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.).

After the stage of disagreement is reached, a motion to dispose of an amendment of the other House is given privilege.

Resolution From Committee on Rules

§ 9.1 By a resolution reported from the Committee on Rules, the House may take a House bill with Senate amendments from the Speaker's table and concur in the Senate amendments.

On Apr. 8, 1964,[18] Speaker John W. McCormack, of Massachusetts, recognized Mr. Richard Bolling, of Missouri:

> Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 665, and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> *Resolved*, That immediately upon the adoption of this resolution the bill (H.R. 6196) to encourage increased consumption of cotton, to maintain the income of cotton producers, to provide a special research program designed to lower costs of production, and for other purposes, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.[19]

§ 9.2 Where a resolution provides for taking a House bill with Senate amendments from the Speaker's table to the end that the Senate amendments are agreed to, adoption of the resolution means that the House concurs in the Senate amendments.

On Mar. 24, 1948,[20] Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Mr. Leo E. Allen, of Illinois, to call up House Resolution 510:

> Mr. Speaker, I call up House Resolution 510 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> *Resolved*, That immediately upon the adoption of this resolution the bill (H.R. 4790) to reduce individual income tax payments, and for other purposes, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that all Senate amendments be, and the same are hereby, agreed to. . . .
>
> MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, a parliamentary inquiry.

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18. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

19. See also 112 CONG. REC. 2069, 89th Cong. 2d Sess., Feb. 3, 1966.

20. 94 CONG. REC. 3399, 3413, 80th Cong. 2d Sess.

THE SPEAKER: The gentleman will state it.

MR. RAYBURN: As I understand the parliamentary situation, Mr. Speaker, there is to be one vote only; and if the resolution is agreed to, it means that the House concurs in the Senate amendments to the so-called Knutson bill.

THE SPEAKER: The gentleman has stated the situation correctly.

§ 9.3 The House may adopt a resolution providing that it shall proceed to consideration of Senate amendments to a House joint resolution, that the motion to concur be pending, that the previous question be ordered thereon, and that the time for debate be fixed.

On Nov. 12, 1941,[1] Speaker Sam Rayburn, of Texas, recognized Mr. Adolph J. Sabath, of Illinois:

Mr. Speaker, I call up House Resolution 334, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider the Senate amendments to the joint resolution (H.J. Res. 237) to repeal section 6 of the Neutrality Act of 1939, and for other purposes; that the motion to concur in the said Senate amendments shall be considered as pending and that debate on said motion shall be limited to not to exceed 8 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and that at the conclusion of such debate the previous question shall be considered as ordered on the motion to concur. . . .

THE SPEAKER: The previous question has been ordered. The question is on agreeing to the resolution.

The resolution was agreed to. . . .

THE SPEAKER: The Clerk will report the Senate amendments. . . .

Pursuant to House Resolution No. 334, a motion to concur in the Senate amendments just read is pending. The gentleman from New York [Mr. Bloom] is recognized for 4 hours. The gentleman from New York [Mr. Fish] is recognized for 4 hours on the motion.

§ 9.4 Form of resolution providing for taking a House bill with a Senate amendment from the Speaker's table and agreeing to such Senate amendment.

On May 29, 1946,[2] Speaker Sam Rayburn, of Texas, recognized Mr. Edward E. Cox, of Georgia:

1. 87 CONG. REC. 8763, 8770, 77th Cong. 1st Sess.

2. 92 CONG. REC. 5925, 79th Cong. 2d Sess.

Mr. Speaker, I call up House Resolution 644 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution the bill (H.R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, agreed to.[3]

Concurring and Concurring With Amendment

§ 9.5 The House may adopt a resolution providing for taking from the Speaker's table a House bill with Senate amendments, concurring in certain amendments, and concurring in certain other amendments with amendments.

On Aug. 27, 1957,[4] Speaker Sam Rayburn, of Texas, recognized Mr. Ray J. Madden, of Indiana:

Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 410 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill, H.R. 6127, with Senate amendments thereto be, and the same hereby is, taken from the Speaker's table; that Senate amendments Nos. 1 to 6, inclusive, Senate amendments 8 to 14, inclusive, and Senate amendment No. 16, be, and the same are hereby, agreed to; that the House hereby concurs in Senate amendment No. 7 with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: . . .

§ 9.6 The House may adopt a resolution taking a House bill with Senate amendments from the Speaker's table, agreeing to the Senate amendment to the title of the bill and concurring in the remaining amendment with an amendment striking out a section of the Senate amendment.

