MR. YATES: What would be the nature of that motion, Mr. Speaker?

THE SPEAKER: The motion could be that the House insist on its disagreement.

MR. YATES: I thank the Speaker.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, will the gentleman yield?

MR. BOLAND: I yield to the gentleman.

MR. HALL: If the gentleman from Massachusetts' motion that the House recede from its disagreement to the amendment of the Senate No. 13 and concur therein was voted down, then another motion would be in order, would it not, I would ask as a parliamentary inquiry, to instruct the conferees to maintain the position of the House or that the House insist upon its disagreement with the other body?

THE SPEAKER: The Chair will state in response to the parliamentary inquiry propounded to the Chair by the distinguished gentleman from Missouri that if the House should insist upon its disagreement, then the matter could go back to conference.

§ 30. Voting; Final Disposition of Report

Conference reports are voted on before any amendments in disagreement are considered,[8] although under certain circumstances the vote on the report may follow the consideration of these amendments.[9]

They are voted on as a whole,[10] and, in accordance with Jefferson's Manual, they are not subject to amendment.[11] Although it is not in order to adopt only certain amendments contained in a report,[12] it has been in order, since the onset of the 93d Congress, to debate for 40 minutes and vote separately on any specified portion of a conference report which the Speaker, in response to a point of order, holds to contain material which would have been ruled nongermane if offered as an amendment in the House.[13] In this case the report must nonetheless be adopted as a whole, and the rejection of any portion of the report pursuant to this procedure results in the rejection of the entire report. However, in this event the pending question before the House is a motion to recede and concur with an amendment consisting of the portions of the con-

8. § 29.3, supra, and § 30.1, infra.

9. § 29.4, supra.

10. §§ 30.4, 30.5, infra.

11. *House Rules and Manual*, Jefferson's Manual § 542 (1997); and §§ 30.6, 30.7, infra.

12. § 30.4, infra.

13. See Rule XXVIII clause 4, *House Rules and Manual* § 913(b) (1997); and §§ 30.10, 30.11, infra.

ference report not so rejected.[14] Should the portions at issue be approved, the report is debated, after which the entire report is voted upon.[15]

A conference report may not contain an agreement to some portions of an amendment in the nature of a substitute and a disagreement to other portions of that amendment.[16]

The vote on a conference report is subject to the motion to reconsider,[17] and the proceedings whereby a conference report was considered, may, by unanimous consent, be vacated.[18]

Time for Consideration

§ 30.1 In the consideration of conference reports the report itself is considered and voted up or down before action is taken on amendments in disagreement.

On Mar. 16, 1942,[19] Mr. Hatton W. Sumners, of Texas, called up the conference report on S. 2208, to expedite prosecution of the war.

> MR. SUMNERS of Texas: Mr. Speaker, may I submit a parliamentary inquiry?
>
> THE SPEAKER:[20] The gentleman will state it.
>
> MR. SUMNERS of Texas: Amendment No. 32 is highly controversial. I understand it is my duty to move that the House further insist upon this amendment. May I ask unanimous consent that the consideration of that amendment be postponed for the moment?
>
> THE SPEAKER: The Chair suggests to the gentleman from Texas that the first thing to do is to adopt the conference report, leaving out, of course, those matters that are in disagreement.
>
> MR. SUMNERS of Texas: Then, Mr. Speaker, I make that motion at this time. . . .
>
> THE SPEAKER: The parliamentary situation is this: Insofar as the amendments in disagreement are concerned, the conference report must first be voted up or down. The gentleman from Texas has moved that the conference report be adopted.

En Bloc Consideration of Several Reports

§ 30.2 The Speaker has indicated that it is not permissi-

14. Rule XXVIII clause 4(d), *House Rules and Manual* § 913(b) (1997); and § 30.12, infra.
15. Rule XXVIII clause 4(d), *House Rules and Manual* § 913(b) (1997).
16. § 30.3, infra.
17. §§ 30.32–30.34, infra.
18. § 30.34, infra.
19. 88 CONG. REC. 2502–04, 77th Cong. 2d Sess.
20. Sam Rayburn (Tex.).

ble to consider several conference reports en bloc.

On June 29, 1970,[1] Mr. Philip J. Philbin, of Massachusetts, called up the conference report on H.R. 15021, to release cobalt from the national stockpile. At that time there were 16 additional conference reports on other stockpile bills awaiting consideration by the House. Mr. H. R. Gross, of Iowa, raised a parliamentary inquiry:

> MR. GROSS: . . . Is there any way under the rules of the House whereby these reports might be considered en bloc and disposed of rather expeditiously by unanimous consent?
>
> THE SPEAKER:[2] The Chair will state to the gentleman from Iowa in response to his parliamentary inquiry that under the mechanics of the rules of the House it will not be possible at this time to consider these conference reports en bloc because each report must be acted upon individually.

Acting on Report in Whole or in Part

§ 30.3 A conference report may not contain a partial agreement to an amendment in the nature of a substitute; and where the conferees had agreed to all but one of the provisions of such an amendment they reported back to the House in total disagreement.

On July 31, 1973,[3] Mr. William R. Poage, of Texas, submitted the following conference report on S. 1888, to extend and amend the Agricultural Act of 1970:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1888), to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, having met, after full and free conference, have been unable to agree. . . .

The conferees explained in their joint statement the reason for their report in total disagreement.

> The House amendment struck out all after the enacting clause of S. 1888 and inserted in lieu thereof the language of H.R. 8860 as passed by the House.
>
> There were 111 substantive differences between S. 1888 and the House amendment. The conferees were able to reconcile 110 of these differences, but were unable to agree on the provision in the House amendment which would, under specified conditions, prohibit food stamp assistance to strikers.

1. 116 CONG. REC. 21833, 91st Cong. 2d Sess.
2. John W. McCormack (Mass.).
3. 119 CONG. REC. 27001, 93d Cong. 1st Sess.

§ 30.4 A conference report must be acted on as a whole and agreed to or disagreed to in its entirety, and a motion to adopt a report only on certain amendments included therein is not in order.

On Aug. 22, 1940,[4] the House was considering the conference report on Senate Joint Resolution 286, to strengthen the national defense.

> MR. [WALTER G.] ANDREWS [of New York]: Mr. Speaker, I move the adoption of the conference report insofar as amendments numbered 1 to 14 are concerned.
>
> THE SPEAKER:[5] The Clerk will report the motion.
>
> The Clerk read as follows:
>
> > Mr. Andrews moves the adoption of the conference report on amendments Nos. 1 to 14, inclusive.
>
> THE SPEAKER: The Chair holds that under the rules the gentleman cannot move to adopt a conference report in that way.
>
> MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, I move the adoption of the conference report as a whole.
>
> THE SPEAKER: The question is on agreeing to the motion of the gentleman from Kentucky.
>
> The conference report was agreed to, and a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

§ 30.5 A conference report must be acted upon as a whole, being agreed to or disagreed to as an entirety; and rejection of a portion of a conference report under a special procedure permitting such a separate vote results in the rejection of the entire report.

On Nov. 10, 1971,[6] Mr. Richard Bolling, of Missouri, by direction of the Committee on Rules, called up House Resolution 696, providing for the consideration of the conference report on H.R. 8687, military procurement authorizations, fiscal 1972. The resolution contained the following provision:

> . . . It shall also be in order, pursuant to clause 1 of rule XX,[7] for a separate vote to be had upon demand on those individual parts of the Senate amendment now contained in the conference report and numbered as sections 503, 505, and 601. . . .

4. 86 CONG. REC. 10759–63, 76th Cong. 3d Sess.
5. William B. Bankhead (Ala.).
6. 117 CONG. REC. 40479, 40481, 40482, 92d Cong. 1st Sess.
7. The provision of Rule XX clause 1, alluded to in this resolution was contained in the *House Rules and Manual* § 827 (1971). The comparable provision was moved in the 93d Congress to Rule XXVIII clause 4, *House Rules and Manual* § 913(b) (1997).

Pending the vote on the resolution, Mr. Durward G. Hall, of Missouri, posed a parliamentary inquiry:

> Mr. Speaker, my parliamentary inquiry is simply if House Resolution 696, now before the House, is adopted or not, it is provided that it shall also be in order, pursuant to clause 1 of rule XX, for a separate vote to be had upon demand of any individual on those individual parts of the Senate amendment now contained in the conference report and numbered as sections 503, 505, and 601. My inquiry, Mr. Speaker, is, in the event that such a vote was demanded on those separate sections and it was not agreed to by this body, would the entire conference report be rejected and returned to the conferees or the other body?
>
> THE SPEAKER:[8] The answer to the gentleman is that the conference report would be rejected.
>
> MR. HALL: I thank the Speaker.
>
> THE SPEAKER: If the first section is rejected, that is the end of the conference report. A provision of *Jefferson's Manual*—found in sections 542 and 549 of the *House Rules and Manual*—holds that conference reports must be acted on as a whole, being agreed to or disagreed to as an entity.
>
> The House by its action in rejecting any one of the sections on which a separate vote may be demanded would nullify the agreement between the managers on the part of the House and the Senate, and the conference report would therefore fall.

8. Carl Albert (Okla.).

Amendment of Report

§ 30.6 A conference report is not subject to amendment.

On June 30, 1939,[9] the House was considering the conference report on House Joint Resolution 326, the relief bill of 1940, when the following colloquy occurred:

> MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER:[10] The gentleman will state it.
>
> MR. MARCANTONIO: If the previous question is voted down, Mr. Speaker, would the conference report then be open to amendment?
>
> THE SPEAKER: It would not be open to amendment.

Effect of Rejection of Previous Question

§ 30.7 Voting down the previous question on a conference report merely extends time for debate and does not afford an opportunity to amend the report.

On Mar. 1, 1939,[11] the House was considering the conference report on H.R. 3743, the inde-

9. 84 CONG. REC. 8459, 76th Cong. 1st Sess.
10. William B. Bankhead (Ala.).
11. 84 CONG. REC. 2085, 2086, 76th Cong. 1st Sess.

pendent offices appropriations bill, fiscal 1940. The following discussion occurred:

MR. [CLIFTON A.] WOODRUM of Virginia: Mr. Speaker, it has been stated upon the floor by myself, and I think it was the general understanding of the rest of us, that in the event the previous question on the conference report was voted down the Senate amendments would then be open for separate consideration. Pursuant to the statement just made a few moments ago by the gentleman from New York, I discussed the matter with the Parliamentarian, and, as I understand the matter now, it appears that the only way the House could get a vote on this amendment would be to vote down the conference report; that then each Senate amendment would be before the House for separate consideration. My parliamentary inquiry is whether or not that is correct.

THE SPEAKER:[12] The Chair is of the opinion that the gentleman has very clearly stated the parliamentary situation. The mere voting down of the previous question would not afford an opportunity to the House to open up a conference report for amendments. In other words, the Chair under the precedents, is clearly of the opinion that the only way in which a separate vote could be obtained upon any Senate amendment would be to vote down the conference report; that voting down the previous question would not afford an opportunity for such consideration.

MR. WOODRUM of Virginia: So nothing will be gained by voting down the previous question.

THE SPEAKER: It would merely extend the time for debate on the conference report.

Postponement of Vote After Ordering Previous Question

§ 30.8 Further consideration of a conference report on which the previous question had been ordered was, by unanimous consent, postponed and made the unfinished business on the following day.

On Dec. 15, 1970,[13] after the House completed its consideration of the conference report on H.R. 17867, foreign assistance appropriations, fiscal 1971, the following occurred:

The previous question was ordered.

THE SPEAKER:[14] The question is on the conference report.

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

MR. [DURWARD G.] HALL [of Missouri]: 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. . . .

I want a vote on the acceptance of the conference report, to which I object

12. William B. Bankhead (Ala.).

13. 116 CONG. REC. 41544, 91st Cong. 2d Sess.

14. John W. McCormack (Mass.).

violently, and I object to the vote on the ground that a quorum is not present and, I repeat, I make a point of order that a quorum is not present.

THE SPEAKER: The Chair will count.

Will the gentleman withhold his point of order?

MR. HALL: No, Mr. Speaker, I will not withhold the point of order. I insist on my point of order. The point of order has been properly made.

THE SPEAKER: Will the gentleman indulge the Chair? There are quite a few Members at the White House, and it would be the purpose of the gentleman from Texas if the gentleman from Missouri will withhold his point of order, to ask that further proceedings on the conference report and the amendments in disagreement be postponed until tomorrow, because there are many Members at the White House with their wives.

MR. HALL: . . . Mr. Speaker, under those circumstances, and with that understanding and for no other purpose, I will yield until the gentleman from Texas makes his request.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that further proceedings on the conference report be postponed until tomorrow and that this be the first order of business on tomorrow. . . .

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

There was no objection.

THE SPEAKER: Accordingly, the matter is postponed until tomorrow, when it will be the first order of business.

Postponement of Vote on Adoption of Conference Report

§ 30.9 Before the Speaker's postponement authority was added to Rule I, a vote on the adoption of a conference report after the previous question was ordered thereon could be postponed only by unanimous consent.

The proceedings of Oct. 15, 1974,[15] are carried as illustrative of the practice before the adoption of Rule I clause 5(b)(1) in the 96th Congress.[16]

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I ask unanimous consent that further proceedings on the conference report be postponed until 5 p.m. today.

THE SPEAKER:[17] Is there objection to the request of the gentleman from Massachusetts?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

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15. 120 CONG. REC. 35640, 93d Cong. 2d Sess.

16. See H. Res. 5, 125 CONG. REC. 7, 96th Cong. 1st Sess., Jan. 15, 1979.

17. Carl Albert (Okla.).

PARLIAMENTARY INQUIRY

MR. [GARRY] BROWN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BROWN of Michigan: Mr. Speaker, would it be in order to move that the vote on this measure be postponed until 5 p.m.?

