§ 2. Motions, Resolutions, and Requests for Conference

Motion for Conference

§ 2.1 In the 89th Congress, Rule XX clause 1 was amended to make in order a motion to send a bill to conference.

On Jan. 4, 1965,[9] Mr. Carl Albert, of Oklahoma, called up House Resolution 8.

MR. ALBERT: Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 8

Resolved, That the Rules of the House of Representatives of the Eighty-eighth Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby adopted as the Rules of the House of Representatives of the Eighty-ninth Congress, with the following amendments therein as a part thereof, to wit . . .

In rule XX, strike out clause 1 and insert:

"1. Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, originating in the House, it would be subject to that point: *Provided, however,* That a motion to disagree with the amendments of the Senate to a House bill or resolution and request or agree to a conference with the Senate, or a motion to insist on the House amendments to a Senate bill or resolution and request or agree to a conference with the Senate, shall always be in order if the Speaker, in his discretion, recognizes for that purpose and if the motion is made by direction of the committee having jurisdiction of the subject matter of the bill or resolution." . . .

MR. ALBERT: . . . [N]ow I yield to our distinguished Speaker, the gentleman from Massachusetts [Mr. McCormack].

MR. [JOHN W.] MCCORMACK: . . . Certainly when a bill is going to conference the regular procedure is for the Member in charge to ask unanimous consent for the bill to go to conference. In 19 cases out of 20 or even 29 cases out of 30 unanimous consent is granted. It is very seldom unanimous consent is not granted for a bill to go to conference. This proposed rule would permit the will of the House to be ascertained and the majority of the Members present and voting then could send the bill to conference.

Raising Question of Consideration Against Motion To Send to Conference

§ 2.2 A Member may raise the question of consideration (Rule XVI clause 3) against a motion to send a bill to conference under Rule XX clause 1; but since the question of consideration is not subject

9. 111 CONG. REC. 21–25, 89th Cong. 1st Sess.

to debate, it is not subject to the motion to lay on the table. However, an affirmative vote on the question of consideration is subject to the motion to reconsider, and that motion can be laid on the table.

On Oct. 4, 1994,[10] the Chair had just ruled that a motion to send to conference S. 21, the California Desert Protection Act of 1994, offered by Mr. George Miller, of California, was properly before the House under Rule XX clause 1.[11] Before the proponent of the motion was recognized for debate, a Member raised the question of consideration. When the Speaker stated the question: "Will the House now consider the motion?", the proponent of the underlying motion moved to lay on the table the question of consideration. When that motion was ruled inapplicable, a motion to reconsider the decision of the House to consider the motion was entertained and then, by motion, laid on the table.

MR. [JOHN T.] DOOLITTLE of California: Mr. Speaker, pursuant to rule XVI, I ask that the question of consideration be put.

MR. MILLER of California: Mr. Speaker, I move to table the motion.

THE SPEAKER PRO TEMPORE:[12] The motion to table is not in order at this point. . . .

So the House agreed to consider the motion offered by the gentleman from California [Mr. Miller].

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: Without objection, a motion to reconsider is laid on the table.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. MILLER of California: Mr. Speaker, I move to reconsider the vote on the question of consideration.

MR. [BILL] RICHARDSON [of New Mexico]: Mr. Speaker, I move to lay the motion to reconsider on the table.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from New Mexico [Mr. Richardson] to lay on the table the motion to reconsider offered by the gentleman from California [Mr. Miller].

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

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

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10. 140 CONG. REC. 27643, 27644, 103d Cong. 2d Sess.

11. *House Rules and Manual* § 827 (1997).

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

Motion To Table Motion To Go to Conference

§ 2.3 A motion to send a bill to conference, being debatable under the hour rule, is subject to the motions under Rule XVI clause 4; and when the previous question is ordered on the motion, a motion to lay on the table the substantive motion to go to conference is preferential and is first put.

After protracted parliamentary proceedings to prevent consideration of a motion to send a bill to conference under Rule XX clause 1,[13] the motion was eventually debated. When the previous question was moved by the proponent of the motion after debate, the following proceedings ensued:[14]

MR. [GEORGE] MILLER of California: Mr. Speaker, pursuant to rule XX, I have been directed by the Committee on Natural Resources to insist on the House amendment to S. 21, the California Desert Protection Act, and agree to a conference. The California Desert Protection Act upgrades Death Valley and Joshua Tree National Monument, and in addition the legislation designates approximately 3.9 million acres of wilderness.

Mr. Speaker, I ask unanimous consent that the time allotted be equally divided between the majority and the minority, which, I believe, entitles the minority to 30 minutes and the majority to 30 minutes.

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

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Miller] will be recognized for 30 minutes, and the gentleman from Utah [Mr. Hansen] will be recognized for 30 minutes.

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

MR. MILLER of California: . . . Agreement has now been reached on both sides of the aisle in the Senate to allow us to go to conference. The motions have been made and carried out, and the Senate awaits the House in the conference committee. . . .

THE SPEAKER PRO TEMPORE: All time of the gentleman from Utah [Mr. Hansen] has expired.

MR. MILLER of California: Mr. Speaker, I yield back the balance of my time and I move the previous question.

MOTION TO TABLE OFFERED BY MR. LEWIS OF CALIFORNIA

MR. [JERRY] LEWIS of California: Mr. Speaker, I move to table the previous question.

THE SPEAKER PRO TEMPORE: Does the gentleman from California move to lay

13. *House Rules and Manual* § 827 (1997).

14. See 140 CONG. REC. 27644–52, 103d Cong. 2d Sess., Oct. 4, 1994 (S. 21).

15. William J. Hughes (N.J.).

on the table the original motion to go to conference.

MR. LEWIS of California: The previous question, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from California he cannot lay on the table the motion for the previous question.

MR. LEWIS of California: Mr. Speaker, I move that the pending motion be laid on the table.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from California [Mr. Lewis] to table the motion offered by the gentleman from California [Mr. Miller] to go to conference.

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

MR. LEWIS of California: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 144, nays 259, not voting 31. . . .

Mr. Lewis of Florida changed his vote from "nay" to "yea."

So the motion to table the motion to [go to conference] was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

MR. [JOHN T.] DOOLITTLE [of California]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. DOOLITTLE: Mr. Speaker, was the motion to reconsider laid on the table?

THE SPEAKER PRO TEMPORE: No.

MR. DOOLITTLE: I ask unanimous consent to lay it on the table, in that event.

THE SPEAKER PRO TEMPORE: Without objection, a motion to reconsider the motion to lay on the table the motion to go to conference is laid on the table.

The question is on ordering the previous question on the motion to go to conference.

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

RECORDED VOTE

MR. [HOWARD P. (BUCK)] MCKEON [of California]: Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 144, not voting 25. . . .

Mr. Zeliff and Mr. Hall of Texas changed their vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MR. [BILL] BAKER of California: Mr. Speaker, I move to reconsider the vote by which the House agreed to ordering the previous question.

MR. MILLER of California: Mr. Speaker, I move to table the motion offered by the gentleman from California [Mr. Baker].

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from California [Mr. Miller] to table the motion offered by the gentleman from California [Mr. Baker] to reconsider the vote on ordering the previous question.

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

RECORDED VOTE

MR. BAKER of California: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 143, not voting 18. . . .

So the motion to table was agreed to.

Motion To Commit Motion To Go to Conference

§ 2.4 After the previous question had been ordered on a motion to send a bill to conference, a motion to commit that motion to another committee having partial jurisdiction over the bill was entertained, rejected, and a motion to reconsider that vote was then laid on the table.

Under Rule XVII clause 1,[16] a motion to commit is in order "pending the motion for, or after the previous question shall have been ordered" on a pending motion. On the occasion noted here,[17] the motion was offered after the previous question had been ordered on the motion to send S. 21, the California Desert Protection Act, which had been reported by the Committee on Interior and Insular Affairs, to conference. The motion to commit was therefore not subject to debate (but would have been, under Rule XVII, if offered pending the motion for the previous question). This rather innovative use of the motion to commit, to refer the matter to the committee to which the bill had been sequentially referred but which had not reported to the House, is noted here.

MOTION TO COMMIT

MR. [RANDY (DUKE)] CUNNINGHAM [of California]: Mr. Speaker, pursuant to rule XVII, clause 1, I move to commit the motion to go to conference to the Committee on Merchant Marine and Fisheries.

THE SPEAKER PRO TEMPORE:[18] The question is on the motion offered by the gentleman from California [Mr. Cunningham] to commit the motion to go to conference to the Committee on Merchant Marine and Fisheries.

16. *House Rules and Manual* § 804 (1997).

17. See 140 CONG. REC. 27652–54, 103d Cong. 2d Sess., Oct. 4, 1994.

18. William J. Hughes (N.J.).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 277, not voting 16. . . .

MOTION TO RECONSIDER THE VOTE ON MOTION TO COMMIT

MR. [HOWARD P. (BUCK)] MCKEON [of California]: Mr. Speaker, I move to reconsider the vote by which the House did not agree to the motion to commit.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from California [Mr. McKeon] who voted on the prevailing side to reconsider the vote by which the House did not agree to the motion to commit.

MOTION TO TABLE OFFERED BY MR. MILLER OF CALIFORNIA

MR. [GEORGE] MILLER of California: Mr. Speaker, I move to lay on the table the motion to reconsider the vote offered by the gentleman from California [Mr. McKeon].