On June 20, 1936,[5] Speaker William B. Bankhead, of Alabama, recognized Mr. John J. O'Connor, of New York:

Mr. O'Connor, from the Committee on Rules, submitted the following privileged resolution, which was re-

3. See also 87 CONG. REC. 8579, 77th Cong. 1st Sess., Nov. 6, 1941; 87 CONG. REC. 2143, 77th Cong. 1st Sess., Mar. 10, 1941; and 80 CONG. REC. 837, 74th Cong. 2d Sess., Jan. 22, 1936.

4. 103 CONG. REC. 16086, 85th Cong. 1st Sess.

5. 80 CONG. REC. 10568, 10569, 74th Cong. 2d Sess.

ferred to the House Calendar and ordered printed:

H. RES. 557

Resolved, That immediately upon the adoption of this resolution the bill H.R. 8555, with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the title of the bill be, and the same is hereby, agreed to; and Senate amendment no. 1 be, and the same is hereby, agreed to with the following amendment: Strike out section 303 of title III of the said Senate amendment.

Resolution as Subject to Amendment

§ 9.7 In response to a parliamentary inquiry, the Speaker stated that if the previous question were voted down on a resolution providing for agreeing to a Senate amendment to a House bill, the resolution would be open to amendment.

On June 17, 1970,[6] the House was considering House Resolution 914, which provided for agreeing to Senate amendments to H.R. 4249, a bill to extend the Voting Rights Act of 1965. Mr. Gerald R. Ford, of Michigan, rose with a parliamentary inquiry:

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

THE SPEAKER:[7] The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment. . . .

Senate Joint Resolution

§ 9.8 The House may adopt a special rule taking a Senate joint resolution from the Speaker's table and concurring in a Senate amendment to a House amendment.

On June 14, 1935,[8] Speaker Joseph W. Byrns, of Tennessee, instructed the Clerk to read the following resolution:

Resolved, That immediately upon the adoption of this resolution the joint resolution (S.J. Res. 113) entitled "Joint resolution to extend until April 1, 1936, the provisions of title I of the National Industrial Recovery Act, and for other purposes", with the amendment of the Senate to the House amendments, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment to

6. 116 CONG. REC. 20159, 20198–200, 91st Cong. 2d Sess.

7. John W. McCormack (Mass.).

8. 79 CONG. REC. 9311, 74th Cong. 1st Sess.

the House amendments be, and the same is hereby, agreed to.

Under Motion To Suspend the Rules

§ 9.9 On one occasion the Chairman of the Committee on Ways and Means submitted a House resolution agreeing to Senate amendments to a House bill and the Speaker recognized him to move to suspend the rules and agree thereto.

On Sept. 17, 1962,[9] Speaker John W. McCormack, of Massachusetts, recognized Mr. Wilbur D. Mills, of Arkansas:

> Mr. Speaker, I move to suspend the rules and agree to the House Resolution 800.
>
> The Clerk read the resolution, as follows:
>
> *Resolved*, That immediately upon the adoption of this resolution the bill H.R. 7431, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

§ 9.10 A motion to suspend the rules and concur in a Senate amendment to a House bill is not subject to amendment.

On July 27, 1946,[10] the following occurred in the House:

> MR. [HATTON W.] SUMNERS of Texas: Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the joint resolution (H.J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles. . . .
>
> MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I offer an amendment.
>
> THE SPEAKER:[11] No amendment is in order. . . .
>
> MR. HOBBS: Mr. Speaker, I have an agreement with the gentleman from Texas that I would be permitted to offer an amendment to the Senate amendment.
>
> THE SPEAKER: The Chair knows nothing about that agreement. An amendment to this motion is not in order.

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

On July 27, 1946,[12] the following took place in the House:

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9. 108 CONG. REC. 19610, 19614, 87th Cong. 2d Sess.

10. 92 CONG. REC. 10310, 79th Cong. 2d Sess.

11. Sam Rayburn (Tex.).

12. 92 CONG. REC. 10310, 79th Cong. 2d Sess.

MR. [HATTON W.] SUMNERS of Texas: Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the joint resolution (H.J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles. . . .

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I move to concur in the Senate amendment with an amendment.

THE SPEAKER:[13] That motion is not in order.

By Unanimous Consent

§ 9.12 Before the stage of disagreement, the House may by unanimous consent concur in a nongermane Senate amendment to House amendments to a Senate bill.

