THE SPEAKER PRO TEMPORE:[19] Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DOGGETT

MR. [LLOYD] DOGGETT [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Doggett moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the House bill, H.R. 483, be instructed to resolve the difference between the House's 8½-year program and the Senate's 5-year program of medicare select policies, within the scope of the conference, in light of the changes in Medicare—the program that medicare select policies supplement—to increase beneficiary cost-sharing and to limit choice of provider as contemplated in this year's budget process.

THE SPEAKER PRO TEMPORE: The gentleman from Texas [Mr. Doggett] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. Bliley] will be recognized for 30 minutes. . . .

MR. [WILLIAM M.] THOMAS [of California]: Mr. Speaker, I thank the gentleman for yielding time to me.

. . . What is in front of us is a motion to instruct conferees. The House passed 408 to 14 a measure to extend Medicare Select. Medicare Select is a so-called MediGap. It is one of those insurance policies available to folk to create a whole package around part A and part B Medicare. There are currently 10 MediGap insurance type policies that have been approved by the Department of Health and Human Services. Medicare select is simply an 11th offering.

. . . It is simply the 11th, the addition to 10 other small programs.

What the minority is trying to do, Mr. Speaker, is argue the entire Medicare issue on their motion to instruct. What a bizarre motion to instruct. It says that "will be instructed to resolve the differences between the House 8½-year extension and the Senate 5-year extension of Medicare Select policies." Eight and one-half years, 5 years? The House bill that was passed said extend it for 5 years. The Senate bill that was passed said extend it for 18 months. Extension in the unabridged dictionary right over here says "An additional period of time from the current time;" adding time, an extension. Where in the world the Democrats got 8½ years and 5 years as extensions is beyond me. . . .

In addition, to make this motion germane, they say the scope of the conference, but what they really want to do is talk about the large program of Medicare.

§ 10. When Instructions Are in Order

After Agreeing to Conference

§ 10.1 A motion to instruct the House managers at a conference is in order after the

19. Henry Bonilla (Tex.).

House has agreed to a conference and before the appointment of the conferees.

On July 24, 1973,[20] Mr. William R. Poage, of Texas, offered a motion to take from the Speaker's table S. 1888, to amend and extend the Agricultural Act of 1970, with a House amendment thereto, insist on the House amendment and agree to a conference requested by the Senate.

THE SPEAKER:[1] The question is on the motion offered by the gentleman from Texas (Mr. Poage).

The motion was agreed to.

MR. [ROBERT D.] PRICE of Texas: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Price of Texas moves that the managers on the part of the House, at the disagreeing votes of the two Houses on the bill S. 1888, be instructed to insist on the provisions of paragraph (26) of section 1 of the House amendment at page 38, lines 1 through 8 which read as follows:

"(B) by adding a new section 703 as follows:

" 'Sec. 703. Title IV of such Act as amended by adding at the end thereof the following:

" 'Sec. 411. No agricultural commodities shall be sold under title I or title III or donated under title II of this Act of North Vietnam, unless by an Act of Congress enacted subsequent to July 1, 1973, assistance to North Vietnam is specifically authorized.' " . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Texas (Mr. Price) to instruct conferees. . . .

The vote was taken by electronic device; and there were—yeas 371, nays 35, not voting 27. . . .

So the motion was agreed to.[2]

Proper Time To Offer Motion To Instruct

§ 10.2 A motion to instruct conferees is in order after the request to go to conference has been agreed to and before the Speaker appoints the conferees.

Only one motion to instruct the House managers at a conference is in order at the time a bill is sent to conference. Recognition to offer this motion is the right of a member of the minority party; and the remedy of a Member denied recognition to offer a particular motion is to vote down the previous question on whatever motion is offered by another. The scenario played

20. 119 CONG. REC. 25539–41, 93d Cong. 1st Sess.

1. Carl Albert (Okla.).

2. See also 117 CONG. REC. 22406–30, 92d Cong. 1st Sess., June 28, 1971; 115 CONG. REC. 38543–45, 91st Cong. 1st Sess., Dec. 11, 1969; and 113 CONG. REC. 34128–36, 90th Cong. 1st Sess., Nov. 29, 1967.

out on Dec. 16, 1974,[3] demonstrates the timing and use of a motion to instruct.

MR. [HAROLD T.] JOHNSON of California: Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 3934) just passed, and request a conference with the Senate.

THE SPEAKER PRO TEMPORE:[4] Is there objection to the request of the gentleman from California (Mr. Johnson)?

MR. [EDWARD J.] KOCH [of New York]: Mr. Speaker, I have a motion at the desk.

THE SPEAKER PRO TEMPORE: Does the gentleman object to the request of the gentleman from California (Mr. Johnson)?

