker, I demand a division of the question. . . .

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

THE SPEAKER: The gentleman will state it.

POINT OF ORDER

MR. MICHEL: Mr. Speaker, the gentleman from Illinois was given to un-

derstand that the time was to be divided equally. There was no indication on the part of the gentleman from Illinois that he had concluded giving what time he wanted to allocate to Members for general debate.

The gentleman from Illinois still has a request pending.

THE SPEAKER: The gentleman has 30 minutes for debate only. He can yield more time.

MR. MICHEL: I am still entitled, if I understand it, to the balance of the time to which I have been originally allocated. The gentleman from Illinois has 17 minutes remaining.

THE SPEAKER: That is correct, but the question has been divided.

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, when must a request for division be made?

THE SPEAKER: Any time the motion is pending and before the question is put the question may be divided, and it is already divided.

MR. FLOOD: Mr. Speaker, if the question has been divided, then I have a preferential motion.

THE SPEAKER: The gentleman from Illinois has 15 minutes remaining, and the gentleman's motion may come later.

MR. MICHEL: Mr. Speaker, I yield myself such time as I may require, and yield to the gentleman from Massachusetts (Mr. Conte). . . .

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

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

THE SPEAKER: The question is, Will the House recede from its disagreement to the amendment of the Senate No. 72?

The House receded from its disagreement to Senate amendment No. 72.

PREFERENTIAL MOTION OFFERED BY MR. FLOOD

MR. FLOOD: Mr. Speaker, I offer a preferential motion.

The Clerk read the preferential motion as follows:

> Mr. Flood moves that the House concur in the amendment of the Senate numbered 72 with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:
>
> "SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

THE SPEAKER: The question is on the preferential motion offered by the gentleman from Pennsylvania (Mr. Flood).

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

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 vote was taken by electronic device, and there were—yeas 133, nays 259, answered "present" 15, not voting 27. . . .

So the preferential motion to the Senate amendment numbered 72 was rejected.

The result of the vote was announced as above recorded.

THE SPEAKER: The question is, Will the House concur in the Senate amendment?

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

RECORDED VOTE

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 146, answered "present" 1, not voting 27. . . .

So the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

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

Member Handling Conference Report

§ 8.2 Where amendments in disagreement are being considered seriatim following adoption of a conference report, the Chair recognizes the Member handling the report to offer motions to dispose of the amendments; and while a motion so offered may be displaced by a preferential motion, the Member offering the preferential motion does not thereby gain control of time for debate.

If the question on the preferential motion to recede and concur is divided on demand and the House recedes from disagreement, the Member handling the conference report having offered an initial motion to insist on disagreement has been recognized to offer another motion to concur with an amendment preferential to the pending motion to concur, since that Member's original motion to insist has been displaced (although not directly rejected so as to deprive him the floor for subsequent recognition) and he would not be offering two motions pending at the same time.

On June 25, 1973,[2] the House was considering amendments reported back from conference in disagreement on H.R. 7447, supplemental appropriations for fiscal 1973. Speaker Carl Albert, of Oklahoma, then recognized George

2. 119 CONG. REC. 21171–73, 21179, 21180, 93d Cong. 1st Sess.

H. Mahon, of Texas, Chairman of the Committee on Appropriations.

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

The Clerk read as follows:

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

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

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

MR. MAHON: Mr. Speaker, I demand a division of the question.

THE SPEAKER: The question is, shall the House recede from its disagreement to the amendment of the Senate numbered 83?

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

MR. MAHON: Mr. Speaker, I moved that the House insist on its position banning all funds in the bill for combat activity in Cambodia. . . .

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

MR. MAHON: Mr. Speaker, I will withhold my moving of the previous question until the gentleman from Michigan, the minority leader, states his parliamentary inquiry.

THE SPEAKER: The gentleman from Michigan will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, my parliamentary inquiry is this: Am I correct, Mr. Speaker, that a "no" vote on the motion offered by the gentleman from Texas (Mr. Mahon) to recede would uphold the House position on the supplemental?

The motion offered by the gentleman from Connecticut (Mr. Giaimo) was to recede and concur, but the Chairman, the gentleman from Texas (Mr. Mahon) divided the question, and the vote is on a motion to recede. Therefore a "no" vote on the motion to recede would uphold the position of the House?

THE SPEAKER: The Chair can state that if the "no" vote prevails, the next vote would be on the motion to insist on the House's position. . . .

MR. MAHON: Mr. Speaker, we have been over this ground. Various Members on both sides of the aisle have expressed their views today and on previous days and in previous weeks and months.

Mr. Speaker, I now move the previous question on the motion to recede.

The previous question was ordered.

THE SPEAKER: The question is: Will the House recede from its disagreement to Senate amendment numbered 83?

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

MR. GIAIMO: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 172, present 1, not voting 25, as follows: . . .

So the preferential motion was agreed to. . . .

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

The Clerk read as follows:

Mr. Mahon moves that the House concur with the amendment of the Senate numbered 83 with an amendment, as follows: In lieu of the matter inserted, insert the following:

"SEC. 305. After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces."

MR. MAHON: Mr. Speaker, this preferential motion is slightly different from the Senate language. The amendment reads:

SEC. 305. After September 1, 1973 none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities, in, over, or from off the shores of Cambodia or in or over Laos by United States forces. . . .

MR. MAHON: Mr. Speaker, I move the previous question on the motion to concur with an amendment.

MR. FRANK E. EVANS of Colorado. Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Has the previous question been moved?

MR. MAHON: Mr. Speaker, I have moved the previous question.

THE SPEAKER: The previous question has been moved on the motion. Until that has been disposed of, the Chair is without power to recognize any Member for any other purpose.

The question is on ordering the previous question.

The previous question was ordered.

THE SPEAKER: The question is on the preferential motion offered by the gentleman from Texas.

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

MR. EVANS of Colorado. Mr. Speaker, a parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is not going to allow any further interruptions.

MR. GERALD R. FORD: Mr. Speaker, a parliamentary inquiry. Was that a vote on the previous question?

THE SPEAKER: The question was on the motion.

MR. GERALD R. FORD: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nayswere ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 204, present 1, not voting 24, as follows: . . .

So the preferential motion was rejected. . . .

THE SPEAKER: The question is on the motion to concur offered by the gentleman from Connecticut (Mr. Giaimo).

The motion was agreed to.

Parliamentarian's Note: While the manager of a conference report is entitled to prior recognition to offer motions to dispose of amendments in disagreement, he should not be entitled to offer two motions, one preferential to the other, to be pending at the same time. However, where his first motion to insist on disagreement has been superseded by the

House's voting to recede from disagreement, then his initial motion is no longer pending and he may be recognized to offer another motion to concur with an amendment which would be preferential to the remaining portion of another Member's divided motion to concur. This is to be contrasted with the situation where the bill manager offers a motion to dispose of a Senate amendment which is rejected by the House. As illustrated on Aug. 6, 1993 (*Manual* § 954) in that case recognition to offer a subsequent motion to dispose of the pending Senate amendment shifts to another Member who led the opposition to the rejected motion.