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from California [Mr. Miller] to lay on the table the motion to reconsider the vote offered by the gentleman from California [Mr. McKeon].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 280, noes 141, not voting 13. . . .

So the motion to lay on the table the motion to reconsider the vote on the motion to commit the motion to agree to a conference was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from California [Mr. Miller] to insist on the House amendments and agree to a conference on S. 21.

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

RECORDED VOTE

MR. [JERRY] LEWIS of California: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 140, not voting 11. . . .

MR. [JOHN T.] DOOLITTLE [of California]: Mr. Speaker, I move to reconsider the vote by which the House has agreed to the motion to agree to go to conference on S. 21.

MR. MILLER of California: Mr. Speaker, I move to lay on the table the motion to reconsider offered by the gentleman from California [Mr. Doolittle].

THE SPEAKER PRO TEMPORE:[19] The question is on the motion to lay on the table the motion to reconsider.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 282, noes 140, not voting 12. . . .

Mr. Jacobs changed his vote from "no" to "aye."

So the motion to lay on the table the motion to reconsider was [agreed to].

Motion Where Unanimous Consent Not Granted

§ 2.5 Where objection is raised to a unanimous-consent request to take a House bill with Senate amendment from the Speaker's table and request a conference with the Senate, the bill remains on the table and is subject to further action by the House; and it may be sent to conference by motion under Rule XX clause 1 if such action is authorized by the legislative committee having jurisdiction of the legislation.

On May 29, 1968,[20] Speaker John W. McCormack, of Massachusetts, recognized Mr. Emanuel Celler, of New York:

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5037) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and request a conference with the Senate thereon.

The Clerk read the title of the bill.

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

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, reserving the right to object, in order that the House may be fully advised as to the procedural options and alternatives I propose to propound under my reservation a series of parliamentary inquiries.

Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. POFF: If objection is registered to the unanimous-consent request, will the effect be to send the bill either to the Committee on Rules or to the Committee on the Judiciary for a resolution instructing the chairman of the Committee on the Judiciary to make a motion that the bill go to conference?

THE SPEAKER: In response the Chair will say if objection is made to the unanimous-consent request the bill will remain on the Speaker's desk. The Committee on the Judiciary could take action to authorize the chairman or any

20. 114 CONG. REC. 15499, 90th Cong. 2d Sess.

Member to make a motion to take the bill from the Speaker's desk for the purpose of sending it to conference.

Motion To Request Conference

§ 2.6 If there is an objection to a unanimous-consent request to take a House bill, with Senate amendment, from the Speaker's table and ask for a conference, a motion to achieve the same goal is in order, if authorized by the appropriate committee (and if the Speaker agrees to recognize for the motion).

On Aug. 26, 1976,[1] Speaker Carl Albert, of Oklahoma, responded to a parliamentary inquiry about the available methods for getting to conference as follows:

MR. [DAVID N.] HENDERSON [of North Carolina]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

PARLIAMENTARY INQUIRY

MR. [WILLIAM V.] ALEXANDER [Jr., of Arkansas]: Mr. Speaker, I desire to put a parliamentary inquiry to the Chair.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ALEXANDER: Mr. Speaker, if an objection is heard, is it not so that the procedure that would be followed is for the chairman of the committee to go to the committee, convene the committee, and get a motion to come back to the floor asking for a conference, and that that then would be subject to 1 hour of general debate? Is that not so?

THE SPEAKER: That is one avenue of approach, the gentleman is correct. . . .

MR. ALEXANDER: Mr. Speaker, I agree with the gentleman from North Carolina (Mr. Henderson). I do not want to delay the proceedings of this body either, and I will not object. However, I will advise the Speaker that I have a motion to instruct at the desk which I will insist upon offering immediately following the granting of the unanimous-consent request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

§ 2.7 Pursuant to Rule XX clause 1, the House may, on motion, disagree to Senate amendments to House amendments to a Senate bill

1. 122 CONG. REC. 27828, 27831, 94th Cong. 2d Sess.

and request a conference with the Senate.

On Dec. 17, 1970,[2] Mr. B. F. Sisk, of California, offered the following motion:

> Mr. Speaker,[3] pursuant to rule XX of the Rules of the House of Representatives and at the direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (S. 1181) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, with the Senate amendments to the House amendments thereto, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon. . . .
>
> THE SPEAKER: The question is on the motion offered by the gentleman from California. . . .
>
> The question was taken; and there were—yeas 214, nays 145, not voting 75.[4] . . .

2. 116 CONG. REC. 42195, 91st Cong. 2d Sess.
3. John W. McCormack (Mass.).
4. See also 118 CONG. REC. 7540, 92d Cong. 2d Sess., Mar. 8, 1972.

Point of Order Against Request To Go to Conference

§ 2.8 When the pending business was a unanimous-consent request to send a bill to conference, a point of order under Rule XX clause 1, and Rule XXIII clause 3, requiring consideration of Senate amendments in Committee of the Whole, has no application, and the point of order was overruled.

On Sept. 28, 1962,[5] the following occurred on the floor of the House:

> MR. [THOMAS J.] MURRAY [of Tennessee]: Mr. Speaker,[6] I ask unanimous consent to take from the Speaker's table the bill (H.R. 7927) to adjust postal rates and for other purposes, together with the Senate amendment thereto, disagree to the Senate amendment and request a conference with the Senate thereon.
>
> The Clerk read the title of the bill.
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> THE SPEAKER: Is there objection to the request of the gentleman from Tennessee? . . .
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> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, reserving the right to object, and I do so initially for the purpose of raising a point of order, the point of order being that H.R. 7927 contains a

5. 108 CONG. REC. 21149, 21150, 87th Cong. 2d Sess.
6. John W. McCormack (Mass.).

pay increase bill which has never been considered by the House of Representatives, involving some $1 billion.

Mr. Speaker, I invoke rule XX which provides as follows, paragraph 1:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union if, originating in the House, it would be subject to that point of order. . . .

Mr. Speaker, I further call attention to rule XXIII, paragraph 3, entitled "Bills Required To Be Considered in Committee of the Whole." Rule XXIII, paragraph 3, provides:

> All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. Speaker, I submit that the regular prescribed order under the rules is for the Speaker to refer such propositions as H.R. 7927 to the standing committee having jurisdiction.

THE SPEAKER: The Chair will state that the rules mentioned by the gentleman from Iowa are not involved at the present time. The matter before the House is the unanimous-consent request to send a bill to conference. The unanimous-consent request, if granted, would waive all rules mentioned by the gentleman from Iowa.

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

MR. GROSS: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

Entertaining Request for Conference in Legislative Schedule

§ 2.9 Where a series of bills are being considered under suspension of the rules and the Speaker has announced that votes will be postponed until the completion of the series, the practice of the House is to defer a request to send one of the bills to conference until after the completion of the deferred votes, so as to prevent interruption of five-minute votes by a possible motion to instruct and debate thereon.

The motion to instruct conferees at the time of original appointment is subject to one hour of debate and is, of course, susceptible to a demand for the yeas and nays or a record vote. Such a debate and vote would lengthen the time required for taking a series of postponed votes, and for this reason the House has adopted the practice described here. In this

instance,[7] there were seven deferred votes; the yeas and nays were ordered on all. The bill which was sent to conference was, in fact, subject to a motion to instruct when it was called up at the end of the votes on the seven bills.

THE SPEAKER PRO TEMPORE:[8] Pursuant to the provisions of clause 3(b)(3), rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

The unfinished business is the question of suspending the rules and passing the bill H.R. 8059, as amended.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Michigan (Mr. Conyers) that the House suspend the rules and pass the bill H.R. 8059, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14. . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 18 of the United States Code relating to the sexual exploitation of minors, and for other purposes."

A motion to reconsider was laid on the table.

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1585) to amend title 18, United States Code, to make unlawful the use of minors engaged in sexually explicit conduct for the purpose of promoting any film, photograph, negative, slide, book, magazine, or other print or visual medium, or live performance, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows. . . .

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

The Clerk read as follows:

> Mr. Conyers moves to strike out all after the enacting clause of the Senate bill S. 1585, and to insert in lieu thereof the provisions of H.R. 8059, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend title 18 of the United States Code relating to the sexual ex-

7. See 123 CONG. REC. 35024–26, 35029, 35030, 95th Cong. 1st Sess., Oct. 25, 1977.

8. Abraham Kazen, Jr. (Tex.).

ploitation of minors, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8059) was laid on the table.

THE SPEAKER PRO TEMPORE: The unfinished business is the question of suspending the rules and passing the bill H.R. 8358.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Michigan (Mr. Nedzi) that the House suspend the rules and pass the bill H.R. 8358, on which the yeas and nays are ordered. . . .

After the vote on H.R. 8358, four more suspensions and four more yea and nay votes intervened before the following request was entertained:

MR. CONYERS: Mr. Speaker, I ask unanimous consent to insist on the House amendment to the Senate bill (S. 1585) to amend title 18, United States Code, to make unlawful the use of minors engaged in sexually explicit conduct for the purpose of promoting any film, photograph, negative, slide, book, magazine, or other print or visual medium, or live performance, and for other purposes, and request a conference with the Senate thereon.

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

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object, I have a motion to instruct the conferees. I just want my rights to be protected.

THE SPEAKER PRO TEMPORE: The gentleman's rights will be protected.

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

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

There was no objection.

