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.

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

MS. [BELLA] ABZUG [of New York]: Mr. Speaker, a point of order.

Mr. Speaker, I would like to ask the Chair, according to the precedents as I read them, on 784,[3] the minority have no special privileges as to asking for instructions as to the conferees. I want to know what the point of order is in recognizing the minority on this motion.

THE SPEAKER: This is under the precedents of the House, I will advise the gentlewoman, starting with Speaker Cannon and consistently so held since then.

The Clerk will report the motion offered by the gentleman from Illinois.

The Clerk read as follows:

> Mr. Arends 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. 8687, are hereby instructed not to agree to any portions of the text of the Senate amendment that is not germane to the House bill, H.R. 8687.

THE SPEAKER: The gentleman from Illinois is recognized for 1 hour.

Recognition for Motions To Instruct

§ 11.2 While recognition to offer an "initial" motion to instruct House conferees is the prerogative of the minority party, if two minority members of a committee having jurisdiction over a matter seek recognition to offer motions to instruct, the Speaker recognizes the more senior member of that committee.

The Speaker had appointed conferees on H.R. 5, the School Improvement Act, several days previously, pursuant to a special order granted by the House.[4] A motion to instruct was therefore anticipated on this day, but the Speaker had hoped to defer recognition until after the one-minute period.

On an earlier occasion, when Speaker O'Neill was confronted with a conflict between a Member who wished to offer a question of privilege during the "one-minute period," he had continued to entertain one-minute requests, on the theory that even privileged motions could be delayed as long as the House granted unanimous consent for a nonprivileged speech.[5]

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3. Referring to 5 Hinds' Precedents § 6525, p. 784, does not support Ms. Abzug's contention, as it relates only to recognition to ask for conferences, not to recognition for motions to instruct conferees.

4. See 134 CONG. REC. 1224, 100th Cong. 2d Sess., Feb. 9, 1988.

5. See the proceedings of July 10, 1985, where Speaker Thomas P. O'Neill, Jr., of Massachusetts, ruled that un-

The proceedings, as excerpted from the *Congressional Record* of Feb. 17, 1988,[6] and carried here, illustrate not only the Speaker's power of recognition, but how it is exercised and when a Member actually is recognized and entitled to the floor.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

THE SPEAKER:[7] For what purpose does the gentleman from California seek recognition?

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a motion at the desk to instruct conferees.

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

PARLIAMENTARY INQUIRIES

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MADIGAN: Mr. Speaker, it was my understanding that before any consideration would be given to a motion to instruct conferees that the Speaker was going to conclude the 1-minute speeches.

THE SPEAKER: The Chair would like to accommodate Members seeking to be heard on the 1-minute rule but under the rule a motion such as would be proposed, as the Chair understands it, to instruct conferees would take precedence if a Member sought to press that matter at this time and under the rule would be more privileged.

MR. DANNEMEYER: Mr. Speaker, that is my request.

MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Speaker, does the Chair then as a matter of custom in the House recognize people on the basis of seniority with regard to committee assignments on matters such as this?

THE SPEAKER: The gentleman is correct. If two or more Members seek recognition for motions of equal privilege, it would be the custom of the Chair to recognize the Member most senior on the committee of jurisdiction.

MR. MADIGAN: Mr. Speaker, the Speaker has just described my situation. I am the senior member and pursuant to a previous order of the House I have a motion at the desk.

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

THE SPEAKER: The gentleman will state it.

MR. DANNEMEYER: Since the Speaker previously recognized this Member and this Member responded that I have a motion at the desk to instruct conferees and I choose to go forward with it at this time pursuant to a unanimous-consent request of last week, does that

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der his power of recognition in Rule XIV clause 2, he could continue to entertain unanimous consent requests pending recognition for a question of privilege, since unanimous-consent requests, if granted, can waive standing rules unless Members lodge an objection.

6. 134 CONG. REC. 1583, 1584, 1589, 1590, 100th Cong. 2d Sess.

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

not give this Member since I was recognized for that purpose priority to proceed at this time?

THE SPEAKER: Well, the gentleman is correct, the gentleman did seek recognition for the purpose of making a motion and then the gentleman from Illinois rose with a parliamentary inquiry and the Chair recognized the gentleman from Illinois for that purpose. And it is the Chair's understanding that each of the two gentlemen standing desires to offer a motion to instruct conferees. Is that correct?

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

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

THE SPEAKER: Well, the Chair, under those circumstances, following the general precedents of the House would recognize the more senior minority member of the two minority members on the committee of jurisdiction.

MR. DANNEMEYER: Mr. Speaker, I have a further parliamentary inquiry. I appreciate that the Speaker is hesitating a little with respect to his tentative decision, but this Member actually was recognized before my colleague from Illinois was recognized and I would think on that basis that this Member should have priority for making this motion.

THE SPEAKER: The gentleman's motion had not been placed before the House. The gentleman had sought recognition and the Chair had said, "For what purpose does the gentleman seek recognition?" The gentleman from California had said, "For the purpose of offering a motion to instruct conferees."

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

THE SPEAKER: And the Chair was about to ask the Clerk to report the motion when the gentleman from Illinois stood and sought recognition. The Chair said to the gentleman from Illinois, "For what purpose does the gentleman rise?"