On Apr. 23, 1970,[14] Speaker John W. McCormack, of Massachusetts, recognized Mr. Kenneth J. Gray, of Illinois:

Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3253) to provide that the Federal office building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East", and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, together with the Senate amendment to the House amendments, and concur in the Senate amendment. . . .

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

Sec. 2. Upon a determination that a local educational agency lacks the fiscal capacity to provide an adequate free public education for children of persons who live and work on Federal property, and if such children constitute not less than 25 per centum of the total enrollment, the Secretary of Health, Education, and Welfare shall make emergency payments from sums already available, but not to exceed $2,500,000, for the current school year to such local educational agency as may be necessary to provide a free public education for such children: *Provided*, That such payments shall not exceed the average per-pupil cost to such agency for all children eligible to receive a free public education from such agency, less Federal and State payments to such agency for free public education.

The Senate amendment was agreed to.

§ 9.13 By unanimous consent, the House conferees were discharged and, the original papers being in the possession of the House, the House agreed to the Senate amendments that had been in disagreement.

13. Sam Rayburn (Tex.).
14. 116 CONG. REC. 12874, 91st Cong. 2d Sess.

On Aug. 12, 1964, the Senate notified the House that it had appointed managers to join those previously named in the House at conference on H.R. 4649, which had been amended by the Senate. The House agreed to the Senate amendments on Oct. 2, 1964. On Oct. 2,[15] Speaker John W. McCormack, of Massachusetts, recognized Mr. Wilbur D. Mills, of Arkansas:

> Mr. Speaker, I ask unanimous consent that the conferees on the part of the House be discharged from further consideration of the bill (H.R. 4649) to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine; and I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4649) to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine, with Senate amendments thereto, and concur in the Senate amendments. . . .
>
> THE SPEAKER: Is there objection to the request of the gentleman from Arkansas?
>
> There was no objection.
>
> The Senate amendments were concurred in.
>
> A motion to reconsider was laid on the table.

15. 110 CONG. REC. 23786, 23787, 88th Cong. 2d Sess.

§ 9.14 The pendency of a unanimous-consent request to take from the Speaker's table a House joint resolution with Senate amendments and concur in the Senate amendments precludes a demand for a roll call vote on the Senate amendments, since those amendments are already disposed of if the request is granted.

On June 30, 1971,[16] George H. Mahon, of Texas, Chairman of the Committee on Appropriations, sought unanimous consent to take House Joint Resolution 742, with Senate amendments thereto, from the Speaker's table and to concur in those amendments:

> MR. [JOHN R.] DELLENBACK [of Oregon]: Mr. Speaker, a . . . parliamentary inquiry.
>
> THE SPEAKER:[17] The gentleman will state it.
>
> MR. DELLENBACK: If this Member is desirous of asking for a rollcall vote on the approval of this particular continuing appropriation measure, would this be the time to bring it to the attention of the Chair and withdraw the reservation of objection?

16. 117 CONG. REC. 23095, 92d Cong. 1st Sess.
17. Carl Albert (Okla.).

MR. MAHON: Mr. Speaker, if I may say a word, the request or unanimous consent was to take from the Speaker's table House Joint Resolution 742 making continuing appropriations for the fiscal year 1972, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments. The request, I believe, would not open up the measure for a rollcall vote.[18] We would have to use a different procedure if we wanted a rollcall vote on the measure, as I see it. The Speaker, of course, will make his own ruling.

THE SPEAKER: The gentleman is correct.

Privilege of Motion When Applied to Amendments Not Requiring Consideration in Committee of the Whole

§ 9.15 A motion to concur in the Senate amendments to a House concurrent resolution providing for the signing of enrolled bills during a period of adjournment is privileged under Rule XXIV clause 2 (since such amendments do not require consideration in the Committee of the Whole).

Parliamentarian's Note: Although the *Congressional Record* for Oct. 13, 1970,[19] indicates that Mr. Carl Albert, of Oklahoma, obtained unanimous consent to concur in the Senate amendments to House Concurrent Resolution 775, the following entry from the Journal for that day[20] indicates that concurrence was obtained by a motion offered by Mr. Albert, and that therefore, such motion was privileged:

On motion of Mr. Albert, the concurrent resolution (H. Con. Res. 775) authorizing the Speaker of the House[1] and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14 to November 16, 1970; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Page 1, line 3, strike out "House" and insert "Congress".