Withdrawal of Motions in House

§ 8.3 A motion to recede and concur with an amendment in a Senate amendment in disagreement may be withdrawn before action is taken thereon, and the proponent has the right to change the amendment included in the motion and offer it again in its modified form.

When the final amendment in disagreement to H.R. 5021, the Commerce, State, Justice appropriation bill for fiscal 1991, was reported, the manager, Neal Smith, of Iowa, offered a motion to recede from disagreement and concur in the Senate amendment with a further amendment. Time was divided three ways, with Mr. Lawrence J. Smith, of Florida, claiming time in opposition. A preferential motion to recede and concur was then offered by Mr. Smith of Florida. A division of the preferential motion to recede and concur was then demanded, the House receded from disagreement, and a series of inquiries then focused on the options available to the House.[3]

THE SPEAKER PRO TEMPORE:[4] The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 31, after line 10, insert:

SEC. 610. (a) None of the funds in this or any other act may be used to approve the licensing for export of any supercomputer or associated technology to any country that (1) is assisting, officially or unofficially, or (2) whose nationals are assisting Iraq to improve its rocket technology or

3. 136 CONG. REC. 32667, 32668, 32672–76, 101st Cong. 2d Sess., Oct. 23, 1990.
4. Michael R. McNulty (N.Y.).

chemical, biological, or nuclear weapons capability. . . .

MOTION OFFERED BY MR. SMITH OF IOWA

MR. SMITH of Iowa: Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 165, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 609. (a) None of the funds in this or any other Act may be used to approve the licensing for export of any supercomputer to any country whose government the President determines to be assisting Iraq to improve its ballistic missile technology or chemical, biological, or nuclear weapons capability and so reports to the Congress. . . .

THE SPEAKER PRO TEMPORE: The Chair rules that under rule XXVIII the time will be divided three ways.

The gentleman from Iowa [Mr. Smith] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. Rogers] will be recognized for 20 minutes, and the gentleman from Florida [Mr. Smith] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Iowa [Mr. Smith].

PREFERENTIAL MOTION OFFERED BY MR. SMITH OF FLORIDA

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

The Clerk read as follows:

Preferential motion offered by Mr. Smith of Florida: Mr. Smith of Florida moves that the House recede from its disagreement to Senate amendment No. 165 and concur therein.

MR. SMITH of Iowa: Mr. Speaker, I ask that the question be divided.

THE SPEAKER PRO TEMPORE: The question will be divided. . . .

PARLIAMENTARY INQUIRIES

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. SOLARZ: Mr. Speaker, would it be possible through a unanimous-consent procedure to amend the amendment of the gentleman from Iowa?

THE SPEAKER PRO TEMPORE: By unanimous consent, yes.

MR. SOLARZ: That would be possible. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Iowa may withdraw his motion, leaving the motion of the gentleman from Florida to be voted on.

MR. SMITH of Iowa: Mr. Speaker, I have a parliamentary inquiry.

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

MR. SMITH of Iowa: Mr. Speaker, I could withdraw my motion by unanimous consent and substitute another one? Is that right?

THE SPEAKER PRO TEMPORE: The gentleman does not need unanimous consent to do that.

MR. SMITH of Iowa: I can substitute another. . . .

MR. [SAMUEL] GEJDENSON [of Connecticut]: Would the House be in a position to accept an amended version of the gentleman from Florida [Mr. Smith]?

THE SPEAKER PRO TEMPORE: Mr. Smith of Iowa may offer another motion. . . .

MR. GEJDENSON: If the gentleman from Florida [Mr. Smith] then withdraws his motion, could he offer an amended version of that motion?

THE SPEAKER PRO TEMPORE: The Chair would look first to the manager of the bill, the gentleman from Iowa [Mr. Smith] to offer a motion.

MR. GEJDENSON: Look first to the manager of the bill, and if the manager of the bill had no motion, well the manager could offer that motion. I thank the Chair. . . .

THE SPEAKER PRO TEMPORE: The motion of the gentleman from Iowa [Mr. Smith] to concur in Senate amendment No. 165 with an amendment.

MR. SMITH of Iowa: With an amendment?

THE SPEAKER PRO TEMPORE: Yes.

MR. SMITH of Iowa: So, Mr. Speaker, first if we vote to recede, we will then come to whether or not to concur with my amendment, which is agreed to by the conferees.

THE SPEAKER PRO TEMPORE: That is correct.

MR. SMITH of Florida: Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. SMITH of Florida: Mr. Speaker, under the division of the question, the gentleman from Iowa [Mr. Smith] has a motion which will be voted on first, which motion was to recede and concur with the Senate language, as amended by the Senate, is that correct?

THE SPEAKER PRO TEMPORE: With an amendment. . . .

The first question is, Shall the House recede from its disagreement to Senate amendment No. 165?

MR. SMITH of Florida: And if that is defeated——

THE SPEAKER PRO TEMPORE: If the House then recedes, if that motion carries, then the question is on the motion of the gentleman from Iowa, shall the House concur in Senate amendment No. 165 with an amendment.

MR. SMITH of Iowa: If that is voted down, Mr. Speaker, there is nothing in the bill. . . .

MR. SMITH of Florida: Mr. Speaker, there are two votes on the motion of the gentleman from Iowa to recede and concur in the Senate language?

THE SPEAKER PRO TEMPORE: The first vote is on receding. The second is on concurring with an amendment.

MR. SMITH of Florida: If those are adopted, I no longer obtain a vote on my preferential motion?

THE SPEAKER PRO TEMPORE: That is correct. . . .

The question is: Will the House recede from its disagreement to the amendment of the Senate numbered 165.

The House receded from its disagreement to the amendment of the Senate numbered 165.

THE SPEAKER PRO TEMPORE: The question is: Shall the House concur in the amendment of the Senate numbered 165 with an amendment?

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

MR. SMITH of Florida: Mr. Speaker, I object to the vote on the grounds 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 381, nays 39, not voting 13. . . .

So the House concurred in the amendment of the Senate numbered 165 with an amendment.

The result of the vote was announced as above recorded.

A motion to reconsider the votes by which action was taken on the several motions laid on the table.

Order of Consideration of Amendments in Disagreement

§ 8.4 The disposition of Senate amendments in disagreement normally proceeds in the order in which they appear in the House text; but the House may vary the order of consideration by a unanimous-consent agreement.

Where controversy is expected on a particular motion to dispose of a Senate amendment in disagreement, its disposition can be postponed until a more convenient time on the following day by a proper unanimous-consent request.[5]

MR. [NEAL] SMITH of Iowa: Mr. Speaker, I ask unanimous consent that amendments numbered 147 and 148 be passed over this evening and that they be considered tomorrow, Wednesday, October 20, 1993, immediately prior to the consideration of amendment No. 171.

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

There was no objection.

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

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Chair rules that further consideration of this bill will continue tomorrow.

