of debate before the previous question is ordered?

THE SPEAKER: Under the general rules of the House the previous question is always a privileged motion. The gentleman from Missouri has exercised his right to move the previous question.

The question is on ordering the previous question on the motion of the gentleman from Missouri [Mr. Cochran] to close debate. . . .

The question was taken; and there were—yeas 149, nays 191, not voting 89.

Previous Question Ordered on Motion to Send Bill to Conference

§ 21.8 Objection has been raised to a unanimous-consent request to permit one hour of debate on a motion to send a bill to conference, on which the previous question had been ordered after a brief debate.

On July 9, 1970,[5] the House was considering H.R. 15628, to amend the Foreign Military Sales Act of 1970. Thomas E. Morgan, of Pennsylvania, the Chairman of the Committee on Foreign Affairs, offered a motion to take the bill from the Speaker's table with Senate amendments thereto, to disagree to the Senate amendments and to agree to conference asked by the Senate. The following then occurred:

THE SPEAKER:[6] The gentleman from Pennsylvania [Mr. Morgan] is recognized for 1 hour on his motion.

MR. MORGAN: Mr. Speaker, I have no desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question. . . .

Mr. Speaker, I move the previous question on the motion.

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

The question was taken; and there were—yeas 247, nays 143, not voting 41. . . .

The result of the vote was announced as above recorded.

The doors were opened.

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

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

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

§ 22. Rejection of Motion as Permitting Further Consideration

5. 116 CONG. REC. 23518, 23524, 91st Cong. 2d Sess.

6. John W. McCormack (Mass.).

Effect Prior to Adoption of House Rules

§ 22.1 Prior to the adoption of the rules, if the motion for the previous question is rejected, a pending resolution is open to any germane amendment.

On Jan. 10, 1967,[7] the House was considering House Resolution 7, adopting the rules for the 90th Congress. After Mr. Carl Albert, of Oklahoma, moved the previous question on the resolution, Mr. Silvio O. Conte, of Massachusetts, rose with a parliamentary inquiry:

> MR. CONTE: Mr. Speaker, if the previous question is not ordered, would it then be in order to move to amend the rules of the House to provide for a Select Committee on Standards and Conduct?
>
> THE SPEAKER:[8] If the previous question is voted down, any germane amendment would be in order.[9]

§ 22.2 If the motion for the previous question on a resolution is voted down, the resolution is subject to amendment.

On Jan. 3, 1949,[10] the House was considering House Resolution 5, relating to the adoption of the rules for the 81st Congress. After offering the resolution, Mr. Adolph J. Sabath, of Illinois, moved the previous question thereon. Mr. John E. Rankin, of Mississippi, then rose:

> MR. RANKIN: Mr. Speaker, I offer a substitute.
>
> THE SPEAKER:[11] The gentleman from Illinois [Mr. Sabath] has moved the previous question.
>
> MR. RANKIN. Mr. Speaker, we have a right to be heard.
>
> THE SPEAKER: The previous question is not debatable.
>
> MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. CASE of South Dakota: Mr. Speaker, the parliamentary inquiry is, If the previous question should be voted down, then would it be possible to offer other amendments to the rules than the one proposed in the pending motion?
>
> THE SPEAKER: It would be.
>
> MR. RANKIN: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. RANKIN: Mr. Speaker, if the previous question is voted down, then my substitute would be in order?
>
> THE SPEAKER: An amendment would be in order.

Resolutions Being Considered by Unanimous Consent

§ 22.3 A resolution considered in the House by unanimous

7. 113 CONG. REC. 28, 31–33, 90th Cong. 1st Sess.
8. John W. McCormack (Mass.).
9. See also 107 CONG. REC. 23–25, 87th Cong. 1st Sess., Jan. 3, 1961.
10. 95 CONG. REC. 10, 81st Cong. 1st Sess.
11. Sam Rayburn (Tex.).

consent is subject to amendment if the previous question is rejected on the resolution.