THE SPEAKER: It requires a unanimous-consent request.

Procedure for Addressing Senate Amendments Which Are Not Germane

§ 30.10 New rules (Rule XXVIII clauses 4 and 5) were adopted in the 92d and 93d Congresses to provide a procedure in the House to address the inclusion in conference reports or amendments in disagreement of Senate amendments or provisions in Senate bills which would not have been considered germane to the bill in the House.

Near the end of the 92d Congress, the House adopted a change in Rule XXVIII clause 4, to allow the House to have a separate vote on a nongermane Senate amendment which was included in a conference report.[18] The mechanism allowed a point of order directed at the nongermane provision, which if sustained, permitted a vote to reject the provision.

On Apr. 9, 1974, the House considered a resolution reported from the Committee on Rules, amending several rules of the House.[19] Clause 4 of Rule XXVIII was at that time broadened to provide not only a mechanism for getting a vote on Senate amendments which were not germane, but also parts of Senate bills sent to conference with provisions, which if offered in the House to its version of the bill, would not have been germane. At the same time, clause 5 was added, for the first time providing a way of voting on discrete portions of motions to dispose of Senate amendments or bills in disagreement which contained provisions which would not have been appropriate in the House under Rule XVI clause 7.[20]

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18. Clause 4, Rule XXVIII, was included as part of a general revision of several House rules that became effective at the end of the 92d Congress. See H. Res. 1153, 118 CONG. REC. 36023, 92d Cong. 2d Sess., Oct. 13, 1972.

19. See H. Res 998, amending the rules of the House, 120 CONG. REC. 10195–99, 93d Cong. 2d Sess.

20. Rule XXVIII clause 5 as adopted in 1974, has remained unchanged in its essentials. See *House Rules and*

THE CHAIRMAN:[1] Under the rule, the resolution shall be considered as having been read for amendment. No amendments shall be in order to said resolution except amendments offered by the direction of the Committee on Rules and germane amendments to section 3 of said resolution, and said amendments shall not be subject to amendment.

The resolution reads as follows:

H. RES. 998

Resolved, That the Rules of the House of Representatives are amended in the following respects: . . .

APPLICATION OF PROVISIONS OF CLAUSE 4 OF RULE XXVIII RELATING TO NONGERMANE MATTER IN CONFERENCE AGREEMENTS TO CERTAIN MATTER IN CONFERENCE AGREEMENTS NOT PROPOSED TO BE PLACED IN THE MEASURE CONCERNED AS PASSED THE HOUSE

SEC. 6. (a) Paragraph (a) of clause 4 of Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end of such paragraph the following: "For the purposes of this clause, matter which—

"(A) is contained in any substitute agreed to by the conference committee;

"(B) is not proposed by the House to be included in the measure concerned as passed by the House; and

"(C) would be in violation of clause 7 of Rule XVI if such matter had been offered in the House as an amendment to the provisions of that measure as so proposed in the form passed by the House;

shall be considered in violation of such clause 7."

(b) Clause 4(d) of Rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

"(d) If any such motion to reject has been adopted, after final disposition of all points of order and motions to reject under the preceding provisions of this clause, the conference report shall be considered as rejected and the question then pending before the House shall be—

"(1) whether to recede and concur in the Senate amendment with an amendment which shall consist of that portion of the conference report not rejected; or

"(2) if the last sentence of paragraph (a) of this clause applies, whether to insist further on the House amendment.

If all such motions to reject are defeated, then, after the allocation of time for debate on the conference report as provided in clause 2(a) of this Rule, it shall be in order to move the previous question on the adoption of the conference report."

CONSIDERATION IN THE HOUSE OF CERTAIN SENATE AMENDMENTS REPORTED IN DISAGREEMENT BY CONFERENCE COMMITTEES OR IN DISAGREEMENT BETWEEN THE TWO HOUSES

SEC. 7. Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"5. (a)(1) With respect to any amendment (including an amendment in the nature of a substitute) which—

"(A) is proposed by the Senate to any measure and thereafter—

Manual § 913c (1997) and the annotation which follows for the current application of this clause.

1. Dawson Mathis (Ga.).

"(i) is reported in disagreement between the two Houses by a committee of conference; or

"(ii) is before the House, the stage of disagreement having been reached; and

"(B) contains any matter which would be in violation of the provisions of clause 7 of Rule XVI if such matter had been offered as an amendment in the House;

it shall be in order, immediately after a motion is offered that the House recede from its disagreement to such amendment proposed by the Senate and concur therein and before debate is commenced on such motion, to make a point of order that such nongermane matter, as described above, which shall be specified in the point of order, is contained in such amendment proposed by the Senate.

"(2) If such point of order is sustained, it then shall be in order for the Chair to entertain a motion, which is of high privilege, that the House reject the nongermane matter covered by the point of order. It shall be in order to debate such motion for forty minutes, one-half of such time to be given to debate in favor of, and one-half in opposition to, the motion.

"(3) Notwithstanding the final disposition of any point of order made under subparagraph (1), or of any motion to reject made pursuant to a point of order under subparagraph (2) of this paragraph, it shall be in order to make further points of order on the ground stated in such subparagraph (1), and motions to reject pursuant thereto under such subparagraph (2), with respect to other nongermane matter in the amendment proposed by the Senate not covered by any previous point of order which has been sustained.

"(4) If any such motion to reject has been adopted, after final disposition of all points of order and motions to reject under the preceding provisions of this clause, the motion to recede and concur shall be considered as rejected, and further motions—

"(A) to recede and concur in the Senate amendment with an amendment, where appropriate (but the offering of which is not in order unless copies of the language of the Senate amendment, as proposed to be amended by such motion, are then available on the floor when such motion is offered and is under consideration); . . .

EFFECTIVE DATE

SEC. 8. The amendments made by this resolution to the Rules of the House of Representatives shall become effective at the beginning of the thirtieth day after the date of adoption of this resolution. . . .

THE CHAIRMAN: Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Mathis of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the resolution (H. Res. 998) to amend the House rules regarding the making of points of no quorum, consideration of certain Senate amendments in conference agreements or reported in conference disagreement, request for recorded votes and expeditious conduct of quorum calls in Committee of the Whole, and postponement of proceedings on suspension motions, and for other purposes, pursuant to House Resolution 1018, he reported the resolution back to the House with sundry amendments adopted by the Committee of the Whole.

THE SPEAKER:[2] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

THE SPEAKER: The question is on the resolution.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 27, not voting 31. . . .

Portions of the debate pertaining to House Resolution 998 follow:

MR. [B. F.] SISK [of California]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 998) to amend the House rules regarding the making of points of no quorum, consideration of certain Senate amendments in conference agreements or reported in conference disagreement, request for recorded votes and expeditious conduct of quorum calls in Committee of the Whole, and postponement of proceedings on suspension motions, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 998), with Mr. Mathis of Georgia in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

THE CHAIRMAN: Under the rule, the gentleman from California (Mr. Sisk) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Latta) will be recognized for 1 hour. . . .

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Chairman, I rise in solid support of House Resolution 998, which would reform a number of House rules to simplify and streamline certain procedures in the House. . . .

The other changes in the rules proposed by House Resolution 998 are also directed at expediting the business of the House. . . .

Rules for controlling House consideration of nongermane Senate amendments would be tightened. . . .

MR. [RICHARD C.] WHITE [of Texas]: Mr. Chairman, will the gentleman yield?

MR. SISK: Yes, I will, briefly.

MR. WHITE: On page 3, section 2, it states:

> The last two sentences of clause 1 of Rule XX of the Rules of the House of Representatives are repealed.

As I read that portion of the repeal, it would obviate the new procedures that the House has experienced in the last 2

2. Carl Albert (Okla.).

years of being able to vote on nongermane amendments to a bill placed by the Senate.

MR. SISK: Well, I had hoped to comment briefly on that. That is purely a technical amendment. What we have done is to shift the matters dealing with nongermane amendments in conference reports exclusively to rule XXVIII. We are simply transferring that specific language in rule XX to rule XXVIII, and consolidating all the matters that are of concern in connection with the rules dealing with the handling of nongermane matters.[3] . . .

I appreciate that. I have now used up about half of the time that I have, and I do not want to cut off anybody because I realize the interest of Members in this matter. I appreciate it.

Let me run through it briefly, and then I will yield myself such additional time as is necessary to answer any questions.

Mr. Chairman, section 6 extends the present procedure permitting separate debate and votes on nongermane Senate amendments to nongermane matter that first, originally appeared in a Senate bill; or second, was not included in the House-passed version of that bill; or third, appeared again in conference report.

This is, of course, a further attempt to make absolutely certain that with regard to any nongermane material placed on legislation by the other body or developed in a conference the Members of the House will have a right, if they desire to make a point of order on it, to debate it and to vote on it.

We have been through this and have been up and down the hill on it for 4 or 5 years. Hopefully, the new language that the committee adopted will make it absolutely clear.

Section 6 further extends the procedure for dealing with nongermane Senate amendments to permit separate debate and votes on nongermane matter on Senate amendments reported in

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3. A rather rudimentary method for addressing nongermane Senate amendments had been added to the rules of the House by the Legislative Reorganization Act of 1970, 84 Stat. 1140, and made part of the Rules of the House on Jan. 22, 1971 (H. Res. 5), 117 CONG. REC. 144, 92d Cong. 1st Sess. The last two sentences of Rule XX clause 1, at that time provided as follows: "Any motion to agree, or agree with amendment, to any House or Senate bill or resolution or amendment thereto (other than a motion to agree to a conference report) shall require for adoption, or [on] demand of any Member, a separate vote on each such amendment (including a separate vote on any nongermane part of an amendment in the nature of a substitute), if, originating in the House, such amendment would be subject to a point of order on a question of germaneness under clause 7 of Rule XVI. Before such separate vote is taken, it shall be in order to debate such amendment or part for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such amendment or part."

disagreement by a conference committee.

This will cover motions to recede and concur in Senate amendments, and motions to recede and concur with an amendment.

Separate Vote on Nongermane Provisions

§ 30.11 ***Parliamentarian's Note:*** **The basic principle as set forth in § 542 of Jefferson's Manual—that a conference report cannot be amended or altered—was preserved in Rule XXVIII clause 4, adopted in 1972.**[4] **While that rule permits separate motions to reject those portions of a conference report containing Senate amendments or bills which would not have been germane to the House-passed version, it also provides that upon rejection of a portion of a conference report under that procedure, the entire report is considered as rejected, and the pending question shall be a motion to recede and concur with an amendment consisting of that portion of the conference report not rejected.**

On Oct. 13, 1972,[5] Mr. B. F. Sisk, of California, by direction of the Committee on Rules, called up House Resolution 1153, amending the rules of the House concerning, I, nongermane Senate amendments included in conference reports. With respect to this provision, Mr. Sisk explained in part:

> Mr. Speaker, the first section of the resolution grapples with this thorny problem of Senate nongermane amendments. Frankly, I thought we had settled that matter through section 126 of the Legislative Reorganization Act of 1970.[6] But our experiences under the rules changes brought about by that act make it pretty clear that our rules do not yet adequately deal with the situation.
>
> I think we all understood the basic purpose of section 126. It was to give the House an opportunity to have separate debate and a separate vote on Senate nongermane provisions attached to House-passed measures. Unfortunately, the way in which that section was written did not take into account the special parliamentary problems raised by amendments in the nature of a substitute. Our present rules permit us to debate and vote on the whole of nongermane Senate amend-

4. *House Rules and Manual* § 913b (1997).

5. 118 CONG. REC. 36013–15, 36021–23, 92d Cong. 2d Sess.

6. Pub. L. No. 91–510, 84 Stat. 1140, § 126(a) (Oct. 26, 1970).

ments, but not on the specific nongermane parts of Senate amendments. This means that when we are dealing with a Senate amendment in the nature of a substitute, under the present rules and precedents we are limited to a single vote on the whole amendment—all up, or all down. We cannot separate out the nongermane parts of that amendment in the nature of a substitute for individual consideration.

Mr. Speaker, the Committee on Rules literally spent months trying to find a way out of this dilemma. We finally settled on the approach that appears in the first section of this resolution.

I will not go into the details of the proposed procedure; most of them are laid out in the report. But I do want to point out to the House that this approach will introduce three new parliamentary devices into the practices of the House.

First, it will permit us to have separate votes on the nongermane parts of conference reports, where now we may not have such separate votes.

Second, it will permit the House to debate and vote separately on all nongermane parts of a conference report, even after the House has rejected any one of them.

Third, and this is a modification of what we originally reported—we retain the present concept that when any part of the conference report has been rejected, the whole report is automatically rejected. But, we provide that if any part is rejected, the pending question will then be to recede and concur with an amendment, and that amendment shall consist of all of the conference report except the rejected parts. With this device we will give the Senate an opportunity to accept our version, to ask for another conference, or to deal with the measure in some other suitable way.

Mr. Sisk then offered the following amendment:

Amendment offered by Mr. Sisk: On page 8, immediately below line 5, insert the following:

"Sec. 6. The amendments made by the foregoing sections of this resolution shall become effective immediately before noon on January 3, 1973."

After debate on Mr. Sisk's amendment had transpired, consideration of the resolution was concluded by the following proceedings:

THE SPEAKER:[7] The question is on the amendment offered by the gentleman from California (Mr. Sisk).

The amendment was agreed to.

MR. SISK: 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 281, nays 57, not voting 93. . . .

So the resolution was agreed to. . . .

A motion to reconsider was laid on the table.