Control of Debate

§ 8.5 In 1970, pursuant to the provisions of Rule XIV clause 2 (the "hour rule") the Speaker stated in response to a parliamentary inquiry that a Member recognized to offer a motion to dispose of a Senate amendment to a House amendment to a Senate amendment to a House bill would be recognized for one

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5. See 139 CONG. REC. 25388, 25390, 103d Cong. 1st Sess., Oct. 19, 1993 (H.R. 2519).
6. Kweisi Mfume (Md.).

hour, which time that Member could allocate at his discretion.

Parliamentarian's Note: Rule XXVIII clause 2(a), was amended in the 92d Congress to provide for a division of debate time on a conference report or an amendment reported in disagreement. In the 99th Congress, the clause was further modified to specify that if the majority and minority floor managers support a conference report, the time can be allotted three ways if demanded by a Member opposing the report.[7]

On Jan. 22, 1970,[8] the House was considering a Senate amendment to a House amendment to a Senate amendment to H.R. 13111, appropriations for the Department of Health, Education, and Welfare.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry. In the consideration of the Nelson amendments, which was an amendment in disagreement, when it comes back, will there be 1 hour of debate in the control of the chairman of the committee or the chairman of the subcommittee?

THE SPEAKER:[9] The Chair will state in response to the parliamentary inquiry that any Member who makes the motion will be entitled to 1 hour, and the question of the allocation of time will be in his discretion.

Division of Debate Time on Motion To Dispose of Amendment Between Houses

§ 8.6 In the modern practice, debate on a privileged motion to dispose of a Senate amendment in disagreement, during the subsequent stages of action following the rejection of a conference report, is equally divided between the majority and minority parties.

While the provisions of Rule XXVIII clause 2(b) specifically address the division of debate time on an amendment "reported in disagreement" from a conference committee, the practice has developed of dividing the time between the parties on any motion to dispose of an amendment, once the stage of disagreement has been reached.

7. Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1997).
8. 116 CONG. REC. 750, 91st Cong. 2d Sess.
9. John W. McCormack (Mass.).

On Dec. 19, 1985,[10] the Chair's announcement of the division of time in the proceedings carried here shows the practice that has been followed in recent years.[11]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 3128) entitled "An act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process," with an amendment.[12]

The message also announced that the Senate had passed a joint resolution of the following title, in which concurrence of the House is requested:

S.J. Res. 255. Joint Resolution Relative to the convening of the 2d session of the 99th Congress.

CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985

MR. [WILLIAM (BILL) H.] GRAY of Pennsylvania: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, with the Senate amendment to the House amendment to the Senate amendment, and concur in the Senate amendment to the House amendment to the Senate amendment.

THE SPEAKER PRO TEMPORE:[13] The Clerk will report the title of the bill and the Senate amendment.

The Clerk read the title of the bill.

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

MOTION OFFERED BY MR. DAUB

MR. [HAL] DAUB [of Nebraska]: Mr. Speaker, I move to table the motion.

My motion is in writing, and it is on its way to the desk.

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

The Clerk read as follows:

Mr. Daub moves to table the motion.

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

The motion to table was rejected.

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10. 131 CONG. REC. 38359, 38360, 38367, 99th Cong. 1st Sess.

11. This practice supersedes that followed in the period immediately following the adoption of Rule XXVIII clause 2(b) in 1972. See *House Rules and Manual* § 912(b) (1997) for a synopsis of the evolution of dividing debate time.

12. The conference report on H.R. 3128 had been rejected on Dec. 19, 1985, so the stage of disagreement was still applicable and motions to dispose of this amendment between the Houses remained privileged.

13. Dale E. Kildee (Mich.).

MR. GRAY of Pennsylvania: Mr. Speaker, I move to limit debate to 15 minutes per side.

THE SPEAKER PRO TEMPORE: The gentleman requests that debate be limited. Is there objection to the request of the gentleman from Pennsylvania?

MR. DAUB: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The gentleman from Pennsylvania [Mr. Gray] will be recognized for 30 minutes and the gentleman from Ohio [Mr. Latta] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. Gray]. . . .

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

The previous question was ordered.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. Gray] to concur in the Senate amendment to the House amendment to the Senate amendment.

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

MR. GRAY of Pennsylvania: 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 137, nays 211, not voting 86, as follows: . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Division of Time on Motion Relating to Amendment in Disagreement

§ 8.7 Where an original motion to dispose of an amendment in disagreement is pending, it is possible for an opponent to demand one-third of the hour if both the majority and minority managers are in favor; and the demand for 20 minutes does not come too late when the proponent of a preferential motion indicates his opposition after his motion is reported.

The rule providing for a three-way division of time (Rule XXVIII clause 2(b)(1)) was added in the 99th Congress.[14]

The proceedings of Oct. 11, 1989,[15] during the consideration of amendments reported in disagreement on the District of Columbia Appropriation Act, fiscal 1990, indicates that the mere offering of a preferential motion

14. H. Res. 7, 131 CONG. REC. 393, 99th Cong. 1st Sess., Jan. 3, 1985. See *House Rules and Manual* § 912b (1997).

15. 135 CONG. REC. 24091, 101st Cong. 1st Sess.

does not automatically cause the Chair to divide the time three ways: a Member must directly state his opposition to the original motion to qualify.

The text of the amendment is as follows:

Senate amendment No. 22: Page 31, after line 2, insert:

SEC. 141. (a) This section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act".

(b) Section 1–2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

"(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

"(A) the use of any fund, service, facility, or benefit; or

"(B) the granting of any endorsement, approval, or recognition,

to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

MOTION OFFERED BY MR. DIXON

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dixon moves that the House recede from its disagreement to the amendment of the Senate numbered 22, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 141. Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization to deny:

(a) the use of any facility, service or benefit set aside for the practice or promotion of religion; or

(b) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, the promotion of any homosexual or heterosexual lifestyle or belief that is contrary to its religious doctrine.

THE SPEAKER PRO TEMPORE:[16] The gentleman from California [Mr. Dixon] will be recognized for 30 minutes and the gentleman from New Jersey [Mr. Gallo] will be recognized for 30 minutes.

PREFERENTIAL MOTION OFFERED BY MR. DANNEMEYER

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I offer a preferential motion.

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

The Clerk read as follows:

Mr. Dannemeyer moves that the House recede from disagreement with the amendment of the Senate numbered 22 and concur therein.

PARLIAMENTARY INQUIRY

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

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16. Doug Barnard, Jr. (Ga.).

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DANNEMEYER: Mr. Speaker, how will the time be allocated concerning the motion in disagreement offered by the gentleman from California [Mr. Dixon]?

THE SPEAKER PRO TEMPORE: Is the gentleman from California requesting one-third of the time?

MR. DANNEMEYER: That is correct, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is the gentleman from New Jersey [Mr. Gallo] opposed to the original motion?

MR. [DEAN A.] GALLO [of New Jersey]: No, Mr. Speaker, I am not.

