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

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

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

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

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

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

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

§ 3. When Motion Is in Order

Possession of Official Papers

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

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

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

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

THE SPEAKER: The Chair would inform the gentleman from New York that the papers have not yet arrived, and the request to agree to the conference and appoint conferees is not in order at this time.

Stage of Disagreement

§ 3.2 Rule XX clause 1 (authorizing a single motion to disagree to Senate amendments to a House bill on the Speaker's table and to request or agree to a conference if that motion is authorized by the committee having jurisdiction of the bill and if the Speaker recognizes for that purpose) was held to supersede those precedents established prior to the adoption of that rule which precluded the motion to go to conference until the stage of disagreement had been reached.

On Aug. 1, 1972,[18] Speaker Carl Albert, of Oklahoma, recognized Carl D. Perkins, of Kentucky, Chairman of the Committee on Education and Labor:

Mr. Speaker, upon direction of the Committee on Education and Labor, I move to take from the Speaker's desk the bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Speaker, I make a point of order against the motion.

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

MR. ERLENBORN: Mr. Speaker, the motion to request a conference is not in order until a motion to disagree to the Senate amendments has been made and disposed of. I should like to be heard on the point of order.

THE SPEAKER: The Chair will hear the gentleman on the point of order.

MR. ERLENBORN: Mr. Speaker, Jefferson's Manual, section 535, on page 265, states:

> The motion to ask a conference is distinct from motions to agree or disagree to amendments of the other House and is not in order until the House has disposed of the preferential motions to agree, recede, or insist. . . .

THE SPEAKER: The rule which the gentleman is talking about has been superseded by clause 1 of Rule XX which provides a procedure for sending bills to conference. The Chair overrules the point of order.

The question is on the motion of the gentleman from Kentucky. . . .

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

The question was taken; and there were—yeas 190, nays 198, not voting 44.

After Conference Report Ruled Out

§ 3.3 Where a point of order against a conference report is sustained, the amendments of the Senate are again before the House, and a motion to send the bill and amendments to conference is again in order.

On Oct. 4, 1962,[19] after Speaker Pro Tempore Carl Albert, of Oklahoma, sustained a point of order against a conference report on H.R. 7927, a bill to adjust postal rates, Mr. Tom Murray, of Tennessee, offered a motion to send the bill and amendments in disagreement to conference again.

MR. MURRAY: Mr. Speaker, I move that the House insist upon its disagreement with the amendments of the Senate and request a conference with the Senate.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees: Messrs. Murray, Morrison, and Corbett.

There was no objection.

Where Preferential Motions Are Pending

§ 3.4 A motion to request a further conference on an amendment reported in disagreement by conferees is not in order so long as preferential motions to dispose of amendments in disagreement are pending.

On Oct. 17, 1967,[20] the House was considering the amendment in disagreement reported back from a conference on H.R. 11476, Department of Transportation appropriations for fiscal 1968. Mr. Edward P. Boland, of Massachusetts, moved that the House recede from its disagreement to Senate amendment No. 13 and concur therein. Mr. Sidney R. Yates, of Illinois, posed the following parliamentary inquiry:

This is a motion to recede and concur in the Senate amendment. What would be the effect of voting down such a motion? Will it have the effect of sending the conferees back to conference for the purpose of ironing out this particular item again?

19. 108 CONG. REC. 22332, 22333, 87th Cong. 2d Sess.

20. 113 CONG. REC. 29044, 29048, 29049, 90th Cong. 1st Sess.

THE SPEAKER:[1] The amendment would still be before the House subject to another form of a motion.

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. . . .

MR. YATES: Mr. Speaker, if the gentleman from Massachusetts will yield further for a parliamentary inquiry, is it in order, in the event the motion to recede and concur is voted down?

THE SPEAKER: After the House has taken some specific action with relation to the amendment of the other body, the Chair assumes that a further conference could be requested.

Same Day as Receipt of Senate Message

§ 3.5 A motion to disagree to a Senate amendment to a House joint resolution and request a conference with the Senate is in order under Rule XX clause 1 on the same day the joint resolution and Senate amendment are messaged back from the Senate, if the Speaker in his discretion recognizes for that purpose and if the motion is authorized by the committee which had reported the measure to the House.

On Nov. 16, 1971,[2] Mr. George H. Mahon, of Texas, made a motion to take from the Speaker's table House Joint Resolution 946, making continuing appropriations for the fiscal year 1972, with a Senate amendment thereto, and request a conference with the Senate. Mr. H. R. Gross, of Iowa, raised a parliamentary inquiry:

Mr. Speaker, my parliamentary inquiry is this:

1. John W. McCormack (Mass.).

2. 117 CONG. REC. 41555, 92d Cong. 1st Sess.

Can this kind of a motion be made on the same day the message is received from the Senate?

THE SPEAKER:[3] The Chair will state to the gentleman that the answer to his question is "Yes; it can be."

§ 4. Who May Request Conference

Committee Chairman

§ 4.1 The Speaker, in response to a parliamentary inquiry, indicated that only the chairman of the committee having jurisdiction of the subject matter of a bill would be recognized to ask unanimous consent to take it from the Speaker's table, disagree to any Senate amendment, and ask for a conference.

On Sept. 1, 1960,[4] the Senate messaged to the House H.R. 13062, a bill to amend the Sugar Act of 1948, as amended by the Senate. Mr. Charles A. Halleck, of Indiana, raised the following parliamentary inquiry:

Would it be in order for a unanimous-consent request to be made to send the bill that has just come from the Senate to conference?

THE SPEAKER:[5] That would be up to the gentleman from North Carolina [Mr. Cooley].[6]

MR. HALLECK: In other words, if he submitted a unanimous-consent request to send the matter to conference, that could be considered subject to an objection?

THE SPEAKER: It could be.

§ 4.2 The chairman of the Committee on Post Office and Civil Service submitted a resolution to take a House bill with Senate amendments thereto from the Speaker's table, disagree to Senate amendments and request a conference with the Senate thereon, and the Speaker recognized him to move to suspend the rules and agree thereto.

On Oct. 1, 1962,[7] Speaker John W. McCormack, of Massachusetts, recognized Tom Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Serv-

3. Carl Albert (Okla.).
4. 106 CONG. REC. 18919, 18920, 86th Cong. 2d Sess. Compare § 4.7, infra.
5. Sam Rayburn (Tex.).
6. Harold D. Cooley was chairman of the Committee on Agriculture during the 86th Congress.
7. 108 CONG. REC. 21528, 87th Cong. 2d Sess.