Rejection of Nongermane Section

7. Carl Albert (Okla.).

§ 30.12 Pursuant to Rule XXVIII clause 4(d),[8] where the House has agreed to one or more motions to reject a portion of a conference report, the report is considered as rejected, and the pending question is whether the House shall recede from disagreement to the Senate amendment(s) and concur with an amendment consisting of that portion of the conference report not rejected.[9]

On Sept. 11, 1973,[10] the House was considering the conference report on H.R. 7645, Department of State authorizations, fiscal 1974, when Mr. Robert L. F. Sikes, of Florida, rose with a point of order:

> Mr. Speaker, I make a point of order that the matter contained in section 10 of the substitute offered by the conference committee and accepted by the House conferees would not have been germane to H.R. 7645 under clause 7, rule XVI[11] if offered in the House and is therefore subject to a point of order under clause 4, rule 28.

After listening to debate on the point of order, Speaker Carl Albert, of Oklahoma, reached the following conclusion:

> The Chair, therefore, concludes that the amendment would not have been germane if offered to the House bill and the point of order against section 10 of the conference report is, therefore, sustained.
>
> MR. SIKES: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> Mr. Sikes moves that the House reject section 10 of the conference report.
>
> THE SPEAKER: The gentleman from Florida is recognized for 20 minutes.

After debate transpired on Mr. Sikes' motion, the proceedings concluded in the following manner:

> THE SPEAKER: The question is on the adoption of the motion offered by the gentleman from Florida (Mr. Sikes).
>
> The motion was agreed to.
>
> A motion to reconsider was laid on the table.
>
> THE SPEAKER: The motion to reject sections 10 and 13[12] of the conference

8. See *House Rules and Manual* § 913(b) (1997).
9. See § 30.13, infra, for an instance where a point of order was sustained, but the House defeated the motion to reject the nongermane provision.
10. 119 CONG. REC. 29243–46, 93d Cong. 1st Sess.
11. *House Rules and Manual* § 794 (1997).
12. The Speaker had previously sustained a point of order against section 13 on the ground that it embod-

report having been adopted, under the rule the conference report is considered as rejected.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, pursuant to clause 4, rule 28, in view of the action of the House, I offer a motion.

The Clerk read as follows:

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

MR. HAYS (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

I will explain to the House that this is simply the conference report deleting the two amendments which the House has turned down.

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

There was no objection.

MR. HAYS: Mr. Speaker, as I have just said, this is to get the conference report back to the conferees.(13) We are taking it back to the Senate conferees without the two sections, 10 and 13, which the House deleted. We will explain to them that the House refused to accept them.

We will see what we can do from there.

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

The motion was agreed to.

Addressing a Nongermane Provision in a Senate Amendment in Disagreement

§ 30.13 Pursuant to Rule XXVIII clause 5(b), a Member may make a point of order against a portion of a motion to recede and concur in a Senate amendment reported in disagreement with a further amendment, on the ground that the portion of the Senate amendment addressed in the motion was not germane to the House-passed bill, and a motion to reject that portion of the motion is in order if the point of order is sustained.

Where a point of order raised under Rule XXVIII clause 5, against a motion to recede and concur in a Senate amendment reported in disagreement from conference is sustained, the debate on a motion to reject may be di-

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ied an amendment which was not germane to the House bill.

13. *Parliamentarian's Note:* Mr. Hays' explanation was misleading. The adoption of his motion would send the House bill with the Senate amendment in the nature of a substitute as herein amended to the Senate for its consideration. Senate concurrence in this action would obviate the need for a further conference.

vided, 20 minutes to a side, between the Member pressing the point of order and the manager of the conference report; and where the motion to reject is itself defeated, the one hour for debate on the original motion to recede and concur with an amendment is often divided between the manager of the report and the ranking minority Member on the conference committee. The rule actually requires a division of the hour between the two parties.[14]

An instance of the aforementioned proposition occurred on July 31, 1974,[15] when the conference report on H.R. 8217 was taken up in the House. The report had been submitted to the House on July 16, 1974.[16]

CONFERENCE REPORT ON H.R. 8217, EXEMPTING FROM DUTY CERTAIN EQUIPMENT AND REPAIRS FOR VESSELS

Mr. Ullman submitted the following conference report and statement on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971:

CONFERENCE REPORT (H. REPT. NO. 93–1197)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, having met, after full and free conference, have been unable to agree.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE . . .

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, report that the conferees have been unable to agree.

W. D. MILLS,
AL ULLMAN . . .

The report was taken up in the House on July 31:

CONFERENCE REPORT ON H.R. 8217, EXEMPTION FROM DUTY OF EQUIP-

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14. The rule providing for division of time was amended in the 99th Congress to specify a three-way division of time where the manager and the ranking member are both supporters of the motion. One-third may be claimed by a Member opposed to the motion. See H. Res. 7, 131 CONG. REC. 393, 99th Cong. 1st Sess., Jan. 3, 1985.

15. 120 CONG. REC. 26082, 26083, 26088, 26089, 93d Cong. 2d Sess.

16. *Id.* at pp. 23359, 23360.

MENT AND REPAIRS FOR CERTAIN VESSELS

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I call up the conference report on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, and ask unanimous consent that the statement of the manager be read in lieu of the report.

The Clerk read the title of the bill.

THE SPEAKER:[17] Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

MR. MILLS: Mr. Speaker, in view of the fact that the text of the Senate amendments was printed in the Record last week and Members had access to it at that time, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

MOTION OFFERED BY MR. MILLS

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

The Clerk read as follows:

> Mr. Mills moves that the House recede from its disagreement to the Senate amendment to the text of the bill, H.R. 8217, and concur therein with an amendment, as follows:
>
> In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill (page 2, after line 6), insert the following:
>
> SEC. 3. The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93–233 and amended by section 2 of Public Law 93–256 and by section 2 of Public Law 93–329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975". . . .

POINT OF ORDER

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make a point of order.

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

MR. PICKLE: Mr. Speaker, I make a point of order on section 3 of this bill because it does not conform to the House germaneness rule, rule 28, clause 5(b)(1).

In no way can this section be germane to the House-passed H.R. 8217.

The House bill dealt with exempting from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971.

Section 3 deals with the unemployment compensation program as it relates to extended benefits. This has nothing to do with the "repair of vessels."

Mr. Speaker, I feel that it is necessary to take time to explain why the Senate unemployment compensation amendment is nongermane to the House-passed tariff bill.

It is nongermane on its face, and I ask that my point of order be sustained.

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17. Carl Albert (Okla.).

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

MR. MILLS: Mr. Speaker, I must admit that the point of order is well taken. I cannot resist the point of order.

THE SPEAKER: The point of order is sustained.

MOTION OFFERED BY MR. PICKLE

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

The Clerk read as follows:

> Mr. Pickle moves that the House reject section 3 of the proposed amendment to the Senate amendment to the text of the bill H.R. 8217.

THE SPEAKER: The gentleman from Texas (Mr. Pickle) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. Mills) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas. . . .

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

THE SPEAKER: The gentleman from Iowa was seeking recognition for what purpose?

MR. [H. R.] GROSS [of Iowa]: To object to the vote on the ground that a quorum was not present, and make the point of order that a quorum is not present.

MR. MILLS: Not on the previous question I hope?

MR. GROSS: No; I wanted it on the vote on the motion offered by the gentleman from Texas (Mr. Pickle).

MR. MILLS: Mr. Speaker, I must make the point of order that the gentleman's request comes too late.

MR. PHILLIP BURTON [of California]: Mr. Speaker, you had already put the question, and announced the result.

THE SPEAKER: The Chair will state that the Chair announced that the noes appeared to have it. The gentleman from Iowa states that he was on his feet and seeking recognition of the Chair to make the point of order that a quorum was not present, and to object to the vote on the ground that a quorum was not present.

MR. MILLS: Mr. Speaker, the Chair had also recognized me on the previous question.

THE SPEAKER: The Chair will state that the Chair had not observed the gentleman from Iowa at the time when the gentleman from Iowa was seeking recognition to make the point of order that a quorum was not present and object to the vote on the ground that a quorum was not present.

Therefore the Chair must recognize the gentleman from Iowa, and the Chair does recognize the gentleman from Iowa who objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present, and 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 63, nays 336, not voting 35. . . .

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Arends. . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE SPEAKER: The Chair desires to state that under the rule the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Arkansas (Mr. Mills).

Timing of Motion To Reject Nongermane Portion

§ 30.14 Motions to reject a section or sections of a conference report are in order immediately after the Speaker sustains a point of order that the material contained in such section(s) would not have been germane if offered as an amendment in the House, and are debatable for 40 minutes (20 minutes for and 20 minutes against each motion).

On Sept. 11, 1973,[18] Mr. Wayne L. Hays, of Ohio, called up the conference report on H.R. 7645, authorizing Department of State appropriations, fiscal 1974, and obtained the consent of the House that the statement of the managers be read in lieu of the report. Speaker Carl Albert, of Oklahoma, then recognized Mr. Gerald R. Ford, of Michigan:

Mr. Speaker, I make a point of order against section 13 of the conference report, and I should like to be heard on the point of order.

THE SPEAKER: The Chair will hear the gentleman.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Speaker, a parliamentary inquiry.

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

MR. GERALD R. FORD: I yield for a parliamentary inquiry.

MR. SIKES: Mr. Speaker, I will have a similar point of order against section 10 of the bill. Am I protected in my right to raise that point of order subsequent to the disposition of the point of order on section 13?

THE SPEAKER: After the first point of order is disposed of, Members may be recognized to make additional points of order on other matters.

MR. SIKES: I thank the Chair.

MR. GERALD R. FORD: Mr. Speaker, I make a point of order that the matter contained in section 13 of the substitute offered by the conference committee and accepted by the House conferees would not have been germane to H.R. 7645 under clause 7, rule XVI if offered in the House and is therefore subject to a point of order under clause 4, rule XXVIII. . . .

18. 119 CONG. REC. 29235–37, 29242, 93d Cong. 1st Sess.

I make my point of order on the grounds that this language is in violation of rule XXVIII, clause 4(a)[19] which provides in brief that if a conference substitute contains language which, if originally offered in the House, would be nongermane under rule XVI, clause 7,[20] a valid point of order lies against the conference report.

After Mr. Ford spoke in favor of his point of order and Mr. Hays against, the following occurred:

THE SPEAKER: The Chair is ready to rule. . . .

The Chair concludes that the conference provision would not have been germane if offered to the House bill and the point of order against section 13 is therefore sustained.

MR. [WILLIAM S.] MAILLIARD [of California]: Mr. Speaker, pursuant to the provisions of clause 4, rule XXVIII, I offer a motion.

The Clerk read as follows:

Mr. Mailliard moves that the House reject section 13 of the conference report.

THE SPEAKER: The gentleman from California (Mr. Mailliard), is recognized for 20 minutes, and the gentleman from Ohio (Mr. Hays), is recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. Mailliard), for 20 minutes.

At the conclusion of 40 minutes of debate, Mr. Hays moved the previous question on the motion offered by Mr. Mailliard.

The previous question was ordered.

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

The vote was taken by electronic device, and there were—yeas 213, nays 185, not voting 36. . . .

So the motion was agreed to.

Mr. Sikes then raised a point of order against section 10 of the conference report, and the procedure outlined above was repeated with respect thereto.

Nongermane Provision in Senate Amendment, Motion To Reject

§ 30.15 To a title of a House-passed bill reported from the Committee on Interstate and Foreign Commerce containing a program to improve automotive fuel efficiency by imposing fuel economy standards on manufacturers, a modified portion of a Senate amendment contained in a conference substitute providing loan guarantees for automotive research and development (a matter within the jurisdiction of the Com-

19. See *House Rules and Manual* § 913(b) (1997).

20. *Id.* at § 794.

mittee on Science and Technology), was conceded to be not germane, and a motion was agreed to under Rule XXVIII clause 4, to reject that portion of the conference report.

When the conference report on S. 622, the Energy Policy and Conservation Act of 1975, was called up for consideration in the House on Dec. 15, 1975,[1] a timely point of order was stated by Mr. Barry M. Goldwater, Jr., of California, under Rule XXVIII clause 4,[2] to the effect that a portion of the conference text would not have been germane to the House text. The provision and the point of order are carried below:[3]

CONFERENCE REPORT ON S. 622, ENERGY POLICY AND CONSERVATION ACT

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I call up the conference report on the Senate bill (S. 622) to increase domestic energy supplies and availability; to restrain energy demand; to prepare for energy emergencies; and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .

POINT OF ORDER

MR. GOLDWATER: Mr. Speaker, a point of order.

THE SPEAKER:[4] The gentleman will state it.

MR. GOLDWATER: Mr. Speaker, I make a point of order to that part of section 301 which adds to the new motor vehicle improvements and cost saving account a new title V, part B, entitled "Application Advanced Automotive Technology."

My point of order is that it is nongermane, pursuant to clause 4, rule XXVIII.

Part B of title V was not in the House bill, as passed in H.R. 7014, but it was in the Senate version and it is in the conference report.

If the section had been offered as an amendment on the House floor, it would have been subject to a point of order as nongermane. Hence, it is subject to a nongermaneness point of order now under rule XXVIII, clause 4.

May I point out to the Speaker that the automotive R & D part of title V is wholly unrelated to the oil pricing and conservation thrust of the bill. Besides, the Science and Technology Committee has jurisdiction of all nonnuclear energy R. & D. matters, and this is an R. & D. incentive program which clearly falls in that jurisdiction.

The original Senate version of section 546 was contained in title II of the Senate bill (S. 1883). H.R. 9174 was introduced on July 31, 1975, by the

1. 121 CONG. REC. 40671, 94th Cong. 1st Sess.
2. *House Rules and Manual* § 913b (1997).
3. See 121 CONG. REC. 40676, 40677, 40680, 40681, 94th Cong. 1st Sess., Dec. 15, 1975.
4. Carl Albert (Okla.).

gentleman from Washington (Mr. McCormack) and was referred to the Committee on Science and Technology. H.R. 9174 basically included all of title II of the Senate bill (S. 1883), specifically the loan guarantee provision. The committee jurisdiction was positively established by that referral.

