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.

amendments which originally required consideration in the Committee of the Whole need not return there.[2] The amendments in disagreement are again reported for consideration by the House, and motions for their disposition are in order.[3]

Frequently the House will vote to insist on its disagreement to the Senate amendments and request a further conference.[4] If the Houses do not reach an agreement on the amendments in disagreement or agree to a further conference, the legislation will die.

The rejection of a conference report by one House nullifies the prior adoption of the report by the other House. In this event, the amendments in disagreement are called up for consideration in the second House.[5]

When a conference report is rejected pursuant to the special procedure providing for separate votes on nongermane matter contained therein, the question before the House immediately occurs on a motion to recede and concur with an amendment containing all of the conference report not rejected by those separate votes.[6]

Proceedings in Order Following Rejection of Conference Report

§ 31.1 Pending a vote on the adoption of a conference report, the Speaker, in response to a parliamentary inquiry, stated that the rejection of the report would leave the Senate amendment in disagreement, and that privileged motions to dispose of the disagreement would be in order and that a new conference could be asked.

During debate on the conference report on H.R. 6096, the Vietnam Humanitarian Assistance Act of 1975,[7] the following inquiry was directed to the Speaker:

2. *House Rules and Manual* § 551 (1997) and 5 Hinds' Precedents § 6589 cited therein are awkwardly worded and hence misleading on this issue.
3. *House Rules and Manual* § 551 (1997); § 31.1, infra; and 8 Cannon's Precedents § 3303.
4. §§ 31.9, 31.10, infra.
5. §§ 31.6, 31.7, infra.
6. See Rule XXVIII clause 4(d), *House Rules and Manual* § 913(b) (1997), and § 30.11, infra.
7. 121 CONG. REC. 12761, 94th Cong. 1st Sess., May 1, 1975.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[8] The gentleman will state it.

MR. OTTINGER: If we vote this down, would it then be in order for the chairman of the Committee on International Relations to go back to conference with instructions that we drop out section 4?

THE SPEAKER: . . . When the House disapproves a conference report, the matter is left in the position it was in before the conference was asked. That is under section 551 found in Jefferson's Manual. In other words, the conferees of the Senate have been discharged. The House would start all over with the House bill and the Senate amendments, and the Chair would recognize the chairman to offer a proper motion to dispose of the Senate amendment.

MR. OTTINGER: I have an additional parliamentary inquiry. Could the chairman request that a new conference be constituted?

THE SPEAKER: The chairman could do that, yes.

Reporting Amendments in Disagreement After Rejection of Report

§ 31.2 When a conference report is rejected, the Senate amendment is reported for further action by the House.

8. Carl Albert (Okla.).

On Dec. 10, 1969,[9] the House was considering the conference report on H.R. 4292, Export Control Act Amendments of 1969.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:[10] The question is on the conference report. . . .

The question was taken; and there were—yeas 157, nays 238, not voting 38. . . .

So the conference report was rejected. . . .

THE SPEAKER:[11] The Clerk will report the Senate amendment.[12]

§ 31.3 The Speaker has indicated that if a pending conference report was rejected, the last amendment between the Houses—in this case the Senate substitute for the House amendment in the nature of a substitute for the Senate bill—would then be

9. 115 CONG. REC. 38102–06, 38108, 91st Cong. 1st Sess.
10. Carl Albert (Okla.).
11. John W. McCormack (Mass.).
12. See also 107 CONG. REC. 19219–21, 87th Cong. 1st Sess., Sept. 13, 1961; 84 CONG. REC. 2085, 2086, 76th Cong. 1st Sess., Mar. 1, 1939; and 80 CONG. REC. 9743–53, 74th Cong. 2d Sess., June 17, 1936.

before the House for further action.

