

## AMENDMENTS BETWEEN HOUSES

When one House considers a bill which has been passed by the other House, and passes it without amendment, it is ready for presentation to the President as soon as it has been enrolled (printed on parchment) and signed by the Presiding Officers of the two Houses.

If the bill is amended by the second House before its passage, that amendment must be disposed of before that bill is ready to be enrolled and signed by the Presiding Officers of the two Houses. In such a situation, when the second House adds an amendment to a measure already passed by the other, the House in which the bill originated may concur in that amendment to the bill, after that measure has been messaged back and is laid before it for its consideration. Such action by the body in which the bill originated would clear it for enrollment and signatures by the Presiding Officers of the two Houses.

Amendments between Houses may be laid before the Senate as a privileged matter and they are designated as "amendments between Houses."

"Amendments between Houses" include any change in the language of a bill made by the second House in its passage of that measure as contrasted to the form in which it was approved by the first House; for example: (1) a substitute version for the original bill passed by the first House acting thereon, (2) the addition of new language to the original bill approved by the first House, and (3) the striking out of some language of the bill which was approved by the first House.

Within the Senate itself, when acting on an amendment of the House, that amendment is open to amendment in two degrees; that is, an amendment to the House amendment, and an amendment to the amendment to the House amendment may be offered. Even if two degrees of amendments are adopted in the Senate at this point, the result is one degree of amendment as between the Houses.

Likewise, the Senate operates under the procedure providing that "amendments between Houses" may be messaged back and forth from one House to the other and acted on by each until the original amendment added by the second House passing the bill has been amended in two degrees, and then even if the two Houses find themselves at an impasse, these differences may be sent to conference for compromise of all parts thereof, including all language, which has not already been concurred in by both Houses. Thus there are two degrees of amendments between the Houses, and in the Senate an amendment of the House is subject to two degrees of amendments.

Such procedure would present a picture somewhat as follows: The bill passes both Houses, with an amendment by the second House acting thereon. This amendment, together with the papers (the two passed versions of the bill, showing what action was taken by the two Houses in passing the bill) would be

messed back to the first House passing the bill. When this bill, technically known in the Senate as a message from the House, is called up for disposition of the amendment, should it concur in the amendment with an amendment, that would be an amendment in the first degree between the Houses. The papers, with a message of the action taken, would then be sent back to the other House, which passed the bill with an amendment. That House, when the message is laid before that body for action, could concur in the amendment to the original amendment with an amendment, which would be an amendment in the second degree between the Houses, and this amendment would not be open to further amendment when returned to the House of origin of the bill. The body in which the bill originated could concur in this said amendment, clearing the bill for enrollment and signatures of the Presiding Officers of the two Houses; or if it disagreed to the amendment, it could ask for a conference thereon.

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### Rule VII, Paragraph 3

#### [Privileged Business]

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, for appropriate action allowed under the rules and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

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#### [Form of Presenting to Senate]

*Senator.* Mr. President, I ask the Chair to lay before the Senate a message from the House on the bill S. \_\_\_\_, with the amendments of the House thereto.

*The Presiding Officer.* The Chair lays before Senate the amendment of the House of Representatives to S. \_\_\_\_.

*Senator.* Mr. President, I move that the Senate concur in (disagree to, etc.) the amendment of the House.

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#### Acted on by Adoption of Motions:

Motions used in the disposition of amendments between Houses are set forth below, and they take precedence over each other in the order listed. The citations of authority are also set forth.

#### Precedence of Motions Before the Stage of Disagreement:

1. To lay on the table.<sup>1</sup>

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<sup>1</sup> Rule XXII.

2. To postpone indefinitely.<sup>2</sup>
3. To postpone to a day certain.<sup>3</sup>
4. To refer.<sup>4</sup>

The amendments of the House of Representatives to a Senate bill may be referred to a standing committee of the Senate for consideration.<sup>5</sup>

- a. A motion to refer amendments of the House takes precedence over a motion to amend.<sup>6</sup>
  - b. A motion to refer takes precedence over a motion to agree.<sup>7</sup>
  - c. A motion to refer to a standing committee takes precedence over a motion to disagree and ask a conference (refer to a conference committee).<sup>8</sup>
5. To amend.<sup>9</sup>
    - a. A motion to amend takes precedence over a motion to agree or disagree.<sup>10</sup>
    - b. An amendment by the Senate to a House amendment to a Senate bill has precedence over a motion to agree to such amendment of the House.<sup>11</sup>
  6. To agree.
    - a. A motion to agree to a House amendment with an amendment has precedence over a motion simply to agree.<sup>12</sup>
    - b. A motion to agree has precedence over a motion to disagree or disagree and ask for a conference.<sup>13</sup>
  7. To disagree.

<sup>2</sup> Rule XXII.

<sup>3</sup> Rule XXII; Dec. 19, 1928, 70-2, *Journal*, p. 51; see also Feb. 7, 1944, 78-2, *Record*, pp. 1295-96.

<sup>4</sup> For the priorities of the following motions see Feb. 7, 1944, 78-1, *Record*, pp. 1292-95; Feb. 8, 1944, 78-1, *Record*, p. 1383; Apr. 30, 1946, 79-1, *Record*, p. 4226.

<sup>5</sup> Aug. 21, 1916, 64-1, *Record*, p. 12920.

<sup>6</sup> Rule XXII; Apr. 28, 1902, 57-1, *Record*, p. 4746; Nov. 19, 1940, 76-3, *Record*, pp. 13657-59; Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>7</sup> Rule XXII.

<sup>8</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>9</sup> Rule XXII.