Mr. Speaker, I insist on my point of order.

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state it.

MR. STAGGERS: Mr. Speaker, my parliamentary inquiry is that I had asked unanimous consent that the statement on the part of the managers be read in lieu of the report.

Mr. Speaker, I would like to go through with that before any other unanimous-consent requests or any other points of order are made against the bill. It does not jeopardize any point of order and then I would be glad to answer any questions.

THE SPEAKER: The Chair had asked whether there was any objection to the request and there was no objection. It was so ordered.

MR. STAGGERS: So, Mr. Speaker, it is now considered as read?

THE SPEAKER: The request that the statement be read in lieu of the report has been granted. It does not jeopardize any point of order. . . .

MR. GOLDWATER: Mr. Speaker, I yield back my time. I have made my point of order.

MR. DINGELL: Mr. Speaker, I think that this is not a good point of order, but out of grace and in order to give the House a chance to vote on this as an orderly procedure—I protested the disorderly procedure with the ERDA bill which was before us—but in order to have orderly procedure I will not contest the point of order, and I do not think my good friend from West Virginia, the chairman of the committee (Mr. Staggers) will contest it. Under those circumstances, I think it is appropriate for the Chair to rule on the point of order with regard to germaneness in order that we may proceed.

MR. STAGGERS: Mr. Speaker, I would say that we have a separate vote on the point of order and then under those circumstances we would be able to proceed.

THE SPEAKER: The point of order is conceded and sustained.

MR. STAGGERS: I would say to the gentleman from California that it is without prejudice——

MR. [OLIN E.] TEAGUE [of Texas]: Whether he concedes it or not, I would like to be heard on the point of order.

THE SPEAKER: The Chair is going to sustain the point of order.

MOTION OFFERED BY MR. GOLDWATER

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

The Clerk read as follows:

> Mr. Goldwater moves that part B, title V in section 301 of S. 622 be rejected.

THE SPEAKER: The gentleman from California (Mr. Goldwater) is recognized for 20 minutes and the gentleman from West Virginia (Mr. Staggers) is recognized for 20 minutes.

The Chair recognizes the gentleman from California. . . .

The question is on the motion offered by the gentleman from California (Mr. Goldwater).

The question was taken; and the Speaker announced that he was in doubt.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 300, nays 103, not voting 31 . . . .

So the motion to reject was agreed to.

Consideration of Several Points of Order Against a Conference Report

§ 30.16 Where a point of order is sustained against a provision in a conference substitute on the ground that it is not germane under Rule XXVIII clause 4,[5] another point of order against a provision in the report or against the totality of the report will not be entertained by the Speaker until the motion to reject the nongermane provision has been disposed of.

During consideration of the conference report on S. 622, the Energy Policy and Conservation Act of 1975, a point of order was sustained against a portion of the conference substitute as not germane.[6] Before a motion was entertained and disposed of to reject the offending provision, further proceedings transpired as follows:[7]

MR. [OLIN E.] TEAGUE [of Texas]: Mr. Speaker, may I reserve the right to make a point of order? I am going to make a point of order against the whole conference report.

THE SPEAKER:[8] That would come later.

MR. TEAGUE: But the Speaker will reserve my right?

THE SPEAKER: Could the Chair make himself clear to the gentleman? That might depend upon the outcome of the motion the gentleman from California will make.

MR. [JOHN D.] DINGELL [Jr., of Michigan]: I think the gentleman wants to be heard; he desires to be heard.

I ask unanimous consent that he be heard at this time on the point of order which, by concession, without waiving questions of jurisdiction——

THE SPEAKER: The Chair has no authority to hear arguments on matters not related to the point of order made by the gentleman. If the gentle-

5. *House Rules and Manual* § 913b (1997).

6. See proceedings carried in §§ 25.11, 25.20, supra.

7. 121 CONG. REC. 40677, 94th Cong. 1st Sess., Dec. 15, 1975.

8. Carl Albert (Okla.).

man from California makes a motion, the business which transpires after the motion made by the gentleman will determine whether certain other points of order will be in order.

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state it.

MR. GOLDWATER: Has the Chair ruled on the point of order.

THE SPEAKER: The Chair sustained the point of order.

MOTION OFFERED BY MR. GOLDWATER

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

The Clerk read as follows:

Mr. Goldwater moves that part B, title V in section 301 of S. 622 be rejected.

THE SPEAKER: The gentleman from California (Mr. Goldwater) is recognized for 20 minutes and the gentleman from West Virginia (Mr. Staggers) is recognized for 20 minutes.

Debate on Motion To Reject Nongermane Provision

§ 30.17 The House conferee who has been recognized for the 20 minutes debate in opposition to a motion to reject a nongermane provision in the report is entitled to close the debate on the motion.

When a point of order against a conference report on the Senate bill, S. 3201, amending the Public Works and Economic Development Act, was conceded, a motion to reject the provision which was not germane was offered. The proceedings and the recognition to debate the motion were as indicated herein.[9]

MR. [ROBERT E.] JONES of Alabama: Mr. Speaker, I call up the conference report on the Senate bill (S. 3201) to amend the Public Works and Economic Development Act of 1965, to increase the antirecessionary effectiveness of the program, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

THE SPEAKER:[10] Is there objection to the request of the gentleman from Alabama?

There was no objection.

MR. [JACK B.] BROOKS [of Texas]: Mr. Speaker, I make a point of order against the conference report.

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

MR. BROOKS: Mr. Speaker, I make the point of order that title II of the conference report constitutes a nongermane Senate provision to the House-passed version of the bill, in violation of rule XXVIII, clause 4.

Mr. Speaker, I ask to be heard on my point of order.

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9. 122 CONG. REC. 20020, 20027, 94th Cong. 2d Sess., June 23, 1976.
10. Carl Albert (Okla.).

THE SPEAKER: The Chair recognizes the gentleman from Texas (Mr. Brooks).

MR. BROOKS: Mr. Speaker, we are in the identical position we were in last January when a House-passed bill authorizing grants for public works construction projects was brought back to the House containing a Senate amendment that established an entirely new program of Federal assistance to State and local governments. . . .

Mr. Speaker, we have precisely the same situation here. The House has passed H.R. 12972, providing solely for the construction of public works projects to help cut unemployment. The Senate added a provision for grants to State and local governments to pay for basic governmental services, and that provision has been brought back again as title II of the conference report.

Title II is still a form of revenue sharing and clearly not germane to the subject matter of H.R. 12972. Also, it is not within the jurisdiction of the Public Works and Transportation Committee.

Mr. Speaker, I could elaborate on this argument, but in view of the Chair's ruling last January, I do not think it is necessary to do so.

MR. JONES of Alabama: Mr. Speaker, will the gentleman yield? . . .

Mr. Speaker, I was going to be a little bit more gracious than the gentleman expected.

Mr. Speaker, this proposition has been resolved before. We concede the point of order.

THE SPEAKER: The gentleman from Alabama (Mr. Jones) concedes the point of order. The point of order is sustained.

MOTION OFFERED BY MR. BROOKS

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

The Clerk read as follows:

> Mr. Brooks moves the House reject title II of S. 3201 as reported by the Committee of Conference.

THE SPEAKER: The gentleman from Texas (Mr. Brooks) is recognized for 20 minutes. . . .

THE SPEAKER PRO TEMPORE:[11] The gentleman from Texas (Mr. Brooks) has 2 minutes remaining, and the gentleman from Texas (Mr. Wright) has 2 minutes remaining. The gentleman from Texas (Mr. Wright) has the right to close debate.

Application of Germaneness Rule to Provision in Senate Bill in Conference

§ 30.18 Where a germaneness point of order is sustained against a provision of a conference report, the House may vote to reject the provision. A provision in a conference report on a Senate bill sent to conference with a House amendment in the nature of a substitute was held to violate Rule XXVIII clause 4 where it would not have been germane had it been offered as an amendment to

11. Sam M. Gibbons (Fla.).

the House amendment in the nature of a substitute.

The conference report on S. 555, the Ethics in Government Act of 1978, recommended that the Senate recede from its disagreement to the House amendment in the nature of a substitute and concur therein with a further amendment. The point of order was directed to the germaneness of the proposed amendment to the House amendment.

The House amendment in the nature of a substitute related to official actions of federal officials, while the Senate provision permitted the appointment of a special prosecutor to investigate any criminal offenses, whether official actions or not, by a federal official.

Portions of the argument on the point of order raised by Mr. Charles E. Wiggins, of California, the statements of Mr. James R. Mann, of South Carolina, in defense of the conference report, and the ruling of the Chair, excerpted from the Record of Oct. 12, 1978,[12] follow. Note that Members refer to the provision of the conference report in question as a Senate amendment, technically, as stated above, it is a provision of a conference report although apparently included at the insistence of the Senate conferees.

POINT OF ORDER

MR. WIGGINS: Mr. Speaker, I make a point of order against title VI of the conference report. That, for the Speaker's information, is the title dealing with the special prosecutor language in the conference report, and I request to be recognized on my point of order.

THE SPEAKER PRO TEMPORE:[13] The Chair will hear the gentleman from California.

MR. WIGGINS: Mr. Speaker, my point of order is based upon rule XXVIII, which is the germaneness section. It is my position, Mr. Speaker, that title VI is a nongermane Senate amendment and it violates that section of the House rules which I have cited. It is to be remembered, Mr. Speaker, that a similar amendment to the Senate amendment was offered on the House floor during our consideration of H.R. 1. At that time an objection was raised to the amendment on the ground that it was nongermane to the bill. At that time the Speaker sustained the point of order.

It is my view, Mr. Speaker, that for the very reasons cited by the Speaker in rejecting the so-called Hyde amendment, the present Senate amendment is similarly defective and subject to a point of order.

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12. 124 CONG. REC. 36460, 36461, 95th Cong. 2d Sess.

13. Norman Y. Mineta (Calif.).

When the gentleman from Illinois (Mr. Hyde) argued forcefully that the amendment he proposed was germane, he called to the attention of the Speaker that the issue dealt broadly with ethics in Government, but that argument did not prevail. He also called to the attention of the Speaker that the special prosecutor language was referred to the Judiciary Committee, but that language did not prevail.

Indeed, every argument which I think the proponents of the Senate language must now make in order to sustain the germaneness of this amendment was considered by the Speaker only several days ago and was rejected.

I wish, however, to not rest my case entirely upon the arguments which were made most cogently by the gentleman from California (Mr. Danielson) as he argued against the point of order earlier but rather wish to proceed by saying that the language in the special prosecutor amendment added by the Senate is so broad and sweeping that it covers in several respects private individuals, that is to say, new classes of people who are not covered under the sweep of the ethics bill.

As the Speaker knows, the ethics bill in the various titles affects those in the legislative branch, the executive branch, and the judicial branch of Government. However the special prosecutor legislation goes beyond that. It includes former members of the executive branch who are by hypothesis in private life. It also includes private individuals who have never served in Government, namely the campaign manager of a Presidential campaign or a person in a similar position connected with a Presidential campaign.

Under the Senate amendment a special prosecutor may be appointed in the event of alleged irregularities by these private individuals.

Now, Mr. Speaker, this is extending the categories of coverage in a very significant way and is a basis for my point of order to be sustained, but before I rest my case, Mr. Speaker, I wish to address myself to a more fundamental reason.

The special prosecutor bill, which is tacked on to the ethics bill, is a complicated and important piece of legislation. It was considered in detail by a different subcommittee in the Committee on the Judiciary which did not consider the ethics bill. It is true that the Committee on the Judiciary reported out a special prosecutor bill but it was never brought to the floor of the House and, indeed, has never been debated nor subject to amendment by Members of this House. . . .

I hope the Speaker will sustain my point of order.

THE SPEAKER PRO TEMPORE: The Chair will recognize the gentleman from South Carolina on the point of order.

MR. MANN: . . . The House amendment to S. 555 is actually the text of H.R. 1 as passed by the House. The text of H.R. 1, as finally approved, was actually the text of an amendment in the nature of a substitute, as amended. Thus, the issue, as I understand it, is whether the provisions of title VI of the conference report would have been germane to the amendment in the nature of a substitute which eventually became the text of House bill, H.R. 1, had the provisions of title VI been offered as an amendment to the amend-

ment in the nature of a substitute. I believe that the provisions of title VI would have been germane to the amendment in the nature of a substitute and that the Chair should therefore overrule the point of order.

During the consideration of the amendment in the nature of a substitute, the gentleman from Illinois (Mr. Hyde) offered an amendment with provisions similar to, but also critically different from, the provisions of title VI of the conference report. Unlike title VI of the conference report, the gentleman's amendment included Members of Congress. Since title II of the amendment in the nature of a substitute was limited to financial disclosure by executive branch personnel, the amendment of the gentleman from Illinois was not germane to title II and a point of order to his amendment was sustained.

The basic test for determining germaneness is whether the fundamental purpose of the amendment is germane to the fundamental purpose of the bill. The question here, then, is whether the fundamental purpose of title VI is germane to the fundamental purpose of the amendment in the nature of a substitute. I submit that it is. The purpose of the amendment in the nature of a substitute, which is subtitled the "Ethics in Government Act," is to promote ethical conduct by Federal Government officials and certain other private citizens. The purpose of title VI of the conference report is also to promote ethical conduct.

A second test for germaneness is whether the subject matter of the amendment relates to the subject matter of the bill. The question here is whether the subject matter of title VI of the conference report relates to the subject matter of the amendment in the nature of a substitute. I submit that it does.

