Effect of Defeat of Essential Motion

§ 1.2 When an essential motion made by the Member in charge of a bill or resolution is decided adversely the right to prior recognition passes to the Member leading the opposition to the motion.

On Feb. 20, 1952,[11] James P. Richards, of South Carolina, Chairman of the Committee on Foreign Affairs, offered House Resolution 514, dealing with agreements or understandings between the President of the United States and the Prime Minister of Great Britain. The following took place:

> MR. RICHARDS: Mr. Speaker, I move that the resolution be laid on the table. . . .
>
> THE SPEAKER:[12] . . . The question is on the motion of the gentleman from South Carolina.
>
> The question was taken, and the Speaker announced that the noes appeared to have it.
>
> MR. RICHARDS: Mr. Speaker, on that I demand the yeas and nays.
>
> The yeas and nays were ordered.
>
> The question was taken; and there were—yeas 150, nays 184, not voting 97. . . .
>
> So the motion was rejected. . . .
>
> MR. [JOHN M.] VORYS [of Ohio]: Mr. Speaker——
>
> THE SPEAKER: For what purpose does the gentleman from Ohio rise?
>
> MR. VORYS: Mr. Speaker, I ask for recognition on the resolution, House Resolution 514.
>
> THE SPEAKER: The gentleman is recognized for 1 hour.
>
> MR. RICHARDS: Mr. Speaker, will the gentleman yield for a parliamentry inquiry?
>
> MR. VORYS: Gladly.
>
> MR. RICHARDS: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. RICHARDS: Would the Speaker explain the parliamentary situation as to who is in charge of the time?
>
> THE SPEAKER: The gentleman from Ohio is in charge of the time, the gentleman being with the majority in this instance, and on that side of the issue which received the most votes. The gentleman from Ohio is recognized.[13]

§ 2. Offering, Modifying, and Withdrawing Motions; Form

Oral or Written Motions

§ 2.1 Every motion must be reduced to writing on demand of any Member.

On July 23, 1942,[14] the House was considering H.R. 7416, absen-

11. 98 CONG. REC. 1205–07, 1215, 1216, 82d Cong. 2d Sess.
12. Sam Rayburn (Tex.).
13. See also 72 CONG. REC. 9912–14, 71st Cong. 2d Sess., June 2, 1930.
14. 88 CONG. REC. 6561, 77th Cong. 2d Sess.

tee voting in time of war by members of the armed forces. The following took place:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Chairman, I move to strike out the enacting clause and ask unanimous consent that I may proceed for 5 additional minutes.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Chairman, I make the point of order that the gentleman is not complying with the rule and presenting his motion in writing.

THE CHAIRMAN:[15] The rule requires that such a motion must be in writing.[16]

Modifying Motion to Conform to Rules

§ 2.2 The Chairman of the Committee of the Whole pointed out that a motion before the Committee was not in proper form and then, when the proponent of the motion had modified it to conform to the rules, put the question thereon.

On Dec. 12, 1969,[17] the House was considering H.R. 12321, economic opportunity amendments of 1969. A motion to close debate was then made:

MR. [WILLIAM H.] AYRES [of Ohio]: Mr. Chairman, I move that all debate on the substitute amendment and all amendments thereto close at 6 o'clock with the last 5 minutes reserved to the committee.

THE CHAIRMAN:[18] The matter of the last 5 minutes being reserved to the committee may not be included in the motion.

Mr. AYRES: Mr. Chairman, I withdraw that portion of the motion.

THE CHAIRMAN: The question is on the motion of the gentleman from Ohio (Mr. Ayres).

The question was taken; and on a division (demanded by Mr. Ottinger) there were—ayes 124, noes 35.

So the motion was agreed to.

Statement of Motion

§ 2.3 The motion as stated by the Chair in putting the question and not as stated by the Member in offering the motion, is the proposition voted upon.

On Mar. 26, 1965,[19] the Committee of the Whole was considering H.R. 2362, the Elementary and Secondary Education Act of 1965 when a misunderstanding arose as to the wording of a motion offered by Mr. Adam C. Powell, of New York. Richard Bolling, of Missouri, Chairman of the Committee of the Whole, attempted to state the motion as he understood it.

THE CHAIRMAN: The Chair will state the motion as the Chair understood it.

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15. Jere Cooper (Tenn.).

16. See also 76 CONG. REC. 4195, 4196, 72d Cong. 2d Sess., Feb. 15, 1933.

17. 115 CONG. REC. 38844, 91st Cong. 1st Sess.

18. John J. Rooney (N.Y.).

19. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

The Chair will say frankly the Chair had a little difficulty hearing it, but my understanding of the motion was that the chairman of the committee moved that all debate and all amendments to section 203 be closed in 5 minutes. . . .

MR. [CRAIG] HOSMER (of California): In the event that the motion is carried, if put, would the motion carried be that which was actually made by the gentleman from New York, or according to the record as reported, or would it be the motion as stated by the Chair?