PREFERENTIAL MOTION TO INSTRUCT CONFEREES OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

> Mr. Ashbrook moves that the managers on the part of the House in the conference on the Senate bill S. 1585 be instructed to agree to those provisions of the Senate bill that were included on page 5, line 12, through page 7, line 2, of the Senate bill.

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

Committee Authorization for Motions To Go to Conference

§ 2.10 A motion to go to conference under Rule XX clause 1, is entertained at the discretion of the Speaker when authorized by the committee having jurisdiction of the measure, and where more than one committee has exercised jurisdiction and reported the measure, the motion discloses that each has authorized the motion.

The form of the motion to go to conference, as excerpted from the proceedings of July 7, 1988,[9] is carried to show that all committees which reported the measure met and authorized the action taken by the chairman of the Committee on Ways and Means, which, while the "lead committee," having reported first, had an equal number of conferees with the two other primary committees. The bill had not been referred to the Committee on Agriculture, but its jurisdiction was claimed at the time the measure was being readied for conference.

APPOINTMENT OF CONFEREES ON H.R. 1720, FAMILY WELFARE REFORM ACT OF 1987

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to clause 1 of the House rule XX and by direction of the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce, I move to take from the Speaker's table the bill H.R. 1720, to replace the existing AFDC program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

THE SPEAKER:[10] Does the gentleman from Illinois [Mr. Rostenkowski] seek time on the motion?

MR. ROSTENKOWSKI: Yes, I do, Mr. Speaker.

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

The Chair appoints the following conferees on H.R. 1720, the Family Welfare Reform Act:

From the Committee on Ways and Means, for consideration of the House bill (except title X), and the Senate amendment (except sections 203(b)(5), 203(b)(6), 302, 303, 402(d), and 509), and modifications committed to conference: Messrs. Rostenkowski, Downey of New York [and 8 more Members were named and listed].

From the Committee on Education and Labor, for consideration of title I and sections 202, 511, and 804 of the House bill, and title II and sections 502, 503, 506, 507, and 508 of the Senate amendment, and modifications committed to conference: Messrs. Hawkins, Ford of Michigan [and 8 more Members were named and listed].

From the Committee on Energy and Commerce, for consideration of title IV of the House bill, and sections

9. 134 CONG. REC. 16772, 16779, 100th Cong. 2d Sess.

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

203(b)(5), 203(b)(6), 302, 303, 402(d), 402(f), 404, 508, 509, 510, and 704 of the Senate amendment, as well as that portion of section 201 of the Senate amendment which adds a new section 417(f)(6) to the Social Security Act, and modifications committed to conference: Messrs. Dingell, Waxman [and 8 more Members were named and listed].

From the Committee on Agriculture, for consideration of title X and section 801 of the House bill, and modifications committed to conference: Messrs. de la Garza, Panetta [and 8 more Members were named and listed].

§ 2.11 Although a motion to go to conference under Rule XX clause 1 normally must be authorized by all committees having been included in a joint referral of the bill, a "lead" committee under the specific terms of such a referral may act alone to generate the motion.

H.R. 5269, the Comprehensive Crime Control Act of 1990, was referred jointly to five House committees; but the Committee on the Judiciary was signaled as the "lead" committee by the terms of the referral: the remaining four committees were directed to report to the House within three days of the filing of a report by the Committee on the Judiciary. After Judiciary reported, other committees were added as "sequential" referrals. Ten committees were included in the mix of conferees. The motion to go to conference, which was not contested, is carried here.[11]

MR. [JACK B.] BROOKS [of Texas]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 5269) to control crime, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[12] The question is on the motion offered by the gentleman from Texas [Mr. Brooks].

The motion was agreed to.

Committee Authorization To Move To Go to Conference

§ 2.12 A motion to send a bill to conference under Rule XX clause 1, is privileged if offered at the direction of the only committee that reported the measure to the House and need not be authorized by a committee which has received a referral, joint or sequential, but has not reported thereon.

On Oct. 4, 1994,[13] the House had before it a motion to insist on

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11. 136 CONG. REC. 34090, 101st Cong. 2d Sess., Oct. 25, 1990.

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

13. 140 CONG. REC. 27642, 27643, 103d Cong. 2d Sess.

its amendments to a Senate bill and agree to a conference requested by the Senate. Before debate on the motion began, a point of order was raised that the motion was not in order, not having been authorized by one of the committees of the House to which the Senate bill had been referred. The point of order and the Chair's response are included here.

REQUEST FOR APPOINTMENT OF CONFEREES ON S. 21, CALIFORNIA DESERT PROTECTION ACT OF 1994

MR. [GEORGE] MILLER of California: Mr. Speaker, pursuant to clause 1, rule XX, and by the direction of the Committee on Natural Resources, I move to take from the Speaker's table the Senate bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

MR. [JAMES V.] HANSEN [of Utah]: Mr. Speaker, I ask unanimous consent that the time for debate be equally divided between the majority and the minority.

POINT OF ORDER

MR. [RICHARD V.] POMBO [of California]: Mr. Speaker, I have a point of order.

THE SPEAKER PRO TEMPORE:[14] The gentleman will state his point of order.

MR. POMBO: Mr. Speaker, I make a point of order that the Committee on Merchant Marine and Fisheries to which the bill S. 21 was referred, has not authorized the pending motion in violation of clause 1 of rule XX.

THE SPEAKER PRO TEMPORE: The gentleman makes a point of order that the motion is out of order.

Does the gentleman from California desire to be heard on the point of order?

MR. MILLER of California: Mr. Speaker, to make the point of order that the primary committee of jurisdiction was authorized to ask to go to conference.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule.

MR. POMBO: Mr. Speaker, may I be heard on that before the Chair responds?

THE SPEAKER PRO TEMPORE: The gentleman is recognized to be heard further on the point of order.

MR. POMBO: Mr. Speaker, I serve on both the Committee on Natural Resources and the Committee on Merchant Marine and Fisheries, to which S. 21 was also referred. Unfortunately, the referral to Merchant Marine and Fisheries was very short and that committee did not file a report on the bill. The net result is that my Merchant Marine and Fisheries colleagues did not have an opportunity to debate this bill in committee. Now it appears that the Committee on Merchant Marine and Fisheries will not have a role in making the recommendation to the

14. William J. Hughes (N.J.).

House with regard to insisting or receding from the Senate amendments to S. 21.

Mr. Speaker, it is my understanding that, under rule XX and the precedents of the House, a privileged motion to go to conference must be authorized by both committees to which a bill has been jointly referred. I have been told that this precedent was decided prior to the time when sequential referrals were used in the House. I believe that the interests of the House would be best served if this interpretation were extended to sequential as well as joint referrals to ensure that all committees of jurisdiction on a bill will be treated as equal partners in the process.

I do not believe that the Speaker has yet ruled on this precise issue and insist on my point of order to clarify the matter.

THE SPEAKER PRO TEMPORE: Does the gentleman from California [Mr. Miller] desire to be further heard on the point of order?

MR. MILLER of California: Yes, Mr. Speaker. The Committee on Natural Resources is the primary committee of jurisdiction here. There was a referral to the Committee on Merchant Marine and Fisheries. They could have exercised whatever actions they decided to. They did not decide to do that. By reason of the fact that we remain the primary committee, we have been instructed by our committee to go to conference on this matter.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule.

The gentleman from California makes the point of order that, to be privileged under clause 1 of rule XX, the motion must be authorized not only by the Committee on Natural Resources but also by the Committee on Merchant Marine and Fisheries.

Under clause 1 of rule XX, a motion to send a bill to conference is always in order if the Speaker, in his discretion, recognizes for that purpose and if the motion is made at the direction of all reporting committees having original jurisdiction over the bill. The Chair is guided by the precedent of September 26, 1978,[15] standing for the proposition that the motion must be authorized by each committee of joint referral that has reported the measure to the House.

In the instant case, the Committee on Merchant Marine and Fisheries was a committee of sequential referral of the House bill and did not report thereon to the House. The instant motion is therefore, offered at the direction of the only committee of original referral of the House bill, and the only committee that reported thereon to the House—the Committee on Natural Resources. Accordingly, the motion is privileged under clause 1 of rule XX.

The point of order is overruled.

Repetition of Motion To Go to Conference

§ 2.13 Rule XX clause 1 provides that it shall always be in order for the Speaker, in his discretion, to recognize for a motion to disagree to a Senate amendment and re-

15. See 124 CONG. REC. 31623, 95th Cong. 2d Sess.

quest or agree to a conference if the motion is authorized by the committee having jurisdiction over the bill; this rule has been interpreted by the Speaker to permit the repetition of such a motion (1) where the committee had met again (after the House's rejection of the first motion) to authorize its chairman to make a second motion and (2) where no other motions were then in order to dispose of the Senate amendment, the stage of disagreement not having been reached.

On Oct. 3, 1972,[16] Speaker Carl Albert, of Oklahoma, recognized Mr. Carl D. Perkins, of Kentucky, to move to take from the Speaker's table H.R. 7130, to amend the Fair Labor Standards Act of 1938, with the Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon. Mr. John B. Anderson, of Illinois, rose with a point of order.

MR. ANDERSON of Illinois: Mr. Speaker, I make a point of order that the motion of the gentleman from Kentucky is contrary to the provisions of clause 1 of rule XX, disregards the established precedents of the House and is not in order, and I request an opportunity to be heard on the point of order.

THE SPEAKER: The gentleman may be heard on his point of order.