MR. DANNEMEYER: If I may further be heard on my inquiry, if I understand the gentleman from Illinois correctly, he achieved recognition on the basis of a parliamentary inquiry.

THE SPEAKER: The gentleman is correct.

MOTION OFFERED BY MR. MADIGAN

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

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Madigan moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem.

PARLIAMENTARY INQUIRIES

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

THE SPEAKER: The gentleman will state it.

MR. DANNEMEYER: Mr. Speaker, when a motion to instruct conferees is pending, as is the situation with the gentleman from California having made such a motion, is it in order for the House to then consider another motion to instruct conferees?

THE SPEAKER: Is the gentleman asking would it be in order for him to offer an amendment to the motion?

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The Chair is advised that the gentleman from California could offer an amendment to the motion of the gentleman from Illinois but only if the previous question were voted down. If the previous question on the motion of the gentleman from Illinois should be ordered, then his motion would have to be voted upon without intervening motion.

MR. DANNEMEYER: Mr. Speaker, if I might be heard further on my parliamentary inquiry, I do not quite see how we could get to the point where we could consider the motion offered by the gentleman from Illinois to instruct conferees when, at the time the gentleman from Illinois is making his motion, there is already a motion by this gentleman from California to instruct conferees pending at the desk. And I have not withdrawn that motion.

THE SPEAKER: The motion of the gentleman from California had not been stated and was not pending before the House. The gentleman had sought recognition for the purpose of offering a motion to instruct conferees. The gentleman from Illinois asked, on a parliamentary inquiry, in a situation involving two minority Members, each seeking recognition for the purpose of offering a motion to instruct conferees, as to which of the two Members under the precedents would be recognized. The Chair replied that the senior of the two on the Committee of Jurisdiction, under the precedents, would be recognized, and the gentleman from Illinois offered a motion, he being the senior of those seeking recognition for the purpose of offering a motion.

MR. DANNEMEYER: Mr. Speaker, I wonder if I could ask the indulgence of the House for the purpose of having the record read back for the purpose of determining whether this gentleman from California was recognized for the purpose of making a motion to instruct conferees.

MR. DINGELL: I would have an objection, Mr. Speaker. I would have to observe that I think that is a unanimous-consent request, and it is taking a great amount of the time of the House at a time when we have other business pending. I would have to object.

THE SPEAKER: The Chair has recognized the gentleman from Illinois, and the gentleman's motion has been read and is now pending before the House. The gentleman is entitled to 1 hour on the motion.

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

What happened to my motion?

MR. MADIGAN: It was never read.

MR. DANNEMEYER: Yes, it was.

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, he was recognized for the purpose of offering an amendment, and the record will show that.

THE SPEAKER: The Chair will state again the situation.

The gentleman from California sought recognition. The Chair asked the purpose of his seeking recognition, and he said he sought recognition for the purpose of offering a motion to instruct conferees. The motion was not made prior to the rising of the gentle-

man from Illinois to ask by unanimous consent if it were proper to entertain such a motion before the completion of the 1-minute unanimous-consent requests. The Chair replied that the Chair would prefer to accommodate Members seeking to be heard under the 1-minute rule first and then entertain the motion, but that the motion really does have priority under the rules to a unanimous-consent request to be heard for 1 minute, and that if the gentleman insists upon offering the motion at that time, the Chair would entertain the motion.

Then the gentleman from Illinois asked if two Members, each desiring to offer such a motion, were simultaneously to seek recognition, which of two Members should be recognized under the precedents of the House, and the Chair replied: The senior of the two on the Committee of Jurisdiction.

MR. DANNEMEYER: At that point, Mr. Speaker, on the basis of the Chair's own analysis, with all due respect, when I stood for recognition, there was not someone else asking for recognition. It was not done simultaneously.

MR. DINGELL: Mr. Speaker, may I call for the regular order?

THE SPEAKER: The Chair is trying to preserve the regular order and thinks that the Members are entitled to understand exactly what is going on and are entitled to ask questions and to be accommodated to the extent of the Chair's ability to accommodate them.

The fact is that two Members sought recognition for the same kind of motion, for a motion to instruct conferees. The motions having equal precedence and priority, the question arose as to which of the two Members should be recognized for the purpose of making a motion. The Chair replied that the precedents hold that the senior of the two or more Members seeking recognition is entitled to be recognized. The gentleman from Illinois asked then to be recognized for the purpose of offering that motion. The Chair recognized the gentleman from Illinois. The motion has been read. The motion offered by the gentleman from Illinois to instruct conferees on H.R. 5 is the pending order of business.

The gentleman from Illinois [Mr. Madigan] is recognized for 1 hour.

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

Mr. Speaker, I move the previous question on my motion to instruct.

THE SPEAKER: The question is on ordering the previous question.

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

MR. DANNEMEYER: 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 200, nays 179, not voting 54, as follows: . . .

So the previous question was ordered. . . .

THE SPEAKER PRO TEMPORE:[8] The question is on the motion to instruct

8. Leon E. Panetta (Calif.).

offered by the gentleman from Illinois [Mr. Madigan].

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

MR. MADIGAN: 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 382, nays 0, not voting 51, as follows: . . .