Page 1, line 4, after "Senate" insert ", the President pro tempore, or the Acting President pro tempore,".

When, on motion of Mr. Albert, said Senate amendment was concurred in.

Effect of Rejection of Preferential Motion

§ 9.16 Upon rejection of a preferential motion to concur in

18. This request also obviated the requirement that these amendments be considered in the Committee of the Whole.

19. 116 CONG. REC. 36600, 91st Cong. 2d Sess.

20. H. Jour. 1299, 91st Cong. 2d Sess. (1970).

1. John W. McCormack (Mass.).

a Senate amendment with an amendment, the question recurs on a pending motion to concur in the Senate amendment.

On June 28, 1972,[2] the House was considering Senate amendments in disagreement to H.R. 13955, legislative branch appropriations for fiscal 1973. A motion to recede and concur offered by Mr. Samuel S. Stratton, of New York, was divided on demand of Mr. Robert R. Casey, of Texas. After the House voted to recede, Mr. Casey offered the resultant preferential motion to concur with an amendment.

MR. STRATTON: Mr. Speaker, if the motion offered by the gentleman from Texas does not carry; what is the parliamentary situation then?

THE SPEAKER:[3] The next vote would be on the motion of the gentleman from New York to concur in the Senate amendment.

Effect of Rejection of Motion To Concur

§ 9.17 In response to a parliamentary inquiry, the Speaker indicated that if a motion to concur in Senate amendments to a House amendment to a Senate bill was rejected, either a motion to concur with a germane amendment or to disagree would be in order.

On July 17, 1967,[4] the House was considering a Senate amendment to a House amendment to Senate Joint Resolution 81, providing for a settlement to a railway labor dispute. Mr. Samuel N. Friedel, of Maryland, offered a motion to concur in the Senate amendment. Mr. Claude D. Pepper, of Florida, was then recognized:

Mr. Speaker, a parliamentary inquiry, if I may.

THE SPEAKER:[5] The gentleman will state his parliamentary inquiry.

MR. PEPPER: If the motion to concur in the Senate amendments should be voted down, would then a motion to disagree to the Senate amendments be in order?

THE SPEAKER: It could be, under the rules, any germane amendments. Did the gentleman ask specifically as to any amendment?

MR. PEPPER: If a motion to disagree to the Senate amendments were made, in case the motion to agree to the Senate amendments were voted down, would it be in order?

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2. 118 CONG. REC. 22959, 22974, 22975, 92d Cong. 2d Sess.
3. Carl Albert (Okla.).
4. 113 CONG. REC. 19036, 90th Cong. 1st Sess.
5. John W. McCormack (Mass.).

THE SPEAKER: It could be.

§ 10. To Recede or Recede and Concur

A "motion to recede" is a somewhat ambiguous term in the abstract: it may indicate that the person making the request in the House wishes to recede from a House amendment. After the stage of disagreement is reached, the request is normally directed at removing a particular amendment of the Senate from that condition, thus permitting a reversal of the privilege bestowed upon certain motions under Rule XLV of Jefferson's Manual (*House Rules and Manual* § 528 (1997)).

Where a bill is returned to the House with amendments in disagreement, and the House recedes from its own House amendments, the bill is passed unless the motion otherwise specifies,[6] or unless the Senate has concurred in the House amendment with a Senate amendment.[7] But if by motion the House recedes from disagreement to Senate amendments, the amendments are not thereby agreed to, since a motion to concur with an amendment is still in order.

A motion to recede from an amendment with an amendment is not privileged, but such a result can be achieved by unanimous consent or special order.[8]

Receding From House Amendment

§ 10.1 By unanimous consent, the House may recede from its own amendments to a Senate bill.

On Apr. 18, 1966,[9] the following occurred in the House:

> MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2729) to amend section 4(c) of the Small Business Act, and for other purposes, with House amendments thereto, and that the House recede from its amendments numbered 1 through 7.
>
> The Clerk read the title of the bill.
>
> THE SPEAKER:[10] Is there objection to the request of the gentleman from Texas?
>
> There was no objection.
>
> A motion to reconsider was laid on the table.[11]

6. See §§ 10.2, 10.3, infra.
7. See §§ 10.7–10.9, infra.
8. See §§ 10.4–10.6, infra.
9. 112 CONG. REC. 8207, 89th Cong. 2d Sess.
10. John W. McCormack (Mass.).