On Oct. 9, 1973,[12] the House was considering House Resolution 582, relating to a sense of the House deploring the outbreak of hostilities in the Middle East. The Majority Leader, Thomas P. O'Neill, Jr., of Massachusetts, on behalf of himself and the Minority Leader, Gerald R. Ford, of Michigan, had offered the resolution and asked unanimous consent for its immediate consideration. The following then occurred:

> THE SPEAKER:[13] Is there objection to the request of the gentleman from Massachusetts? . . .
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. GROSS: Mr. Speaker, is this resolution subject to amendment?
>
> THE SPEAKER: If the unanimous-consent request for consideration of the resolution is granted and the previous question is not ordered, it is subject to an amendment being offered. . . .
>
> Is there objection to the request of the gentleman from Massachusetts?
>
> MR. GROSS: Mr. Speaker, I object.
>
> THE SPEAKER: Objection is heard.

Resolution Authorizing Administration of Oath

§ 22.4 A resolution authorizing the Speaker to administer the oath of office to a Representative-elect may be open to amendment if the House refuses to order the previous question thereon.

On Jan. 3, 1969,[14] the House was considering House Resolution 1, authorizing the Speaker to administer the oath of office to Representative-elect Adam Clayton Powell, Jr., of New York. Mr. H. R. Gross, of Iowa, proposed the following question:

> MR. GROSS: If I may proceed further, is the resolution subject to amendment, or must the previous question be voted down?
>
> THE SPEAKER:[15] The Chair will state, in reply to the inquiry of the gentleman from Iowa, that the resolution is not subject to amendment unless the gentleman from New York should yield for that purpose during the hour's time and, in the absence of that, then the previous question would have to be voted down.

Resolution From Committee on Rules

§ 22.5 In response to a parliamentary inquiry the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution

12. 119 CONG. REC. 33348, 33349, 93d Cong. 1st Sess.
13. Carl Albert (Okla.).
14. 115 CONG. REC. 15, 22, 23, 91st Cong. 1st Sess.
15. John W. McCormack (Mass.).

would be open to further consideration, amendment, and debate.

On Oct. 19, 1966,[16] the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Wayne L. Hays, of Ohio, posed the following 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:[17] If the previous question is defeated, then the resolution is open to further consideration and action and debate.[18]

§ 22.6 In response to a parliamentary inquiry, the Speaker stated that if the previous question were voted down on a resolution providing a special rule for the consideration of a bill, any germane amendment offered to the resolution would be in order.

On Oct. 8, 1968,[19] the House was preparing to consider House Resolution 1315, which provided for the consideration of Senate Joint Resolution 175, to suspend for the 1968 Presidential campaign the equal-time requirements of section 315 of the Communications Act of 1934. Mr. Gerald R. Ford, of Michigan, rose to the parliamentary inquiry:

> MR. GERALD R. FORD: If the previous question is defeated and the rule is opened up, could an amendment be made to the rule to provide in the rule for the consideration of the clean elections bill?
>
> THE SPEAKER PRO TEMPORE:[20] If that amendment were germane to the resolution it would be in order to consider it, yes.[1]

§ 22.7 The House having defeated the motion for the previous question on a resolution reported by the Committee on Rules then voted to table that resolution.

On Mar. 11, 1941,[2] the House was considering House Resolution

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

17. John W. McCormack (Mass.).

18. See also 97 CONG. REC. 11394, 11397, 11398, 82d Cong. 1st Sess., Sept. 14, 1951; 97 CONG. REC. 9, 16–18, 82d Cong. 1st Sess., Jan. 3, 1951; and 81 CONG. REC. 3283–90, 75th Cong. 1st Sess., Apr. 8, 1937.

19. 114 CONG. REC. 30092, 90th Cong. 2d Sess.

20. Wilbur D. Mills (Ark.).

1. See also 107 CONG. REC. 19750, 19751, 19755, 19758, 19759, 87th Cong. 1st Sess., Sept. 15, 1961; 90 CONG. REC. 5465–71, 5473, 78th Cong. 2d Sess., June 7, 1944; and 86 CONG. REC. 5035–46, 76th Cong. 3d Sess., Apr. 25, 1940.

2. 87 CONG. REC. 2189, 2190, 77th Cong. 1st Sess.

120, providing for investigation of the national defense. Mr. Edward E. Cox, of Georgia, offered an amendment to the resolution and moved the previous question on the amendment and the resolution. Mr. Andrew J. May, of Kentucky, then made the following parliamentary inquiry:

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

THE SPEAKER:[3] The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate. The question is on ordering the previous question.

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

MR. COX. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 252, not voting 65. . . .