The subject matter of the amendment in the nature of a substitute was broad. It encompassed ethical standards and conduct involving officials in all three branches of the Federal Government—legislative, executive, and judicial—as well as certain private citizens.

With regard to Federal Government employees and officials, it required detailed financial disclosure statements to be filed by people in all three branches of Government. It established an Office of Government Ethics with broad authority, including the power to promulgate regulations pertaining to "conflicts of interest and ethics in the executive branch." It amended our Federal criminal law in the area of conflicts of interest. . . .

Therefore, Mr. Speaker, the amendment in the nature of a substitute applied to private citizens when their status or relationship to people within the Government would create ethical or conflict-of-interest problems within the Federal Government. . . .

Based upon the above, Mr. Speaker, I submit that the provisions of title VI of the conference report would have been germane to the amendment in the nature of a substitute if those provisions had been offered as a separate title to the amendment in the nature of a substitute.

Therefore, I submit that the point of order should be overruled. . . .

MR. WIGGINS: Mr. Speaker, I am fully sympathetic with the awkward

position in which the gentleman from South Carolina (Mr. Mann) finds himself. He knows full well that the Chair sustained a point of order against a similar special prosecutor proposal when this matter was considered in the House. It is incumbent upon him to distinguish that action, obviously, in order to take the contrary point of view. Now he attempts to distinguish the recent decision of the Speaker by pointing out that the so-called Hyde amendment was nongermane to a title. However, had it been offered as a separate title, the argument of nongermaneness would not have prevailed.

Since this Senate proposal is a separate title, he urges the Speaker to adopt that reasoning. However, the trouble, Mr. Speaker, is that my friend, the gentleman from South Carolina, misunderstands the germaneness rule. An amendment, in order to overcome a charge of nongermaneness, must be germane to the bill and not to a title. That is the basis upon which the distinction is made that it was nongermane to a title. . . .

THE SPEAKER PRO TEMPORE: The Chair has examined the ruling cited by the gentleman from California and the previous discussion relative to title II of the House bill in the discussion of the 27th of September and the ruling of the Chair at that time. In examining that, it is a narrow ruling, and it only applies to title II and not to the whole bill. In looking at the gentleman's point of order in this instance the gentleman from California makes two points, one as title VI relates to new classes of persons not covered by the House-passed bill, and the other in terms of the breadth of the types of conduct subject to investigation by the special prosecutor.

It seems that under what is being considered here, the breadth of the investigation which the special prosecutor may undertake, goes far beyond the scope of the activity regulated by the House-passed bill. In looking at title VI, it authorizes the special prosecutor to investigate any violation of any Federal criminal law other than a violation constituting a petty offense—conduct which may or may not directly relate to the official duties of the persons covered. For that reason and for the reason that the Chair does not feel that the prior ruling is directly in point or a precedent in the present situation, the Chair does sustain the point of order.

Does the gentleman have a motion?

MOTION OFFERED BY MR. WIGGINS

MR. WIGGINS: Mr. Speaker, I now move that the House reject title VI of the conference report.

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

The Clerk read as follows:

> Mr. Wiggins moves to reject title VI of the conference report on Senate 555.

THE SPEAKER PRO TEMPORE: The gentleman from California (Mr. Wiggins) is recognized for 20 minutes.

[Mr. Wiggins asked and was given permission to revise and extend his remarks.]

MR. WIGGINS: Mr. Speaker, as a result of the ruling of the Chair that the motion has been made to reject the Senate amendment, and 40 minutes of debate will follow, 20 minutes apparently to be controlled by me and, I pre-

sume, 20 minutes by the other gentleman from California. At the conclusion of 40 minutes of debate, or such portions thereof as we may consume, it is my intention to ask for a vote to reject title VI of the bill, the special prosecutor section.

Use of Motion To Reject Nongermane Conference Provision

§ 30.19 Where conferees agreed to a Senate amendment which, in the House, was conceded to be not germane, a point of order was raised under Rule XXVIII clause 4(a) and a motion to reject the provision was offered.

Where a House bill (reported by the Committee on Public Works) contained an authorization for state and local governments to embark on new public works projects, a Senate amendment adding a new title to the bill mandating the use of previously appropriated funds for public works and reclamation (and within the jurisdiction of the Committee on Appropriations) was agreed to by the conferees. As a consequence, a point of order was made in the House that the conferees had agreed to an amendment which was not germane, the point of order was conceded, and a motion was offered to reject the provision.

The relevant proceedings of May 3, 1977,[14] were as follows:

MR. [ROBERT A.] ROE [of New Jersey]: Mr. Speaker, I call up the conference report on the bill (H.R. 11) to increase the authorization for the Local Public Works Capital Development and Investment Act of 1976, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

POINT OF ORDER

MR. [ROBERT A.] YOUNG of Missouri: Mr. Speaker, I make a point of order against the conference report.

THE SPEAKER PRO TEMPORE:[15] The gentleman will state his point of order.

MR. YOUNG of Missouri: Mr. Speaker, the inclusion of title II of the conference report on H.R. 11 is in violation of clause 4 of rule XXVIII of the Rules of the House of Representatives.

Mr. Speaker, it should be obvious to my colleagues that this bill—H.R. 11—has come back from conference with an unrelated, nongermane amendment.

Title 1 of this bill authorizes $4 billion to be channeled to State and local governments throughout the country to create new public works jobs. The goal is to reduce the Nation's high unemployment rate.

In contrast, title 2 concerns previously approved water projects, with a

14. 123 CONG. REC. 13242, 13243, 95th Cong. 1st Sess.
15. Abraham Kazan, Jr. (Tex.).

principal goal of providing new flood control, water management and recreational benefits.

The jurisdiction over title 2 currently rests with the Appropriations Committee, and no longer involves the Public Works Committee. Therefore, title 2 should be excluded from consideration now and allowed to be handled by the appropriate committee.

My argument of nongermaneness is based on several precedents cited in Deschler's Procedure. May I call your attention to 4.25 of Deschler's chapter 28 which reads:

> To a bill reported by the Committee on Public Works authorizing funds for highway construction and for mass transportation systems which use motor vehicles on highways, an amendment relating to urban mass transit (a subject within the jurisdiction of the Committee on Banking and Currency) and to rapid rail transportation and assistance to the railroad industry (within the jurisdiction of the Committee on Interstate and Foreign Commerce) was ruled out as not germane. 118 Congressional Record 34111, 34115, 92d Congress, 2nd Session, Oct. 5, 1972.

I would also like to cite 4.12 reading:

> An amendment relating to railroads generally, which was offered to a bill pertaining solely to urban transportation, was ruled out as not germane. 116 Congressional Record 34191, 91st Congress, 1st Session, Sept. 29, 1970.

Finally I ask you to refer to 4.12 which reads:

> To a bill establishing penalties for desecration of the American flag, an amendment establishing certain restrictions upon exporting the flag was ruled out as not germane. 113 Congressional Record 16495, 90th Congress, 1st Session, June 20, 1967.

These precedents form the basis of my point of order—that title 2 is simply not germane to the local public works bill.

THE SPEAKER PRO TEMPORE: Does the gentleman from New Jersey (Mr. Roe) wish to be heard in debate on the point of order?

MR. ROE: No, Mr. Speaker. We concede the point of order.

THE SPEAKER PRO TEMPORE: The gentleman from New Jersey (Mr. Roe) concedes the point of order. The Chair sustains the point of order.

MOTION OFFERED BY MR. YOUNG OF MISSOURI

MR. YOUNG of Missouri: Mr. Speaker, I move, in conformity with the matter involved in the point of order, that the House reject title II of the conference report.

THE SPEAKER PRO TEMPORE: The gentleman from Missouri (Mr. Young) is recognized for 20 minutes on his motion.

MR. YOUNG of Missouri: Mr. Speaker, I yield myself such time as I may consume.

PARLIAMENTARY INQUIRY

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

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

MR. ROE: Mr. Speaker, I understand that the Chair has allotted 20 minutes to the gentleman from Missouri (Mr. Young).

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

THE SPEAKER: The gentleman is correct. And the gentleman from New Jersey (Mr. Roe) will also be recognized for 20 minutes.

MR. ROE: I thank the Chair.

The motion to reject was itself defeated,[17] and the conference report as reported was eventually agreed to.[18]

Determining Whether Conference Provision Is Germane

§ 30.20 In determining whether a portion of a Senate amendment to a House bill included in a conference agreement would have been germane if offered in the House, the Chair examines, *inter alia*, the diversity of the House bill, the House committee jurisdiction of a particular law amended in the Senate provision; and the fact that a part of that law bestows a duty on another House committee is not necessarily conclusive in deciding whether a point of order under Rule XXVIII clause 4(a) would lie in the House.

On Aug. 3, 1977,[19] the conference report on the Foreign Relations Authorization Act for fiscal 1978 was called up for consideration. A point of order was raised under Rule XXVIII clause 4(a) that section 515 of the report was derived from a Senate amendment, included in the conference report, which would not have been germane had it been offered in the House to the House text.

A part of section 515 is carried below, with the point of order and the Speaker's response.

FOREIGN GIFTS AND DECORATIONS

SEC. 515. (a)(1) Section 7342 of title 5, United States Code, is amended to read as follows:

"§ 7342. Receipt and disposition of foreign gifts and decorations

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission; . . .

"(E) the President and the Vice President;

"(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and . . .

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Represen-

17. 123 CONG. REC. 13245, 95th Cong. 1st Sess.

18. *Id.* at p. 13256.

19. 123 CONG. REC. 26532, 26533, 95th Cong. 1st Sess.

tatives, except that those responsibilities specified in subsections (c)(2)(A), (e), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate;

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and . . .

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency; or . . .

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees. . . .

POINT OF ORDER

MR. [BRUCE F.] CAPUTO [of New York]: Mr. Speaker, a point of order.

I would like to make a point of order and I regret that it comes at so late an hour and after the previous discussion. I make the point of order that the matter contained in section 515 of the conference report would not be germane to H.R. 6689 under clause 7 of rule XVI if offered in the House and is therefore subject to a point of order under clause 4 of rule XXVIII.

Let me state that the language in the conference report substantially changes the terms under which the Members of Congress can accept or authorize acceptance of things of value from foreign governments.

The Constitution clearly provides in article I that each House shall write its own rules. The House has a rule of its own on this matter, rule 44, which we only recently modified, under which Members of Congress could receive things of value from foreign governments.

The conference report changes that rule because it is a subsequent act of this House and in direct conflict with that rule. . . .

If the Chair does not sustain my point of order, he will be in effect sustaining the other body in writing the rules of this House.

I insist on my point of order Mr. Speaker.

THE SPEAKER PRO TEMPORE:[20] Does the gentleman from Florida wish to be heard on the point of order?

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, I would like to be heard on the point of order.

First of all, we are dealing with the 1966 Foreign Gifts and Declarations Act which is clearly and certainly within the jurisdiction of the committee.

The bill that went to the conference is broad and diverse enough to handle the subject matter in this amendment.

Finally, we do not in any way change the rules of the House. We are dealing with an act. We in no way impinge on the Ethics Committee or the rule the gentleman cited. That is clearly within their jurisdiction, it stays there, and is in no way affected by this amendment.

Therefore I would hope the Chair would overrule the point of order. . . .

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

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20. Dan Rostenkowski (Ill.).

The gentleman from New York makes a point of order that the conference report contains, in section 515, matter contained in the Senate amendment which would not have been germane to the bill if offered in the House.

Section 515 amends the Foreign Gifts and Declarations Act to provide new guidelines and procedures relating to the acceptance by employees of the United States of gifts and awards from foreign governments. The section provides that the Committee on Standards of Official Conduct shall have the functions of regulating the minimum value of an acceptable gift for Members and employees of the House of Representatives, of consenting to the acceptance by Members and employees of gifts in certain circumstances, and of disposing of unacceptable gifts through the General Services Administration. H.R. 6689, the Foreign Relations Authorization Act, as passed by the House, contained a wide variety of amendments to existing laws within the jurisdiction of the Committee on International Relations relating generally to the foreign relations of the United States and the operations of the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. It thus appears to the Chair that an amendment to the Foreign Gifts and Declarations Act, a law within the jurisdiction of the committee and relative to our foreign relations, would have been germane to the bill if offered in the House, particularly since section 111 of the House bill dealt with foreign employment by officers of the United States notwithstanding article I, section 9 of the Constitution. The Foreign Gifts and Declarations Act arose from the identical constitutional provision. The fact that the Senate amendment placed new responsibilities on a standing committee of the House does not render the provision subject to a point of order, since no attempt is made to amend the rules of the House or to otherwise exceed the jurisdiction of the Committee on International Relations.

For the reasons stated, the Chair overrules the point of order.

Parliamentarian's Note: The thrust of the point of order was that the conference language implicitly amended the rules of the House by imposing an obligation on the Committee on Standards of Official Conduct. But the impact of the provision, carried in an act over which the Committee on Foreign Affairs had jurisdiction, was to vest the regulatory authority under that act in relation to the House of Representatives, not to supersede a more restricting standard imposed by the rules of the House.

Determining Whether Provision in Conference Report Is Germane

§ 30.21 The test of germaneness of a motion to recede and concur in a Senate amendment in disagreement with a further amendment is

the relationship between the proposed House amendment and the total Senate amendment, and not the relationship between one portion of the Senate amendment and that of the proposed House amendment.

Where conferees reported in complete disagreement from the conference on the omnibus judgeship bill, H.R. 7843, the manager of the House report moved to recede from disagreement and concur in the Senate amendment (a complete amendment in the nature of a substitute) with a further amendment. The proceedings of Oct. 4, 1978,[1] were as follows:

CONFERENCE REPORT ON H.R. 7843, OMNIBUS JUDGESHIP BILL

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Speaker, I call up the conference report on the bill (H.R. 7843) to provide for the appointment of additional district and circuit judges, and for other purposes, and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:[2] The Clerk will read the conference report.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of September 28, 1978.)