On June 8, 1972,[13] the House was considering the conference report on S. 659, the Higher Education Amendments of 1972. After the previous question was ordered on the report, Speaker Carl Albert, of Oklahoma, answered a series of parliamentary inquiries posed by Mr. Joe D. Waggonner, of Louisiana:

> Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. WAGGONNER: Is it correct to assume that if the House rejected the conference report on S. 659, the bill would then be restored to the status it occupied when the House asked for a conference on March 8, 1972?
>
> THE SPEAKER: The last amendment of the Senate would then be pending.
>
> MR. WAGGONNER: A further parliamentary inquiry, Mr. Speaker.
>
> THE SPEAKER: the gentleman will state it.
>
> MR. WAGGONNER: Am I correct, then, that in the event the House votes its disagreement with the conference report, the status of the bill would be that it would then be restored to the position it occupied before a conference was requested?
>
> THE SPEAKER: The Senate amendment to the House amendment would be before the House for further consideration.
>
> MR. WAGGONNER: Would the Speaker please clarify that? Is it the Senate amendment which would be before the House, or the House amendment?
>
> THE SPEAKER: The last action would be before the House, which is the Senate amendment.

Special Order Limiting Options if Conference Report Rejected

§ 31.4 The House has on occasion adopted a special order precluding further action on amendments in disagreement if a conference report is rejected.

On Oct. 4, 1990,[14] the House adopted H. Res. 488, providing for consideration of the conference report on the concurrent resolution on the budget for fiscal years 1991 through 1995. The rule waived points of order, waived the requirements for reading the report, divided the debate time, and provided that if the report were rejected, any further action on the amendment in disagreement would have to await a further order of the House. The rule also provided for putting in place the

13. 118 CONG. REC. 20339, 20340, 92d Cong. 2d Sess.

14. 136 CONG. REC. 27590, 101st Cong. 2d Sess.

budget allocations under 302(a) of the Budget Act and also specified that agreement to the resolution would not automatically send to the Senate a new debt limit bill under Rule XLIX.

SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1991, 1992, 1993, 1994, AND 1995

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the United States Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration. Debate on the conference report shall be limited to not more than 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SEC. 2. Following disposition of the conference report, on motion with respect to disposition of H. Con. Res. 310 shall be in order except pursuant to a subsequent order of the House.

SEC. 3. The allocations of spending and credit responsibility to the committees of the House, to be printed in the *Congressional Record* by the chairman of the Committee on the Budget as soon as practicable, shall be considered to be the allocations required to be printed in the joint statement of managers on H. Con. Res. 310 pursuant to section 302(a) of the Congressional Budget Act of 1974.

SEC. 4. Rule XLIX shall not apply with respect to the adoption by the Congress of the conference report on the concurrent resolution (H. Con. Res. 310). . . .

MR. DERRICK: . . . The rule provides for 2 hours of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Budget Committee. After disposition of the conference report, no other motion with respect to the disposition of the conference report is in order, except by subsequent rule.

The rule also provides that as soon as practicable, the Budget Committee chairman will cause to be printed in the *Congressional Record* allocations of spending and credit which will be considered to be the allocations required under section 302(a) of the Budget Act.

Finally, the rule provides that rule XLIX will not apply with respect to the conference report on House Concurrent Resolution 310. Rule XLIX provides that when Congress adopts the conference report on the budget resolution which contemplates a level of public debt different than that currently allowed by law, the House is deemed to have adopted a joint resolution either increasing or decreasing the statutory limit on the public debt. Because the House has already passed and sent over to the Senate H.R. 5355, a long-term debt limit bill, there is no need for

the conference report on the budget resolution to generate another debt limit bill.

Special Order Recommitting Rejected Conference Report

§ 31.5 Following its rejection of a conference report, the House considered and adopted a unique special order providing for the recommittal of the report to the committee on conference, notwithstanding the prior action.

When the House defeated the conference report on a concurrent resolution on the budget on Oct. 4, 1990, the papers had not been sent to the Senate but were still in possession of the House. Since the Senate had not acted, adoption of this special order—"deeming" the conference report "recommitted"—left the conference in place, obviated the necessity to appoint new managers, and precluded any motion to instruct. The rule also protected and provided for consideration of any subsequent report filed by the conferees and included provisions identical to those in the special order which had provided for consideration of the rejected conference report. The pertinent proceedings of Oct. 6, 1990,[15] follow:

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 310, CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1991, 1992, 1993, 1994, AND 1995

MR. [JOE] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 496 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 496

Resolved, That upon adoption of this resolution the conference report on the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the United States Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, shall be considered as recommitted to conference, notwithstanding the prior action of the House on the conference report.