<sup>10</sup> Apr. 28, 1902, 57-1, *Record*, p. 4746; a substitute being proposed, perfecting amendments have precedence; Feb. 8, 1937, 75-1, *Journal*, p. 93, *Record*, p. 963; Sept. 23, 1918, 65-2, *Record*, p. 10647.

<sup>11</sup> Sept. 7, 1962, 87-2, *Record*, p. 18868.

<sup>12</sup> Apr. 28, 1902, 57-1, *Record*, p. 4746; see *Hinds' Precedents*, vol. V, sec. 6321. This motion is equivalent to subdivision a under amend; that is, a motion to amend has precedence over a motion to agree.

<sup>13</sup> Sept. 9, 1940, 76-3, *Record*, pp. 11776-77; Apr. 28, 1902, 57-1, *Record*, p. 4746; Mar. 6, 1884, 48-1, *Record*, p. 1642; May 26, 1884, 48-1, *Record*, p. 4497; Apr. 14, 1938, 75-3, *Record*, p. 5413; July 8, 1935, 74-1, *Record*, p. 10756; Sept. 23, 1918, 65-2, *Record*, p. 10647; Feb. 17, 1915, 63-3, *Record*, p. 3934; see also July 8, 1935, 74-1, *Journal*, p. 502, *Record*, p. 10756.

Where the House, instead of agreeing to the request of the Senate for a conference on its amendments to a House bill, amended certain amendments, it is in order in the Senate to move to disagree to such House amendments.<sup>14</sup>

**Precedence of Motions Subsequent to the Stage of Disagreement:**

1. To lay on the table.<sup>15</sup>
2. To postpone indefinitely.<sup>16</sup>
3. To postpone to a day certain.<sup>17</sup>

A motion to postpone the consideration of House amendments to a Senate bill until the first legislative day after the Christmas holidays is in order.<sup>18</sup>

4. Refer.<sup>19</sup>

There is no rule requiring amendments of the House to a Senate bill to be referred.<sup>20</sup>

5. To recede (from its own amendment, recede and concur in a House amendment, or recede and concur in same with amendment). (If recede, then can amend, and concur with amendment.)

- a. The question of agreeing to a conference report takes precedence over a motion to recede from an amendment upon which the conferees had not agreed.<sup>21</sup>
- b. A motion to recede from a Senate amendment to a House bill, or to an amendment upon which the conferees failed to agree, has precedence over a motion to insist and ask for a (further) conference.<sup>22</sup>
- c. A motion to recede has precedence over a motion to adhere.<sup>23</sup>

6. Insist.<sup>24</sup>

<sup>14</sup> See Aug. 8, 17, and 18, 1921, 67-1, *Journal*, pp. 223, 237-238, *Record*, pp. 4742, 5093, 5149-51.

<sup>15</sup> Rule XXII.

<sup>16</sup> Rule XXII.

<sup>17</sup> Rule XXII.

<sup>18</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>19</sup> Rule XXII.

<sup>20</sup> Apr. 28, 1902, 57-1, *Record*, p. 4746; see also footnotes 138-142, *infra*.

<sup>21</sup> Feb. 25, 1885, 48-2, *Record*, p. 2119.

<sup>22</sup> Aug. 5, 1912, 62-2, *Record*, p. 10211; Mar. 3, 1887, 49-2, *Record*, p. 2619; Oct. 21, 1918, 65-2, *Record*, pp. 11406-08; Apr. 14, 1938, 75-3, *Record*, p. 5413; June 4, 1924, 68-1, *Journal*, p. 422, *Record*, p. 10474; Feb. 26, 1915, 63-3, *Record*, p. 4682; see also June 16, 1902, 57-1, *Journal*, p. 492, *Record*, pp. 6859-64; Aug. 20, 1958, 85-2, *Record*, pp. 18700-02; July 5, 1952, 82-2, *Record*, p. 9517; July 10, 1946, 79-2, *Record*, p. 8555; June 30, 1941, 77-1, *Record*, pp. 5747-58; Feb. 1, 1978, 95-2, *Record*, pp. 1742-44.

<sup>23</sup> See Mar. 2, 1885, 48-2, *Record*, p. 2393.

<sup>24</sup> Oct. 21, 1918, 65-2, *Record*, pp. 11406-08.

A motion to insist further and agree to a further conference has precedence over a motion to adhere to the amendment.<sup>25</sup>

7. Adhere (to its own amendment, or to disagreement to House amendment).

8. Send to conference.

### Adhere:

A motion to recede from a Senate amendment to a House bill, or to an amendment upon which conferee's failed to agree, has precedence over a motion to insist further and ask a further conference,<sup>26</sup> and both motions to recede or to insist further have precedence over a motion to adhere.<sup>27</sup>

### Amendable:

House amendments to a Senate bill are amendable,<sup>28</sup> until concurrence therein.<sup>29</sup> Likewise, an amendment of the House of Representatives to a Senate amendment to a House bill is subject to amendment by the Senate, but an amendment to the text of the bill itself would not be in order.<sup>30</sup> A Senate amendment to a House amendment to a Senate bill may be amended in one degree;<sup>31</sup> amendments between Houses are amendable in only two degrees.<sup>32</sup>

An amendment of the Senate to an amendment of the House to an amendment of the Senate to a House Joint Resolution is in order as a second degree amendment between the Houses.<sup>33</sup>

One House may agree to an amendment of the other House with an amendment, disagree to the residue of the amendments, and ask a further conference thereon.<sup>34</sup>

<sup>25</sup> *Ibid.*

<sup>26</sup> Aug. 5, 1912, 62-2, *Record*, p. 10211; Feb. 26, 1915, 63-3, *Record*, p. 4682; June 4, 1924, 68-1, *Journal*, p. 422, *Record*, p. 10474; Oct. 21, 1918, 65-2, *Record*, pp. 11406-08; Mar. 3, 1887, 49-2, *Record*, p. 2619.