So the motion to instruct was agreed to.

§ 11.3 Where two members of the committee having jurisdiction over a bill seek recognition for a motion to instruct conferees, the Speaker gives recognition to the member of the minority.

On Oct. 31, 1939,[9] after the House agreed to a resolution to send House Joint Resolution 306, the Neutrality Act of 1939, to conference, the following proceedings occurred:

Mr. Shanley and Mr. Fish rose.[10]

MR. SHANLEY: Mr. Speaker, I send to the Clerk's desk a motion to instruct the conferees.

THE SPEAKER:[11] The gentleman from New York [Mr. Fish] is entitled to be recognized if he so desires.

MR. FISH: Mr. Speaker, I gladly yield to the gentleman from Connecticut [Mr. Shanley] because he has a similar motion. I yield to him to offer the motion to instruct the conferees.

Hour Rule Applies on Debate on Motion To Instruct

§ 11.4 A motion to instruct the managers on the part of the House at a conference is debatable under the hour rule.

On July 2, 1946,[12] after the House granted unanimous consent to agree to the conference requested by the Senate on H.R. 6777, the 1947 government corporations appropriation bill, Mr. Robert F. Rich, of Pennsylvania, offered a motion to instruct the House conferees. Mr. Harold D. Cooley, of North Carolina, was then recognized for the purpose of propounding a parliamentary inquiry.

MR. COOLEY: Do the rules of the House permit a discussion of the motion just made?

9. 85 CONG. REC. 1092, 1104, 76th Cong. 2d Sess.
10. Mr. James A. Shanley, a Democrat from Connecticut, and Mr. Hamilton Fish, Jr., a Republican from New York, were both members of the Committee on Foreign Affairs.
11. William B. Bankhead (Ala.).
12. 92 CONG. REC. 8181–92, 79th Cong. 2d Sess.

THE SPEAKER:[13] It is debatable under the 1-hour rule.[14]

Controlling Debate Time on Motion To Instruct (Practice Prior to 1989)

§ 11.5 Prior to 1989, a Member recognized to offer a motion to instruct House conferees controls one hour of debate on the motion.

On July 9, 1970,[15] after Mr. Donald W. Riegle, of Michigan, offered a motion to instruct House conferees on H.R. 15628, the Foreign Military Sales Act of 1970, the following proceedings occurred:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[16] The gentleman will state his parliamentary inquiry.

MR. HAYS: Mr. Speaker, in the event a motion to table the motion offered by the gentleman from Michigan (Mr. Riegle) is not made, and there is an hour's debate on the motion, who will control the time?

THE SPEAKER: The Chair will state that the gentleman from Michigan (Mr. Riegle) will control the time.[17]

Parliamentarian's Note: In 1989, the House amended Rule XXVIII clause 1(b) to provide for a division of time between minority and majority parties.[18]

Yielding Debate Time (Precedents Before 1989)

§ 11.6 A Member making a motion to instruct House conferees is recognized for one hour, and may yield a portion of that time to another Member.

On Dec. 8, 1970,[19] after the House granted unanimous consent to agree to the conference requested by the Senate on H.R. 17755, the 1971 appropriations bill for the Department of Transportation and related agencies, the following occurred:

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13. Sam Rayburn (Tex.).
14. See also 95 CONG. REC. 11139–43, 81st Cong. 1st Sess., Aug. 9, 1949.
15. 116 CONG. REC. 23524, 91st Cong. 2d Sess.
16. John W. McCormack (Mass.).
17. See also 118 CONG. REC. 7540, 92d Cong. 2d Sess., Mar. 8, 1972; 117 CONG. REC. 36832–35, 92d Cong. 1st Sess., Oct. 19, 1971; and 109 CONG. REC. 12294–96, 88th Cong. 1st Sess., July 9, 1963.
18. See *House Rules and Manual* § 909a (1997); for modern practice, see § 11.8.
19. 116 CONG. REC. 40271, 91st Cong. 2d Sess.

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

The Clerk read as follows:

> Mr. Yates 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. 17755 be instructed to agree to Senate amendment No. 4.

THE SPEAKER:[20] The gentleman from Illinois (Mr. Yates) is recognized for 1 hour.

MR. YATES: Mr. Speaker, I yield 30 minutes to my good friend, the very able gentleman from Massachusetts (Mr. Boland) pending which I yield myself such time as I may consume.[1]

§ 11.7 A Member who offered the motion and controlled the one hour of debate on a motion to instruct conferees yielded one half of his time to the opposition.

On Aug. 29, 1962,[2] Mr. James E. Van Zandt, a Republican from Pennsylvania, offered a motion to instruct the House managers at the conference on H.R. 11974, authorizing appropriations relating to the Atomic Energy Act of 1954.

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

MR. VAN ZANDT: Mr. Speaker, I will yield half my time, 30 minutes, to the gentleman from California [Mr. Holifield],[4] the distinguished chairman of the Joint Committee on Atomic Energy.

Controlling Debate Time on Motion To Instruct (Modern Practice)

§ 11.8 Where a motion to instruct conferees is being debated, with time divided between the majority and minority parties as provided by the rule, neither a motion for the previous question or the more preferential motion to lay on the table can be used in derogation of the Members' control of the time.