So the motion for the previous question was rejected. . . .

MR. MAY: Mr. Speaker, I move that House Resolution 120 be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.[4]

3. Sam Rayburn (Tex.).

4. See also 81 CONG. REC. 3283–301, 75th Cong. 1st Sess., Apr. 8, 1937.

Concurrent Resolution Providing for Adjournment

§ 22.8 A concurrent resolution providing for an adjournment of the Congress to a day certain is subject to amendment if the previous question is not ordered.

On Sept. 22, 1950,[5] Mr. J. Percy Priest, of Tennessee, offered House Concurrent Resolution 287, providing for the adjournment of Congress until Nov. 27, 1950. After the Clerk read the resolution the following occurred:

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

MR. [JOHN W.] Heselton [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

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

MR. HESELTON: Mr. Speaker, is it possible to offer an amendment to the resolution at this point?

THE SPEAKER: Inasmuch as the previous question has been moved, it is not in order; and, of course, if the previous question is ordered, it is not in order to offer amendments to the resolution.

MR. HESELTON: If the previous question is not ordered, then would an amendment be in order?

THE SPEAKER: If the previous question is not ordered, then if the gen-

5. 96 CONG. REC. 15635, 81st Cong. 2d Sess.

6. Sam Rayburn (Tex.).

tleman is recognized he may offer an amendment.

Amending Amendments to Resolutions

§ 22.9 A pending amendment to a resolution under consideration in the House is subject to further amendment if the proponent of the amendment yields for that purpose or the previous question is voted down.

On Jan. 3, 1969,[7] the House was considering House Resolution 1, offered by Mr. Emanuel Celler, of New York, authorizing the Speaker to administer the oath of office to Adam C. Powell, Jr., of New York, to which Mr. Clark MacGregor, of Minnesota, offered a substitute. Mr. H.R. Gross, of Iowa, rose with a parliamentary inquiry.

MR. GROSS: Mr. Speaker, is the Celler resolution as proposed, if amended by the MacGregor amendment, subject to substitution at this point?

THE SPEAKER:[8] Does the gentleman inquire whether or not it is in order to offer an amendment to the MacGregor amendment?

MR. GROSS: Whether it is in order to offer a substitute, Mr. Speaker, for the Celler resolution and the pending amendment.

THE SPEAKER: The Chair will state that such an amendment is not in order at this time unless the gentleman from New Jersey yields for that purpose, or unless the previous question is defeated.

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. MACGREGOR: I yield to the gentleman from New Jersey (Mr. Thompson) only for the purpose of a parliamentary inquiry.

MR. THOMPSON of New Jersey: Mr. Speaker, in the event that, following the hour's debate on the MacGregor motion, the previous question is defeated, would there not be another opportunity for another Member to offer an amendment to the Celler resolution?

THE SPEAKER: The answer is that it would be in order, assuming that those things happened, to offer another amendment to the Celler resolution.[9]

Amendment Ruled Out on Point of Order

§ 22.10 If the motion for the previous question on a resolution is voted down, the resolution is subject to amendment; and if an amendment to a resolution is ruled out on a point of order, and the previous question on the resolution is moved and voted

7. 115 CONG. REC. 27–29, 91st Cong. 1st Sess.

8. John W. McCormack (Mass.).

9. See also 113 CONG. REC. 6035–42, 6048, 6049, 90th Cong. 1st Sess., Mar. 9, 1967.

down, the offering of another amendment is in order.

On Jan. 3, 1969,[10] the House was considering House Resolution 1, offered by Mr. Emanuel Celler, of New York, authorizing the Speaker to administer the oath of office to Adam C. Powell, Jr., of New York. Mr. Gerald R. Ford, of Michigan, rose from his seat:

MR. GERALD R. FORD: Mr. Speaker, the House just a few moments ago defeated the previous question on the resolution offered by the gentleman from New York, and under the rules of the House and under the discretion given to the Speaker, the Speaker has the right to recognize the principal opponent of the resolution for 1 hour.

At the time the Chair recognized the gentleman from Minnesota, the gentleman from Minnesota (Mr. MacGregor), sought to offer a resolution, but the Chair has just now ruled against the germaneness of the resolution. I ask the question does the gentleman from Minnesota under this set of circumstances lose the right to offer a substitute and also to have 1 hour's time?