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

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: . . .

SEC. 5. That section 41 of title 28 of the United States Code is amended to read in part as follows:

"The twelve judicial circuits of the United States are constituted as follows:

"Circuits	Composition
* *	* * *
Fifth.	Alabama, Florida, Georgia, Mississippi, Canal Zone. . . .

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

The Clerk read as follows:

Mr. Rodino moves that the House recede and concur in the Senate amendment to the bill H.R. 7843 with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: . . .

Sec. 6. Any court of appeals having more than 15 active judges may constitute itself into administrative units complete with such facilities and staff as may be prescribed by the Administrative Office of the United States Courts, and may perform its en banc function by such number of members of its en banc courts as may be prescribed by rule of the court of appeals. . . .

POINT OF ORDER

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Speaker, I make a point of order on section 6 of the amendment which is being offered by the gentleman from New Jersey (Mr. Rodino).

1. 124 CONG. REC. 33502–06, 95th Cong. 2d Sess.
2. Abraham Kazen, Jr. (Tex.).

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MCCLORY: Mr. Speaker, I make the point of order that section 6 of the amendment offered by the gentleman from New Jersey is not a germane modification of the House bill and the Senate amendment thereto. Section 6 is an entirely new subject introduced under color of amendment contrary to clause 7 of rule XVI. Section 6 is not what is commonly known as a nongermane Senate amendment but rather is a nongermane House amendment.

Section 6 treats with the subject of "administrative units." Neither the House bill nor the Senate amendment treat with that subject. The Senate amendment did create a new 11th circuit. But the creation of new administrative units are very different subjects, the former being quite fundamental and the latter being—in the chairman's view—much less so. Moreover, while the Senate amendment dealt with the creation of one new circuit, the pending amendment deals with all circuits.

Finally, section 6 sets new law for en banc courts. The House bill did not. The Senate amendment did not. But the pending amendment says that the number of members of an en banc court may be set by rule of court. Current law—which neither body has sought to change—requires en banc courts comprised of all the judges.

For these reasons, section 6 is not germane.

THE SPEAKER PRO TEMPORE: The gentleman from New Jersey is recognized.

MR. RODINO: Mr. Speaker, I urge, first of all, that the matter in section 6 is wholly appropriate to the subject matter of the bill, which includes matters pertaining to all 11 circuits, and there is no issue of germaneness, therefore. If it is outside of the scope of the conference, that is not relevant. We are in technical disagreement.

Mr. Speaker, I would urge, therefore, rejection of the point of order.

MR. MCCLORY: Mr. Speaker, I just point this out, as I did: It is not a question of technical disagreement; it is a question that there was nothing in the Senate bill and nothing in the House bill. The Senate bill did provide for splitting the fifth circuit. I guess that is what they are trying to accomplish here, but what in fact is occurring is that they are trying to develop an administrative procedure which will set up the courts themselves without any law, without any act on the part of this body, to do something. . . .

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

The Chair agrees with the gentlewoman from Texas on the essence of her argument. The essential question, since the conferees reported in disagreement, is whether the proposed motion is germane to the Senate amendment. The Senate amendment was much broader than the House version.

The Chair has a little difficulty in really pinpointing the point that the gentleman from Illinois makes. It may be that he intends his point of order to lie against the motion under rule XXVIII, clause 5. Clause 5(b)(2) of rule XXVIII provides that a point of order may be made upon the offering of a motion to recede and concur with an amendment in an amendment of the Senate reported from conference in

disagreement, but only if the Senate amendment or a portion thereof as proposed to be amended by such motion contains matter which would not have been germane if offered to the House bill when it was under consideration.

The Chair would note, however, that the nongermane Senate matter to which the gentleman refers, the split of the 5th circuit into a 5th and an 11th circuit, is not proposed to be included even in modified form in the motion offered by the gentleman from New Jersey.

The amendment proposed to the Senate amendment provides, in section 6, for the establishment of administrative units in any court of appeals with more than 15 active judges, but deletes any mention of an adjustment of the fifth circuit.

Section 6 appears to the Chair to be a new proposition, not a modification of the portion of the Senate amendment dealing with the fifth circuit. Therefore, a point of order under clause 5 of rule XXVIII does not apply in this instance.

The only appropriate test is whether the entire amendment proposed by the gentleman from New Jersey in his motion is germane to the Senate amendment as a whole, and it appears to the Chair that it is germane since the Senate amendment dealt with diverse subjects including appointment of additional district and circuit judges, a split of the fifth circuit, assignments and terms of the courts, and jurisdictional requirements.

For all of these reasons, the Chair will very respectfully overrule the point of order.

Special Order May Protect Nongermane Motion While Not Precluding a Preferential Motion

§ 30.22 Where a special order specified that it would be in order to offer a motion to recede and concur in a Senate amendment reported from conference in disagreement and then concur therein with an amendment which would not be germane, it is still in order to offer a preferential motion to recede and concur; and if the House does recede from its disagreement (the preferential motion being divided), the motion to concur with the nongermane amendment remains preferential.

Following consideration of the urgent supplemental appropriation bill, fiscal year 1982, the House began consideration of amendments reported from conference in disagreement. The House had previously adopted a special order, providing that it would be in order during consideration of one such amendment in disagreement, to offer a motion to recede and concur with an amendment which would not have

been germane if offered without a waiver of points of order.

Mr. Vic Fazio, of California, offered this special motion when the appropriate amendment in disagreement was reached. The subsequent proceedings of June 16, 1982,[3] are carried here.

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

The amendment reads as follows:

Senate amendment No. 62: Page 22, after line 18, insert:

SEC. 217. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home". . . .

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of House Resolution 502, it is in order to consider a motion to recede and concur with an amendment printed in the *Congressional Record* of June 15, 1982, by Representative Fazio.

PARLIAMENTARY INQUIRY

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

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

MR. YATES: Mr. Speaker, I propose to offer a preferential motion for the House to recede and concur with respect to Senate amendment No. 62.

At what point do I offer that amendment?

THE SPEAKER PRO TEMPORE: After the motion of the gentleman from California (Mr. Fazio) has been read, it will be in order for the gentleman to present the motion.

MOTION OFFERED BY MR. FAZIO

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

The Clerk read as follows:

Mr. Fazio moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 217A. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home". . . .

SEC. 217B. (a)(1) Except as provided by paragraph (2), no Member may, in any calendar year beginning after December 31, 1981, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(2) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1981, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such

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3. 128 CONG. REC. 13870, 13871, 13877, 13878, 97th Cong. 2d Sess.
4. George E. Brown, Jr. (Calif.).

individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) For purposes of subsection (a), honoraria shall be attributable to the calendar year in which payment is received.

(c) For the purposes of this section—

(1) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(2) "honorarium" means a payment of money or any thing of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for purposes of this paragraph any actual and necessary travel expenses incurred by the Member to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that they are not paid or reimbursed;

(3) "travel expenses" means, with respect to a Member, the cost of transportation, and the cost of lodging and meals while away from his residence or the greater Washington, District of Columbia, metropolitan area; and

(4) "outside earned income" means, with respect to a Member, wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalties) received or to be received as compensation for personal services actually rendered but does not include—

(A) the salary of such Member as a Member;

(B) any compensation derived by such Member for personal services actually rendered prior to the effective date of this section or becoming such a Member, whichever occurs later;

(C) any amount paid by, or on behalf of, a Member to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such Member from such a plan; and

(D) in the case of a Member engaged in a trade or business in which the Member or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Member so long as the personal services actually rendered by the Member in the trade or business do not generate a significant amount of income.

Outside earned income shall be determined without regard to any community property law. . . .

PREFERENTIAL MOTION OFFERED BY MR. YATES

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

The Clerk read as follows:

Mr. Yates moves that the House recede and concur with Senate amendment No. 62.

THE SPEAKER PRO TEMPORE: The gentleman from California (Mr. Fazio) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. Conte) will be recognized for 30 minutes.

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

THE SPEAKER PRO TEMPORE: The question will be divided.

Does the gentleman wish to debate the issue? . . .

The gentleman is recognized for 30 minutes.

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

PARLIAMENTARY INQUIRY

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I have a parliamentary inquiry. . . .

If the motion or the amendment by the gentleman from California (Mr. Fazio) prevails, then that wipes out, in effect, the motion to instruct conferees by the gentleman from Illinois (Mr. Yates). Is that correct? . . .

THE SPEAKER PRO TEMPORE: The motion before the House as divided is a motion to recede from disagreement to Senate amendment No. 62. . . .

MR. WYLIE: All right. If the motion to recede on the part of the gentleman from Illinois prevails, then we go to a vote on the amendment to that motion to recede?

THE SPEAKER PRO TEMPORE: If that is an inquiry, the answer is the House would then vote on a preferential motion to concur with an amendment if offered.

MR. WYLIE: All right. Now, if the amendment of the gentleman from California to the motion to recede prevails, then that, in effect, wipes out the motion to concur of the gentleman from Illinois.

MR. YATES: Yes.

THE SPEAKER PRO TEMPORE: The gentleman is, of course, correct.

PARLIAMENTARY INQUIRY

MR. YATES: Mr. Speaker I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. YATES: Following up the gentleman's inquiry, if the amendment offered by the gentleman from California (Mr. Fazio) is voted down, then a vote will occur on the motion that I have presented to concur with the Senate. Is that not correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

PARLIAMENTARY INQUIRY

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FAZIO: It is my understanding that the first vote will be on receding to the Senate on the language that was adopted through the instruction of the conferees on this floor.

THE SPEAKER PRO TEMPORE: The Chair has stated that about three times.

MR. FAZIO: The second motion would be the vote on the addendum of the gentleman from California to that first language, and there is no question that that would take precedence.

THE SPEAKER PRO TEMPORE: The gentleman is correct. That motion is protected by the rule.

The gentleman from Massachusetts (Mr. Conte) has 15 minutes remaining. . . .

MR. YATES: I did ask the gentleman to yield for a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The Chair cannot anticipate what the Senate might do to the House amendment. But if the Senate were merely [to] disagree to the House amendment, the gentleman is correct.

Standard Used in Determining Whether Portion of Conference Report Is Not Germane

§ 30.23 The test of germaneness under Rule XXVIII clause 4 of a portion of a conference report originally contained in a Senate amendment is its relationship to the final House version of the bill committed to conference and not to the original House-passed bill which may have been superseded by a House amendment to the Senate amendment prior to conference.

The proper way of determining whether a portion of a conference report is not germane and subject to the point of order and possible separate vote procedure under Rule XXVIII is the comparison between the provisions in the Senate text against the final House text sent to conference.

In the instant example, the original House bill, H.R. 2973, dealt only with the repeal of interest and dividend withholding. The Senate amendment to the House text included both the repeal and provisions dealing with the Caribbean Basin initiative (an unrelated tariff and trade issue).

The proceedings on July 28, 1983,[5] are carried below.

MR. [TOM] HARKIN [of Iowa]: Then I have a parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE:[6] The gentleman will state it.

MR. HARKIN: Mr. Speaker, under rule 28, it seems to me that after the reading of any conference report a point of order lies if, in fact, there is a provision in the conference report that is not germane to the bill that was passed by the House, and I do not think CBI is germane to the repeal of withholding.

THE SPEAKER PRO TEMPORE: In answer to the gentleman, by unanimous consent the House, prior to sending the bill to conference, joined both issues as a House amendment to the Senate amendment, so there is no germaneness question.

MR. HARKIN: Mr. Speaker, I am sorry, I cannot hear the Speaker.

THE SPEAKER PRO TEMPORE: By unanimous consent, the House joined both these issues, so there is no germaneness question.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HARKIN: Mr. Speaker, in other words, a unanimous-consent request was offered on the floor of the House during a House session to join both these issues and no one objected to that unanimous-consent request?

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5. 129 CONG. REC. 21401, 98th Cong. 1st Sess.

6. John Joseph Moakley (Mass.).

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Where Motion To Reject a Nongermane Provision Is Defeated

§ 30.24 Where a point of order is sustained against a portion of a conference report not meeting the test of Rule XXVIII clause 4(a), that the provision would have been germane if offered in the House, and the motion to reject the offending provision then is rejected, the debate then begins on the conference report itself.

The sequence of events shown in the following proceedings from the *Congressional Record* of Oct. 11, 1984,[7] illustrate the procedural steps under Rule XXVIII clause 4(a).[8] Where the motion to reject is defeated, the Chair bestows the customary recognition for debating a conference report.

CONFERENCE REPORT ON H.R. 6027, LOCAL GOVERNMENT ANTITRUST ACT OF 1984

Mr. Rodino submitted the following conference report and statement on the bill (H.R. 6027) to clarify the application of the Federal antitrust laws to the official conduct of local governments:

CONFERENCE REPORT (H. REPT. NO. 98–1158)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6027) to clarify the application of the Federal antitrust laws to the official conduct of local governments, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

This Act may be cited as the "Local Government Antitrust Act of 1984.". . . .

SEC. 5. Section 510 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 (Public Law 98–411), is repealed.[9]

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Speaker, pursuant to House Resolution 616, I call up the conference report on the bill (H.R. 6027) to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes.

The Clerk read the title of the bill.

7. 130 CONG. REC. 32219, 32220, 32223, 32224, 98th Cong. 2d Sess.

8. *House Rules and Manual* § 913b (1997).

9. The conference report was filed on Oct. 10, 1984. See 130 CONG. REC. 31441, 98th Cong. 2d Sess.

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

The Clerk proceeded to read the conference report. . . .