While a motion to table a motion to instruct can be offered immediately after the motion is reported, once debate has commenced, the parties allocated time under Rule XXVIII clause 1(b)[5] are entitled to use their time. The proceedings of Mar. 18, 1992,[6] are illustrative.

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20. John W. McCormack (Mass.).

1. See also 95 CONG. REC. 11139–45, 81st Cong. 1st Sess., Aug. 9, 1949.

2. 108 CONG. REC. 18029, 87th Cong. 2d Sess.

3. John W. McCormack (Mass.).

4. Mr. Holifield was a Democrat.

5. See *House Rules and Manual* § 909a (1997).

6. 138 CONG. REC. 6018, 6022–24, 102d Cong. 2d Sess.

APPOINTMENT OF CONFEREES ON H.R. 4210, TAX FAIRNESS AND ECONOMIC GROWTH ACCELERATION ACT OF 1992

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth and to provide tax relief for families, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[7] Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. ARCHER

MR. [BILL] ARCHER [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Archer moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4210 be instructed not to agree to either those provisions in section 3001 of the Senate amendments which would impose a new tax rate of 36 percent on individuals, or those provisions in sections 3001 and 3002 of the House bill which would impose a new tax rate of 35 percent on individuals and increase the alternative minimum tax rate for individuals, as those provisions are committed to conference.

THE SPEAKER: The gentleman from Texas [Mr. Archer] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. Archer].

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

PREFERENTIAL MOTION OFFERED BY MR. WALKER

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I offer privileged motion.

The Clerk read as follows:

> Mr. Walker moves to lay on the table the motion offered by the gentleman from Texas [Mr. Archer].

THE SPEAKER PRO TEMPORE: That is a preferential motion, but it is not in order until debate has been concluded.

Who yields time?

MR. ARCHER: Mr. Speaker, at this time I have no further requests for time, and I move the previous question.

MR. WALKER: Mr. Speaker, I renew my privileged motion.

MR. ROSTENKOWSKI: Mr. Speaker, how much time do I have remaining?

THE SPEAKER PRO TEMPORE: The gentleman from Texas [Mr. Archer] yields back the balance of his time.

MR. ROSTENKOWSKI: Mr. Speaker, how much time does this gentleman from Illinois have?

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Rostenkowski] has 21 minutes remaining.

MR. ARCHER: Mr. Speaker, I did not yield back the balance of my time. I said I have no further requests for time and I move the previous question.

THE SPEAKER PRO TEMPORE: The gentleman cannot move the previous

7. Michael R. McNulty (N.Y.).

question while the gentleman from Illinois still has time.

MR. ARCHER: In that event, then, Mr. Speaker, I reserve the balance of my time.

THE SPEAKER PRO TEMPORE: The gentleman from Texas [Mr. Archer] reserves the balance of his time, which happens to be 10 minutes.

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

MR. ARCHER: Mr. Speaker, may I ask if the gentleman from Illinois [Mr. Rostenkowski] has further requests for time?

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

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

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

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

MR. WALKER: Mr. Speaker, I renew my preferential motion.

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

The Clerk read as follows:

> Mr. Walker moves to lay on the table the motion to instruct offered by the gentleman from Texas [Mr. Archer].

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Pennsylvania [Mr. Walker] to lay on the table the motion to instruct offered by the gentleman from Texas [Mr. Archer]. . . .

So the motion to table the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Three-way Allocation of Debate Time on Motion To Instruct

§ 11.9 Where both the manager of the bill and the proponent of a motion to instruct conferees are in favor of the motion, the Chair allocates the time equally between three persons, the proponent of the motion, the Member handling the bill in the other party, and a Member who rises in opposition to the motion; and it is the proponent who has the right to close the debate.

Rule XXVIII clause 1(b)[8] dictates the division of time to be applied to debate on a motion to instruct conferees. This was the allocation applied on Aug. 1, 1994,[9] when a motion to instruct was offered to H.R. 4506, the energy and water appropriations bill for fiscal year 1995.

MR. [JOHN T.] MYERS of Indiana: Mr. Speaker, I offer a motion to instruct.

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8. *House Rules and Manual* § 909a (1997).
9. 140 CONG. REC. 18860, 18866, 103d Cong. 2d Sess.

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

The Clerk read as follows:

> Mr. Myers of Indiana moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4506 be instructed to insist upon the provisions contained in the House bill under the heading "General Science and Research Activities" that provide $279,399,000 for high energy physics facility operating expenses.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Myers] will be recognized for 30 minutes.

For what purpose does the gentleman from Indiana [Mr. Sharp] rise?

MR. [PHILIP R.] SHARP [of Indiana]: Mr. Speaker, I rise in opposition to the motion.

THE SPEAKER PRO TEMPORE: Is the gentleman from Alabama [Mr. Bevill] in opposition to the motion?

MR. [TOM] BEVILL [of Alabama]: No, Mr. Speaker, I am supportive of the motion.

THE SPEAKER PRO TEMPORE: The Chair will divide the time in thirds, each Member receiving 20 minutes, one-third of the time.

The gentleman from Indiana [Mr. Myers] is recognized for 20 minutes.