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Dannemeyer] will be recognized for 20 minutes.

MR. DIXON: Mr. Speaker, I demand a division of the question on the preferential motion.

THE SPEAKER PRO TEMPORE: The question will be divided.

Order of Recognition for Controlling and Closing Debate

§ 8.8 When time for debate on an amendment being considered after the stage of disagreement is divided three ways, with 20 minutes being controlled by a Member opposed, the Chair recognizes the Member offering the motion to close debate and the others in the reverse order of the original allocation.

Where a motion was made to concur in a Senate amendment after the stage of disagreement has been reached, and the bill had been represented in conference by conferees from two House committees having jurisdiction and Members from both committees were seeking recognition to oppose the pending motion, the Speaker recognized the senior member of the two to control the time. The proceedings were as follows:[17]

MEDICARE CATASTROPHIC COVERAGE REFORM AMENDMENTS OF 1989

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 3607) to repeal Medicare provisions in the Medicare Catastrophic Coverage Act of 1988, 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:

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

SECTION 1. SHORT TITLE.

This title may be cited as the "Medicare Catastrophic Coverage Reform Amendments of 1989". . . .

THE SPEAKER PRO TEMPORE:[18] The gentleman from Illinois [Mr. Rosten-

17. 135 CONG. REC. 30809, 30813, 30814, 101st Cong. 1st Sess., Nov. 21, 1989.
18. Steny H. Hoyer (Md.).

kowski] will be recognized for 30 minutes, and the gentleman from Texas [Mr. Archer] will be recognized for 30 minutes.

PARLIAMENTARY INQUIRIES

MR. [MARTIN A.] RUSSO [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. RUSSO: Mr. Speaker, I would wonder whether or not the gentleman from Texas is opposed to the motion.

THE SPEAKER PRO TEMPORE: The Chair will inquire: Is the gentleman from Texas opposed to the amendment?

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Speaker, I am opposed to the amendment on this side.

THE SPEAKER PRO TEMPORE: The Chair propounded a question, however, to the gentleman from Texas, the ranking member. Will the ranking member respond to the question of the Chair?

The Chair must ascertain whether the ranking member, who is entitled under the rules to 30 minutes, whether the ranking member is opposed to the amendment.

MR. [WILLIAM A.] ARCHER [Jr., of Texas]: Mr. Speaker, I am in favor of the amendment.

THE SPEAKER PRO TEMPORE: Does a Member seek 20 minutes in opposition to the amendment?

MR. MADIGAN: Mr. Speaker, I seek time in opposition.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Illinois [Mr. Russo] rise?

MR. [J. J. (JAKE)] PICKLE [of Texas]: Mr. Speaker, we have two gentlemen who wish to be recognized.

THE SPEAKER PRO TEMPORE: The Chair is going to recognize one Member for the purpose of being in opposition. That Member will be assigned 20 minutes of the time allotted.

MR. ROSTENKOWSKI: Mr. Speaker, if I may be recognized, I have no idea why the gentleman on my left and the gentleman on my right are seeking recognition. However, if it is because of opposition, I would suggest that the senior member be recognized in opposition.

THE SPEAKER PRO TEMPORE: Does the gentleman from Texas [Mr. Pickle] seek time in opposition? The gentleman from Texas is on his feet and the gentleman from Texas is the ranking member. Under the rules he would be entitled to recognition. Is the gentleman from Texas [Mr. Pickle] opposed to the amendment?

MR. PICKLE: No, I am not. I am for the amendment, Mr. Speaker.

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

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

MR. MADIGAN: Mr. Speaker, this bill is in the jurisdiction of both the Ways and Means Committee and the Energy and Commerce Committee, and members from both of those committees are conferees on the subject matter that is before us. Am I to understand that the Committee on Energy and Commerce is not entitled to any time?

THE SPEAKER PRO TEMPORE: The Chair would ask the gentleman from Illinois if he is opposed to the amendment?

MR. MADIGAN: I am opposed, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Under the rule, the gentleman is entitled to 20 minutes as the senior Member seeking time. . . .

PARLIAMENTARY INQUIRY

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

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

MR. RUSSO: Mr. Speaker, under the process that we have agreed upon, who has the right to close debate; in what order do we close this debate?

THE SPEAKER PRO TEMPORE: The chairman of the committee who made the motion has the right to close debate.

MR. RUSSO: And prior to the chairman of the committee, who is the next in line to close debate; would it be some Member for the opposition?

THE SPEAKER PRO TEMPORE: Not necessarily, since the ranking minority member to whom 30 minutes was originally allocated has the right to close prior to the chairman.

MR. RUSSO: It would seem to me, Mr. Speaker, that having two Members who are in support of the amendment and two opposing the amendment speaking before that, would it not be more equitable that we would have one to close against, one to close for, one to close against, and then the chairman to close for; would that not be more fair?

THE SPEAKER PRO TEMPORE: The precedents require the Chair to go by the reverse order of the original allocation under the circumstances when more than two Members control time.

The gentleman from Pennsylvania [Mr. Schulze] is recognized for 2 minutes.

Control of Debate When Preferential Motion Displaces Original Motion

§ 8.9 Where an amendment reported in disagreement from conference is under consideration, and a motion is made to dispose of that amendment, a preferential motion may be offered; but the Member offering the preferential motion does not thereby deprive the Member making the original motion of the floor.

On June 30, 1972,[19] the House was considering amendments in disagreement to H.R. 15390, a bill to provide a four-month extension of the public debt limit. Speaker Carl Albert, of Oklahoma, recognized Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means:

19. 118 CONG. REC. 23725, 92d Cong. 2d Sess.

Mr. Speaker, I move that the House recede and concur, and pending that, Mr. Speaker, I would like to be recognized.

MR. [JOHN W.] BYRNES of Wisconsin: Mr. Speaker, I ask that the motion be divided.

THE SPEAKER: That will be in order after the Clerk reports the motion.

The Clerk will read.

The Clerk reads as follows:

Mr. Mills moves to recede and concur in Senate amendment numbered 2.

MR. BYRNES of Wisconsin: Mr. Speaker, I ask for a division of the question, that it be divided.

THE SPEAKER: The gentleman from Wisconsin asks for a division of the question.

The question is, will the House recede from its disagreement to the amendment of the Senate.

The motion was agreed to.

MR. BYRNES of Wisconsin: Mr. Speaker, I offer a motion to concur with an amendment.

THE SPEAKER: The Clerk will report the motion.

The reading of the amendment offered by Mr. Byrnes was dispensed with by unanimous consent, after which the Speaker recognized Mr. Mills.