THE SPEAKER:[11] The Chair will state in response to the parliamentary inquiry that at this point the motion on the previous question takes precedence over the motion to amend, and if the House wants to consider further amendment, the House can vote down the previous question.

Effect on Amendment Procedure in House After Committee of the Whole Rises

§ 22.11 During consideration of an appropriation bill in the Committee of the Whole, a Member announced that he would attempt in the House to defeat the previous question on the bill to final passage so that another Member might offer (and obtain a roll call vote on) an amendment rejected in the Committee of the Whole.

On Feb. 19, 1970,[12] the Committee of the Whole was considering H.R. 15931, appropriations for fiscal 1970 for the Departments of Labor and Health, Education, and Welfare. Mr. James G. O'Hara, of Michigan, made the following statement:

MR. O'HARA: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the one who made the point of order against the language on page 28, I want to assure the Members that the point of order was directed only to the second proviso on page 28 beginning at line 18. The gentleman from Michigan (Mr. William D.

10. 115 CONG. REC. 25–27, 91st Cong. 1st Sess.

11. John W. McCormack (Mass.).

12. 116 CONG. REC. 4036, 91st Cong. 2d Sess.

Ford) is correct. If any reduction is made in impacted area funds by the motion to recommit it would, under the language remaining on page 28, have to come entirely out of category B and would take out much of the amount that Mr. Steed put in.

That is not why I rose, Mr. Chairman. I rose to inform the Members that an effort will be made to defeat the ordering of the previous question, after the Committee rises, so that the gentleman from California (Mr. Cohelan) will have an opportunity to reoffer his amendments in the House, his amendments that would insert at the beginning of the two Whitten provisions the words, "except as required by the Constitution."

Motion to Instruct Conferees

§ 22.12 If the previous question is voted down on a motion to instruct conferees, the motion is subject to germane amendment.

On May 29, 1968,[13] Mr. James A. Burke, of Massachusetts, offered a motion to instruct the conferees on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 15414, the Revenue and Expenditure Act of 1968. After the Clerk read the motion Mr. Burke moved the previous question. The following occurred:

The previous question was ordered.

THE SPEAKER:[14] For what purpose does the gentleman from New York rise?

MR. [WILLIAM F.] RYAN [of New York]: Mr. Speaker, I was on my feet and seeking recognition.

THE SPEAKER: The Chair is recognizing the gentleman.

MR. RYAN: To propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. RYAN: Mr. Speaker, if the previous question is voted down would it be in order to move that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 15414, be instructed not to agree to any limitation on budget outlays—expenditures and net lending—during the fiscal year ending June 30, 1969?

THE SPEAKER: The Chair will state to the gentleman from New York in response to his parliamentary inquiry that if the previous question had been voted down any motion that is germane would be in order.

Motion to Recede and Concur With Amendment

§ 22.13 A motion to recede and concur with an amendment to a Senate amendment in disagreement is subject to amendment if the previous question is voted down.

On Dec. 11, 1967,[15] the House was considering the conference re-

13. 114 CONG. REC. 15499, 15500, 15511, 15512, 90th Cong. 2d Sess.

14. John W. McCormack (Mass.).

15. 113 CONG. REC. 35811–33, 35841, 35842, 90th Cong. 1st Sess.

port on H.R. 7977, the Postal Revenue and Federal Salary Act of 1967. Mr. Thaddeus J. Dulski, of New York, offered a motion that the House recede and concur with an amendment, and Mr. H. R. Gross, of Iowa, rose to a parliamentary inquiry:

MR. GROSS: Mr. Speaker, would the Senate amendment be subject to amendment if this motion is adopted, or prior to the adoption of this amendment?

THE SPEAKER:[16] The motion is to recede from disagreement to the Senate amendment and concur therein with an amendment.

MR. GROSS: With an amendment?

THE SPEAKER: Yes.

MR. GROSS: Would that be subject to an amendment, Mr. Speaker?

THE SPEAKER: It would be, if the previous question on the motion is voted down.

Motion to Concur (or Agree)

§ 22.14 In response to a parliamentary inquiry, the Speaker stated that if the previous question were voted down on a resolution providing for agreeing to Senate amendments to a House bill, the resolution would be open to amendment.