MR. MYERS of Indiana: Mr. Speaker, I yield myself such time as I may consume. . . .

Mr. Speaker, I am going to use the 4 minutes I have remaining in order to close. I reserve the balance of my time.

THE SPEAKER PRO TEMPORE:[11] The gentleman from Indiana [Mr. Myers] has the right to close.

MR. SHARP: Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. Fingerhut].

MR. [ERIC D.] FINGERHUT [of Ohio]: I thank the gentleman for yielding this time to me. . . .

Right To Close Debate, Motion To Instruct

§ 11.10 The proponent of a motion to instruct conferees has the right to close debate thereon where debate is divided between the parties as provided in Rule XXVIII clause 1(b).

The pertinent clause in Rule XXVIII[12] was adopted in the 101st Congress.[13] Before this amendment was included in the rule, debate on a motion to instruct was under the hour rule, controlled by the proponent.[14]

APPOINTMENT OF CONFEREES TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 3355

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10. Benjamin L. Cardin (Md.).

11. Alcee L. Hastings (Fla.).

12. Clause 1(b), *House Rules and Manual* § 909a (1997).

13. See H. Res. 5 at 135 CONG. REC. 72, 101st Cong. 1st Sess., Jan. 3, 1989.

14. See the proceedings at 140 CONG. REC. 8197, 8199, 103d Cong. 2d Sess., Apr. 21, 1994.

MR. [JACK] BROOKS [of Texas]: Madam Speaker, pursuant to House Resolution 401, I offer a motion.

The Clerk read as follows:

> Mr. Brooks moves that the House insist on its amendments to the Senate amendment to the bill H.R. 3355 and request a conference with the Senate thereon.

THE SPEAKER PRO TEMPORE:[15] The question is on the motion offered by the gentleman from Texas [Mr. Brooks].

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

MR. [BILL] MCCOLLUM [of Florida]: Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. McCollum moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to insist on the provision of the House amendment that authorizes $10.5 billion for grants for State prison construction and operation and agree to the provisions of the Senate that requires States to change their laws to require that defendants serve at least 85 percent of the sentence ordered.

THE SPEAKER PRO TEMPORE: The gentleman from Florida [Mr. McCollum] will be recognized for 30 minutes, and the gentleman from Texas [Mr. Brooks] will be recognized for 30 minutes.

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

MR. MCCOLLUM: Madam Speaker, I yield myself such time as I may consume.

PARLIAMENTARY INQUIRY

MR. MCCOLLUM: Madam Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MCCOLLUM: Madam Speaker, do I as the proponent of this motion have the right to close debate?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Debate on Motions To Instruct; Right To Close

§ 11.11 Where debate on a motion to instruct conferees is equally divided between the majority and the minority parties, the proponent of the motion has the right to close.

When a motion to instruct conferees is offered in the House, the division of time is governed by Rule XXVIII clause 1(b).[16] While the rule does not address which Member has the right to close, the standard practice in the House is that the proponent of the motion has that right, as indicated by the

15. Barbara B. Kennelly (Conn.).

16. See *House Rules and Manual* § 909a (1997).

proceedings of Nov. 21, 1991,[17] shown in the following excerpt:

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. SENSENBRENNER

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Sensenbrenner moves that the managers on the part of the House at the conference on the disagreeing vote of the two Houses on the bill H.R. 3371, be instructed to accept the Senate position on certain firearms provisions in the Senate-passed crime bill, S. 1241, namely sections 207 and 1213 of that bill.

THE SPEAKER PRO TEMPORE:[18] The gentleman from Wisconsin [Mr. Sensenbrenner] will be recognized for 30 minutes, and the gentleman from California [Mr. Edwards] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Sensenbrenner].

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

Mr. Speaker, am I correct that I have the right to close?

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin does have the right to close.

§ 11.12 The proponent of a motion to instruct conferees has the right to close the debate on the motion.

On July 28, 1994,[19] immediately after the request to go to conference was agreed to, a motion to instruct the conferees to insist on a certain House provision submitted to conference was offered by a minority Member.[20] After the Chair[1] had announced the division of time between the proponent of the motion and the chairman of the House Subcommittee on District of Columbia Appropriations,[2] Mr. Walsh inquired of the Chair about the right to close the debate. Proceedings were as follows:

APPOINTMENT OF CONFEREES ON H.R. 4649, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995; AND DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1994

MR. DIXON: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate

17. 137 CONG. REC. 33344, 33346, 102d Cong. 1st Sess.
18. Romano L. Mazzoli (Ky.).
19. See 140 CONG. REC. 18405, 103d Cong. 2d Sess. (H.R. 4649).
20. James T. Walsh (N.Y.).
1. Ted Strickland (Ohio).
2. Julian C. Dixon (Calif.).

amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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. WALSH

MR. WALSH: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Walsh of New York 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. 4649, be instructed to insist on the House position on amendment numbered 16, reducing the D.C. budget by $150 million.

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Walsh] will be recognized for 30 minutes, and the gentleman from California [Mr. Dixon] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. Walsh].

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALSH: Mr. Speaker, do we have the right to close debate?

THE SPEAKER PRO TEMPORE: The proponents of the motion will have the right to close the debate.