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. KOCH: The motion that I have at the desk is one to instruct the managers on the part of the House——

THE SPEAKER PRO TEMPORE: The gentleman from New York reserves the right to object. For what purpose now does the gentleman request the opinion of the Chair?

MR. KOCH: I would appreciate the Chair advising me whether this is the appropriate time to move to instruct the House conferees with respect to this bill.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that until the unanimous-consent request to send the bill to conference is granted, a motion to instruct would be premature; but if the gentleman would withdraw his reservation and if the request is granted, then a motion to instruct conferees would be in order.

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

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HARSHA

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Motion offered by Mr. Harsha: Mr. Harsha moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 3934, be instructed to insist upon paragraph (6) of section 102 and to insist upon section 110 of the House amendment in the nature of a substitute.

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Harsha) is recognized for 1 hour in support of his motion.

MR. HARSHA: Mr. Speaker, I shall certainly not take 1 hour. This is a motion to instruct the conferees on the Highway Act of 1974, simply to instruct the conferees to insist upon the House provision on the so-called rural highway provision on the off-system roads.

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3. 120 CONG. REC. 40174, 40175, 93d Cong. 2d Sess.

4. John J. McFall (Calif.).

MR. KOCH: Mr. Speaker, will the gentleman yield for a brief statement?

MR. HARSHA: I will yield for the purposes of debate only.

MR. KOCH: Yes. As the gentleman knows, because he and I participated a few moments ago in the debate on suspension of the rules, I advised the body that what I wanted to do was to make certain that the House did not accept the Senate provision in the Senate bill with respect to increasing the weight of trucks. I said that the scenario we would see played out on this floor would be a preemption of my motion to instruct by a member of the committee, so as to make it impossible for me to do that. My only opportunity would then be to ask the House to vote down the previous question when the gentleman from Ohio or someone on that committee would make, as the gentleman did frame, in some innocuous way, a motion to instruct.

The scenario which I suggested, I think the gentleman would agree, has in fact occurred. I will ask the House at the conclusion of the debate—hopefully, we will not go through the charade and agony for an hour—to vote down the previous question, so that then I will have an opportunity to move to instruct the House conferees to not accede to the Senate provision which would increase the weight of trucks from the existing 73,000 pounds to 80,000. . . .

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

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

MR. KOCH: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The previous question was ordered.

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

The motion was agreed to.

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees: Messrs. Wright, Kluczynski, Johnson of California, Harsha, and Cleveland.

There was no objection.

Before Appointment of Conferees

§ 10.3 If a motion to request a conference under Rule XX clause 1 is agreed to, a motion to instruct the managers on the part of the House is in order before the Speaker appoints the conferees.

On May 29, 1968,[5] Mr. Emanuel Celler, of New York, sought unanimous consent to request a conference with the Senate on H.R. 5037, the Law Enforcement and Criminal Justice Assistance Act of 1967. Speaker John W. McCormack, of Massachusetts, indicated that if an objection was heard, a duly-authorized motion to request this conference would be in order. Mr.

5. 114 CONG. REC. 15499, 90th Cong. 2d Sess.

Richard H. Poff, of Virginia, then posed this parliamentary inquiry:

> . . . [I]f that motion is made on the floor and is adopted on the floor, will it then be in order to make a motion to instruct the House conferees?
>
> THE SPEAKER: Before the appointment of the conferees such a motion would be in order.

§ 10.4 A motion to instruct conferees on a bill being sent to conference is after the House agrees to send the bill to conference and before the Speaker appoints the conferees.

The proceedings associated with sending the International Financial Institutions Authorization Act (H.R. 5262) to conference on June 16, 1977,[6] were as indicated.

> MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. . . .
>
> THE SPEAKER:[7] Is there objection to the request of the gentleman from Wisconsin? Hearing none, the Chair appoints the following conferees.

PRIVILEGED MOTION OFFERED BY MR. ROUSSELOT

> MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a privileged motion.
>
> The Clerk read as follows:
>
> Mr. Rousselot of California moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 5262 be instructed to insist on the language of the House as follows:
>
> SEC. 602. (a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation, beginning with the industrialized democracies, designed to develop a viable standard for the meeting of basic human needs and the protection of human rights, and a mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such standards and are seen to be moving toward making them effective in their own systems of governance.
>
> (b) No later than one year from the date of enactment of this Act, the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section.
>
> MR. REUSS: Mr. Speaker, a point of order.

6. 123 CONG. REC. 19414, 19415, 95th Cong. 1st Sess.

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

THE SPEAKER: Under the rules the gentleman from California is entitled to 1 hour.

The gentleman from Wisconsin will state his point of order.

MR. REUSS: Mr. Speaker, my point of order is that the motion comes prematurely. I do not believe I heard the Speaker complete his listing of the conferees.