MR. ANDERSON of Illinois: Mr. Speaker, the gentleman from Kentucky's motion, to take the bill H.R. 7130 from the Speaker's desk, to disagree with the Senate amendments, and request a conference with the Senate thereon, is in violation of clause 1 of rule XX.[17] . . .

On August 1, 1972, the Committee on Education and Labor directed the gentleman from Kentucky to make a motion to disagree with the Senate amendments to the bill H.R. 7130 and to request a conference. A motion pursuant to the direction of the committee was made on August 1 and defeated by a rollcall vote of 198 to 190—*Congressional Record* pages 26152–26156. Furthermore, motion to reconsider was at that time made and laid on the table. Reconsideration of the original motion is therefore not in order. . . .

Mr. Speaker, it is a firmly settled canon of general parliamentary law, including the rules and precedents of this body, that once motions have been made, and have failed, similar motions cannot be made during the same stage of proceedings. To permit otherwise would be to obviate any semblance of orderly procedure. . . .

The Chair is aware of the precedent found in section 6325 of volume V of

16. 118 CONG. REC. 33502, 33503, 92d Cong. 2d Sess.

17. *House Rules and Manual* § 827 (1997).

Hinds' Precedents. That precedent has the following summary in its caption:

> A motion to request a conference on disagreeing votes of the two Houses having been rejected, may not be repeated at the same stage of the question, even though a recess of Congress may have intervened.

This precedent is clear. The present motion of the gentleman from Kentucky is not in order, and clause 1 of rule XX was not intended to supersede this precedent or to grant more than one opportunity for the House to work its will on this issue. . . .

THE SPEAKER: Does the gentleman from Kentucky (Mr. Perkins) desire to be heard on the point of order?

MR. PERKINS: Yes, Mr. Speaker.

THE SPEAKER: The gentleman from Kentucky is recognized.

MR. PERKINS: Mr. Speaker, the point of order should not be sustained. The rule of the House under which I am proceeding is clause 1 of rule XX which in part reads:

> *Provided, however,* That a motion to disagree with the amendments of the Senate to a House Bill or Resolution and request or agree to a conference with the Senate or a motion to insist on the House amendments to a Senate Bill or Resolution and request or agree to a conference with the Senate, *shall always be in order* if the Speaker, in his discretion recognizes for that purpose and if the motion is made by the direction of the Committee having jurisdiction over the subject matter of the bill or resolution.

Mr. Speaker, the rule is very clear. It says this motion shall always be in order if two conditions are met. First, the Speaker must recognize a Member for the purpose of making the motion and second, the motion must be made after the committee having jurisdiction over the subject matter has directed the Member to make the motion.

Mr. Speaker, the committee has directed me to make this motion.

It is certainly true that on August 1 the House Education and Labor Committee directed me to make a similar motion under the rule with respect to this legislation and the motion was made and defeated. But subsequent to that time and specifically on Tuesday, August 8, 1972, the committee directed that I make this motion with respect to this legislation. . . .

THE SPEAKER: The Chair is ready to rule. The gentleman from Kentucky has moved, pursuant to clause 1 of rule XX, that the House disagree with the amendments of the Senate to the bill H.R. 7130 and request a conference with the Senate. The gentleman states that he has been authorized to make this motion by the Committee on Education and Labor by its action of August 8, 1972.

The gentleman from Illinois (Mr. Anderson) has raised a point of order against this motion on the ground that since the House has once rejected such a motion, it cannot be repeated.

In support of his argument, the gentleman cites a precedent which is found in volume V, section 6325, of Hinds' Precedents.

The Chair has examined that precedent—which carries the following headnote:

> A motion to request a conference on disagreeing votes of the two Houses having been rejected, may not be repeated at the same stage of

the question, even though a recess of Congress may have intervened.

The Chair believes that precedent is clearly distinguishable from the present situation. In that case, which the Chair notes occurred in the 34th Congress, the two Houses had reached the stage of disagreement with respect to the Senate amendments to the House bill. The stage of disagreement having been reached, there were other motions available in the House which could be used to dispose of the amendments in disagreement. A reading of that precedent shows that after the Speaker had declined to recognize for a second motion that the House ask a further conference with the Senate, the first such motion having already been rejected, the House at a later time did in fact consider the motions to recede from disagreement and to adhere.

In the present situation, the Chair notes that the stage of disagreement has not been reached. Any action on the Senate amendments to the House bill—that is to take the bill from the Speaker's table and to concur, to concur with amendment, to disagree—would have to be by unanimous consent.

The only motion which is in order under the present situation under the rules of the House is to disagree and ask a conference.

The Chair thinks it should also be pointed out that rule XX, clause 1—the portion thereof making such a motion in order—was adopted in the 89th Congress.

It is obviously a much later expression of the House than the precedent cited from the 34th Congress.

Parliamentarian's Note: No further action was taken by the House on the Senate amendment to H.R. 7130 and the bill remained on the Speaker's table at the expiration of the 92d Congress.

Debate on Motion

§ 2.14 A Member making a motion to send a bill to conference under Rule XX clause 1 is recognized for one hour and is in control of the debate on the motion.

On Aug. 1, 1972,[18] Mr. Carl D. Perkins, of Kentucky, offered a motion to take from the Speaker's table H.R. 7130, amending the Fair Labor Standards Act of 1938, with Senate amendments thereto, disagree to the amendments and request a conference with the Senate thereon. Mr. John L. Erlenborn, of Illinois, posed a parliamentary inquiry.

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

THE SPEAKER:[19] The gentleman will state it.

MR. ERLENBORN: Is there time to debate the motion offered by the gentleman from Kentucky?

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18. 118 CONG. REC. 26153, 26156, 92d Cong. 2d Sess.

19. Carl Albert (Okla.).

THE SPEAKER: It is under the 1-hour rule. The gentleman from Kentucky controls the time. The gentleman from Kentucky is recognized.[20]

§ 2.15 The previous question having been ordered on a motion to send a bill to conference under Rule XX clause 1, further debate may be had on the motion only by unanimous consent.

On July 9, 1970,[1] Speaker John W. McCormack, of Massachusetts, recognized Mr. Thomas E. Morgan, of Pennsylvania.

MR. MORGAN: Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Foreign Affairs, I move to take from the Speaker's table the bill (H.R. 15628) to amend the Foreign Military Sales Act, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Morgan) is recognized for 1 hour on his motion.

MR. MORGAN: Mr. Speaker, I have no desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question. . . .

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

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

The question was taken; and there were—yeas 247, nays 143, not voting 41. . . .

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

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

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

Recognition for Motion To Go to Conference Is at Discretion of Speaker

§ 2.16 A motion to go to conference under Rule XX clause 1 is in order at the Speaker's discretion, when authorized by the committee of jurisdiction; and the Speaker has exercised his discretion not to recognize the chairman of the reporting committee for the motion where he has referred a nongermane Senate amendment to the bill to an-

20. See also 116 CONG. REC. 5722, 91st Cong. 2d Sess., Mar. 3, 1970; and 114 CONG. REC. 23935, 90th Cong. 2d Sess., July 29, 1968.

1. 116 CONG. REC. 23518, 23524, 91st Cong. 2d Sess.

other committee having jurisdiction over the amendment.

On June 28, 1984,[2] the Speaker declined to recognize the chairman of a House committee to send a bill to conference under Rule XX clause 1, where he had earlier on that day acceded to the request of another House committee to refer a particular Senate amendment because of a valid jurisdictional claim.

MOTION OFFERED TO CONSIDER SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION ACT

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 1310) to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

THE SPEAKER:[3] The Chair would advise the gentleman from Kentucky [Mr. Perkins] that the Chair has referred a portion of the Senate amendment to the gentleman's committee and to the Committee on the Judiciary.

Consequently, under the rule, the gentleman is not recognized to make the motion. . . .

MR. PERKINS: Mr. Speaker, there is not one thing in this so-called equal access or the math and science bill that refers to any legal remedy.

I do not want to see this bill sent to a burial committee.

In view of the Speaker's ruling, the only committees that have jurisdiction over this bill are the Committee on Education and Labor and the Committee on Science and Technology. . . .

I repeat again, I know this referral is not justified under the law to the Committee on the Judiciary. . . .

THE SPEAKER: . . . In the opinion of the Parliamentarian, as stated to the Speaker, the Committee on the Judiciary has partial jurisdiction over a portion of the Senate amendment. This was a nongermane Senate amendment. The Speaker is following the precedent that he has announced in this Congress.

The gentleman is asking for the unusual and in fairness, the committee has not had hearings on it. The Judiciary Committee is entitled to a referral and the Chair is referring the matter to that committee and to the Committee on Education and Labor until August 6. . . .

REFERRAL OF SENATE AMENDMENT UNDER TIME LIMITATION

Pursuant to clause 5, rule X and clause 2, rule XXIV, the Senate amendment to the bill (H.R. 1310) to

2. 130 CONG. REC. 19770, 19983, 98th Cong. 2d Sess.

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

provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs; and for other purposes, was referred from the Speaker's table to the Committees on Education and Labor and the Judiciary, for a period ending not later than August 6, 1984, solely for consideration of such provisions of title VIII of the Senate amendment as fall within the jurisdictions of the committees under clauses 1(g) and (m), rule X.

Parliamentarian's Note: When the Speaker exercises his authority under Rule X clause 5(a) to refer a Senate amendment to a House bill to a House committee, he does so by indicating the referral on the official papers at the desk. The referral is later noted in the Journal and the *Congressional Record* for that date. Such a referral would not prevent the motion to go to conference, if the Speaker wished to exercise his discretion and recognize for a motion properly authorized by a committee. In the instant case, the committee to which he had earlier that same day referred the Senate amendment had not had an opportunity to evaluate the amendment.