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

Yielding for Amendment

§ 11.13 A Member controlling the time for debate on his motion to instruct House managers at a conference loses the floor if he yields for an amendment.

On Feb. 8, 1965,[3] the following occurred after Mr. Robert H. Michel, of Illinois, offered a motion to instruct the House conferees on House Joint Resolution 234, which made supplemental appropriations for the Department of Agriculture:

> MR. MICHEL: Mr. Speaker, I yield 5 minutes to another member of the subcommittee, the gentleman from Minnesota [Mr. Langen].
>
> THE SPEAKER:[4] The gentleman from Minnesota is recognized for 5 minutes.
>
> MR. [ODIN] LANGEN: Mr. Speaker, I offer an amendment.
>
> THE SPEAKER: Does the gentleman from Illinois yield to the gentleman from Minnesota for the purpose of offering an amendment?
>
> MR. MICHEL: If that is his desire, yes.
>
> THE SPEAKER: The Chair will state that the gentleman from Illinois will lose the floor when he yields for that purpose.
>
> MR. MICHEL: Then, I do not yield to the gentleman for that purpose.
>
> THE SPEAKER: The gentleman from Illinois declines to yield to the gentleman from Minnesota for the purpose of offering an amendment.

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3. 111 CONG. REC. 2092–99, 89th Cong. 1st Sess.
4. John W. McCormack (Mass.).

Effect of Defeat of Previous Question

§ 11.14 If the previous question is voted down on a motion to instruct the managers on the part of the House, the motion is open to amendment and the Speaker may recognize a Member opposed to ordering the previous question to control the time and offer an amendment.

On May 29, 1968,[5] Mr. James A. Burke, of Massachusetts, offered a motion to instruct the House conferees on H.R. 15414, the Revenue and Expenditure Act of 1968. After the previous question had been ordered on this motion, Mr. Joe D. Waggonner, Jr., of Louisiana, raised this parliamentary inquiry:

> MR. WAGGONNER: Mr. Speaker, should the previous question be voted down would the motion be open to a preferential motion to amend and would of necessity the time be controlled by those in opposition to the previous question?
>
> THE SPEAKER:[6] The previous question has already been ordered. If it had not been ordered and voted down, the answer to the parliamentary inquiry of the gentleman from Louisiana would be in the affirmative.

Control of Debate on Amendment to Motion To Instruct

§ 11.15 Although the control of time for debate on a motion to instruct conferees is divided pursuant to Rule XXVIII clause 1(b),[7] if the previous question is not ordered at the conclusion of that debate, another Member may be recognized to offer an amendment to the original motion and is entitled to control and to allocate time for an undivided hour.

Pending the appointment of conferees on H.R. 4210, the Economic Growth Acceleration Act, a measure reported from the Committee on Ways and Means, a motion to instruct was offered by Mr. Bill Archer, of Texas, a member of the committee. After debate, a motion to lay the instruction on the table was rejected.

The chairman of the Committee on Ways and Means, who had controlled 30 minutes of debate time on the original motion to instruct, then offered an amend-

5. 114 CONG. REC. 15499, 15511, 90th Cong. 2d Sess.
6. John W. McCormack (Mass.).
7. See *House Rules and Manual* § 909a (1997).

ment. The relevant proceedings of Mar. 18, 1992,[8] are shown below.

So the motion to table the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI TO THE MOTION TO INSTRUCT OFFERED BY MR. ARCHER

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, I offer an amendment to the motion to instruct.

The Clerk read as follows:

Amendment by Mr. Rostenkowski to the motion to instruct offered by Mr. Archer: In the motion offered by the gentleman from Texas strike all after "be instructed" and insert in lieu thereof "to include in the conference report, within the scope of conference, provisions to provide significant middle-class tax relief."

THE SPEAKER PRO TEMPORE:[9] The gentleman from Illinois [Mr. Rostenkowski] is recognized for 1 hour. . . .

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

MR. ARCHER: 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 206, nays 200, not voting 28, as follows: . . .

So the amendment to the motion to instruct was agreed to. . . .

THE SPEAKER PRO TEMPORE: The question is on the motion to instruct, as amended, offered by the gentleman from Texas [Mr. Archer].

The motion to instruct, as amended, was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER:[10] The Chair appoints the following conferees, and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subject of various appointments: . . .

Conferees on H.R. 4210—Tax Fairness and Economic Growth Act: Messrs. Rostenkowski, Gibbons, Pickle, Rangel, Stark, Archer, Vander Jagt, and Crane.

There was no objection.

Debate Time on Amendment to Motion To Instruct

§ 11.16 The division of time for debate on a motion to instruct conferees (Rule XXVIII clause 1(b)) does not extend to debate on an amendment to such motion offered after the rejection of the previous question; for the proponent of the amendment to the motion is entitled to an hour under Rule XIV clause 2, the general hour rule of the House.

8. 138 CONG. REC. 6024, 6025, 102d Cong. 2d Sess.

9. Michael R. McNulty (N.Y.).

10. Thomas S. Foley (Wash.).

The proceedings of Oct. 3, 1989,[11] show the control of debate on a motion to instruct and on an amendment to that motion.

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION OFFERED BY MR. GREEN

MR. [S. WILLIAM] GREEN [of New York]: Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. Green 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. 3026, be instructed to agree to the amendment of the Senate numbered 3.