Division of Time on Amendments Reported From Conference in Disagreement

§ 8.10 A Member offering a preferential motion to dispose of an amendment in disagreement does not gain control of the time; the Member offering the original motion to dispose of the amendment retains control of the time which is divided between the majority and minority parties.[20]

During consideration of an amendment reported in disagreement from a conference on a general appropriation bill, the manager of the conference report offered a motion to insist on disagreement with the Senate amendment. A preferential motion to recede and concur in the amendment with an amendment was offered and pending the debate on the motions, a parliamentary inquiry was directed to the

20. The division of time on any amendment in disagreement is prescribed by Rule XXVIII clause 2(b) *House Rules and Manual* § 912(b) (1997). Under current rules, if the floor managers from the majority and minority are both in favor of the original motion which is offered to dispose of the amendment, one-third of the time can be claimed by a Member opposed.

Speaker about the control and division of time.[1]

THE SPEAKER:[2] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

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

"FEDERAL RAILROAD ADMINISTRATION

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $700,000,000 of which not to exceed $7,000,000 shall be available for administrative expenses of the Secretary to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon enactment of authorizing legislation."

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

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

PREFERENTIAL MOTION OFFERED BY MR. CONTE

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

The Clerk read as follows:

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

"CHAPTER VIII

"DEPARTMENT OF TRANSPORTATION

"FEDERAL RAILROAD ADMINISTRATION

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $200,000,000 of which not to exceed $1,500,000 shall be available for administrative expenses of the Secretary to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon enactment of authorizing legislation: *Provided, further,* That none of these funds shall be available to commuter rail systems."

MR. MAHON: Mr. Speaker, I have moved that the House insist upon its disagreement with the Senate amendment. . . .

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

THE SPEAKER: The gentleman will state it.

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

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

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1. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess., Mar. 14, 1975.
2. Carl Albert (Okla.).

MR. SHUSTER: I thank the Speaker.

Recognition To Offer Motion

§ 8.11 Where the subcommittee chairman of the Committee on Appropriations, calling up the conference report, did not seek recognition to offer a motion to dispose of a crucial amendment in disagreement, the Speaker recognized the chairman of the full committee to offer the anticipated preferential motion.

The sequence of motions to dispose of an amendment in disagreement can be important. In the instance cited below, the subcommittee chairman allowed another to offer the preferential motion so he could control the floor on the less preferential motion when the first motion offered was defeated. The proceedings of Nov. 3, 1977,[3] are carried below:

THE SPEAKER PRO TEMPORE:[4] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

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

The Clerk read the title of the bill.

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

The Clerk read the report.

(For conference report and statement, see proceedings of the House of November 2, 1977.)

AMENDMENT IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 28: Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or except for medical procedures necessary for the victims of rape or incest, 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 issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

3. 123 CONG. REC. 36959, 36966, 95th Cong. 1st Sess.
4. K. Gunn McKay (Utah).

PREFERRED MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

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

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

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

Following debate, the question was taken and, on a yea and nay vote, the preferential motion was rejected.

MOTION OFFERED BY MR. FLOOD

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

The Clerk read as follows:

> Mr. Flood moves that the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania (Mr. Flood), is recognized for 30 minutes.

MR. FLOOD: Mr. Speaker, the House has just voted down the preferential motion on the Senate amendment, and in order to move along with this bill and send it back to the Senate, I have offered this motion, which accomplishes that purpose.

Mr. Speaker, I urge the adoption of the motion.

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

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

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

A motion to reconsider was laid on the table.

Division of Debate Time on Amendments in Disagreement

§ 8.12 Rule XXVIII clause 2 (b)(1) provides explicitly for a division of debate time between the majority and the minority when amendments are reported in disagreement from conference; and initial practice under this rule was to construe the rule narrowly and to recognize the proponent of a motion to concur in a new amendment added by the Senate after the stage of disagreement for a full hour.

The only amendment remaining in disagreement on the Labor and Health, Education, and Welfare appropriation bill for fiscal year

1979 when it was taken up in the House on Oct. 14, 1978,[5] was one dealing with abortion funding. Since the stage of disagreement had been reached, motions to dispose of the amendment were privileged, and after the amendment was read, the manager of the report, Mr. Daniel J. Flood, of Pennsylvania, offered a motion to disagree with the amendment. The chairman of the Committee on Appropriations, Mr. George H. Mahon, of Texas, then offered a preferential motion to concur in the Senate amendment. The Chair's application of the rule about division of debate time is shown below.

MOTION TO DISAGREE TO SENATE AMENDMENT NO. 103 TO H.R. 12929, LABOR-HEW APPROPRIATIONS, FISCAL YEAR 1979

MR. FLOOD: Mr. Speaker, I again move to take from the Speaker's desk the bill (H.R. 12929) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes, with Senate amendment No. 103 thereto and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read Senate amendment No. 103 as follows:

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

SEC. 210. None of the funds in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary, or for rape or incest victims. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum.

GENERAL LEAVE

MR. FLOOD: Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment which we will now consider.

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

There was no objection.

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

THE SPEAKER: That motion is now pending.

PREFERENTIAL MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

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

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

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

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

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

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

The previous question was ordered.

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

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

MR. MAHON: 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 198, nays 195, not voting 37.

Parliamentarian's Note: The practice has developed, through use of the Chair's recognition policy, of dividing the time on amendments in disagreement following rejection of a conference report, where an initial motion to dispose of an amendment in disagreement is rejected, and where the Senate adds a new amendment after the stage of disagreement. Decisions illustrating this evolving practice are carried elsewhere in this chapter.[7]

§ 8.13 The Member offering the preferential motion to recede and concur does not thereby gain control of the time for debate.

On Sept. 12, 1967,[8] the House was considering an amendment reported in disagreement from a conference on H.R. 10738, appropriations for fiscal 1967 for the Department of Defense.

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

The Clerk read as follows:

Mr. Mahon moves that the House insist upon its disagreement to Senate amendment numbered 18.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Sikes moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

THE SPEAKER PRO TEMPORE:[9] The gentleman from Texas [Mr. Mahon] is recognized for 1 hour.[10]

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7. See § 8.20, infra.
8. 113 CONG. REC. 25201, 90th Cong. 1st Sess.
9. Carl Albert (Okla.).
10. See also 113 CONG. REC. 29837, 29842, 90th Cong. 1st Sess., Oct. 24, 1967; and 111 CONG. REC. 8861,

§ 8.14 Although the motion to recede from disagreement and concur in a Senate amendment takes precedence over the motion to insist on disagreement, the Member offering the preferential motion does not thereby gain control of time for debate.

On Oct. 24, 1967,[11] the House was considering the amendments in disagreement to H.R. 9960, independent offices appropriations for fiscal 1968.

THE SPEAKER:[12] The Clerk will report the Senate amendments in disagreement.

The Clerk read as follows:

Senate amendment No. 58: On page 36, line 23, strike out "$75,000,000" and insert "$125,000,000".

Senate amendment No. 59: On page 37, line 2, strike out "$237,000,000" and insert "$537,000,000".

MR. [JOSEPH L.] EVINS of Tennessee: Mr. Speaker I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House insist on its disagreement to the amendments of the Senate numbered 58 and 59.

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the amendments of the Senate numbered 58 and 59 and concur therein.

THE SPEAKER: The Chair recognizes the gentleman from Tennessee [Mr. Evins].