SEC. 2. All points of order against any subsequent conference report on House Concurrent Resolution 310 and against its consideration are hereby waived. Any such conference report shall be considered as read when called up for consideration. Debate on any conference report shall be limited to not more than 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SEC. 3. No motion with respect to disposition of House Concurrent

15. 136 CONG. REC. 27919–21, 101st Cong. 2d Sess.

Resolution 310 shall be in order except pursuant to this resolution or a subsequent order of the House.

SEC. 4. The allocations of spending and credit responsibility to the committees of the House, to be printed in the *Congressional Record* by the chairman of the Committee on the Budget as soon as practicable, shall be considered to be the allocations required to be printed in the joint statement of the managers on House Concurrent Resolution 310 pursuant to section 302(a) of the Congressional Budget Act of 1974.

SEC. 5. Rule XLIX shall not apply with respect to the adoption by the Congress of any conference report on the concurrent resolution (H. Con. Res. 310).

THE SPEAKER PRO TEMPORE:[16] The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

MR. MOAKLEY: ... Mr. Speaker, House Resolution 496 sets the process in motion to bring a new budget agreement to the floor. This is a procedural matter; it is not an attempt to reconsider the budget we recently defeated.

The rule provides that the conference report on the budget will be recommitted to conference upon adoption of the rule. The rule waives all points of order against any subsequent conference report on H. Con. Res. 310 and against its consideration. . . .

Mr. Speaker, the Federal Government has been shut down. The President has vetoed the short-term continuing resolution and has vowed to veto any other attempt to keep the Government running at full power at least until a budget agreement has been reached. . . .

The previous question was ordered.

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

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

RECORDED VOTE

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 105, answered not voting 43, as follows: . . .

So the resolution was agreed to.

House Rejection of Report Following Senate Action

§ 31.6 After the Senate adopted a conference report, which recommended that the Senate recede from its amendments, the House must also act upon the report and, in the event of its rejection, a motion to recede and concur in the Senate amendment would be in order.

On Mar. 15, 1956,[17] the Senate adopted the conference report on H.R. 8320 (amending the Agricultural Acts of 1949 and 1954 to

16. Kweisi Mfume (Md.).

17. 102 CONG. REC. 4797–801, 84th Cong. 2d Sess.

provide for school milk and brucellosis eradication programs) which provided that the Senate recede from its amendments to the text and title of the bill. On Mar. 21,[18] the following occurred in the House:

> MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Speaker, I call up the conference report on the bill (H.R. 8320) to amend the Agricultural Act of 1949 and the Agricultural Act of 1954 with respect to the special school milk program and the brucellosis-eradication program for the fiscal year ending June 30, 1956.

After the Clerk read the report, Mr. Cooley then sought unanimous consent that the statement of the managers on the part of the House be read also. Mr. Charles A. Halleck, of Indiana, then rose:

> MR. HALLECK: Mr. Speaker, reserving the right to object, I would like to submit a parliamentary inquiry at this point.
>
> THE SPEAKER PRO TEMPORE:[19] The gentleman will state it.
>
> MR. HALLECK: Mr. Speaker, if this conference report is voted down, would it then be in order immediately thereafter for any Member to offer a motion that the House recede and concur in the Senate amendments?
>
> THE SPEAKER PRO TEMPORE: If the conference report is voted down, the Senate amendments would then be before the House for further action, and involved in that action a motion to recede and concur would be one of the parliamentary steps that could be employed.

§ 31.7 The House rejected a conference report, which recommended that the Senate recede from its amendments, although the Senate had adopted the report. The House then proceeded to agree to the Senate amendments to the bill, thus providing for the enrollment of the bill with Senate amendments.

On Mar. 15, 1956,[20] the Senate adopted the conference report on H.R. 8320, amending the Agricultural Acts of 1949 and 1954 to provide for school milk and brucellosis eradication programs. On Mar. 21,[1] Mr. Harold D. Cooley, of North Carolina, called up this conference report in the House.

> The Clerk read the conference report.
>
> The conference report and statement are as follows:

18. *Id.* at p. 5268.
19. John W. McCormack (Mass.).
20. 102 CONG. REC. 4797–801, 84th Cong. 2d Sess.
1. *Id.* at pp. 5268, 5277–79.