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Green] is recognized for 30 minutes in support of his motion. . . .

MR. GREEN: Mr. Speaker, I move the previous question on the motion to instruct. . . .

THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.

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

The vote was taken by electronic device, and there were—yeas 193, nays 222, not voting 17. . . .

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DIXON: Mr. Speaker, I understand now that the gentleman from California [Mr. Dannemeyer] intends to offer an amendment to the motion offered by the gentleman from New York [Mr. Green].

My question is: Under the offering will I receive part of the time?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman from California [Mr. Dixon] that 1 hour would be allotted to the gentleman from California [Mr. Dannemeyer]. He would have to yield time to the gentleman from California [Mr. Dixon].

MR. DIXON: Mr. Speaker, if I understand, it all goes to the gentleman from California [Mr. Dannemeyer], and he can yield opponents time. . . .

The Clerk read as follows:

> Amendment offered by Mr. Dannemeyer to the motion to instruct: At the end of the pending motion, strike the period, insert a semicolon, and add the following language: "; *Provided further* that the conferees be

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11. 135 CONG. REC. 22859, 22862, 22863, 101st Cong. 1st Sess.

12. William J. Hughes (N.J.).

instructed to agree to the provisions contained in Senate amendment numbered 22."

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

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I yield one-half of the time to the gentleman from California [Mr. Dixon], for purposes of debate only.

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DANNEMEYER: Mr. Speaker, if this motion to instruct now pending before the House is adopted, would it have the effect of amending the previous motion to instruct that was being considered and offered by the gentleman from New York [Mr. Green] so that, if this motion offered by the gentleman from California at this time is adopted, the House would then be voting on the contents of the motion offered by the gentleman from New York [Mr. Green]?

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Dannemeyer] is correct. The vote would then be on the motion to instruct offered by the gentleman from New York [Mr. Green], as amended.

MR. DANNEMEYER: Mr. Speaker, on that I reserve the balance of my time, and I ask for an aye vote on my amendment to the motion to instruct.

§ 11.17 Although control of time for debate on a motion to instruct conferees is divided equally between majority and minority parties pursuant to Rule XXVIII, where the previous question is not ordered on the motion to instruct, an ensuing hour is under the undivided control of a Member recognized by the Chair as leading the opposition to ordering the previous question, and that Member may then offer an amendment to the original motion to instruct.

The original motion to instruct conferees on the Omnibus Budget Reconciliation Act of 1994 was offered by the ranking member of the Budget Committee, Mr. John R. Kasich, of Ohio. When the previous question on that motion failed to gain a majority, the following proceedings ensued, as shown in the Record of July 14, 1993.(13)

So the previous question was not ordered.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

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

13. 139 CONG. REC. 15668–70, 103d Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:[14] The gentleman will state it.

MR. KASICH: Mr. Speaker, since the motion on the previous question was defeated, then the gentleman would be allocated how much time and would I be able to receive part of that time, since he is amending my motion?

THE SPEAKER PRO TEMPORE: The gentleman would be entitled to 1 hour and the yielding of time would be at his discretion. The gentleman from Ohio would not automatically be entitled to time.

MR. [MARTIN O.] SABO [of Minnesota]: Mr. Speaker, I will yield to the gentleman from Ohio more time than we take.

MR. KASICH: Mr. Speaker, would the gentleman from Minnesota yield me an equal amount of time in order to present the case against his amending my motion?

THE SPEAKER PRO TEMPORE: That is not a parliamentary inquiry.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, in the case of the previous debate just completed, the 1 hour of time, how was the time allocated?

THE SPEAKER PRO TEMPORE: It was allocated 30 minutes on each side.

MR. WALKER: Was that done by virtue of the amendment?

THE SPEAKER PRO TEMPORE: It was done pursuant to the rules of the House. Under clause 1(b) of rule XXVIII, the time for debate on the original motion was equally divided. Recognition after the rejection of the motion for the previous question, however, is under the hour rule, and the Member recognized for that hour may yield time at his discretion.

MR. WALKER: So it would have to be a matter of courtesy to this side for him to give us an equal amount of time; is that correct?

THE SPEAKER PRO TEMPORE: The Chair has stated what the rules are.

AMENDMENT OFFERED BY MR. SABO AS A SUBSTITUTE FOR THE MOTION TO INSTRUCT OFFERED BY MR. KASICH

MR. SABO: Mr. Speaker, I offer an amendment as a substitute for the motion to instruct.

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

The Clerk read as follows:

> Amendment offered by Mr. Sabo as a substitute for the motion to instruct offered by Mr. Kasich:
>
> In lieu of the instructions in the motion offered by Representative Kasich, insert the following:
>
> "I move 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 H.R. 2264 be instructed to accept the higher thresholds on the treatment of Social Security benefits in section 8215 of the Senate amendment."

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota [Mr. Sabo] is recognized for 1 hour. . . .

PARLIAMENTARY INQUIRY

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

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14. Michael R. McNulty (N.Y.).

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, it is very difficult to hear in the House right now. Do I understand the substance of the amendment before us is to strike the language of Kasich and then replace half the language of Kasich by amendment?