After controlling one hour of debate, Mr. Evins moved the previous question on the motion offered by Mr. Giaimo.

MR. EVINS of Tennessee: . . . Mr. Speaker, I move the previous question and urge that you vote against the preferential motion. . . .

THE SPEAKER: The question is on the preferential motion offered by the gentleman from Connecticut [Mr. Giaimo] that the House recede from its disagreement to Senate amendments No. 58 and No. 59, and concur therein.

MR. EVINS of Tennessee: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 241, not voting 35. . . .

So the preferential motion was rejected. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Tennessee [Mr. Evins] that the House insist upon its disagreement to the amendments of the Senate No. 58 and No. 59.

The motion was agreed to.

8866, 89th Cong. 1st Sess., Apr. 29, 1965.

11. 113 CONG. REC. 29837, 29838, 29842, 90th Cong. 1st Sess.

12. John W. McCormack (Mass.).

§ 8.15 Although the motion to recede from disagreement and concur in a Senate amendment takes precedence over the motion to adhere, the Member offering the preferential motion does not thereby gain control of time for debate.

On June 23, 1960,[13] the House was considering a Senate amendment to H.R. 10569, the Treasury and Post Office Departments appropriation bill for fiscal 1961. The following occurred:

MR. [J. VAUGHAN] GARY [of Virginia]: Mr. Speaker, I send a motion to the desk.

The Clerk read as follows:

Mr. Gary moves that the House adhere to its disagreement to the amendment of the Senate numbered 6.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Hoffman of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

MR. GARY: Mr. Speaker, I ask for a division of the motion.

THE SPEAKER PRO TEMPORE:[14] The gentleman may have a division of the motion. Does the gentleman wish to debate the motion?

MR. GARY: Yes.

MR. HOFFMAN of Michigan: Yes; I would like to explain what the motion is.

THE SPEAKER PRO TEMPORE: The gentleman from Virginia [Mr. Gary] is entitled to be recognized for 1 hour on the motion.

MR. HOFFMAN of Michigan: How about my 5 minutes? Will I be recognized for 5 minutes to explain the motion?

THE SPEAKER PRO TEMPORE: The time is under the control of the gentleman from Virginia.

Dividing the Question

§ 8.16 When a division of the question is demanded on a preferential motion to recede and concur in a Senate amendment in disagreement, the House does not vote on whether to divide the question but first votes on whether to recede; and if it decides this question in the affirmative, the vote may recur on the underlying motion to concur with an amendment which was temporarily displaced by the preferential motion.

13. 106 CONG. REC. 14074, 14081, 86th Cong. 2d Sess.

14. Wilbur D. Mills (Ark.).

The proceedings of Oct. 11, 1989,[15] illustrate one sequence of motions which may occur where a motion to recede and concur with an amendment is supplanted by a motion to recede and concur.

PARLIAMENTARY INQUIRY

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[16] The gentleman will state it.

MR. DANNEMEYER: Mr. Speaker, will the vote be on whether there will be a division?

THE SPEAKER PRO TEMPORE: No, the question has been divided. There has been a division, and the first question will be: Will the House recede from its disagreement to Senate amendment numbered 22?

MR. DANNEMEYER: That is the first vote?

THE SPEAKER PRO TEMPORE: That is the first vote.

The second vote will be, if the House does recede: Will the House concur in the Senate amendment with the amendment offered by the gentleman from California [Mr. Dixon]?

MR. DANNEMEYER: And, Mr. Speaker, in order to get to the position that this Member, the gentleman from California [Mr. Dannemeyer], has offered, we must defeat the issue that is being presented by the gentleman from California [Mr. Dixon]; is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. DANNEMEYER: I thank the Chair. . . .

The House receded from its disagreement to the amendment of the Senate numbered 22.

THE SPEAKER PRO TEMPORE: The question is, Will the House concur in the amendment of the Senate numbered 22 with an amendment.

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

So the House refused to concur in the amendment of the Senate numbered 22 with an amendment.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The question is on the preferential motion offered by the gentleman from California [Mr. Dannemeyer].

The motion was agreed to.

Effect of Division of Motion To Recede and Concur

§ 8.17 Where a motion to recede and concur in an amendment of the Senate which is in disagreement between the two Houses is divided, on the demand of a Member, the proponent of the initial motion still has control of the floor and has an hour at his disposal.

15. 135 CONG. REC. 24097, 24099, 101st Cong. 1st Sess.

16. Doug Barnard, Jr. (Ga.).

On Dec. 22, 1969,[17] the House was considering Senate amendments to H.R. 15209, the supplemental appropriations bill for fiscal 1970. Speaker John W. McCormack, of Massachusetts, recognized George H. Mahon, of Texas, Chairman of the Committee on Appropriations.

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

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 33[18] and concur therein.

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

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

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

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

MR. THOMPSON of New Jersey: The gentleman does.

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

MR. [CLARK] MACGREGOR [of Minnesota]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MACGREGOR: I should like to ask the Speaker if the time for debate on the motion of the gentleman from Texas (Mr. Mahon) is under the control of the gentleman from Texas and if it is in order for me at this time to ask the gentleman from Texas to yield to me for 5 minutes?

MR. MAHON: I have agreed to yield to the gentleman from Minnesota for 5 minutes for the purpose of debate.

MR. MACGREGOR: Am I recognized, Mr. Speaker?

THE SPEAKER: The gentleman from Texas will be recognized for 1 hour, but the question before the House now is on the motion of the gentleman from Texas that the House recede from its disagreement to the Senate amendment.

Debate on Preferential Motion

§ 8.18 Following a demand for a division of the question on a motion to recede and concur, the House having voted to recede, the proponent of a motion to concur with amendment does not by offering his preferential motion deprive the Member who had previously been recognized to offer the motion to

17. 115 CONG. REC. 40902, 40915, 91st Cong. 1st Sess.

18. This amendment concerned the controversial Philadelphia plan dealing with memberships of racial minorities in construction unions employed on federal projects.

recede and concur of the floor. The Member offering the motion to recede and concur still controls the debate on the preferential motion under the hour rule.

On June 30, 1972,[19] Mr. Wilbur D. Mills, of Arkansas, was recognized by Speaker Carl Albert, of Oklahoma, to offer a motion to recede and concur in a Senate amendment to H.R. 15390, a bill to extend the public debt limit.

MR. [JOHN W.] BYRNES of Wisconsin: Mr. Speaker, I ask for a division of the question, that it be divided.

THE SPEAKER: that will be in order after the Clerk reports the motion.

The Clerk will report.

The Clerk read as follows:

> Mr. Mills moves to recede and concur in Senate amendment numbered 2.

MR. BYRNES of Wisconsin: Mr. Speaker, I ask for a division of the question, that it be divided.

THE SPEAKER: The gentleman from Wisconsin asks for a division of the question.

The question is, will the House recede from its disagreement to the amendment of the Senate.

The motion was agreed to.

