

the state of the Union for the consideration of House Resolution 303, disapproving a reorganization plan transmitted to the Congress by the President. Mr. Byron G. Rogers, of Colorado, rose to his feet with a parliamentary inquiry:

MR. ROGERS of Colorado: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:<sup>(7)</sup> The gentleman will state it.

MR. ROGERS of Colorado: Mr. Speaker, is a motion to lay this motion on the table in order?

THE SPEAKER PRO TEMPORE: It would not be in order at this time.

The question is on the motion offered by the gentleman from Iowa [Mr. Gross].

The motion was rejected.

## § 12. As Related to Other Motions; Precedence

### *As Related to the Previous Question*

#### § 12.1 The motion to lay on the table takes precedence over the motion for the previous question; pending the demand for the previous question the motion to lay on the table is preferential and in order.

On Dec. 14, 1970,<sup>(8)</sup> the House was considering House Resolution

7. Oren Harris (Ark.).

8. 116 CONG. REC. 41372-74, 91st Cong. 2d Sess.

1306, asserting the privileges of the House relating to printing and publishing of a report of the Committee on Internal Security. The following then occurred:

THE SPEAKER:<sup>(9)</sup> The gentleman from Missouri moves the previous question on the resolution.

PREFERENTIAL MOTION OFFERED BY  
MR. STOKES

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I offer a preferential motion. The Clerk read as follows:

Mr. Stokes moves to lay the resolution on the table.

PARLIAMENTARY INQUIRY

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ICHORD: This is a preferential motion to lay the previous question on the table. What would be the parliamentary situation if the previous question is laid on the table? This is not the adoption of the resolution, but a motion with respect to the previous question.

THE SPEAKER: If the motion to lay the resolution on the table is not agreed to, then the question would be on ordering the previous question. Then the next vote would be on the adoption of the resolution.

The question is on the motion offered by the gentleman from Ohio (Mr. Stokes) to lay the resolution on the table. . . .

9. John W. McCormack (Mass.).

The question was taken; and there were—yeas 55, nays 301, not voting 77. . . .

So the motion to table was rejected.

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

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 54, not voting 77.<sup>(10)</sup>

**§ 12.2 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules was voted down, a motion to table would be in order and would be preferential.**

On Oct. 19, 1960,<sup>(11)</sup> the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct, when Mr. Wayne L. Hays, of Ohio, rose with a parliamentary inquiry:

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

10. See also 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess., Sept. 13, 1965.

11. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

THE SPEAKER:<sup>(12)</sup> The gentleman will state his parliamentary inquiry.

MR. HAYS: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion.

**§ 12.3 Following a negative vote on a motion to lay on the table a motion to instruct conferees, the question next occurs on ordering the previous question on the motion to instruct.**

On Aug. 8, 1961,<sup>(13)</sup> the House was considering H.R. 7576, authorizing appropriations for the Atomic Energy Commission, when the Speaker pro tempore, Carl Albert, of Oklahoma, announced that the question was on the mo-

12. John W. McCormack (Mass.).

13. 107 CONG. REC. 14957-59, 15001, 87th Cong. 1st Sess.

tion offered by Mr. James E. Van Zandt, of Pennsylvania, to instruct conferees.

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the motion to instruct conferees be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Under the rules of the House, is this motion to table in order?

THE SPEAKER PRO TEMPORE: The motion is in order.

MR. HALLECK: If the motion to table is voted down, will the vote then come on the motion itself?

THE SPEAKER PRO TEMPORE: On ordering the previous question on the motion.

***As Related to the Motion to Dispense With Further Proceedings Under a Call***

**§ 12.4 A motion to dispense with further proceedings under a call of the House is not subject to a motion to table.**

On May 4, 1960,<sup>(14)</sup> following three separate quorum calls, motions to dispense with further proceedings under the call were made and the previous question demanded thereon. Motions to lay

14. 106 CONG. REC. 9410-18, 86th Cong. 2d Sess.

the motions for the previous question on the table were then offered. No point of order was raised against any of these motions to table. On the first two occasions the latter motions were entertained, voted upon, and defeated. On the third occasion, Speaker Sam Rayburn, of Texas, stated that the motion to dispense with further proceedings under a call of the House was neither debatable nor amendable; therefore, neither the demand for the previous question, nor the motion to lay on the table was applicable thereto.

***As Related to the Motion to Re-commit***

**§ 12.5 A motion in the House that a Senate amendment be laid on the table is of higher privilege than a motion to refer the amendment to a committee.**

On June 17, 1936,<sup>(15)</sup> the House rejected the conference report on the bill H.R. 11663, to regulate lobbying. The Clerk had proceeded to report the Senate amendment when Mr. Earl C. Michener, of Michigan, rose to his feet.

MR. MICHENER: Mr. Speaker, I move that the Senate amendment be laid on the table.

15. 80 CONG. REC. 9743-53, 74th Cong. 2d Sess.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I offer a preferential motion, that the conference report and the Senate amendment be re-committed to the Committee on the Judiciary.

MR. MICHENER: Mr. Speaker, my understanding of the rule is that the motion suggested by the gentleman from New York is not preferential.

THE SPEAKER:<sup>(16)</sup> The Chair is of the opinion that the motion made by the gentleman from Michigan has priority. The question is on the motion of the gentleman from Michigan to lay the Senate amendment on the table.

The motion was agreed to.

*Parliamentarian's Note:* If the motion to table a Senate amendment prevails, it results in the final disposition of the bill as well as the Senate amendment.

### § 13. Taking From the Table

#### *By Unanimous Consent*

#### § 13.1 The proceedings whereby a bill was laid on the table were vacated by unanimous consent.

On May 4, 1959,<sup>(1)</sup> the House was considering the bill H.R. 5610, to amend the Railroad Retirement Act of 1937, the Railroad

Retirement Tax Act, and the Railroad Unemployment Insurance Act.

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill H.R. 5610 was laid on the table, the amendment agreed to, the bill engrossed and read a third time, and passed, be vacated for the purpose of offering an amendment. . . .

THE SPEAKER:<sup>(2)</sup> Is there objection to the request of the gentleman from Arkansas (Mr. Harris)?

There was no objection.

*Parliamentarian's Note:* A few days earlier, on Apr. 30, 1959, while the House had under consideration H.R. 5610, the Senate messaged to the House S. 226, a measure differing in only one respect from the House bill as it had been amended on the floor. After passage of H.R. 5610, a motion was adopted to strike out all after the enacting clause in S. 226 and insert the language of the House bill, and the House bill was then laid on the table. The following day, shortly before the Senate bill was to be messaged to the Senate, a question was raised as to the constitutionality of the Senate-passed bill because of a tax feature therein. The proceedings in the House on May 4, 1959, were necessitated by the fact that all bills containing revenue provi-

16. William B. Bankhead (Ala.).

1. 105 CONG. REC. 7310-13, 86th Cong. 1st Sess.

2. Sam Rayburn (Tex.).