THE SPEAKER PRO TEMPORE: The motion was just reported to the House.

MR. WALKER: Mr. Speaker, it was very difficult to hear it.

THE SPEAKER PRO TEMPORE: Without objection, the Clerk will report the motion.

The Clerk reread the motion.

THE SPEAKER PRO TEMPORE: The Chair will not further characterize it.

MR. WALKER: Mr. Speaker, so the effect of the amendment is to strike the spending increase portions of the Kasich budget?

THE SPEAKER PRO TEMPORE: The Chair will not further characterize the motion.

The gentleman from Minnesota [Mr. Sabo] is recognized for 1 hour. . . .

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

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Minnesota [Mr. Sabo] as a substitute for the motion to instruct offered by the gentleman from Ohio [Mr. Kasich]. . . .

So the amendment offered as a substitute for the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The question is on the motion to instruct offered by the gentleman from Ohio [Mr. Kasich], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 19. . . .

Effect of Rejecting Previous Question on Motion To Instruct

§ 11.18 After rejection of a motion for the previous question on a motion to instruct conferees, the Member who led the opposition to the ordering of the previous question, as determined by the Speaker, is recognized for a full hour.

The original motion to instruct conferees had been to insist on certain House provisions under the heading "General Science and Research Activities." Mr. Philip R. Sharp, of Indiana, had argued for a motion to instruct which preserved another House provision which terminated funding for certain projects—the Advanced

Liquid Metal Reactor Program—among others. His amendment to the original motion did not eliminate the Myers' instruction but added further instructions at the end thereof. Proceedings showing the recognition which followed rejection of the previous question are carried here.[15]

MR. [JOHN T.] MYERS of Indiana: Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct. . . .

THE SPEAKER PRO TEMPORE:[16] The question is on ordering the previous question.

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

The vote was taken by electronic device, and there were—yeas 171, nays 209, not voting 54. . . .

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHARP TO THE MOTION TO INSTRUCT OFFERED BY MR. MYERS OF INDIANA

MR. SHARP: Mr. Speaker, I offer an amendment to the motion to instruct.

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

The Clerk read as follows:

Amendment offered by Mr. Sharp to the motion to instruct offered by Mr. Myers of Indiana: Insert before the period at the end of the following: and to insist upon the provisions contained in the House bill that provide funds for the Advanced Liquid Metal Reactor, the Integral Fast Reactor, and the Actinide Recycle Program only for purposes of program termination.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Sharp] is recognized.

MR. SHARP: Mr. Speaker, let me clarify for Members of the House, we do not plan to take any more time on the debate of the issue. We had an hour debate on this. The distinguished chairman of the committee and the ranking minority member agrees that we will not further debate the issue this evening, but proceed to the vote.

Mr. Speaker, this is the motion to instruct that the House stay with its position to terminate the advanced liquid metal reactor that it adopted in the regular order of business.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the motion to instruct.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Indiana [Mr. Sharp] to the motion to instruct offered by the gentleman from Indiana [Mr. Myers].

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

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

THE SPEAKER PRO TEMPORE: All those in favor of taking the vote by the

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15. See 140 CONG. REC. 18868, 18869, 103d Cong. 2d Sess., Aug. 1, 1994.

16. Alcee L. Hastings (Fla.).

yeas and nays will rise and remain standing.

MR. SHARP: Mr. Speaker, I withdraw my demand for the yeas and nays.

The amendment was agreed to.

§ 12. Binding Effect and Scope of Instructions; Violation of Instructions

Application to Senate Conferees

§ 12.1 Instructions of the House apply only to the conferees on the part of the House and do not apply to the conferees of the Senate.

On July 12, 1946,[17] Mr. Francis H. Case, of South Dakota, made a point of order in regard to the conference report on H.R. 6777, the 1947 government corporations appropriation bill.

MR. CASE of South Dakota: Mr. Speaker, it is my recollection that at the time this conference report was before the House previously a motion was made by the gentleman from Pennsylvania [Mr. Rich] instructing the conferees to disagree to the Senate amendment and insist upon our position. I have been told inferentially that at the conference no attempt was made to have the other body vote upon the disagreement. At least I have found no record of a vote by the other body. Under the precedents of the House, when one body proposes an amendment and it subsequently is taken to the other body and there is disagreed to, in comity the body proposing the matter should at least take a vote upon the proposition or recede from its position. It seems reasonable that the other body would do so, if the conferees were to follow the instructions given them. Consequently, I make the point of order that the conferees have disregarded their instructions and exceeded their authority in bringing the matter back to the House for a vote before it has been considered by the other body.

THE SPEAKER:[18] Of course, the instructions of the House could apply only to the conferees on the part of the House. They could not apply to the conferees on the part of the Senate. The Chair overrules the point of order.[19]

Advisory Nature of Instructions

§ 12.2 Motions to instruct conferees are in the nature of advisory instructions to the managers on the part of the House; they are not binding in a strict sense, since the House, by independent action, cannot compel specific

17. 92 CONG. REC. 8809, 8810, 79th Cong. 2d Sess.

18. Sam Rayburn (Tex.).

19. See also 79 CONG. REC. 12272, 74th Cong. 1st Sess., Aug. 1, 1935.