On June 17, 1970,[1] the House was considering House Resolution 914, concurring in Senate amendments to H.R. 4249, extending the Voting Rights Act of 1965. After Mr. Spark M. Matsunaga, of Hawaii, moved the previous question on the resolution, Mr. Gerald R. Ford, of Michigan, rose with a parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, a "no" vote on the previous question does give an opportunity for one of those who led the fight against the resolution to amend the resolution now pending before the House?

THE SPEAKER:[2] The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment. The Chair's response is the same response as given to the gentleman from Hawaii.

Conference Report

§ 22.15 The voting down of the previous question on a conference report merely extends time for debate and does not afford an opportunity to amend the report.

On Mar. 1, 1939,[3] the House was considering the conference report on the bill H.R. 3743, to provide appropriations for certain independent offices for 1940. The following discussion regarding the parliamentary situation occurred:

MR. [JOHN] TABER [of New York]: I understand from the Parliamentarian

16. John W. McCormack (Mass.).

1. 116 Cong. Rec. 20159, 20198–200, 91st Cong. 2d Sess.

2. John W. McCormack (Mass.).

3. 84 CONG. REC. 2085, 2086, 76th Cong. 1st Sess.

that a vote against the previous question would simply prolong the debate and that the only way we can get at this situation is to vote down the conference report completely. . . .

MR. [CLIFTON A.] WOODRUM of Virginia: Mr. Speaker, there is some confusion about the parliamentary situation. I ask unanimous consent to be permitted to submit a parliamentary inquiry, and that it not be taken out of the time that has been allotted for the consideration of the conference report.

THE SPEAKER:[4] Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

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

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

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

Motion to Recommit Conference Report

§ 22.16 A motion to recommit a conference report is subject to amendment if the previous question is voted down.

On Aug. 16, 1950,[5] the House was considering the conference report on H.R. 6000, the Social Security Act amendments. After the previous question had been moved on the conference report Mr. Walter A. Lynch, of New York, rose with a parliamentary inquiry:

MR. LYNCH: As I understand the situation, the gentleman from Wisconsin [Mr. Byrnes] having made a motion to recommit, and the previous question being put, if the motion for the previous question is voted down, an amendment could be offered to the mo-

4. William B. Bankhead (Ala.).

5. 96 CONG. REC. 12672, 81st Cong. 2d Sess.

tion to recommit? Is my understanding correct?

THE SPEAKER:[6] If the motion for the previous question is not adopted, an amendment to the motion would be in order.

Renewing Rejected Motion

§ 22.17 The previous question, although moved and rejected, may be renewed after intervening business.

On Jan. 3, 1969,[7] the House was considering House Resolution 1, relating to Representative-elect Adam C. Powell, Jr., of New York, taking the oath of office. Mr. Emanuel Celler, of New York, the proponent of the resolution, had earlier moved the previous question on the resolution, but the previous question was rejected. At that time Mr. Clark MacGregor, of Minnesota, offered a substitute for the resolution, but the substitute was ruled out on the point of order. The following then occurred:

MR. CELLER: Mr. Speaker, I move the previous question on the resolution.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[8] The gentleman from Michigan will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, the House just a few moments ago defeated the previous question on the resolution offered by the gentleman from New York, and under the rules of the House and under the discretion given to the Speaker, the Speaker has the right to recognize the principal opponent of the resolution for 1 hour.

At the time the Chair recognized the gentleman from Minnesota, the gentleman from Minnesota (Mr. MacGregor), sought to offer a resolution, but the Chair has just now ruled against the germaneness of the resolution. I ask the question does the gentleman from Minnesota under this set of circumstances lose the right to offer a substitute and also to have 1 hour's time?

THE SPEAKER: The Chair will state in response to the parliamentary inquiry that at this point the motion on the previous question takes precedence over the motion to amend, and if the House wants to consider further amendment, the House can vote down the previous question.

§ 23. Rejection of Motion as Affecting Recognition

Opponents of Resolution

§ 23.1 If the previous question is voted down on a resolution before the House, recognition passes to the opponents of the resolution, and the Chair recognizes one of the leaders of the opposition and gives preference to a member of the minority if he ac-

6. Sam Rayburn (Tex.).
7. 115 CONG. REC. 25, 91st Cong. 1st Sess.
8. John W. McCormack (Mass.).