CONFERENCE REPORT (H. REPT. NO. 1898)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8320) to amend the Agricultural Act of 1949 and the Agricultural Act of 1954 with respect to the special school milk program and the brucellosis eradication program for the fiscal year ending June 30, 1956, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the text of the bill and to the title of the bill.

HAROLD D. COOLEY,
W. R. POAGE,
T. G. ABERNETHY,
Managers on the Part of the House.

ALLAN ELLENDER,
OLIN D. JOHNSTON,
SPESSARD L. HOLLAND,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing positions of the two Houses on H.R. 8320, providing additional authority for the special school milk program and the brucellosis eradication program for the current fiscal year, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report: . . .

In view of these considerations, the Senate has receded from its position and the bill as agreed upon and reported by the committee of conference is identical with the bill passed by the House.

HAROLD D. COOLEY,
W. R. POAGE,
T. G. ABERNETHY,
Managers on the Part of the House

After the Clerk read the report, Mr. Charles A. Halleck, of Indiana, under a reservation of a right to object to a request by Mr. Cooley that the managers statement might also be read, raised a parliamentary inquiry.

MR. HALLECK: Mr. Speaker, if this conference report is voted down, would it then be in order immediately thereafter for any Member to offer a motion that the House recede and concur in the Senate amendments?

THE SPEAKER PRO TEMPORE:[2] If the conference report is voted down, the Senate amendments would then be before the House for further action, and involved in that action a motion to recede and concur would be one of the parliamentary steps that could be employed.

MR. HALLECK: Mr. Speaker, if that motion should prevail, would it have the effect of sending the bill as amended in the other body to the White House for approval?

THE SPEAKER PRO TEMPORE: Assuming that the House was to take such action—and I am not passing any opinion on it at this time—there could be a definite conclusion of legislative action, and the answer to the gentleman's question would be in the affirmative.

2. John W. McCormack (Mass.).

MR. HALLECK: Mr. Speaker, as a matter of further parliamentary inquiry, if the conference report is voted up or if it is voted down and such a motion to recede and concur should prevail, action on the legislation would be finally completed today.

THE SPEAKER PRO TEMPORE: If the conference report is agreed to, action is concluded legislatively. On the other hand, if the conference report is rejected and the necessary motion is made and adopted, why, that would also conclude it. The answer to both of the gentleman's questions is in the affirmative.

After debate on the conference report the following occurred:

MR. COOLEY: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the conference report.

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 215, not voting 23. . . .

So the conference report was rejected. . . .

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

After the Clerk read the Senate amendments the Speaker Pro Tempore recognized Mr. August H. Andresen, of Minnesota:

Mr. Speaker, I offer a motion to recede and concur.

The Clerk read as follows:

Mr. August H. Andresen moves that the House recede from its disagreement to the Senate amendments to H.R. 8320 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota is recognized for 1 hour.

MR. AUGUST H. ANDRESEN: Mr. Speaker, I yield back my time and move the previous question on the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the motion.

MR. AUGUST H. ANDRESEN: Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 406, nays 0, not voting 27. . . .

So the motion was agreed to.

§ 31.8 Rejection of a conference report on a House bill leaves the Senate amendment in disagreement pending for disposition by motion; a motion for a further conference is also in order but a motion to instruct the managers is in order only if the request for a further conference is agreed to.

To a parliamentary inquiry concerning the alternatives available if a pending conference report, which had been agreed to by the

Senate, were to be rejected in the House, the Chair responded as indicated in the following excerpt from the House proceedings of May 1, 1975:[3]

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. OTTINGER: If we vote this down, would it then be in order for the chairman of the Committee on International Relations to go back to conference with instructions that we drop out section 4?

THE SPEAKER: The answer is "no."

When the House disapproves a conference report, the matter is left in the position it was in before the conference was asked. That is under section 551 found in Jefferson's Manual. In other words, the conferees of the Senate have been discharged. The House would start all over with the House bill and the Senate amendments, and the Chair would recognize the chairman to offer a proper motion to dispose of the Senate amendment.