THE SPEAKER: The motion in the opinion of the Chair is in order. The conferees have not been named so the motion is in order. The point of order is not well taken.

The gentleman from California is entitled to 1 hour. . . .

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Rousselot). The gentleman from California is entitled to 1 hour.

In view of the procedures we have been following, the Chair would entertain a unanimous-consent request to put this matter over until tomorrow. . . .

Without objection, the gentleman's motion will be the unfinished business tomorrow.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, will it be the first order of business tomorrow?

THE SPEAKER: That is right.

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

THE SPEAKER: Is there objection?

There was no objection.

Motion for Conference Disposed of Before Instructions Are Considered

§ 10.5 A motion to instruct conferees on the part of the House is not in order until the House has voted to go to conference.

On Mar. 3, 1970,[8] Mr. Daniel J. Flood, of Pennsylvania, offered a motion to agree to the conference requested by the Senate on H.R. 15931, the 1970 appropriations bill for the Departments of Labor and Health, Education, and Welfare. Before the House could consider Mr. Flood's motion, Mr. Durward G. Hall, of Missouri, made a point of order that a quorum was not present. A call of the House was then ordered pursuant to a motion by Mr. Carl Albert, of Oklahoma.

After this quorum call, the following occurred:

THE SPEAKER:[9] The gentleman from Pennsylvania (Mr. Flood) is recognized for 1 hour.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. CONTE: Mr. Speaker, I have a motion at the desk, and as I was about to offer the motion the gentleman from Missouri raised the point of order that a quorum was not present, and that

8. 116 CONG. REC. 5722, 5723, 91st Cong. 2d Sess.
9. John W. McCormack (Mass.).

was the status of the House at the time that the quorum was called.

MR. FLOOD: Mr. Speaker, may I be heard? My reason for addressing the Chair was——

THE SPEAKER: The Chair will ask the gentleman from Massachusetts: Does he make a point of order that a quorum is not present?

MR. CONTE: No. The gentleman from Massachusetts states he was on his feet seeking recognition as the Clerk read the motion of the gentleman from Pennsylvania (Mr. Flood) and the gentleman from Missouri (Mr. Hall) raised the point of order that a quorum was not present. We are standing in this position at this time.

THE SPEAKER: If the gentleman has a point of order, he can state it now.

MR. CONTE: I have a motion at the desk to instruct the conferees.

THE SPEAKER: The Chair will state that is not in order at this particular moment. It will be in order later, after the motion of the gentleman from Pennsylvania (Mr. Flood) is acted on.

MR. CONTE: I want to thank the Chair.

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

Requests To Move To Instruct at Future Time

§ 10.6 The House granted unanimous consent that on a future day it would be in order to make two motions to instruct the managers on the part of the House who had been appointed two weeks earlier.

On Sept. 13, 1944,[10] the following occurred in the House:

MR. [ROBERT L.] DOUGHTON [of North Carolina]: Mr. Speaker, I ask unanimous consent that it may be in order on Monday next[11] for me to make two motions to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 2051) entitled "An act to amend the Social Security Act, as amended, to provide a national program for war mobilization and reconversion, and for other purposes." . . .

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

There was no objection.

Parliamentarian's Note: In this case there appeared to be a deadlock in conference just before an adjournment to a day certain. In order to expedite the matter, the above request was made, the two motions (to instruct the conferees to insist on their disagreement to two amendments of the Senate to the amendment in the nature of a substitute of the House for the Senate bill) were later agreed

10. 90 CONG. REC. 7731, 7732, 78th Cong. 2d Sess.
11. Sept. 18, 1944.
12. Sam Rayburn (Tex.).

to,[13] the Senate conferees abided by the action of the House,[14] and the bill was finally adopted.

Since the conferees had been appointed on Aug. 31,[15] it was necessary to obtain unanimous consent to offer any motion to instruct the conferees at this time, because such motions to instruct subsequent to the appointment of conferees, made pursuant to Rule XXVIII clause 1(c), would not be in order until Sept. 20.

Resolution Requesting Conference as Precluding Motion To Instruct

§ 10.7 The adoption of a resolution asking for a conference does not preclude a motion to instruct the House managers.

On Oct. 31, 1939,[16] Speaker William B. Bankhead, of Alabama, recognized Mr. Adolph J. Sabath, of Illinois.

MR. SABATH: Mr. Speaker, I call up House Resolution 320, which I send to the desk and ask to have read.

The Clerk read as follows:

H. RES. 320

Resolved, That immediately upon the adoption of this resolution, the joint resolution (H.J. Res. 306), the Neutrality Act of 1939, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that the amendments of the Senate be, and the same are hereby, disagreed to and a conference is requested with the Senate on the disagreeing votes of the two Houses.

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

THE SPEAKER: Does the gentleman from Illinois yield for a parliamentary inquiry?