Motion To Agree to Conference, No Layover Required

§ 2.17 The motion to send a bill to conference under Rule XX clause 1,[4] is privileged when the House is in possession of the official papers and the appropriate committee has authorized the motion and the Speaker, in his discretion, recognizes for the motion.

The motion to go to conference before the stage of disagreement was added to the House rules in 1965.[5] There is no requirement for a "layover" period before the motion can be made and a Member may seek the Speaker's recognition immediately after the appropriate committee (or committees) has authorized the motion. The inquiry asked of the Chair on Mar.

4. *House Rules and Manual* § 827 (1997).
5. See 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965 (H. Res. 5). Before the adoption of this rules change, a conference was normally asked by unanimous consent or by a motion to suspend the rules, unless the Committee on Rules reported, and the House adopted, a special order giving the motion a privileged status.

20, 1975,[6] carried below, is illustrative:

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Speaker, in accordance with rule XX of the House rules and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 4592) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, 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] The question is on the motion offered by the gentleman from Louisiana (Mr. Passman).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER: The Chair will state that no objection is in order.

The motion was agreed to.

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, does this report not have to lay over for a period of time prior to the request being made for conferees?

THE SPEAKER: Not for the appointment of conferees.

MR. BAUMAN: Then, Mr. Speaker, it is in order today?

THE SPEAKER: The motion to send the bill to conference is in order today.

MR. BAUMAN: I thank the Chair.

THE SPEAKER: The Chair appoints the following conferees: Messrs. Passman, Long of Maryland, Roush, Obey, Bevill, Chappell, Koch, Early, Mahon, Shriver, Conte, Coughlin, and Cederberg.

Amendment to Motion

§ 2.18 The Speaker has indicated that a motion to send a bill to conference under Rule XX clause 1, could not be amended to include instructions to House conferees, but that a motion to instruct could be offered following the adoption of the motion to go to conference.

On Oct. 19, 1971,[8] Mr. F. Edward Hébert, of Louisiana, introduced the following motion after objection was heard to a unanimous-consent request to the same effect.

MR. HÉBERT: Mr. Speaker, by direction of the Committee on Armed Services, I move to take from the Speaker's table the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons,

6. 121 CONG. REC. 7646, 94th Cong. 1st Sess.
7. Carl Albert (Okla.).
8. 117 CONG. REC. 36832–35, 92d Cong. 1st Sess.

and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, together with Senate amendments, thereto disagree to the Senate amendments, and agree to the conference request by the Senate.

THE SPEAKER:[9] The gentleman from Louisiana is recognized for 1 hour on his motion.

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

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

MR. [LUCIEN N.] NEDZI [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. NEDZI: Mr. Speaker, is the motion of the gentleman from Louisiana amendable?

THE SPEAKER: Not if the previous question is ordered.

MR. NEDZI: If the previous question is voted down, can the motion be amended by instructing the conferees?

THE SPEAKER: Not on this particular motion, but a motion to instruct is in order following the adoption of the motion of the gentleman from Louisiana.

MR. NEDZI: Do I understand correctly that a motion to instruct as an amendment to the motion of the gentleman from Louisiana is not in order?

THE SPEAKER: This motion now under consideration only goes to the question of sending the bill to conference.

9. Carl Albert (Okla.).

Vote on Motion

§ 2.19 Where there was pending a motion under Rule XX clause 1, to send a bill to conference, the Speaker indicated that a majority and not a two-thirds vote would be required to adopt the motion.

On Nov. 16, 1971,[10] after Mr. George H. Mahon, of Texas, moved pursuant to Rule XX clause 1, to send House Joint Resolution 946 (continuing appropriations for fiscal 1972) to conference, Mr. H. R. Gross, of Iowa, posed several parliamentary inquiries.

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

THE SPEAKER:[11] The gentleman will state his parliamentary inquiry.

MR. GROSS: Mr. Speaker, my second parliamentary inquiry is this: This would require a two-thirds vote; would it not?

THE SPEAKER: The Chair will state that it would not require a two-thirds vote; only a majority vote.

Rules Committee Resolutions Agreeing to or Requesting Conference

§ 2.20 The House may adopt a resolution taking from the

10. 117 CONG. REC. 41555, 92d Cong. 1st Sess.

11. Carl Albert (Okla.).

Speaker's table a House bill with Senate amendments, disagreeing to the amendments, and agreeing to a conference requested by the Senate.

On Aug. 9, 1949,[12] Mr. J. Vaughan Gary, of Virginia, sought unanimous consent to take from the Speaker's table the bill H.R. 4830 with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate. After Mr. Vito Marcantonio, of New York, objected to the request, the following occurred:

> Mr. Lyle, from the Committee on Rules, reported the following privileged resolution (H. Res. 320, Rept. No. 1241), which was referred to the House Calendar and ordered to be printed:
>
> *Resolved,* That upon the adoption of this resolution the bill (H.R. 4830) making appropriations for foreign aid for the fiscal year ending June 30, 1950, 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 they are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.
>
> MR. [JOHN E.] LYLE [Jr., of Texas]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.
>
> The Clerk read the resolution. . . .
>
> THE SPEAKER:[13] The question is, Will the House now consider the resolution?
>
> The question was taken; and on a division (demanded by Mr. Marcantonio) there were—ayes 298, noes 4.
>
> So (two-thirds having voted in favor thereof) the House agreed to consider the resolution.[14]
>
> THE SPEAKER: The gentleman from Texas [Mr. Lyle] is recognized. . . .
>
> MR. LYLE: Mr. Speaker, I move the previous question.
>
> The previous question was ordered.
>
> THE SPEAKER: The question is on the resolution.
>
> MR. MARCANTONIO: Mr. Speaker, on that I demand the yeas and nays.
>
> The yeas and nays were refused.
>
> The resolution was agreed to.[15]

§ 2.21 The House may adopt a resolution taking a Senate bill, with a Senate amendment to a House amendment

12. 95 CONG. REC. 11139–42, 81st Cong. 1st Sess.

13. Sam Rayburn (Tex.).

14. Resolutions reported from the Committee on Rules may not be considered on the same day they are presented to the House unless so ordered by a vote of two-thirds of the Members. Rule XI clause 4(b), *House Rules and Manual* § 729a (1997).

15. See also 100 CONG. REC. 8456, 83d Cong. 2d Sess., June 21, 1954; and 89 CONG. REC. 7309, 78th Cong. 1st Sess., July 6, 1943.

thereto, from the Speaker's table, disagreeing to the Senate amendment, and agreeing to conference.

On Mar. 14, 1962,[16] 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 561 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> *Resolved,* That immediately upon the adoption of this resolution the bill (S. 1969) to amend the Federal Aviation Act of 1958, as amended, to provide for supplemental air carriers, and for other purposes, with the Senate amendment to the House amendment thereto be, and the same is hereby taken from the Speaker's table; that the House disagrees to the Senate amendment to the House amendment to the said bill and agrees to the conference requested by the Senate on the disagreeing votes thereon. . . .
>
> THE SPEAKER: The question is on the adoption of the resolution.
>
> The resolution was agreed to.
>
> A motion to reconsider was laid on the table.
>
> THE SPEAKER: The Chair appoints the following conferees: Messrs. Harris, Williams, Staggers, Friedel, Bennett of Michigan, Springer, and Collier.

16. 108 CONG. REC. 4049, 4056, 87th Cong. 2d Sess.

Unanimous Consent in Lieu of Motion

§ 2.22 A member of a House committee asked unanimous consent to insist on disagreement to Senate amendments and to agree to the further conference requested by the Senate, although a motion to accomplish that result would have been in order.

On Dec. 22, 1970,[17] Speaker Pro Tempore Carl Albert, of Oklahoma, recognized Mr. Otto E. Passman, of Louisiana, and the following occurred:

> MR. PASSMAN: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, insist on disagreement to the Senate amendments and agree to the further conference requested 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 Louisiana? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Pass-

17. 116 CONG. REC. 43398, 91st Cong. 2d Sess.

man, Natcher, Mrs. Hansen of Washington, and Messrs. Cohelan, Long of Maryland, McFall, Mahon, Shriver, Conte, Reid of Illinois, Riegle, and Bow.

There was no objection.

Parliamentarian's Note: A motion to accomplish this result was in order for two reasons. First, motions for the disposal of House bills with Senate amendments are in order after the stage of disagreement has been reached. Second, pursuant to Rule XX clause 1, the Speaker may always recognize a Member to offer such a motion if that motion is authorized by the committee having jurisdiction over the subject matter of the legislation.

Early Example of Making in Order Appointment of Conferees on Senate Bill Anticipated During Adjournment

§ 2.23 The House granted unanimous consent that the House disagree to amendments of the Senate and agree to a conference, and that the Speaker appoint conferees on a bill expected from the Senate during adjournment.

On Aug. 4, 1939,[18] Speaker William B. Bankhead, of Alabama, recognized Mr. Clifton A. Woodrum, of Virginia, to pose the following request:

The Clerk read as follows:

Mr. Woodrum of Virginia asks unanimous consent that the House disagree to the amendments of the Senate to the bill H.R. 7462, the third deficiency appropriation bill, and agree to the conference which may be asked by the Senate, and that the Speaker be authorized to appoint conferees on said bill, notwithstanding the adjournment of the House today.