<sup>27</sup> Oct. 21, 1918, 65-2, *Record*, pp. 11406-08; *see also* Mar. 2, 1885, 48-2, *Record*, p. 2393.

<sup>28</sup> *See* Feb. 4, 1944, 78-2, *Record*, pp. 1241-42.

<sup>29</sup> *See* Aug. 17, 1954, 83-2, *Record*, pp. 14709-10.

<sup>30</sup> Apr. 26, 1902, 57-1, *Record*, pp. 4709, 4714.

<sup>31</sup> Feb. 7, 1944, 78-2, *Record*, p. 1294.

<sup>32</sup> *See* Dec. 16, 1975, 94-1, *Record*, pp. 41007-48.

<sup>33</sup> Dec. 15, 1980, 96-2, *Record*, pp. 34272-73.

<sup>34</sup> Jan. 18 and 23, 1907, 59-2, *Journal*, pp. 129-30, 151-52.

the first legislative day after the Christmas holidays is in order,<sup>122</sup> and if a particular amendment is postponed, the others are then in order for consideration.<sup>123</sup>

### Recede:

*See also* "Divisible Questions," pp. 807-812; "House Amendment to Senate Amendment to House Bill," pp. 138-139; "To Recede," p. 129.

While a conference report is under consideration, a motion that the Senate recede from an amendment, which the conferees reported in disagreement, is not in order;<sup>124</sup> such a motion should be made after the report has been agreed to or disagreed to;<sup>125</sup> the question of agreeing to the report takes precedence over a motion to recede.<sup>126</sup>

The Senate cannot recede from an amendment made by it to a House bill in conference unless it is in possession of the papers.<sup>127</sup>

A motion that the Senate recede from its amendment to a House bill with an amendment (even if the conferees reported it in disagreement) is not in order;<sup>128</sup> but it has been done under unanimous consent procedure;<sup>129</sup> nor is it in order for the Senate to recede from its own amendment to a bill with an amendment.<sup>130</sup> A motion to recede from a Senate amendment to a House bill is not amendable.<sup>131</sup>

When the Senate is considering a House amendment to a Senate amendment to a House bill, it is in order for the Senate to either recede from its amendment or table its amendment.<sup>132</sup>

A motion that the Senate recede from certain amendments to a House bill, reported by the conferees in disagreement, is not subject to amendment by adding instructions to the conferees.<sup>133</sup>

<sup>122</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>123</sup> Feb. 7, 1944, 78-2, *Record*, p. 1296.

<sup>124</sup> June 4, 1924, 68-1, *Record*, p. 10450.

<sup>125</sup> *Ibid.*; July 24, 1914, 63-2, *Record*, pp. 12606, 12609; *see also* Mar. 3, 1913, 62-3, *Record*, pp. 4642-48; Apr. 25, 1934, 73-2, *Journal*, p. 322, *Record*, pp. 7255, 7292.

<sup>126</sup> Feb. 25, 1885, 48-2, *Record*, p. 2119.

<sup>127</sup> *See* July 16, 1932, 72-1, *Record*, p. 15604.

<sup>128</sup> *See* Feb. 21, 1929, 70-2, *Journal*, p. 193, *Record*, pp. 3924-25; Oct. 9, 1968, 90-2, *Record*, pp. 30188-89.

<sup>129</sup> *Ibid.*; *See* May 23, 1979, 96-1, *Record*, pp. 12398-99.

<sup>130</sup> *Ibid.*; Mar. 3, 1891, 51-2, *Record*, p. 3852.

<sup>131</sup> Sept. 28, 1988, 100-2, *Record*, p. S 13417.

<sup>132</sup> June 25, 1984, 98-2, *Record*, pp. 18576, 18591.

<sup>133</sup> Jan. 21, 1895, 53-3, *Record*, p. 1182.

which the conferees have not agreed,<sup>42</sup> or to insist upon an amendment rejected by the conferees,<sup>43</sup> is not in order. Such motions are in order after agreeing or disagreeing to the report,<sup>44</sup> and such amendments, after the report has been agreed to, are before the Senate for further action,<sup>45</sup> or separate action should be taken on amendments reported in disagreement after disposition of the conference report.<sup>46</sup>

While a conference report is under consideration, a motion that the Senate insist upon an item stricken out by the Senate and restored by the conferees, and ask a further conference with the House thereon is not in order.<sup>47</sup>

Where both Houses have agreed to a conference report which disposes of certain amendments, a motion to include them in a second conference of other amendments in disagreement is not in order,<sup>48</sup> or where a conference report, which does not embrace all amendments in disagreement has been adopted by the two Houses, conferees, in a further report, can deal only with those amendments not agreed to in the first report and have no authority to consider amendments disposed of in the first report.<sup>49</sup>

After a report is agreed to, and amendments still in disagreement are being considered by the House, a point of order that a substitute amendment goes beyond the jurisdiction of the conferees is not good.<sup>50</sup>

All Senate amendments to an appropriation bill having been agreed to except one, upon which a second conference committee reported a disagreement, the House adhered to its disagreement to the amendment; the Senate subsequently receded from its amendment, thereby passing the bill.<sup>51</sup>

<sup>42</sup> June 4, 1924, 68-1, *Record*, p. 10450.

<sup>43</sup> May 23, 1941, 77-1, *Record*, p. 4372.