POINT OF ORDER

MR. [CHARLES] WILSON [of Texas]: Mr. Speaker, I have a point of order.

I make the point of order that the last section of the conference report contains nongermane matters within the definition of clause 4 of rule XXVIII.

THE SPEAKER PRO TEMPORE: Does the gentleman from New Jersey desire to be heard on the point of order?

MR. RODINO: The gentleman from New Jersey desires to be heard on the point of order.

MR. WILSON: I would also like to be heard, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Texas.

MR. WILSON: Mr. Speaker, if the objectionable section had been offered to the House bill, it would have been in violation of the provisions of clause 7 of rule XVI of the House rules. The provision is a repeal of appropriations law.

That provision deals with spending levels for the Federal Trade Commission for this fiscal year. The legislation is a permanent piece of legislation that amends our antitrust laws. These amendments reduce monetary damages that local governments may be liable for in antitrust suits.

That has nothing to do with the provision of the last section of this conference report to which my point of order is directed.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from New Jersey [Mr. Rodino].

MR. RODINO: Mr. Speaker, I rise in opposition to the point of order against section 5 of the conference report. The fundamental purpose of this conference report is to provide for continued enforcement of the antitrust laws without severely damaging local governments. This legislation before us continues to ensure that antitrust violations will be prosecuted; but limits the amount of damages which can be assessed in such a case against a local governmental unit. It allows the aggrieved party to ensure that injunctive relief will be available to terminate anticompetitive activity of a local government. . . .

THE SPEAKER PRO TEMPORE: . . . [T]he Chair has had the opportunity of reviewing the point of order raised by the gentleman from Texas that pursuant to clause 4 of rule XXVIII, the conferees on H.R. 6027 have agreed to a nongermane Senate provision. Section 5 of the conference report on H.R. 6027 contains the substance of section 3 of the Senate amendment, which repealed section 510 of Public Law 98–411, the State, Justice, Commerce Appropriation Act for fiscal year 1985. . . .

For the reasons stated, the Chair sustains the point of order. . . .

MOTION OFFERED BY MR. WILSON

MR. WILSON: Mr. Speaker, I move, pursuant to clause 4(b) of rule XXVIII, to strike section 5 of the conference report.

THE SPEAKER PRO TEMPORE: The gentleman from Texas [Mr. Wilson] is

10. Steny Hoyer (Md.).

entitled to 20 minutes in support of his motion.

Does the gentleman from Texas wish to use his time?

MR. WILSON: Mr. Speaker, I am prepared to yield back my time.

THE SPEAKER PRO TEMPORE: The gentleman from New Jersey [Mr. Rodino] is entitled to 20 minutes in opposition to the motion. . . .

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

The question was taken; and on a division (demanded by Mr. Wilson) there were—yeas 8, nays 23. . . .

The vote was taken by electronic device, and there were—yeas 36, nays 298, not voting 98. . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE SPEAKER PRO TEMPORE:[11] The gentleman from New Jersey [Mr. Rodino] will be recognized for 30 minutes, and the gentleman from New York [Mr. Fish] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. Rodino].

Motion To Reject—Unusual Use of To Cure Defect Not Raised in Point of Order

§ 30.25 On one rare occasion, the motion to recede and concur with an amendment offered by the manager of a conference report following rejection of a provision in the report held not to be germane under Rule XXVIII clause 4, deleted not only the nongermane part but another controversial paragraph which had been the focus of debate during argument on the first point of order.

During consideration of the conference report on S. 622, the Energy Policy and Conservation Act of 1975, it became apparent in the debate that the conference report contained provisions exceeding its scope (Rule XXVIII clause 3)[12] as well as portions of text which were not germane to the House version and subject to motions to reject (under Rule XXVIII clause 4).[13] No point of order under clause 3 was pressed. Realizing that a subsequent conference report retaining that same scope problem would only delay a final resolution of the matters in disagreement, the manager[14] of the conference report modified his motion to

11. Frank Harrison (Pa.).

12. *House Rules and Manual* § 913a (1997).

13. *Id.* at § 913b.

14. Harley O. Staggers (W. Va.).

recede and concur in that portion of the conference amendment not rejected, going beyond what the provisions of Rule XXVIII clause 4, provide to rectify the parliamentary problem disclosed in debate but not the focus of a separate point of order. There was no objection raised to this procedure even though in contravention of the standing rule. Following an affirmative vote on a motion to reject under rule XXVIII clause 4, the following proceedings occurred:[15]

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

> Mr. Staggers moves that the House recede from its disagreement to the Senate amendments to the House amendment and concur with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:
>
> *That this Act may be cited as the "Energy Policy and Conservation Act"* . . .

MR. STAGGERS (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

THE SPEAKER:[16] Is there objection to the request of the gentleman from West Virginia?

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I reserve the right to object.

MR. [BARRY M.] GOLDWATER [Jr., of California]: Mr. Speaker, I reserve the right to object.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I reserve the right to object.

MR. STAGGERS: Mr. Speaker, I would like to explain that what we are referring to is on page 8, commencing with article 4, down to the small "d," which the gentleman from Illinois had objected to, and that has been deleted from the amendment.

MR. ANDERSON of Illinois: Mr. Speaker, reserving the right to object, as the gentleman knows, I was prepared to offer a point of order to section 102 of the bill on the grounds it violates clause 3 of rule XXVIII, in that as the conference report came back from the House it contained a proposition which was not committed to the conference committee. That objection was based on the fact that H.R. 7014, the House bill in the section dealing with incentives to developing underground coal mines, limited it to a $750 million total program to new coal mines.

On page 8 of the conference report in subparagraph (2)(c)(4) is contained the language:

> The term "developing new underground coal mines" includes expansion of existing underground coal mines.

15. 121 CONG. REC. 40681, 40710, 40711, 94th Cong. 1st Sess., Dec. 15, 1975.

16. Carl Albert (Okla.).

Mr. Speaker, existing mines are clearly not the same thing as new mines.

Do I understand that the motion which the gentleman from West Virginia has now sent to the desk would eliminate from the definition of coal mines as contained on page 8 of the conference report that the definition of developing new underground coal mines no longer includes the words, "includes expansion of existing underground coal mines"; has that language, by the gentleman's amendment, been removed from the conference report?

MR. STAGGERS: Mr. Speaker, it has been removed; but the rest of the definition, I will state again that on page 8, the section marked (4) has been deleted down through the small "d," deleted completely, the whole of the section.

Adoption of Conference Report Under Suspension of the Rules

§ 30.26 The House has agreed to a motion to suspend the rules and adopt a conference report.

On Dec. 31, 1970,[17] Speaker John W. McCormack, of Massachusetts, recognized Thaddeus J. Dulski, of New York, Chairman of the Committee on Post Office and Civil Service, to offer the following motion:

Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. . . .

THE SPEAKER: Is a second demanded?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from New York [Mr. Dulski] is recognized.

After debate had transpired on Mr. Dulski's motion, the proceedings concluded as follows:

THE SPEAKER PRO TEMPORE:[18] The question is on the motion of the gentleman from New York that the House suspend the rules and agree to the conference report on H.R. 13000. . . .

The question was taken; and there were—yeas 183, nays 54, not voting 195. . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.[19]

Parliamentarian's Note: The conference report contained several provisions which were in neither the House bill nor the Senate amendment. The conference report was thus subject to a

17. 116 CONG. REC. 44282, 44283, 44291, 44292, 91st Cong. 2d Sess.

18. John Slack (W. Va.).

19. See also 81 CONG. REC. 9463–69, 75th Cong. 1st Sess., Aug. 20, 1937.

point of order under Rule XXVIII clause 3. The Member was advised that if the conference report were called up under the regular procedure and a point of order were timely raised, the Speaker could sustain the point of order, and, if the text of the conference report were then offered as an amendment to the Senate amendment, the Speaker could sustain a point of order against such an amendment as being not germane to the Senate amendment.

By Adoption of Special Order, House Rejected Conference Report

§ 30.27 By adoption of a special order, reported from the Committee on Rules, the House rejected a conference report, receded from its amendment to a Senate concurrent resolution, and concurred therein with a new amendment.

On Dec. 19, 1985,[20] the House utilized a special order from the Committee on Rules to expedite consideration of H.R. 3128, providing for reconciliation pursuant to the concurrent resolution on the budget.

The resolution and the reason for its adoption are carried below.

CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution the conference report on the bill (H.R. 3128) to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, Ninety-ninth Congress) shall be considered as having been rejected, and the House shall be considered to have receded from its amendment to the Senate amendment to said bill, and to have concurred in the Senate amendment with an amendment inserting in lieu of the Senate amendment an amendment consisting of the text of the conference report, with the following modification: strike out Subtitle B of Title XIII.

THE SPEAKER PRO TEMPORE:[1] The gentleman from South Carolina (Mr. Derrick) is recognized for 1 hour. . . .

MR. DERRICK: Mr. Speaker, this resolution provides that upon adoption of the rule, the House is deemed to have rejected the conference report to accompany H.R. 3128, the Deficit Re-

20. 131 CONG. REC. 38329, 38330, 38341, 99th Cong. 1st Sess.

1. Dale E. Kildee (Mich.).

duction Amendments of 1985. It further provides that the House shall be deemed to have receded from its position, and to have concurred in the Senate amendment to the bill, with an amendment.

The amendment to the Senate amendment shall consist of the substitute amendment reported from the committee on conference as modified by the deletion of certain sections of the conference's amendment. The sections which would be stricken from the conference committee's amendment are those which relate to the broad-based tax proposed by the conferees as a means of funding the Superfund Program. The adoption of the rule would effectively remove Superfund funding from the bill, leaving the other body to deal with this modified version of the conferees' decision.

Mr. Speaker, the procedure being employed by this rule is an unusual one. The Rules Committee chose to recommend this approach after sensing that the House indeed wants to see the enactment of a reconciliation measure but has indicated opposition to the use of the broad-based tax to finance the Superfund Program. The committee made its decision after hearing the concerns of several Members of the House earlier this evening who voiced strong opposition to the adoption of the manufacturers' excise tax. While the other body considers the approach an appropriate one, the House clearly rejected it during consideration of Superfund reauthorization legislation on the floor of the House. Further, it has been the position of the House to deal with the taxing provisions related to Superfund as part of the overall reauthorization of that program. . . .

So the resolution was agreed to. . . .

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of House Resolution 349, the conference report on H.R. 3128 is rejected, and the House recedes from its amendment to the Senate amendment and concurs with an amendment inserting in lieu of the Senate amendment an amendment consisting of the text of the conference report, with the following modifications: Strike out subtitle B of title XIII.

Adoption of Conference Report, and Correction Thereto, by Suspension of Rules

§ 30.28 A conference report and a concurrent resolution making changes therein (by altering the enrollment) were simultaneously adopted under a motion to suspend the rules.

On Aug. 1, 1983,[2] the House considered House Resolution 293. This was the first instance where a conference report and a concurrent resolution correcting its enrollment in advance of the adoption of the report were considered as one package. The reasons for this unusual procedure are de-

2. 129 CONG. REC. 21925, 98th Cong. 1st Sess.

tailed in the Record extract included here.

MR. [PARREN J.] MITCHELL [of Maryland]: Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 293) providing that the House shall be considered to have adopted the conference report on the bill (S. 272) to improve small business access to Federal procurement information, to have receded from its amendment to the title of said bill, and to have adopted the concurrent resolution (S. Con. Res. 58) correcting the enrollment of S. 272.

The Clerk read as follows:

H. RES. 293

Resolved, That upon the adoption of this resolution the House shall be considered to have adopted the conference report on the bill (S. 272) to improve small business access to Federal procurement information, to have receded from its amendment to the title of said bill, and to have adopted the concurrent resolution (S. Con. Res. 58) correcting the enrollment of S. 272.

THE SPEAKER PRO TEMPORE:[3] Is a second demanded?

MR. [JOEL] PRITCHARD [of Washington]: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Mitchell) will be recognized for 20 minutes, and the gentleman from Washington (Mr. Pritchard) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. Mitchell).

MR. MITCHELL: . . . The reason that this conference report is being handled on the suspension calendar is to avoid any possible point of order for exceeding the scope of conference. The provision which is in question is the effective date of the bill. The original House bill, which subsequently became a House amendment to the Senate bill, would have been effective upon enactment. The Senate bill, S. 272, was a more extensive bill and among other things imposes restrictions upon the authority of a contracting officer to enter negotiations for a sole source contract. The Senate bill also changes some of the provisions regarding publication of notice of procurement in the Commerce Business Daily rather than simply imposing timely notice requirements. Presumably, for these reasons the Senate felt a 45-day lead time was in order. Although the House conferees agreed with many of the provisions in the Senate bill, we felt that Federal departments should receive additional time to begin their compliance. As a result, the conferees delayed the effective date of the bill beyond the date specified in the Senate bill and thus may have exceeded the scope of conference. Consideration of the conference report on the suspension calendar avoids the possible raising of this technical violation.

In addition, after the conference report had been filed and after the Senate had approved the conference report, we received a letter from the Department of Defense expressing its concern

3. Dale E. Kildee (Mich.).

over some of the provisions of the conference report. . . . Although I do not necessarily agree with the Defense Department's views or the conclusions as to the impact of the conference report, nonetheless I agreed with my ranking minority member and the principal Senate conferees that it was advisable to adopt minor changes so as to preclude the possibility of erroneous interpretations and unintended results. As my colleagues know, conference reports cannot be amended on the floor as can a bill. The procedure needed to accomplish the changes is for the House and Senate to adopt a resolution for the Secretary of the Senate to make the changes. Such a change was introduced as Senate Concurrent Resolution 58 which basically includes the following: . . .

The Senate agreed to this resolution last Thursday.

Thus, under the motion I have made all we are doing is agreeing to the conference report with minor changes.