MR. OTTINGER: I have an additional parliamentary inquiry. Could the chairman request that a new conference be constituted?

THE SPEAKER: The chairman could do that, yes.

Motion To Further Insist and Ask for Further Conference

§ 31.9 The House may reject a conference report, further insist on disagreement to the Senate amendment, and ask for a further conference.

On Sept. 26 (legislative day of Sept. 25), 1961,[5] Mr. John L. McMillan, of South Carolina, called up the conference report on H.R. 258, amending the District of Columbia Sales Tax Act. At the conclusion of debate on the report the following occurred:

MR. MCMILLAN: Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:[6] The question is on the conference report. . . .

The question was taken; and there were—yeas 97, nays 173, not voting 164. . . .

So the conference report was rejected. . . .

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

After the Clerk read the Senate amendment, the Chair recognized Mr. McMillan:

Mr. Speaker, I move that the House further insist on disagreement to the Senate amendment and ask for a conference with the Senate.

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3. 121 CONG. REC. 12761, 94th Cong. 1st Sess.
4. Carl Albert (Okla.).
5. 107 CONG. REC. 21427–40, 87th Cong. 1st Sess.
6. John W. McCormack (Mass.).

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Chair appoints the following conferees: Messrs. McMillan, Whitener, and Broyhill.[7]

§ 31.10 A conference report having been voted down and a motion to further insist on disagreement and appoint conferees being agreed to, the bill returns to conference; but if such motion fails of adoption, the bill remains on the Speaker's table for further action.

On Oct. 7, 1940,[8] after the House ordered the previous question on the conference report on H.R. 960, extending Classified Civil Service, the following occurred:

THE SPEAKER:[9] The question is on agreeing to the conference report. . . .

The question was taken; and there were—yes 132, nays 181, not voting 116. . . .

So the conference report was rejected. . . .

Mr. [Robert] Ramspeck [of Georgia] and Mrs. Rogers of Massachusetts rose.

THE SPEAKER: The Chair recognizes the gentleman from Georgia.

MR. RAMSPECK: Mr. Speaker, I move that the House further insist upon its disagreement to the amendments of the Senate to the bill (H.R. 960) extending the classified civil service of the United States and appoint conferees.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHENER: If the motion made by the gentleman from Georgia prevails, then the bill will be back in the same position it was before this procedure. Is this correct?

THE SPEAKER: If the motion prevails, the bill goes back to conference.

MR. MICHENER: And if the motion does not prevail, the bill will not be in conference and very likely will not be disposed of this session.

THE SPEAKER: It will be on the Speaker's table.

Recognition Following Rejection of Conference Report

§ 31.11 Upon rejection of a conference report on a House bill with Senate amendments, the manager is entitled to priority in recognition to offer a motion to dispose of the amendments; and he may move to disagree with all the amendments and request a further conference,

7. See also 110 CONG. REC. 20121, 20127, 88th Cong. 2d Sess., Aug. 18, 1964; and 88 CONG. REC. 5573–83, 77th Cong. 2d Sess., June 25, 1942.
8. 86 CONG. REC. 13333, 13334, 76th Cong. 3d Sess.
9. Sam Rayburn (Tex.).

although this motion is not of the highest priority.

On Oct. 20, 1990,[10] the House ordered the previous question on, and then rejected, the conference report on H.R. 5311, the District of Columbia Appropriations Act, 1991. After the conference report was rejected, the following proceedings occurred:

APPOINTMENT OF CONFEREES ON H.R. 5311, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1991

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I move to insist on the disagreement to all Senate amendments to the bill, H.R. 5311, and request a further conference with the Senate thereon.

THE SPEAKER PRO TEMPORE:[11] The question is on the motion offered by the gentleman from California [Mr. Dixon].

The motion was agreed to.

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees: Messrs. Dixon, Natcher, Stokes . . . and Conte.

There was no objection.

Parliamentarian's Note: Chairman Dixon could have been preempted by a more preferential motion. The stage of disagreement having been reached when the House initially disagreed to the Senate amendments and agreed to the conference, the following motions are privileged and have the precedence indicated: (1) to recede and concur; (2) to recede and concur with amendment; (3) to insist on disagreement and request a further conference; (4) to insist on disagreement; and (5) to adhere.