<sup>44</sup> July 24, 1914, 63-2, *Record*, pp. 12606, 12609; June 4, 1924, 68-1, *Record*, p. 10450; Feb. 25, 1885, 48-2, *Record*, p. 2119; see also Apr. 25, 1934, 73-2, *Journal*, p. 322, *Record*, pp. 7255, 7292; Mar. 3, 1913, 62-3, *Record*, pp. 4642-48; Sept. 19, 1962, 87-2, *Record*, pp. 19913-14.

<sup>45</sup> See June 26, 1950, 82-2, *Record*, p. 9178.

<sup>46</sup> See Apr. 25, 1934, 73-2, *Journal*, p. 322, *Record*, pp. 7255, 7292.

<sup>47</sup> Apr. 16, 1926, 69-1, *Record*, pp. 7558-59.

<sup>48</sup> Mar. 19, 1930, 71-2, *Journal*, p. 222.

<sup>49</sup> See June 15, 1932, 72-1, *Record*, p. 13005; July 6, 1921, 67-1, *Record*, pp. 3365-66.

<sup>50</sup> June 10, 1938, 75-3, *Record*, p. 8769.

<sup>51</sup> Feb. 26, 27, and 28, 1907, 59-2, *Journal*, pp. 365, 376, 387-388, *Record*, pp. 4086, 4247, 4289.



The Senate does not distinguish between amendments reported in "true" disagreement and those reported in "technical" disagreement.<sup>52</sup>

### Concur:

*See also* "Amendments Between Houses," p. 190; and "Amendable," pp. 130-131.

A motion to concur in House amendments to a Senate bill is in order,<sup>53</sup> but a motion to concur with an amendment takes precedence over a simple motion to concur,<sup>54</sup> and if the motion to concur with amendment should be defeated, the question would recur on the simple motion to concur.<sup>55</sup>

When the Senate agrees to all amendments of the House to any amendments of the Senate not otherwise disposed of to a bill, that action concludes legislative action on the bill.<sup>56</sup>

While a motion that the Senate concur in an amendment of the House to an amendment of the Senate to a House Joint Resolution is pending, a motion that the Senate concur in the House amendment with an amendment is in order.<sup>57</sup>

A motion to concur in a House amendment with an amendment if adopted is a final action and does not allow further amendments to be called up to that House amendment.<sup>58</sup>

If a motion to concur in a House amendment is pending, a motion to concur with an amendment takes precedence, and if the Senate agrees to concur in a House amendment with amendment or amendments, it in effect negates the simple motion to concur,<sup>59</sup> and the Senate amendment goes back to the House for its concurrence therein, closing out further action by the Senate at that stage of the proceedings.<sup>60</sup>

<sup>52</sup> Sept. 28, 1988, 100-2, *Record*, p. S 13414.

<sup>53</sup> Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881.

<sup>54</sup> Dec. 30, 1970, 91-2, *Record*, p. 44117; *see* Oct. 17, 1972, 92-2, *Record*, p. 36848.

<sup>55</sup> *See* July 17, 1967, 90-1, *Record*, p. 19010.

<sup>56</sup> July 15, 1892, 52-1, *Record*, pp. 6190-91.

<sup>57</sup> Dec. 15, 1980, 96-2, *Record*, pp. 34272-73.

<sup>58</sup> Aug. 26, 1980, 96-2, *Record*, p. 23289.

<sup>59</sup> *See* footnote 55 above.

<sup>60</sup> *See* Feb. 10, 1966, 89-2, *Record*, pp. 2865-66; Aug. 26, 1980, 96-2, *Record*, p. 23289.



A motion that the House amendments to a Senate bill be laid before the Senate and that the Senate concur therein is not in order.<sup>61</sup>

A motion to concur in a House amendment takes precedence over a motion to disagree,<sup>62</sup> but a motion to non-concur is not in order since the question is put in the affirmative.<sup>63</sup>

Concurrence by the Senate in all amendments of the House of Representatives to a Senate bill completes the legislative action on such bill, and no vote is taken on the bill as amended.<sup>64</sup>

A motion to concur in House amendments to a Senate bill<sup>65</sup> in conference, or to concur in House amendments to a Senate bill after the Senate amends an amendment of the House and insists upon its amendment and asks for a conference with the House thereon,<sup>66</sup> or after the Senate disagrees to the amendments of the House to a Senate bill and asks for a conference,<sup>67</sup> is not in order unless the Senate first agrees to reconsider the vote sending the bill to conference.

A Senate joint resolution, with House amendments, pending before a conference committee of the two Houses, cannot be laid before the Senate with a view to concurrence in the House amendments.<sup>68</sup>

## Consideration of Amendments Between Houses

### Laid Before the Senate at Any Time:

Amendments of the House to a Senate bill constitute a message from the House, and may be laid before the Senate as a privileged matter upon the request of a Senator, and unanimous consent is not required.<sup>69</sup>

Amendments of the House to a Senate bill (or House amendment to a Senate amendment) may be laid before the Senate at any time as a privileged matter either on motion by a Senator or by the Presiding Officer without

<sup>61</sup> Feb. 4, 1944, 78-1, *Record*, pp. 1265-66.

<sup>62</sup> Mar. 6, 1884, 48-1, *Record*, p. 1642.

<sup>63</sup> Feb. 20, 1861, 36-2, *Record*, p. 1049.

<sup>64</sup> See Sept. 10, 1962, 87-2, *Record*, p. 18947.

<sup>65</sup> Aug. 12, 1949, 81-1, *Record*, pp. 11359-60.

<sup>66</sup> See Aug. 19, 1921, 67-1, *Record*, pp. 5269-70; Aug. 12, 1949, 81-1, *Record*, pp. 11359-60.

<sup>67</sup> Aug. 12, 1949, 81-1, *Record*, pp. 11359-60.

<sup>68</sup> Feb. 20, 1917, 64-2, *Journal*, p. 173; Mar. 2, 1917, 64-2, *Record*, p. 4780.