MR. SABATH: Yes.

MR. RANKIN: To ask whether or not the resolution will shut off the right to offer a motion to instruct the conferees?

THE SPEAKER: It will not. The resolution now pending makes it in order to consider such matters as that propounded by the gentleman from Mississippi. If the resolution is adopted, it will in no way prohibit subsequent proceedings, or offering a motion to instruct the conferees, or amendments thereto.

Unanimous Consent To Agree to Conference Does Not Preclude Motion To Instruct

§ 10.8 The granting of a unanimous-consent request

13. 90 CONG. REC. 7822, 7829, 7830, 7840, 78th Cong. 2d Sess., Sept. 18, 1944.
14. See the statement of the House managers at 90 CONG. REC. 8016, 78th Cong. 2d Sess., Sept. 20, 1944.
15. *Id.* at p. 7473.
16. 85 CONG. REC. 1092, 76th Cong. 2d Sess.

to disagree to the Senate amendments to a House bill and agree to a conference with the Senate does not preclude a later motion to instruct the managers on the part of the House to insist on disagreement to a particular Senate amendment.

On Oct. 9, 1969,[17] the House granted unanimous consent to take H.R. 11612, the 1970 appropriations bill for the Department of Agriculture and related agencies, from the Speaker's table, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. After Mr. Silvio O. Conte, of Massachusetts, offered a motion to instruct the House conferees to insist on its disagreement to a particular Senate amendment, Mr. Jamie L. Whitten, of Mississippi, rose with a point of order.

THE SPEAKER:[18] The gentleman will state his point of order.

MR. WHITTEN: The bill itself will show that the so-called Conte amendment was stricken out by the Senate on page 23 of the bill as printed by the Senate. It is identified as amendment 37 of the Senate.

I would call the attention of the Speaker to the fact that the unanimous-consent request I asked for, and which was accepted, called on the conferees to disagree to the amendments of the Senate. So we have, by unanimous consent, just instructed the conferees to disagree to the Senate amendments, of which amendment 37 is one, so any further instruction would be superfluous and would be out of order, because we have by unanimous consent agreed that the conferees would disagree to the Senate amendments, of which the Conte amendment repeal is one.

THE SPEAKER: Does the gentleman from Massachusetts desire to be heard on the point of order?

MR. CONTE: I believe the point of order is out of order, Mr. Speaker. Certainly the gentleman is putting the cart before the horse.

The House has a right to work its will here and to instruct the conferees in any manner it pleases. The only thing we have before us now is the unanimous consent to go to conference and to appoint conferees. At this point any Member can get up to ask for instruction of conferees to go to conference and sustain and substantiate the will of the House in regard to this particular amendment.

Therefore, I feel the Chair should overrule the point of order.

THE SPEAKER: The Chair is prepared to rule.

This question has been passed upon on a number of occasions, and the Chair calls attention to previous rulings made on this same question to be found in Cannon's Procedure, page 126:

17. 115 CONG. REC. 29315, 91st Cong. 1st Sess.

18. John W. McCormack (Mass.).

Adoption of a motion to disagree or to insist on disagreement to a Senate amendment does not preclude consideration of subsequent motions instructing conferees to take other action on such amendments or parts thereof, and the question as to whether a motion to instruct is inconsistent with action previously taken is a question for the House, and not the Chair. (Cannon Precedents VIII 3237–9, 3230)

The Chair overrules the point of order.

Naming Conferees but Preserving a Motion To Instruct

§ 10.9 By unanimous consent, the House reserved to the minority the right to make an initial motion to instruct conferees on a date certain a week following the Speaker's appointment of the conferees.

The purpose of this request was to accommodate the minority who had indicated a desire to instruct the managers on one portion of the measure being sent to conference.[19]

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I ask unanimous consent that notwithstanding the Speaker's appointment of conferees on H.R. 5, that one motion to instruct conferees be in order on Wednesday, February 17, 1988.

THE SPEAKER:[20] Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

§ 11. Recognition To Offer; Debate

Minority Prerogative

§ 11.1 Recognition to offer a motion to instruct House conferees is the prerogative of the minority, and the Speaker recognizes the ranking minority member of the committee reporting the bill when that member seeks recognition to offer the motion.

On Oct. 19, 1971,[1] after the House agreed to a motion to send H.R. 8687, the military procurement authorization bill, fiscal 1972, to conference, Speaker Carl Albert, of Oklahoma, recognized Mr. Leslie C. Arends, a Republican from Illinois.[2]

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19. See 134 CONG. REC. 1199, 100th Cong. 2d Sess., Feb. 8, 1988.

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

1. 117 CONG. REC. 36832–35, 92d Cong. 1st Sess.

2. See also 85 CONG. REC. 1104, 76th Cong. 2d Sess., Oct. 31, 1939.