Recognition of Minority Member for Motion

§ 31.12 A conference report was rejected and (when the manager of the conference did not seek recognition) the Speaker recognized a minority member of the committee to move to concur in the Senate amendment with an amendment.

On Dec. 10, 1969,[12] Mr. Wright Patman, of Texas, called up the conference report on H.R. 4293, the Export Control Act amendments of 1969. The House rejected the report and the Clerk proceeded to read the Senate amendment in disagreement.

MR. [GARRY E.] BROWN of Michigan (during the reading): Mr. Speaker, I ask unanimous consent that further reading of the amendment be dis-

10. 136 CONG. REC. 31493, 101st Cong. 2d Sess.

11. William H. Gray III (Pa.).

12. 115 CONG. REC. 38077, 38102–06, 38108, 91st Cong. 1st Sess.

pensed with and it be printed in the Record.

THE SPEAKER:[13] Is there objection to the request of the gentleman from Michigan?

There was no objection.

MR. BROWN of Michigan: Mr. Speaker, I offer a motion.[14]

The Clerk read as follows:

> Mr. Brown of Michigan moves that the House recede from its disagreement to the amendment of the Senate 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: . . .

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

The motion was agreed to.

Where Senate Amendment Is Laid on the Table, Effect on Bill

§ 31.13 Where a conference report is rejected, and the manager moves to insist on its disagreement, a motion to lay the Senate amendment on the table is preferential and if adopted, carries the amendment and the bill to the table.

When the conference report on the Federal Trade Commission Amendments of 1978 (H.R. 3816) was called up on Sept. 28, 1978, the previous question was ordered but on the question of the adoption of the report, the noes prevailed, 214 to 175.

The manager's motion that the House insist on its disagreement was then preempted by a motion to lay the Senate amendment on the table. Proceedings were as indicated below.[15]

> THE SPEAKER PRO TEMPORE: The question is on the conference report.
>
> The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.
>
> MR. [BOB] ECKHARDT [of Texas]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.
>
> THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.
>
> The Sergeant at Arms will notify absent Members. . . .
>
> So the conference report was rejected.
>
> The result of the vote was announced as above recorded.

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13. John W. McCormack (Mass.).

14. Mr. Brown, who was the 10th ranking minority member on the Committee on Banking and Currency in the 91st Congress, had been appointed as a conferee on H.R. 4293 on Oct. 27, 1969, 115 CONG. REC. 31571, but did not sign the conference report, *Id.* at pp. 35584, 35585, Nov. 24, 1969.

15. 124 CONG. REC. 32334, 32335, 95th Cong. 2d Sess.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Mr. Eckhardt moves that the House insist on its disagreement to the Senate amendment.

PREFERENTIAL MOTION OFFERED BY MR. BROYHILL

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Broyhill moves to lay on the table the amendment of the Senate to the bill, H.R. 3816.

THE SPEAKER: The question is on the preferential motion to lay on the table offered by the gentleman from North Carolina (Mr. Broyhill).

The preferential motion to table was agreed to.

A motion to reconsider was laid on the table.

So the Senate amendment and the bill H.R. 3816 were laid on the table.

Referred to Standing Committee

§ 31.14 A House bill with Senate amendments was by unanimous consent referred to the committee which originally reported it after the House agreed to a conference report thereon and the Senate rejected the conference report.

On Mar. 27, 1945,[16] the House adopted the conference report on H.R. 1752, to amend the Selective Training and Service Act of 1940. On Apr. 3 of that year[17] the Senate rejected this conference report. On Apr. 23,[18] the following occurred in the House:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1752) to amend the Selective Training and Service Act of 1940 and for other purposes, with Senate amendments thereto, and ask that the same be referred to the Committee on Military Affairs.

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

There was no objection.

§ 32. Recommittal; Motions To Recommit

A motion to recommit a conference report to the committee of conference is in order in the House which first considers the report.[20]

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16. 91 CONG. REC. 2837–57, 79th Cong. 1st Sess.
17. *Id.* at p. 3074.
18. *Id.* at p. 3664.
19. Sam Rayburn (Tex.).
20. § 32.1, infra.