<sup>69</sup> Dec. 12, 1980, 96-2, *Record*, p. 33713.

any motion required;<sup>70</sup> and unanimous consent is not required,<sup>71</sup> nor is the proposition debatable.<sup>72</sup>

An amendment of the House of Representatives to a Senate bill may be laid before the Senate at any time when a Senator having the floor when a Senator having the floor yields for that purpose.<sup>73</sup>

#### Motions Out of Order:

*See also* "Concur," pp. 133-134; "Insist," pp. 139-140; "Recede," pp. 141-142.

A motion to instruct Senate conferees to insert certain language in lieu of a provision of House text stricken out by a Senate amendment is not in order.<sup>74</sup>

An amendment by the House to add a new title to a Senate bill when brought back to the Senate for action may not be amended by striking out the entire title; the will of the Senate would be determined by voting the amendment up or voting it down.<sup>75</sup>

A motion to reject a Senate substitute and concur in the House amendments with an amendment in the nature of a substitute is not in order since it would be coupling motions.<sup>76</sup>

#### Motion To Consider, on Objection:

It is in order to take up such amendments on motion,<sup>77</sup> and where the House amendments to a Senate bill have been laid before the Senate, a motion to agree thereto, upon objection, is not in order until the Senate on motion has proceeded to their consideration.<sup>78</sup>

#### Privileged and Only Suspends Pending Business:

The consideration of amendments between the Houses is privileged business when laid before the Senate.<sup>79</sup>

<sup>70</sup> July 26, 1984, 98-2, *Record*, p. 2112; Nov. 19, 1940, 76-3, *Record*, p. 13655; Jan. 13, 1938, 75-3, *Record*, pp. 445-46.

<sup>71</sup> July 28, 1950, 81-2, *Record*, p. 11321.

<sup>72</sup> Feb. 4, 1944, 78-1, *Record*, p. 1265; Feb. 7, 1944, 78-1, *Record*, p. 1292.

<sup>73</sup> Jan. 13, 1938, 75-3, *Record*, pp. 446-47.

<sup>74</sup> Feb. 1, 1939, 76-1, *Record*, p. 1009.

<sup>75</sup> Oct. 12, 1978, 95-2, *Record*, pp. 36180-81.

<sup>76</sup> Nov. 8, 1979, 96-1, *Record*, p. 31685.

<sup>77</sup> July 9, 1954, 83-2, *Record*, p. 10163.

<sup>78</sup> Mar. 3, 1913, 62-3, *Record*, p. 4673; Aug. 30, 1976, 94-2, *Record*, pp. 28336-37; Sept. 21, 1976, 94-2, *Record*, p. 31476.

<sup>79</sup> July 9, 1954, 83-2, *Record*, p. 10163; Aug. 19, 1949, 81-1, *Record*, p. 11844; Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881; Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863; Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4766; *see also* July 21, 1939, 76-1,

A motion that the Senate disagree to the amendments of the House, and agree to the conference requested by the House is privileged.<sup>80</sup>

A motion to proceed to the consideration of House amendments to a Senate bill takes precedence over the unfinished business.<sup>81</sup>

If morning business has not been concluded at the hour of 1 o'clock, a motion is in order at that time to proceed to the consideration of a motion relating to Senate amendments to a House bill.<sup>82</sup>

If a motion to consider is agreed to, the pending bill or unfinished business is not displaced;<sup>83</sup> but its consideration is merely suspended.<sup>84</sup>

#### Referred or Placed on Calendar:

See "Refer," p. 142.

#### Debate of

See also "Amendments Between Houses," pp. 723-724.

#### Debatable Motions:

The following motions are debatable:

(1) To concur or agree to House amendments to a Senate bill or Senate joint resolution;<sup>85</sup> (2) to disagree to House amendments to a Senate amendment to a House bill;<sup>86</sup> (3) to refer House amendments to a Senate bill to a standing committee.<sup>87</sup>

On one occasion the Chair stated that a motion that the Senate further insist on its amendment to a House bill, request a conference with the House, and that the Chair be authorized to appoint conferees, was debatable (al-

*Record*, p. 9671; July 12, 1937, 75-1, *Record*, p. 7031; Feb. 20, 1929, 70-2, *Record*, pp. 3831-32; Aug. 8, 17, and 18, 1921, 67-1, *Journal*, pp. 223, 237-38, *Record*, pp. 4742, 5093, 5149-51.

<sup>80</sup> See Aug. 1, 1957, 85-1, *Record*, p. 13268.

<sup>81</sup> Mar. 1, 1929, 70-2, *Journal*, p. 255.

<sup>82</sup> Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3571.

<sup>83</sup> Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4766; Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881; Aug. 19, 1949, 81-1, *Record*, p. 11844; see also Feb. 20, 1929, 70-2, *Record*, pp. 3831-32; Aug. 8, 17, and 18, 1921, 67-1, *Journal*, pp. 223, 237, 238, *Record*, pp. 4742, 5093, 5149-51.

<sup>84</sup> Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4766; see also Feb. 4, 1944, 78-2, *Record*, p. 1265; Sept. 9, 1940, 76-3, *Record*, pp. 11759-60; Aug. 8, 17, and 18, 1921, 67-1, *Journal*, pp. 223, 237, 238, *Record*, pp. 4742, 5093, 5149-51.

<sup>85</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863; Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881; see also Nov. 19, 1940, 76-3, *Record*, p. 13656.

<sup>86</sup> See Aug. 18, 1921, 67-1, *Journal*, p. 238, *Record*, pp. 5149-51.