THE SPEAKER: Is there objection? [After a pause.] The Chair hears none, and it is so ordered. . . .

In the event the Clerk receives the message tonight, under the unanimous-consent agreement, the Chair appoints the following conferees upon the part of the House: . . . .

The Journal entry for the following day, Aug. 5, 1939, records the message from the Senate:[19]

MESSAGE FROM THE SENATE

Pursuant to a special order agreed to on yesterday, the Clerk of the House received on that day a message from the Senate announcing that the Senate had passed with amendments, in which the concurrence of the House is requested, the bill (H.R. 7462) making

18. 84 CONG. REC. 11105, 76th Cong. 1st Sess.
19. H. Jour. p. 1083, 76th Cong. 1st Sess. (1939).

appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Adams, ... and Mr. Townsend, conferees on the part of the Senate.

Parliamentarian's Note: On Aug. 5, 1939,[20] the Senate informed the House that it had passed H.R. 7462 without amendment. Hence, the authority granted by Mr. Woodrum was not utilized.

"Deeming Resolutions"—Use in the House

§ 2.24 On rare occasions, the House has anticipated legislative actions of the Senate and acted in futuro, deeming certain actions to be taken by the House if and when a message is received showing that the anticipated legislative acts in fact occurred.

On Dec. 18, 1982,[1] as the House approached the end of the session, it was necessary to expedite the conclusion of the further continuing appropriation bill for fiscal year 1983. The measure was still under consideration in the Senate, but the House leadership thought it essential to begin the conference as quickly as possible.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 631, FURTHER CONTINUING APPROPRIATIONS, 1983

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the joint resolution (H.J. Res. 631) with amendments, insisted upon its amendments and requested a conference with the House, that the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

THE SPEAKER:[2] Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Whitten, Boland, Natcher, Smith of Iowa, Addabbo, Long of Maryland, Yates, Roybal, Bevill, Dicks, Ginn, Sabo, Dixon, Fazio, Conte, McDade,

20. 84 CONG. REC. 11181, 76th Cong. 1st Sess.

1. 128 CONG. REC. 32137, 97th Cong. 2d Sess.

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

Edwards of Alabama, Myers, Robinson, Coughlin, Kemp, and Lewis.

When the House reconvened on Dec. 19, 1982,[3] the Speaker laid before the House the following communication from the Clerk:

COMMUNICATION FROM THE CLERK OF THE HOUSE

THE SPEAKER: The Chair lays before the House the following communication:

WASHINGTON, D.C.,
December 19, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received, at 3:22 p.m. on Sunday, December 19, 1982, the following message from the Secretary of the Senate: That the Senate passed with amendments H.J. Res. 631 and requested a conference thereon.

In accordance with action taken by the House on Saturday, December 18, 1982, the Clerk has notified the Senate that the House disagreed to the amendments of the Senate to H.J. Res. 631 and agreed to a conference thereon.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

Parliamentarian's Note: This procedure is contrary to the principle in Jefferson's Manual[4] that the House should not take notice of bills in the other body, until the actions are communicated to the House. However, procedural steps such as this are used when necessary under the modern practice.

House Sometimes Anticipates Senate Action and Acts Before Formal Message Is Received

§ 2.25 On occasion, the House anticipates Senate action, and, by unanimous consent, has established the conditions for a conference on a House bill with Senate amendment even before the Senate has acted and messaged its request for a conference to the House.

The unanimous-consent request of Sept. 26, 1984,[5] made by the chairman of the Committee on Appropriations, Mr. Jamie L. Whitten, of Mississippi, relating to House Joint Resolution 648, making continuing appropriations for fiscal year 1985, and the Chair's anticipatory appointment of conferees are shown below.

3. 128 CONG. REC. 32401, 97th Cong. 2d Sess.

4. *House Rules and Manual* § 308 (1997).

5. 130 CONG. REC. 27341, 98th Cong. 2d Sess.

MR. WHITTEN: Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the joint resolution (H.J. Res. 648) with amendments, insisted upon its amendments and requested a conference with the House, that the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection in this instance, the Chair appoints the following conferees: Messrs. Whitten, Boland, Natcher, Smith of Iowa, Addabbo, Long of Maryland, Yates, Roybal, Bevill, Lehman of Florida, Dixon, Fazio, Hefner, Conte, McDade, Edwards of Alabama, Myers, Robinson, Coughlin, and Kemp.

There was no objection.

When the Senate finally messaged its action to the House on Oct. 5, 1984,[6] the Speaker made a further statement for the Record, confirming that the action which the House had anticipated had in fact occurred.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4966. An act to recognize the organization known as the Women's Army Corps Veterans' Association: . . .

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 648) "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hatfield, Mr. Stevens, Mr. Weicker, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. Andrews, Mr. Abdnor, Mr. Kasten, Mr. D'Amato, Mr. Mattingly, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Stennis, Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Eagleton, Mr. Chiles, Mr. Johnston, Mr. Huddleston, Mr. Burdick, Mr. Leahy, Mr. DeConcini, and Mr. Bumpers to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER REGARDING HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS

THE SPEAKER:[7] Pursuant to the order of the House of September 26, 1984, pertaining to the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes. The House is deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate

6. 130 CONG. REC. 30292, 98th Cong. 2d Sess.

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

and the Speaker to have appointed managers on the part of the House as appointed on that date.

Putting Bill in Conference Before Senate Action

§ 2.26 As adjournment of the 100th Congress, 1st Session approached, the House again utilized the device of "deeming" that a bill had been sent to conference, that the Speaker had appointed conferees without intervening motion, taking this action before the Senate had passed the House bill and requested a conference.

Following the granting of the request shown below,[8] the Speaker[9] proceeded to appoint conferees.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the bill H.R. 3545, with an amendment, insisted upon its amendment, and requested a conference with the House, the House be deemed to have disagreed to the amendment of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

THE SPEAKER: Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: . . .

Parliamentarian's Note: This was the fifth instance where the House had taken this unusual procedure, appointing conferees in advance of Senate action on the bill.[10]

Deeming a Matter To Have Been Sent to Conference

§ 2.27 By unanimous consent, the House agreed that upon receipt of a message from the Senate requesting a conference on a House-passed budget resolution, the House shall be considered to have disagreed with the Senate's amendment, agreed to the conference requested by the Senate, that the Speaker be authorized to appoint conferees while preserving the option to the Minority Leader to offer a motion to instruct on the following day.

8. 133 CONG. REC. 35049, 100th Cong. 1st Sess., Dec. 11, 1987.
9. James C. Wright, Jr. (Tex.).
10. See, *e.g.*, §§ 2.24, 2.25, supra.

On Oct. 18, 1990,[11] the chairman of the Committee on the Budget, anticipating that the Senate would amend the House-passed Budget Reconciliation Act (H.R. 5835) that evening, asked that the House, by unanimous consent, take the steps necessary to begin a conference with the Senate notwithstanding that the House might adjourn before the Senate completed action.

The request is as follows:

AUTHORIZING THE SPEAKER TO APPOINT CONFEREES AND PROVIDING FOR MOTION TO INSTRUCT ON H.R. 5835, OMNIBUS BUDGET RECONCILIATION ACT OF 1990

MR. [LEON E.] PANETTA [of California]: Mr. Speaker, I ask unanimous consent that upon receipt of a message from the Senate transmitting an amendment to H.R. 5835, insisting on the amendment, and requesting a conference thereon, the House shall be considered to have taken H.R. 5835 and the Senate amendment from the Speaker's table, disagreed with the Senate amendment, and agreed to the conference requested by the Senate; that the Speaker shall be authorized to appoint conferees in anticipation thereof and reserve the authority to modify the appointment at later times; and that the motion to instruct conferees otherwise in order at the time of their appointment shall instead be in order only if offered by the minority leader or his designee on the legislative day of Friday, October 19, 1990. . . .

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

There was no objection.

Effect of Resolution on Motion To Instruct

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

On Oct. 31, 1939,[13] 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.

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11. 136 CONG. REC. 31020, 31021, 101st Cong. 2d Sess.

12. Bob Traxler (Mich.).

13. 85 CONG. REC. 1092, 76th Cong. 2d Sess.

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.

Form of Resolution Sending Bill to Conference, Precluding Motion To Instruct

§ 2.29 The House may pass a resolution taking from the Speaker's table a bill, disagreeing to the Senate amendments thereto, agreeing to a conference, and directing the Speaker to appoint conferees without intervening motion.

On June 4, 1948,[14] Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Mr. Leo E. Allen, of Illinois:

Mr. Speaker, I call up House Resolution 624 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. 5883) making appropriations for the Department of Agriculture (exclusive of the Farm Credit Administration) for the fiscal year ending June 30, 1949, and for other purposes, with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to by the House; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to by the House; and that the Speaker shall immediately appoint conferees without intervening motion. . . .

MR. ALLEN of Illinois: Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 140, not voting 87. . . .

So the resolution was agreed to. . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE SPEAKER: Pursuant to the resolution just passed, the Chair appoints the following conferees: Messrs. Dirksen, Plumley, H. Carl Andersen, Horan,

14. 94 CONG. REC. 7155, 7161, 80th Cong. 2d Sess.