MR. BYRNES of Wisconsin: Mr. Speaker, I offer a motion to concur with an amendment.

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

MR. BYRNES of Wisconsin (during the reading): Mr. Speaker, I wonder if on this particular amendment we may not dispense with the reading?

THE SPEAKER: Does the gentleman ask unanimous consent to do so?

MR. BYRNES of Wisconsin: I ask unanimous consent to dispense with further reading of the motion and that it be printed in the Record.

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

There was no objection.

THE SPEAKER: The gentleman from Arkansas is recognized.

MR. MILLS of Arkansas: Mr. Speaker, the second amendment in which I have moved to recede and concur involves an increase in social security benefits of 20 percent across the board effective for the month of September 1972, payable in the check for early October and automatic benefit increases to protect against the cost-of-living rises in the future. . . .

So, Mr. Speaker, I urge the House to vote down the substitute offered by the gentleman from Wisconsin (Mr. Byrnes) and agree to the Senate amendment.

I move the previous question.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

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

MR. BYRNES of Wisconsin: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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19. 118 CONG. REC. 23725, 23731, 23738, 23739, 92d Cong. 2d Sess.

The question was taken; and there were—yeas 83, nays 253, answered "present" 1, not voting 95. . . .

So the motion was rejected. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Arkansas (Mr. Mills) that the House concur in the Senate amendment No. 2.

MR. MILLS of Arkansas: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 35, not voting 95. . . .

So the motion was agreed to.

Recognition Following Defeat of Motion

§ 8.19 When a motion to recede and concur in a Senate amendment with an amendment is made by the Member in charge of a bill and is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed to the original motion.

On June 26, 1942,[20] the House was considering amendments in disagreement to H.R. 6709, appropriations for the Department of Agriculture. Mr. Malcolm C. Tarver, of Georgia, offered a motion to recede and concur in Senate amendment No. 90 with an amendment.

The question was taken; and there were—yeas 131, nays 159, not voting 142. . . .

The result of the vote was announced as above recorded.

Mr. Cannon of Missouri and Mr. Tarver rose.

THE SPEAKER:[1] For what purpose does the gentleman from Missouri rise?

MR. [CLARENCE] CANNON of Missouri: I rise to move that the House insist on its disagreement to the Senate amendment.

MR. TARVER: Mr. Speaker, I desire to submit a parliamentary inquiry. It was my purpose to offer a motion as I have done in connection with the same subject matter on previous occasions. I had risen for the purpose of offering a motion to further insist upon the disagreement of the House to Senate amendments Nos. 90 and 91. I wish to inquire whether or not I am privileged, as chairman of the House conferees, to offer that motion?

MR. CANNON of Missouri: Mr. Speaker, my motion is to further insist.

MR. TARVER: Mr. Speaker, I was on my feet before the gentleman from Missouri rushed over between me and the microphone and offered his motion.

MR. CANNON of Missouri: Mr. Speaker, it is a long-established rule of procedure that when a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to the opposition. That is the position in which the gentleman finds

20. 88 CONG. REC. 5642, 5643, 77th Cong. 2d Sess.

1. Sam Rayburn (Tex.).

himself. He has made a major motion. The motion has been defeated. Therefore the right of recognition passes to the opposition, and I ask to be recognized to move to further insist.

MR. TARVER: Mr. Speaker, may I be heard with regard to that statement?

THE SPEAKER: The Chair will hear the gentleman.

MR. TARVER: The question has never been raised so far as I have known in the course of my experience of some 16 years upon an appropriation bill conference report, but if as the gentleman states the right of making the motion passes to the opposition, it should pass to my Republican colleague the gentleman from Kansas [Mr. Lambertson] with whom the gentleman from Missouri has been associated in the defeat of the motion offered by the chairman of the subcommittee. I have desired to offer the motion myself in the absence of the exercise of that privilege by the gentleman from Kansas.

MR. [WILLIAM P.] LAMBERTSON: Mr. Speaker, I ask for recognition.

THE SPEAKER: The gentleman from Georgia has the floor.

MR. TARVER: I have completed all I desire to say except that I desire to offer the motion if it is permissible; otherwise, I insist that the right should pass to the opposition and to the gentleman from Kansas [Mr. Lambertson].

THE SPEAKER: The Chair is of the opinion that the gentleman from Missouri has been properly recognized to offer a motion. The gentleman will state his motion.

MR. CANNON of Missouri: Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.

Where Initial Motion Is Rejected, Recognition May Go To Opponent Thereof

§ 8.20 Where the original motion to dispose of an amendment in disagreement is rejected, recognition goes to a Member who led the opposition; and when that Member is recognized to offer a successor motion, the debate time, under current procedures, is divided pursuant to the same rule which governed debate on the original motion.

On Aug. 6, 1993,[2] during consideration of amendments in disagreement reported from the conference on H.R. 2493, Agriculture appropriations for fiscal year 1994, the original motion to recede and concur in a Senate amendment with an amendment was rejected. The subsequent motion was offered by a Member who had opposed the original motion.

THE SPEAKER PRO TEMPORE:[3] The Clerk will designate the next amendment in disagreement.

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2. 139 CONG. REC. 19582, 19587, 19588, 103d Cong. 1st Sess.
3. Romano L. Mazzoli (Ky.).

The text of the amendment is as follows:

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

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

MOTION OFFERED BY MR. SKEEN

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

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

The Clerk read as follows:

Motion offered by Mr. Skeen:

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

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

PARLIAMENTARY INQUIRIES

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

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

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

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

Is the gentleman opposed to the motion offered by the gentleman from New Mexico?

MR. FAWELL: Mr. Speaker, if I could, may I have a rereading of that motion.

THE SPEAKER PRO TEMPORE: The Clerk will rereport the motion offered by the gentleman from New Mexico [Mr. Skeen].

The Clerk reread the motion.

THE SPEAKER PRO TEMPORE: Is the gentleman [Mr. Fawell] opposed to the motion offered by the gentleman from New Mexico [Mr. Skeen]?

MR. FAWELL: Yes, I am, Mr. Speaker.

Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FAWELL: At least I think it is a parliamentary inquiry.

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

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

Is the gentleman opposed to the motion?

MR. FAWELL: Yes, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from New Mexico [Mr. Skeen] will be recognized for 20 minutes, the gentleman from Illinois [Mr. Fawell] will be recognized for 20 min-

utes, and the gentleman from Illinois [Mr. Durbin] will be recognized for 20 minutes. . . .

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

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

MR. FAWELL: 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 140, nays 274, not voting 19. . . .

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

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. FAWELL

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

The Clerk read as follows:

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

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

The Chair recognizes the gentleman from Illinois [Mr. Fawell].

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

Mr. Speaker, I believe we have fully debated this, and with concurrence from the gentleman from Illinois [Mr. Durbin] and with concurrence from the gentleman from New Mexico [Mr. Skeen], I would suggest that we simply go right to the vote, and yield back our time.