<sup>87</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

though such is actually two separate motions coupled with a unanimous consent request).<sup>88</sup>

An amendment of the House to a Senate bill is not subject to the 5-minute limitation on debate on bills considered during a call of the Calendar.<sup>89</sup>

#### Motions Not Debatable:

The following motions are not debatable:

(1) To lay a matter coming from the House before the Senate;<sup>90</sup> and (2) a motion made at 1 o'clock (or 1 hour after the Senate convenes) to proceed to the consideration of a motion relating to Senate amendments to a House bill or to proceed to the consideration of House amendments or amendments to a Senate bill,<sup>91</sup> and it is not in order to rise to a question of personal privilege in connection with such a matter.<sup>92</sup>

#### Disagree:

The House which disagrees to the amendments of the other House to a bill does not always ask for a conference,<sup>93</sup> but may wait for the other House to insist on its amendments and ask for a conference.<sup>94</sup> One House may agree to an amendment of the other House with an amendment, disagree to the residue of the amendments, and ask for a conference.<sup>95</sup>

If the House, instead of agreeing to the request of the Senate for a conference on its amendments to a House bill, amends certain amendments of the Senate, it is in order in the Senate to move to disagree to such amendments.<sup>96</sup>

The Senate may disagree to the amendments of the House without asking for a conference.<sup>97</sup>

<sup>88</sup> Dec. 2, 1982, 97-2, *Record*, p. 28439.

<sup>89</sup> Apr. 13, 1928, 70-1, *Record*, p. 6359.

<sup>90</sup> Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881; see also Aug. 18, 1921, 67-1, *Journal*, p. 238, *Record*, pp. 5149-51.

<sup>91</sup> Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4766; Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572.

<sup>92</sup> Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572.

<sup>93</sup> Feb. 17, 1896, 54-1, *Journal*, p. 132; June 2, 1900, 56-1, *Journal*, p. 418.

<sup>94</sup> June 25, 1906, 59-1, *Journal*, pp. 652, 655.

<sup>95</sup> Jan. 18, 1907, 59-2, *Journal*, pp. 129-130.

<sup>96</sup> See Aug. 8, 17, and 18, 1921, 67-1, *Journal*, pp. 223, 237, 238, *Record*, pp. 4742, 5093, 5149-51.

<sup>97</sup> June 25, 1906, 59-1, *Journal*, pp. 652, 655; Feb. 17, 1896, 54-1, *Journal*, p. 132; June 2, 1900, 56-1, *Journal*, p. 418; Apr. 22, 1904, 58-2, *Journal*, p. 417; Apr. 25, 1904, 58-2, *Journal*, p. 435; Apr. 26, 1904, 58-2, *Journal*, pp. 445-46, 455.

### Divisible Questions:

See also "Division of Pending Question," pp. 807-812.

An amendment of the House of Representatives to a Senate bill which contains two separate provisions is divisible on demand.<sup>98</sup>

Where a message from the House embodies House amendments to a Senate bill, and the Senate has agreed to consider them, a demand for action on the amendments separately is in order.<sup>99</sup>

A motion that the Senate recede from two amendments is susceptible of division, and upon demand should be divided.<sup>100</sup>

A motion to strike out and insert is not open to division even if it is a motion to strike out a House amendment to a Senate bill which was reported in disagreement by conferees and insert language in the nature of a substitute therefor.<sup>101</sup>

### Engrossment of House Amendments:

House amendments by unanimous consent may be ordered engrossed showing changes in the form of the amendments.<sup>102</sup>

### House Amendment to Senate Amendment to House Bill:

When the Senate agrees to amendments of the House to amendments of the Senate to a House bill and no other amendments are left for disposition, that concludes legislative action on the bill,<sup>103</sup> but if a single amendment in disagreement remains undisposed of, the bill would not be finally passed.<sup>104</sup>

If a Senate amendment to a House bill is amended by the House, a motion in the Senate to recede from its amendment is not in order until after acting on the House amendment.<sup>105</sup>

<sup>98</sup> Feb. 8, 1944, 78-2, *Record*, p. 1400.

<sup>99</sup> Feb. 7, 1944, 78-2, *Record*, p. 1292; see also Sept. 26, 1961, 87-1, *Record*, pp. 21392-95.

<sup>100</sup> Jan. 2, 1951, 81-2, *Record*, p. 17101.

<sup>101</sup> Oct. 17, 1972, 92-2, *Record*, p. 36855.

<sup>102</sup> Oct. 2, 1940, 76-3, *Record*, p. 13035.

<sup>103</sup> July 15, 1892, 52-1, *Record*, pp. 6190-91.

<sup>104</sup> See Sept. 26, 1961, 87-1, *Record*, pp. 21392-95.

<sup>105</sup> Aug. 13, 1894, 53-2, *Journal*, pp. 356-357, *Record*, pp. 8450-56.

If the Senate amends a House bill and the House recedes and concurs in the Senate amendment with an amendment and the Senate at a later date amends that House amendment to which the House disagrees, a motion to recede and concur in the House amendment if agreed to would clear the bill for the President's signature.<sup>106</sup>

An amendment of the House to a Senate amendment to a House bill is subject to amendment by the Senate, but an amendment to the text of the bill itself would not be in order.<sup>107</sup>

A perfecting amendment to a House amendment to a Senate amendment to a House bill has precedence over a substitute for such House amendment.<sup>108</sup>

A substitute for a House amendment to a Senate amendment to a House bill, as amended, having been agreed to, the question is then put on agreeing to the House amendment as amended.<sup>109</sup>

If the House, instead of agreeing to the request of the Senate for a conference on its amendments to a House bill, amends them, it is in order in the Senate to move to disagree to such House amendments.<sup>110</sup>

A point of order does not lie in the Senate against an amendment of the House to a Senate amendment to a general appropriation bill.<sup>111</sup>

In one instance, in 1922, on objection, the report of a committee on an amendment of the House of Representatives to a Senate amendment to a general appropriation bill was ordered to lie over 1 day under the rule.<sup>112</sup>

### Insist:

*See also* "Conferences," pp. 464-469.