Phillips of California, Cannon, Sheppard, and Whitten.[15]

§ 2.30 The House has passed a special rule taking a House bill with Senate amendments from the Speaker's table, disagreeing to the amendments, agreeing to the conference requested, directing the Speaker to immediately appoint conferees without intervening motion, and giving specific authority to the conferees to agree or disagree to any Senate amendment.

On Mar. 26, 1935,[16] Mr. John J. O'Connor, of New York, called up House Resolution 174 relating to House Joint Resolution 117, a relief measure.

MR. O'CONNOR: Mr. Speaker, I call up House Resolution 174, which I send to the desk and ask to have read.

The Clerk read as follows:

H. RES. 174

Resolved, That immediately upon the adoption of this resolution the joint resolution, House Joint Resolution 117, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to by the House; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said joint resolution be, and hereby is, agreed to by the House; that the Speaker shall immediately appoint managers on the part of the House without intervening motion; and that the managers on the part of the House are hereby given specific authority to agree, with or without amendment, or disagree to any amendment of the Senate to the said joint resolution notwithstanding the provisions of clause 2 of rule XX.

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

THE SPEAKER:[17] The gentleman will state it.

MR. RANKIN: Of course, this rule is not subject to amendment at present; but if we should vote down the previous question on the rule, then the rule would be open to amendment, as I understand it.

THE SPEAKER: To any germane amendment, that is correct.

MR. O'CONNOR: Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. Ransley]. . . .

Mr. Speaker, I move the previous question.

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

The question was taken; and there were—yeas 265, nays 108, answered "present" 1, not voting 57. . . .

So the previous question was ordered. . . .

15. See also 96 CONG. REC. 14746, 81st Cong. 2d Sess., Sept. 13, 1950; and 92 CONG. REC. 9135, 79th Cong. 2d Sess., July 16, 1946.

16. 79 CONG. REC. 4465, 4474, 4475, 74th Cong. 1st Sess.

17. Joseph W. Byrns (Tenn.).

THE SPEAKER PRO TEMPORE:[18] The question is on the adoption of the resolution. . . .

The House divided; and the tellers reported that there were—ayes 186, noes 78.

§ 2.31 The House may adopt a resolution taking a bill with Senate amendment thereto from the Speaker's table, disagreeing to the Senate amendments, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

On Mar. 14, 1945,[19] Speaker Sam Rayburn, of Texas, recognized Mr. Adolph J. Sabath, of Illinois:

Mr. Speaker, I call up House Resolution 183 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. 1752) to amend the Selective Training and Service Act of 1940, and for other purposes, with Senate amendments thereto be, and the same hereby is, taken from the Speaker's table to the end that all Senate amendments be, and the same are, disagreed to and a conference is requested with the Senate on the disagreeing votes of the two Houses thereon. . . .

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

The resolution was agreed to.

The Speaker appointed as conferees on the part of the House Messrs. May, Thomason, Brooks, Andrews of New York, and Short.[20]

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

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

On July 30, 1979,[1] the House agreed to a resolution sending H.R. 111, the Panama Canal Act of 1979, to conference, a unanimous-consent request to accomplish this step having been objected to. Following the adoption of the resolution, a motion was made to instruct the managers at the confer-

18. Henry Ellenbogen (Pa.).
19. 91 CONG. REC. 2195, 2203, 79th Cong. 1st Sess.
20. See also 104 CONG. REC. 18542, 85th Cong. 2d Sess., Aug. 19, 1958.
1. 125 CONG. REC. 21298, 21302, 21309, 96th Cong. 1st Sess.

ence to "adhere" to the House position set forth in certain sections of the House text.

PROVIDING FOR SENDING H.R. 111 TO CONFERENCE

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

The Clerk read the resolution, as follows:

H. RES. 390

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

THE SPEAKER PRO TEMPORE:[2] The gentleman from New York (Mr. Zeferetti) is recognized for 1 hour.

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. BAUMAN

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

The Clerk read as follows:

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

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

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

The previous question was ordered. . . .

So the motion was agreed to.

Parliamentarian's Note: While the House cannot "adhere and ask

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

a conference," since adherence is inconsistent with the request for a conference[3] and the willingness to negotiate, the form of the motion to instruct conferees did not render it subject to a point of order, and none was raised. See 8 Cannon's Precedents §§ 3230, 3237, which indicate that consistency in motions to instruct is for the House, not the Chair, to decide.

Resolution Sending Two Senate Bills to Conference

§ 2.33 The House adopted a resolution reported from the Committee on Rules which had the effect of taking two Senate bills from the Speaker's table, amending and passing those bills, amending their titles, and sending those bills to conference.

On Nov. 18, 1971,[4] Speaker Carl Albert, of Oklahoma, recognized Mr. Richard Bolling, of Missouri, to call up the following resolution from the Committee on Rules:

H. RES. 710

Resolved, That immediately upon the adoption of [this] resolution and without the intervention of any point of order the bills of the Senate S. 2819 and S. 2820 are hereby taken from the Speaker's table; that said Senate bills are hereby amended by striking out all after the enacting clause of each such Senate bill and inserting in lieu thereof the text of the bill H.R. 9910 as passed by the House on August 3, 1971; that the said Senate bills as so amended shall be considered as read a third time and passed; that the title of each such Senate bill shall be amended by striking out such title and inserting in lieu thereof the title of H.R. 9910; that the House insists upon its amendments to each Senate bill and requests conferences with the Senate, and that the Speaker appoint managers on the part of the House to attend each such conference.

THE SPEAKER: The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

MR. BOLLING: Mr. Speaker, some say that this rule is without precedent. I have not searched the precedents. I do not know. But I do know it is a very unusual rule, and I think it deserves explanation so that the Members who are interested will know what the rule does and what its significance is. . . .

What this does, in very frank terms, is to get before a conference the two Senate bills and the House-passed bill. Most of you will remember that the bill passed the House, went to the Senate, it was debated at length, amended and defeated. Then the Senate came back with two separate bills, which were

3. See 5 Hinds' Precedents § 6303.
4. 117 CONG. REC. 42046, 42047, 42052, 92d Cong. 1st Sess.

passed by very substantial majorities. . . .

Mr. Speaker, I urge strong support for sending the foreign aid matter to conference. That can be done by voting for this resolution.

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

The previous question was ordered.

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

The question was taken; and there were—yeas 269, nays 115, not voting 46. . . .

Parliamentarian's Note: The House-passed bill, H.R. 9910, which provided authorizations for foreign military and economic aid, failed of passage in the Senate on Oct. 29, 1971. The Senate then passed S. 2820 (foreign military aid) on Nov. 10, and passed S. 2819 (foreign economic aid) on Nov. 11, 1971, and messaged both bills to the House. After consultations with the Speaker, the Chairmen of the Committees on Foreign Affairs and Rules, a resolution was drafted for consideration by the Committee on Rules to accomplish the result described above. It was the first instance wherein the Committee on Rules had reported a resolution providing for amendment and passage of two Senate bills. Points of order were waived against this procedure because the Senate bills required consideration in Committee of the Whole under Rule XXIII clause 3.

Suspension of the Rules Asking for Conference

§ 2.34 The House agreed, under suspension of the rules, to a resolution providing that the House insist upon its amendment to a Senate bill, ask a conference, and that the Speaker immediately appoint conferees.

On June 18, 1948,[5] Mr. Walter G. Andrews, of New York, was recognized by Speaker Joseph W. Martin, Jr., of Massachusetts, to make the following motion relating to S. 2655, the Selective Service Act of 1948:

MR. ANDREWS of New York: Mr. Speaker, I move to suspend the rules and pass the resolution, House Resolution 690, which I send to the desk.

THE SPEAKER: The Clerk will report the resolution:

The Clerk read as follows:

Resolved, That the House insist upon its amendment to S. 2655, ask a conference with the Senate on the disagreeing votes, and that the Speaker immediately appoint conferees. . . .

5. 94 CONG. REC. 8829, 8830, 80th Cong. 2d Sess.

THE SPEAKER: The question is, Shall the rules be suspended and the resolution passed?

The question was taken and, two-thirds having voted in favor thereof, the motion was agreed to.

THE SPEAKER: The Chair appoints the following conferees: Messrs. Andrews of New York, Short, Cole of New York, Bates of Massachusetts, Vinson, Brooks, and Kilday.

Suspension of Rules Agreeing to Conference

§ 2.35 The House suspended the rules and passed a resolution taking from the Speaker's table an appropriation bill with Senate amendments thereto, further insisted on disagreement to the Senate amendments, agreed to a further conference, and authorized the Speaker to immediately appoint conferees without intervening motion, subsequent to objection to a unanimous-consent request therefor.

On July 27, 1956,[6] Mr. Clarence Cannon, of Missouri, sought unanimous consent to take from the Speaker's table H.R. 12350, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. After objection was heard to this request, Speaker Sam Rayburn, of Texas, recognized Mr. Cannon to offer the following motion:

Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 648).

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill H.R. 12350, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table; that the House further insists on disagreement to the Senate amendments and agrees to the further conference requested by the Senate and the Speaker shall immediately appoint the conferees without intervening motion.

THE SPEAKER: Is a second demanded? [After a pause.] The Chair hears no request for a second.

The question is on suspending the rules and passing the resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

THE SPEAKER: The Chair appoints as conferees on the part of the House: Messrs. Cannon, Kirwan, Gary, Taber, and Phillips.

Unanimous Consent To Send to Conference

§ 2.36 A House bill, with Senate amendments that require

6. 102 CONG. REC. 15157, 15158, 15169, 84th Cong. 2d Sess.

consideration in Committee of the Whole, may be taken from the Speaker's table, and sent to conference, by unanimous consent.