I would merely say that those who voted "no" previously would vote "yes" this time if they want to kill the honey program, and I would, assuming there is agreement, I would then yield back my time.

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Speaker, I yield back the balance of my time.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Illinois [Mr. Fawell].

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

RECORDED VOTE

MR. DURBIN: 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 60, not voting 29. . . .

Recognition Where Manager's Motion Regarding Senate Amendment in Disagreement Is Rejected

§ 8.21 Where a motion to dispose of an amendment re-

ported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment.

Following the adoption of an appropriations conference report in the 95th Congress, the manager of the report, Mr. Edward P. Boland, of Massachusetts, offered a motion to recede from disagreement to a Senate amendment reported in disagreement and concur therein with an amendment reducing the amount of the appropriation proposed by the Senate. The motion was actively opposed by the Chairman of the Committee on Science and Astronautics, Don Fuqua, of Florida. When the initial motion was defeated, Mr. Fuqua was recognized to offer a motion to recede and concur.

The proceedings of July 19, 1977,[4] were as indicated:

THE SPEAKER PRO TEMPORE:[5] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

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

MOTION OFFERED BY MR. BOLAND

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

The Clerk read as follows:

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

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

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

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

Mr. Speaker, this motion and another motion I will offer later on in the bill are the only two controversial parts of this conference report.

Mr. Speaker, the House conferees were unable to reach agreement on the Jupiter Orbiter Probe which NASA had requested in the 1978 budget. The House deleted $20,700,000 for the initial funding of this program, and the Senate restored the funds. . . .

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. Fuqua).

MR. FUQUA: Mr. Speaker, I rise in opposition to amendment No. 24.

The effect of this amendment would be to deny the Jupiter Orbiter Probe program which has been approved by

4. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.
5. Norman Y. Mineta (Calif.).

three of the four committees making reviews for authorizing and appropriating funds for NASA for fiscal year 1978. . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. FUQUA

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

The Clerk read as follows:

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

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

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

The previous question was ordered.

The motion was agreed to.

Parliamentarian's Note: Under Rule XXVIII clause 2(b)(1) the division of time on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties. This provision about the control of time was added to the rules in 1972.[6] Two major alterations have occurred since: first, the rule was formally amended in the 99th Congress to provide that if both the manager and the floor manager for the minority favor the motion which is offered to dispose of the amendment, the time may be, if demanded, divided three ways to allow a Member in opposition to control one-third of the time;[7] and second, by custom, the practice has developed of dividing the time, not only on the original motion to dispose of the amendment in disagreement, but on motions offered after defeat of the original motion. See, e.g., § 8.20, supra.

Role of Committee Chairman

§ 8.22 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 Senate amendment from the Speaker's table and agreeing to the Senate amendment.

On Aug. 27, 1962,[8] the following took place in the House:

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I move to suspend the

6. See H. Res. 1153, 118 CONG. REC. 36023, 92d Cong. 2d Sess., Oct. 13, 1972.

7. See H. Res. 7, 131 CONG. REC. 393, 99th Cong. 1st Sess., Jan. 3, 1985.

8. 108 CONG. REC. 17671, 17681, 87th Cong. 2d Sess.

rules and agree to House Resolution 769.

The Clerk read the resolution as follows:

> *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:[9] 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 yeas and nays were ordered.

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.[10]

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

On July 31, 1969,[11] the following occurred on the floor of the House:

> MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.
>
> THE SPEAKER:[12] The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

9. John W. McCormack (Mass.).
10. Mr. Harris was Chairman of the Committee on Interstate and Foreign Commerce during the 87th Congress.
11. 115 CONG. REC. 21691, 91st Cong. 1st Sess.
12. John W. McCormack (Mass.).

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

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

MR. BOGGS: Mr. Speaker, the gentleman from Louisiana equally admires gentleman in the chair. I thoroughly understand the position of the distinguished Speaker.

Availability on Floor of Copies of Matters To Be Considered

§ 8.24 Pursuant to Rule XXVIII clause 2(b) copies of Senate amendments reported from conference in disagreement as well as the conference report in disagreement and the joint statement, must be available on the floor of the House when the amendment is considered, unless the amendment is considered under suspension of the rules.

On June 29, 1973,[13] Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent for the immediate consideration of the conference report and amendments in disagreement on H.R. 8410, to continue a temporary increase in the public debt limit. Mr. William A. Steiger, of Wisconsin, rose with a parliamentary inquiry:

Mr. Speaker, my parliamentary inquiry is this: that if an objection is heard to the request made by the gentleman from Arkansas, is it in order for the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means, to move to suspend the rules to bring this to the floor of the House?

THE SPEAKER:[14] The Chair will state that the Chair has the authority to recognize the gentleman for such a motion.

MR. STEIGER of Wisconsin: Mr. Speaker, further reserving the right to object, may I ask the Chair's indulgence in a question relating to rule XXVIII, clause 2(b), as to whether we have waived that part of the rule XXVIII governing conference reports, which says: Nor shall it be in order to consider any such amendment that is to the conference unless copies of the report and accompanying statement together with the text of the amendment are then available on the floor.

THE SPEAKER: The Chair will state that copies of the Senate amendment and conference report are available, but that suspension of the rules will suspend all rules. . . .

13. 119 CONG. REC. 22381, 22382, 22384, 93d Cong. 1st Sess.

14. Carl Albert (Okla.).

Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Dispensing With Reading of Motions To Recede and Concur With an Amendment

§ 8.25 To expedite the consideration of amendments reported from conference in disagreement, the House sometimes dispenses with the reading of motions to recede and concur with amendment, so long as the motions offered conform to those printed in the conference statement.[15]

While this was the first instance where such a request was entertained,[16] it has since become an accepted method for accelerating consideration of amendments in disagreement on general appropriation bills.

THE SPEAKER PRO TEMPORE:[17] The question is on the motion offered by the gentleman from Mississippi [Mr. Whitten].

The motion was agreed to.

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I ask unanimous consent that the reading of any motion to recede and concur with an amendment to be offered by the bill manager shall be dispensed with if offered in identical form as the motion printed in the Statement of Managers—House Report 100–195—which was also printed in the *Congressional Record* on June 27, 1987—pages H5651 through H5682.

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

There was no objection.

§ 9. To Agree or Concur

Before the stage of disagreement, or after that stage is reached and the House has receded from its disagreement on a particular amendment, concurring in a Senate amendment brings the two Houses to reconciliation. A request or motion to concur may be made in order in a variety of ways—by intervention of the Committee on Rules, by unanimous consent, or by a motion under suspension of the rules.

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15. Under Rule XXVIII clause 2(c), as added to the standing rules in the 96th Congress, conference reports and amendments in disagreement are considered as read if printed and available as provided in clause 2 of the same rule. (H. Res. 5, 125 CONG. REC. 7–16, 96th Cong. 1st Sess., Jan. 15, 1979.)

16. 133 CONG. REC. 18294, 100th Cong. 1st Sess., June 30, 1987.

17. Daniel R. Glickman (Kans.).