After the House disagrees to a Senate amendment to a House bill and returns the papers, a motion to insist on its amendments or to insist on its amendments and request a conference is in order.<sup>113</sup>

<sup>106</sup> June 11, 1975, 94-1, *Record*, p. 18404.

<sup>107</sup> Apr. 26, 1902, 57-1, *Record*, pp. 4709, 4714.

<sup>108</sup> June 14, 1933, 73-1, *Record*, p. 5975.

<sup>109</sup> *Ibid.*

<sup>110</sup> *See* Aug. 8, 17, and 18, 1921, 67-1, *Journal*, pp. 223, 237-38, *Record*, pp. 4742, 5093, 5149-51.

<sup>111</sup> *See* Aug. 15, 1949, 81-1, *Record*, pp. 11448-49.

<sup>112</sup> May 6, 1922, 67-2, *Record*, p. 6479.

<sup>113</sup> June 2, 1900, 56-1, *Journal*, p. 418; *see also* June 25, 1906, 59-1, *Journal*, pp. 652, 655; Apr. 25, 1904, 58-2, *Journal*, pp. 435-436; Apr. 22, 1904, 58-2, *Record*, p. 417.

If the Senate amends an amendment of the House of Representatives to a Senate bill, a motion is in order at that time that the Senate insist upon its amendment and ask for a conference with the House thereon.<sup>114</sup>

Once a House bill has been amended by the Senate, and the House insists on its disagreement to the amendment of the Senate, the stage of disagreement has been reached, and no amendment is in order in the Senate.<sup>115</sup>

A motion to insist upon an amendment rejected by the conferees is not in order during the consideration of the conference report.<sup>116</sup>

While a conference report is under consideration, a motion that the Senate insist upon its amendment striking out items in the bill which the conferees had restored is not in order, and would not be in order if the report is agreed to.<sup>117</sup>

A conference report of disagreement must be acted upon before it is in order for the Senate to further insist and ask for a further conference on the amendments in disagreement contained in that report.<sup>118</sup>

### Messages From House:

*See also* "Communications and Messages to the Senate," pp. 430-441.

A message from the House of Representatives is a privileged matter and may be laid before the Senate at any time.<sup>119</sup>

For example, such a message asking for a conference with the Senate on amendments in disagreement may be laid before the Senate while unfinished business is pending.<sup>120</sup>

### Postpone:

A motion to postpone the consideration of House amendments to a Senate bill to a day certain,<sup>121</sup> or until

<sup>114</sup> See Aug. 19, 1921, 67-1, *Record*, p. 5269.

<sup>115</sup> Sept. 28, 1988, 100-2, *Record*, p. S 13417.

<sup>116</sup> May 23, 1941, 77-1, *Record*, p. 4372.

<sup>117</sup> Apr. 16, 1926, 69-1, *Record*, pp. 7558-59.

<sup>118</sup> Mar. 1, 1913, 62-3, *Record*, pp. 4376-78; Aug. 24, 1912, 62-2, *Journal*, p. 617, *Record*, p. 11792; June 10, 1896, 54-1, *Record*, p. 6378.

<sup>119</sup> See July 24, 1956, 84-2, *Record*, p. 14213; Aug. 13, 1942, 77-2, *Record*, p. 6829.

<sup>120</sup> See Aug. 1, 1957, 85-1, *Record*, p. 13268.

<sup>121</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51; see also Feb. 7, 1944, 78-2, *Record*, pp. 1295-96, 1331.



the first legislative day after the Christmas holidays is in order,<sup>122</sup> and if a particular amendment is postponed, the others are then in order for consideration.<sup>123</sup>

### Recede:

*See also* "Divisible Questions," pp. 807-812; "House Amendment to Senate Amendment to House Bill," pp. 138-139; "To Recede," p. 129.

While a conference report is under consideration, a motion that the Senate recede from an amendment, which the conferees reported in disagreement, is not in order;<sup>124</sup> such a motion should be made after the report has been agreed to or disagreed to;<sup>125</sup> the question of agreeing to the report takes precedence over a motion to recede.<sup>126</sup>

The Senate cannot recede from an amendment made by it to a House bill in conference unless it is in possession of the papers.<sup>127</sup>

A motion that the Senate recede from its amendment to a House bill with an amendment (even if the conferees reported it in disagreement) is not in order;<sup>128</sup> but it has been done under unanimous consent procedure;<sup>129</sup> nor is it in order for the Senate to recede from its own amendment to a bill with an amendment.<sup>130</sup> A motion to recede from a Senate amendment to a House bill is not amendable.<sup>131</sup>

When the Senate is considering a House amendment to a Senate amendment to a House bill, it is in order for the Senate to either recede from its amendment or table its amendment.<sup>132</sup>

A motion that the Senate recede from certain amendments to a House bill, reported by the conferees in disagreement, is not subject to amendment by adding instructions to the conferees.<sup>133</sup>

<sup>122</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>123</sup> Feb. 7, 1944, 78-2, *Record*, p. 1296.

<sup>124</sup> June 4, 1924, 68-1, *Record*, p. 10450.

<sup>125</sup> *Ibid.*; July 24, 1914, 63-2, *Record*, pp. 12606, 12609; *see also* Mar. 3, 1913, 62-3, *Record*, pp. 4642-48; Apr. 25, 1934, 73-2, *Journal*, p. 322, *Record*, pp. 7255, 7292.