On Aug. 13, 1957,[7] Speaker Sam Rayburn, of Texas, recognized Mr. Kenneth B. Keating, of New York, to pose an inquiry concerning a civil rights bill.

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

THE SPEAKER: The gentleman will state it.

MR. KEATING: Specifically with regard to the bill H.R. 6127, which is now on the Speaker's desk, I wish the Speaker would advise whether a unanimous-consent request is necessary from some Member to dispose of it in some manner as a preliminary to its being sent to the Committee on Rules?

THE SPEAKER: It requires unanimous consent to take it up for consideration, send it to conference, or to agree to the amendments of the Senate.[8]

§ 2.37 The House may agree to a unanimous-consent request sending an appropriation bill to conference and authorizing the House conferees to agree to Senate legislative amendments notwithstanding the restrictions contained in Rule XX clause 2.

On June 3, 1936,[9] Speaker Joseph W. Byrns, of Tennessee, recognized Mr. James P. Buchanan, of Texas:

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 12624, the first deficiency appropriation bill, together with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate; also that the managers on the part of the House, notwithstanding the provisions of clause 2, rule XX, be authorized to agree to any Senate amendment with or without amendment, except the Senate amendment having to do with the Florida ship canal and the Senate amendment providing $300,000,000 for public-works projects.

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

There was no objection.

The Chair appointed the following conferees: Mr. Buchanan, Mr. Taylor of Colorado, Mr. Oliver, Mr. Woodrum, Mr. Boyland, Mr. Cannon of Missouri, Mr. Taber, Mr. Bacon, and Mr. Thurston.

7. 103 CONG. REC. 14568, 85th Cong. 1st Sess.

8. See also 106 CONG. REC. 18920, 86th Cong. 2d Sess., Sept. 1, 1960 (Calendar Day).

9. 80 CONG. REC. 8822, 74th Cong. 2d Sess.

Objection to Unanimous-consent Request; Referral of Bill

§ 2.38 Where objection is made to a unanimous-consent request to take a House bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference, the Speaker in his discretion may refer the bill to the committee which reported it or hold it on the Speaker's table subject to such disposition as the House may order.

On Mar. 25, 1935,[10] Speaker Joseph W. Byrns, of Tennessee, recognized Mr. James P. Buchanan, of Texas:

> Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 117, making appropriations for relief, disagree to the Senate amendments, and agree to the conference asked for by the Senate.
>
> THE SPEAKER: The gentleman from Texas asks unanimous consent to take from the Speaker's table House Joint Resolution 117, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?
>
> MR. [MARTIN] DIES [Jr., of Texas]: Mr. Speaker, I reserve the right to object.
>
> MR. [LUTHER A.] JOHNSON of Texas: Mr. Speaker, I object.
>
> MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I desire to submit a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. RANKIN: Objection has just been made to sending the public-works bill to conference by unanimous consent. What course does it take now? Does it go to the committee automatically?
>
> THE SPEAKER: It could be referred to the committee or it can lie on the Speaker's table.

§ 2.39 Objection having been made to a unanimous-consent request to take from the Speaker's table the foreign aid appropriation bill with Senate amendments thereto, disagree to the amendments, and agree to a conference, the Committee on Rules met immediately and reported out a resolution to accomplish such action; the rule was considered by a two-thirds vote and adopted that day.

On Aug. 9, 1949,[11] Speaker Sam Rayburn, of Texas, recog-

10. 79 CONG. REC. 4369, 74th Cong. 1st Sess.

11. 95 CONG. REC. 11139, 11140, 81st Cong. 1st Sess.

nized Mr. J. Vaughan Gary, of Virginia:

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4830) making appropriations for foreign aid for the fiscal year ending June 30, 1950, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I object. . . .

MR. [JOHN E.] LYLE [Jr., of Texas], from the Committee on Rules, reported the following privileged resolution (H. Res. 320, Rept. No. 1241), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution the bill (H.R. 4830) making appropriations for foreign aid for the fiscal year ending June 30, 1950, 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 they are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is, hereby agreed to.

MR. LYLE: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 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. 4830) making appropriations for foreign aid for the fiscal year ending June 30, 1950, 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 they are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

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

The question was taken; and on a division (demanded by Mr. Marcantonio) there were—ayes 298, noes 4.

So (two-thirds having voted in favor thereof) the House agreed to consider the resolution.[12]

The resolution was agreed to, and a motion to reconsider laid on the table.[13]

Speaker's Discretion Prevents Use of Motion for Dilatory Purposes

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12. A two-thirds vote was required to consider a resolution reported from the Committee on Rules on the same day on which it was reported to the House. Rule XI clause 23, *House Rules and Manual* § 729 (1973). The language, now contained in Rule XI clause 2l(6), *House Rules and Manual* § 715 (1997), was amended in the 94th Congress to "permit the immediate consideration of a resolution reported from the Committee on Rules waiving this layover requirement."

13. 95 CONG. REC. 11146, 81st Cong. 1st Sess., Aug. 9, 1949.

§ 2.40 The requirements of Rule XX clause 1—that the Speaker has discretionary authority to recognize for motions to send a bill to conference and that each such motion must be authorized by the committee having jurisdiction over the bill—prevent the use of that motion as a dilatory tactic.

On Oct. 3, 1972,[14] Mr. Carl D. Perkins, of Kentucky, offered a motion to take from the Speaker's table H.R. 7130, to amend the Fair Labor Standards Act of 1938, with Senate amendments thereto, disagree to those amendments, and request a conference with the Senate thereon. A similar motion by Mr. Perkins had been defeated in the House on Aug. 1, 1972,[15] and he had subsequently obtained authorization from the Committee on Education and Labor to offer the motion again. Mr. John B. Anderson, of Illinois, raised a point of order.

MR. ANDERSON of Illinois: Mr. Speaker, I make a point of order that the motion of the gentleman from Kentucky is contrary to the provisions of clause 1 of rule XX, disregards the established precedents of the House and is not in order, and I request an opportunity to be heard on the point of order.

THE SPEAKER:[16] The gentleman may be heard on his point of order.

MR. ANDERSON of Illinois: . . . The gentleman from Kentucky made the motion provided for in clause 1 of rule XX and the House worked its will in refusing to send the bill to conference. Rule XX does not authorize a committee chairman to make repetitive motions on a question already determined by the House in the vain hope that he will someday wear down the patience of the Members and be successful. How many times will the gentleman from Kentucky be allowed to ride a dead horse?

Mr. Speaker, it is a firmly settled canon of general parliamentary law, including the rules and precedents of this body, that once motions have been made, and have failed, similar motions cannot be made during the same stage of proceedings. To permit otherwise would be to obviate any semblance of orderly procedure. Rule XX is no exception; it does not grant a license to committee chairmen to make a series of motions, hoping sooner or later they will be successful. Rather, the rule clearly provides for one opportunity to have the question considered by the House, and the will of the House must prevail. It would be a travesty upon this body to allow repetitive motions of this sort once the House has decided the question. . . .

THE SPEAKER: The Chair is ready to rule. The gentleman from Kentucky

14. 118 CONG. REC. 33502, 33503, 92d Cong. 2d Sess.

15. *Id.* at pp. 26153, 26156.

16. Carl Albert (Okla.).

has moved, pursuant to clause 1 of rule XX, that the House disagree with the amendments of the Senate to the bill H.R. 7130 and request a conference with the Senate. The gentleman states that he has been authorized to make this motion by the Committee on Education and Labor by its action of August 8, 1972.

The gentleman from Illinois (Mr. Anderson) has raised a point of order against this motion on the ground that since the House has once rejected such a motion, it cannot be repeated. . . .

In the present situation, the Chair notes that the stage of disagreement has not been reached. Any action on the Senate amendments to the House bill—that is to take the bill from the Speaker's table and to concur, to concur with amendment, to disagree—would have to be by unanimous consent.

The only motion which is in order under the present situation under the rules of the House is to disagree and ask a conference.

It might be suggested that to permit repeated use of the motion under Rule XX would be to invite its use as a dilatory motion. That does not appear to the Chair to be a real possibility, since the motion can be made only by direction of the legislative committee having jurisdiction over the measure and can be called up only if the Speaker in his discretion recognizes for that purpose. Both of these restrictions would prevent its employment as a dilatory tactic.

Finally, the Chair would like to point out the precise language of the rule, which is that the motion "shall always be in order, if the Speaker, in his discretion, recognizes for that purpose and if the motion is made by direction of the committee having jurisdiction."

For all these reasons, the Chair holds that the motion is in order and overrules the point of order made by the gentleman from Illinois (Mr. Anderson).

§ 3. When Motion Is in Order

Possession of Official Papers

§ 3.1 A request to agree to a conference on a bill and appoint conferees is not in order until the bill and papers are received from the Senate.

On June 18, 1947,[17] Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Mr. Walter G. Andrews, of New York, and the following proceedings occurred:

> MR. ANDREWS of New York: Mr. Speaker, on Tuesday the House passed the bill H.R. 3303, the so-called War Department enlistment bill. The Senate passed Senate 1213, striking out all after the enacting clause in the House bill and substituting the Senate provisions. By motion of the Senate today, they request a conference. That is being messaged over to the House. I move that we agree to the conference and that the Speaker appoint conferees.

17. 93 CONG. REC. 7252, 80th Cong. 1st Sess.