Procedure After Inadvertent Omission of Amendment

§ 30.29 Where a House amendment to the title of a Senate bill was in conference, but inadvertently omitted from the conference report, the House adopted the report and then receded from its amendment to the title of the Senate bill.

On Oct. 19, 1967,[4] Mr. Harley O. Staggers, of West Virginia, called up the conference report on S. 1160, the Public Broadcasting Act of 1967. After the House adopted the conference report, the Clerk read the House amendment to the title of the bill, which had been omitted from the report. Speaker Pro Tempore Carl Albert, of Oklahoma, recognized Mr. Staggers:

> Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> Mr. Staggers moves that the House recede from its amendment to the title.
>
> The motion was agreed to.
>
> A motion to reconsider the votes by which action was taken on the conference report on the motion to recede from the title amendment was laid on the table.

Concurrent Resolution Deleting Item in Enrollment of Conference Report

§ 30.30 The House adopted a concurrent resolution, directing that in the enrollment of a conference report just adopted, a provision be deleted which was beyond

4. 113 CONG. REC. 29382–88, 90th Cong. 1st Sess.

the scope of the differences committed to conference.

On Aug. 20, 1974,[5] before calling up the conference report on the Pension Reform Act, H.R. 2, the manager of the conference report announced his intention to ask unanimous consent for the consideration of a concurrent resolution which would have the effect of deleting a controversial provision in the report which was not in either the House bill or the Senate amendment and would subject the conference report to a point of order.

The House adopted both the report and the concurrent resolution on Aug. 20, 1974; the Senate did the same on Aug. 22.

The explanation of the situation facing the House by Mr. Al Ullman, of Oregon, and pertinent parts of the concurrent resolution are carried here.

INTEGRATION BETWEEN PENSION PROGRAMS AND SOCIAL SECURITY SYSTEM

(Mr. Ullman asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. ULLMAN: Mr. Speaker, in connection with the pension reform bill let me alert the Members as to how the matter of integration between the pension programs and the social security system will be handled.

Many of us have received telegrams expressing concern about one of the provisions in the conference report on the Employee Retirement Security Act of 1974, I am referring to section 1021 (g), which appears on pages 131 and 132 of the conference report of the House Committee on Ways and Means. . . .

> Immediately following the action by the House on the Conference Report on H.R. 2, the "Employee Retirement Income Security Act of 1974", a concurrent resolution is to be offered for consideration of the House. This concurrent resolution authorizes the enrolling clerk of the House to make a series of clerical and technical corrections to the Conference Report before the enrollment of the bill. In addition to these technical and clerical corrections, however, there is also a provision instructing the enrolling clerk to delete from the Conference Report, section 1021(g) which appears on pages 131–132 of the Conference Report. The explanation of the provision deleted appears in the statement of managers on pages 280 and 281.

Later that day, Mr. Ullman called up House Concurrent Resolution 609:[6]

MR. ULLMAN: Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 609) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

5. 120 CONG. REC. 29190, 29191, 93d Cong. 2d Sess.

6. *Id.* at pp. 29216–19.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2) to provide for pension reform, the Clerk of the House of Representatives shall make the following corrections:

(1) In the item relating to section 405 of the bill in the Table of Contents, strike out "of" and insert in lieu thereof "by."

(2) In the item relating to part I of subtitle A of title II in the Table of Contents of the bill strike out "Part I" and insert in lieu thereof "Part 1". . . .

(16) In section 401(a)(14) of the Internal Revenue Code of 1954, which is added by section 1021 of the bill, strike out the matter appearing after subparagraph (C) of such section 401 (a)(14) and insert in lieu thereof the same matter flush with the paragraph margin of such paragraph (14).

(17) In section 1021 of the bill, strike out subsection (g). . . .

MR. ULLMAN: This is the concurrent resolution that I spoke about earlier that deals primarily with technical corrections to the bill. This is a procedure that is used quite often on technical bills, but it also corrects the one substantive matter by removing from the conference report the language of section 1021(g) which was a matter that dealt with the integration between the private pension program and the social security system.

Now, this concurrent resolution will deal with that matter by removing it from the conference report.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Use of Concurrent Resolution To Place New Matter in Conference

§ 30.31 By adoption of a concurrent resolution in both Houses, conferees may be authorized to consider a matter not committed to them in the text a bill passed by one House and amended by the other.

On Dec. 17, 1974,[7] the House, by unanimous consent, adopted the following concurrent resolution which had been messaged from the Senate.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 124) relating to conference consideration of the bill (H.R. 17468), and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

7. 120 CONG. REC. 40472, 93d Cong. 2d Sess.

THE SPEAKER:[8] Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 124

Resolved by the Senate (the House of Representatives concurring), That, due to an inadvertent omission in the Senate reported version of H.R. 17468, entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes", in resolving the difference between the Senate and the House on such bill, it shall be deemed that the Senate agreed to an amendment (No. 6) striking from the House-passed bill the following section 111, and the conferees are authorized to consider the same:

SEC. 111. Notwithstanding any other provision of law, funds available to the Department of Defense during the current fiscal year for the construction of family housing units may be used to purchase sole interest in privately owned and Federal Housing Commissioner held family housing units if the Secretary of Defense determines it is in the best interests of the Government to do so. . . .

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

Other examples of enlarging the scope of conference can be found in 5 Hinds' Precedents, §§ 6437–6439.

8. Carl Albert (Okla.).

Reconsideration of Vote

§ 30.32 A motion may be entered to reconsider the vote whereby a conference report was rejected.

On Apr. 22, 1943,[9] the following occurred in regard to legislation providing for the payment of overtime compensation to government employees:

MR. [EUGENE] WORLEY [of Texas]: Mr. Speaker, I move to reconsider the action by which H.R. 1860 was on yesterday rejected.

MR. [ALBERT A.] GORE [of Tennessee]: Mr. Speaker, I make the point of order a quorum is not present.

MR. WORLEY: Mr. Speaker, I ask unanimous consent to enter the motion.

MR. GORE: Mr. Speaker, then I withdraw the point of order.

THE SPEAKER:[10] Is there objection to the request of the gentleman from Texas [Mr. Worley]?

There was no objection.

§ 30.33 The House has reconsidered the vote whereby a conference report was rejected and then agreed to the conference report.

On Apr. 22, 1943, Mr. Eugene Worley, of Texas, entered a motion to reconsider the vote whereby the

9. 89 CONG. REC. 3729, 78th Cong. 1st Sess.

10. Sam Rayburn (Tex.).

conference report on H.R. 1860 was rejected.[11] On May 5 of that year the following occurred in the House:[12]

MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Speaker, pursuant to rule 18, I call up for consideration the motion to reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected.

MR. [JOHN] TABER [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[13] The gentleman will state it.

MR. TABER: Was the motion to reconsider made by one of those who was in the majority upon that question?

THE SPEAKER: It was. It was made by the gentleman from Texas [Mr. Worley]. . . .

The question is: Will the House reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected? . . .

The question recurs on the motion to reconsider.

The question was taken; and on a division (demanded by Mr. Vorys of Ohio) there were—ayes 169, noes 82.

So the motion to reconsider was agreed to.

THE SPEAKER: The question is on agreeing to the conference report.

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

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 275, nays 119, not voting 40. . . .

Vacating Adoption of Report

§ 30.34 A unanimous-consent request to vacate the proceedings whereby a conference report was agreed to and a motion to reconsider laid on the table, was entertained by the Chair, but objected to.

On May 22, 1968,[14] after the conference report on S. 5 (the Consumer Credit Protection Act) was called up, the following occurred:

THE SPEAKER:[15] The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table. . . .

MR. [WILLIAM T.] CAHILL [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. CAHILL: Mr. Speaker, would it be in order for a Member to move to re-

11. See 89 CONG. REC. 3729, 78th Cong. 1st Sess.
12. *Id.* at p. 4001.
13. Sam Rayburn (Tex.).
14. 114 CONG. REC. 14375–96, 14398, 14402–05, 90th Cong. 2d Sess.
15. John W. McCormack (Mass.).

scind the action heretofore taken by the House?

THE SPEAKER: A motion would not be in order. But it would be in order for a unanimous-consent request to be made. . . .

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House adopted the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

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

MR. [WILLIAM L.] HUNGATE [of Missouri]: Mr. Speaker, reserving the right to object, all Members were notified this measure would be before the House today as the first order of business. This legislation has been before this body for 8 years. Objection should have been made before the vote was taken.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

§ 30.35 Before the House has disposed of all Senate amendments reported from a conference in disagreement, and tabled a final motion to reconsider the action taken on all such amendments, a motion to reconsider a particular motion disposing of any of the said amendments is in order while no other motion is pending before the House.

On Nov. 22, 1981,[16] during the consideration of amendments reported from the conference on the continuing appropriation bill, for fiscal year 1982, a parliamentary inquiry was addressed to the Speaker, as follows:

MR. [SILVIO O.] CONTE [of Massachusetts]: . . . Mr. Speaker, I would like to mention that on amendment No. 37 on which I rose and had hoped the Chair would recognize me, I must explain why I rose. I rose because I had a motion at the desk to have the 4.8-percent pay increase apply to the executive branch of the Federal Government.

THE SPEAKER:[17] The gentleman is aware that a motion to reconsider is in order at an appropriate time prior to disposition of all the amendments?

MR. CONTE: I thank the Speaker. I may do that if I can work it out.

Effect of Tabling a Motion To Reconsider Action Taken on an Amendment in Disagreement

§ 30.36 Where the House has amended a Senate amendment reported in disagreement from conference, it is in order to move to reconsider

16. 127 CONG. REC. 28754, 97th Cong. 1st Sess.
17. Thomas P. O'Neill, Jr. (Mass.).

that action and to move to table that motion; but tabling would not preclude further House action if the Senate subsequently addressed this same amendment by a further stage of amendment.

At the conclusion of the consideration of the conference report on H.R. 3363, the Interior appropriations bill for fiscal year 1984, and following the disposition of motions dealing with all the amendments reported from conference in disagreement, the Chair[18] stated the customary motion which would have the effect of laying on the table all motions to reconsider the various motions previously entertained. Proceedings were as indicated:[19]

THE SPEAKER PRO TEMPORE: Without objection, a motion to reconsider the votes whereby the conference report and the various motions on amendments in disagreement were disposed of is laid on the table.

MR. [C. W. BILL] YOUNG of Florida: Mr. Speaker, I reserve the right to object on that unanimous-consent request.

THE SPEAKER PRO TEMPORE: The gentleman will state his reservation.

MR. YOUNG of Florida: Mr. Speaker, I would like to ask the chairman if he would have any objection to that unanimous-consent request excluding amendment No. 91, so that we would have an opportunity to reconsider it when we come back to the House in view of our earlier discussion.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, will the gentleman yield?

MR. YOUNG of Florida: Yes, certainly.

MR. YATES: Mr. Speaker, I do not know the answer.

PARLIAMENTARY INQUIRY

MR. YATES: Mr. Speaker, before I reply to the gentleman, may I propound a parliamentary inquiry?

THE SPEAKER PRO TEMPORE: The gentleman from Illinois will state it.

MR. YATES: One, as to whether or not the gentleman's request is in order and, two, whether it is necessary in order to preserve the gentleman's rights.

THE SPEAKER PRO TEMPORE: The motion to reconsider the vote on the motion on amendment No. 91 is in order. But if the Senate subsequently sends over a further amendment to that House amendment to Senate amendment 91, the House could consider that issue at a subsequent time.

The point the Chair is making is that there may be no need to reconsider at this time.

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

THE SPEAKER PRO TEMPORE: Only if the Senate sends over a subsequent amendment to the House amendment, the Chair wants to make that clear to the gentleman.

Without objection, a motion to reconsider is laid upon the table.

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18. Dale E. Kildee (Mich.).

19. 129 CONG. REC. 27323, 98th Cong. 1st Sess., Oct. 5, 1983.

There was no objection.

Debate Following Adoption of Report

§ 30.37 Following the adoption of a conference report which was agreed to without debate, the House agreed (by unanimous consent) to permit 40 minutes of debate on the matter and to include the debate in the Record preceding the adoption of the report.

On May 22, 1968,[20] the House adopted without debate the conference report on S. 5, the Consumer Credit Protection Act, and laid on the table a motion to reconsider that action. Subsequently, several Members expressed their displeasure at the manner in which the conference report had been adopted. Wright Patman, of Texas, Chairman of the Committee on Banking and Currency, sought unanimous consent to vacate the proceedings by which the report was adopted, but Mr. William L. Hungate, of Missouri, voiced his objection. Speaker John W. McCormack, of Massachusetts, recognized Mr. Carl Albert, of Oklahoma:

> Mr. Speaker, I ask unanimous consent that 40 minutes of debate may be had on this matter, to be equally divided between the gentleman from Texas and the gentleman from New Jersey, and that it appear in the Record prior to the adoption of the conference report.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Oklahoma?
>
> The Chair will always preserve the dignity of the proceedings of the House in protecting the rights of the Members.
>
> The question now is: Is there objection to the request of the gentleman from Oklahoma. . . .
>
> There was no objection.
>
> THE SPEAKER: The gentleman from Texas [Mr. Patman] is recognized for 20 minutes and the gentleman from New Jersey [Mr. Widnall] will be recognized for 20 minutes.

§ 31. Rejection of Report

The rejection of a conference report by either House nullifies the agreements reached at the conference, and the legislation returns to the status it held immediately prior to conference.[1] The stage of disagreement continues, and

20. 114 CONG. REC. 14375–96, 14398, 14402–05, 90th Cong. 2d Sess.

1. *House Rules and Manual* § 551 (1997); §§ 31.1–31.3, infra; and 5 Hinds' Precedents § 6525.