<sup>126</sup> Feb. 25, 1885, 48-2, *Record*, p. 2119.

<sup>127</sup> *See* July 16, 1932, 72-1, *Record*, p. 15604.

<sup>128</sup> *See* Feb. 21, 1929, 70-2, *Journal*, p. 193, *Record*, pp. 3924-25; Oct. 9, 1968, 90-2, *Record*, pp. 30188-89.

<sup>129</sup> *Ibid.*; *See* May 23, 1979, 96-1, *Record*, pp. 12398-99.

<sup>130</sup> *Ibid.*; Mar. 3, 1891, 51-2, *Record*, p. 3852.

<sup>131</sup> Sept. 28, 1988, 100-2, *Record*, p. S 13417.

<sup>132</sup> June 25, 1984, 98-2, *Record*, pp. 18576, 18591.

<sup>133</sup> Jan. 21, 1895, 53-3, *Record*, p. 1182.

In 1939, the Chair stated that it is a well-established principle that the House inserting a legislative provision in an appropriation bill should recede in the face of repeated objection by the other House.<sup>134</sup>

The Senate has receded from its amendments after the House had agreed with amendments,<sup>135</sup> and after such action on one occasion the House contended the bill was not passed or finally disposed of, and approved the action of the Senate by receding from its amendments.<sup>136</sup>

### Reconsider:

*See also* "Concur," pp. 133-134; "Reconsideration," pp. 1124-1149.

In 1953, when a motion was entered to reconsider the vote agreeing to a House amendment to a Senate bill, the action of the Speaker of the House of Representatives in signing the bill was rescinded by use of a concurrent resolution, and the bill was subsequently sent to conference.<sup>137</sup>

### Refer:

There is no rule requiring amendments of the House to a Senate bill to be referred to a committee or placed on the Calendar,<sup>138</sup> but a motion to refer House amendments to a Senate bill to a standing committee is in order,<sup>139</sup> is debatable and has precedence over a motion to amend<sup>140</sup> or to agree thereto (concur),<sup>141</sup> or to refer to a conference committee.<sup>142</sup>

House amendments to Senate bills are not referred to committees unless a motion to that effect is made.<sup>143</sup>

A House message announcing its action on Senate amendments to a House bill is not placed upon the Calendar.<sup>144</sup>

<sup>134</sup> Mar. 9, 1939, 76-1, *Record*, pp. 2522-23.

<sup>135</sup> Mar. 2, 1795, 3-2, *Journal*, p. 177; Aug. 13, 1894, 53-2, *Record*, pp. 8450-56.

<sup>136</sup> Sept. 11, 1944, 78-2, *Record*, p. 7634.

<sup>137</sup> June 2 and 4, 1953, 83-1, *Record*, pp. 5900, 6053.

<sup>138</sup> *See* Apr. 28, 1902, 57-1, *Record*, p. 4746; Aug. 6, 1948, 80-2, *Record*, p. 9954.

<sup>139</sup> Aug. 21, 1916, 64-1, *Record*, p. 12920; Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863; Feb. 18, 1925, 68-2, *Record*, p. 4024.

<sup>140</sup> Nov. 19, 1940, 76-3, *Record*, pp. 13657-59.

<sup>141</sup> Sept. 11, 1940, 76-3, *Record*, pp. 11920, 11921; Sept. 12, 1940, 76-3, *Record*, p. 11994; *see* Dec. 3, 1963, 88-1, *Record*, p. 23154.

<sup>142</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>143</sup> *See* Feb. 10, 1966, 89-2, *Record*, pp. 2865-66.

<sup>144</sup> Jan. 25 and 31, 1927, 69-2, *Journal*, pp. 125, 126, *Record*, pp. 2608-14.

### **Senate Amendments to House Amendments to Senate Bill:**

A Senate amendment to a House amendment to a Senate bill may be amended in one degree.<sup>145</sup>

If the Senate amends an amendment of the House to a Senate bill, a motion is in order at that time that the Senate insist upon its amendment and ask for a conference. *See* "Insist," pp. 139-142.

### **Senate Amendments to House Bills:**

The Senate, under recent practices, at the time of the passage of a House bill with amendments, may insist upon the same and ask a conference with the House thereon.<sup>146</sup>

The Senate cannot recede from its own amendment to a bill with an amendment. *See* "Recede," pp. 141-142.

### **Table, Amendments by the House:**

*See also* "Table," pp. 1273-1289.

The Senate has agreed to a motion to table a House amendment to a Senate amendment reported in disagreement from a conference.<sup>147</sup>

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## **AMENDMENTS IN DISAGREEMENT**

*See* "Amendments Between Houses," pp. 126-143; "Conferences and Conference Reports," pp. 449-493.

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## **AMENDMENTS TO APPROPRIATIONS**

*See* "Amendments," pp. 24-125; "Appropriations," pp. 150-213.

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<sup>145</sup> Feb. 7, 1944, 78-2, *Record*, p. 1294.

<sup>146</sup> Apr. 24, 1945, 79-1, *Record*, p. 3734; July 3, 1894, 53-2, *Record*, p. 7136; Jan. 6 and 13, Feb. 25, 1899, 55-3, *Journal*, pp. 42, 52, 154; July 8, 1909, 61-1, *Record*, p. 4316.

<sup>147</sup> Oct. 16, 1986, 99-2, *Record*, pp. 32435-36.

## **AMENDMENTS TO BILLS ON CALL OF CALENDAR**

*See* "Calendar," pp. 253-267.

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## **AMENDMENTS TO ENROLLED BILLS**

*See* "Concurrent Resolutions," pp. 442-448.

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## **AMENDMENTS TO RULES**

*See* "Rules," pp. 1217-1227.