THE CHAIRMAN: The motion will be as stated by the Chair, as was the case yesterday and is the case today.[20]

Restating and Rereading Motions

§ 2.4 Where there is a misunderstanding about the wording of a pending motion, the Chair may restate the motion; but it is not the practice to ask that the motion be reread by the reporter.

On Mar. 26, 1965,[21] during debate in the Committee of the Whole on H.R. 2362, the Elementary and Secondary Education Act of 1965, several Members sought to have the Chair clarify a motion offered by Mr. Adam C. Powell, of New York.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, will the Chair state the motion as originally made?

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, a parliamentary inquiry. At the time that the gentleman from New York made the motion his voice was inaudible. I strongly feel that the motion that he made should be reread and read loud.

THE CHAIRMAN:[1] The Chair will attempt to state how he understood it. It may be in error.

MR. GERALD R. FORD: Mr. Chairman, I ask that the reporter read what the Chairman said so we can all hear it. It would be very helpful.

THE CHAIRMAN: The gentleman from Michigan, the distinguished minority leader, is putting the Chair in the same position he had him in a little while ago. This goes straight, head on, into all of the practices and procedures of the House to have the reporter report a motion.

MR. GERALD R. FORD: Mr. Chairman, I withdraw my request.

THE CHAIRMAN: The Chair will state the motion as the Chair understood it. The Chair will say frankly the Chair had a little difficulty hearing it, but [the Chair's] understanding of the motion was that the chairman of the committee moved that all debate and all amendments to section 203 be closed in 5 minutes.

§ 2.5 A pending motion may be reread, by unanimous consent, even though all time for debate thereon may have expired.

On Sept. 12, 1967,[2] the House was debating the Senate amend-

20. See also 111 CONG. REC. 6016, 6020, 89th Cong. 1st Sess., Mar. 25, 1965.
21. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

1. Richard Bolling (Mo.).
2. 113 CONG. REC. 25201, 25211, 90th Cong. 1st Sess.

ments in disagreement to H.R. 10738, Defense Department appropriations for fiscal year 1968. The following then occurred:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist upon its disagreement to Senate amendment numbered 18.

PREFERENTIAL MOTION OFFERED BY MR. SIKES

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Sikes moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

THE SPEAKER PRO TEMPORE:[3] The gentleman from Texas [Mr. Mahon] is recognized for 1 hour. . . .

THE SPEAKER:[4] All time has expired.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I ask unanimous consent that the preferential motion of the gentleman from Florida be reread before the vote is taken.

THE SPEAKER: Without objection, it is so ordered.

There was no objection.

Withdrawal of Motions in the House

§ 2.6 In the House a motion may be withdrawn as a matter of right and unanimous consent is not required.

On June 22, 1943,[5] the House was debating Senate amendments in disagreement to H.R. 2481, the agriculture appropriation bill of 1944. The following occurred:

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, I withdraw the motion which was formerly made with reference to amendments 12 and 14 and submit other amendments stating the correct amounts of the totals, which are on the Clerk's desk.

MR. [EARL C.] MICHENER [of Michigan]: I object to that, Mr. Speaker. The gentleman asked to withdraw a motion, and he can do that only by unanimous consent.

THE SPEAKER PRO TEMPORE:[6] The Chair will state that in the House a motion may be withdrawn as a matter of right.

§ 2.7 A motion may be withdrawn in the House before action is taken thereon.

On Dec. 11, 1969,[7] the House was debating the appointment of conferees on H.R. 13270, the Tax Reform Act of 1969. Wilbur D. Mills, of Arkansas, Chairman of the House Committee on Ways and Means, sought unanimous consent to disagree to the Senate

3. Carl Albert (Okla.).
4. John W. McCormack (Mass.).
5. 89 CONG. REC. 6284, 78th Cong. 1st Sess.
6. Fritz G. Lanham (Tex.).
7. 115 CONG. REC. 38543–45, 91st Cong. 1st Sess.

amendments and agree to a conference requested by the Senate. Mr. Charles A. Vanik, of Ohio, sought to offer a preferential motion:

MR. VANIK: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Vanik moves 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. 13270 be instructed to insist on the House provisions relating to the oil and gas depletion allowance and to provide tax relief by way of increased dependency exemptions.

MR. VANIK: Mr. Speaker, I would like to be heard on my motion.

THE SPEAKER PRO TEMPORE:[8] The gentleman from Ohio is recognized.

MR. VANIK: Mr. Speaker, I offer this motion to instruct the conferees in order to assure that the managers on the part of the House will stand by the House provisions on oil and gas depletion—which the Ways and Means Committee reduced to 20 percent—along with elimination of the foreign depletion allowance.

At this point, Mr. Mills assured Mr. Vanik that the conferees would uphold the position of the House, and argued that Mr. Vanik's motion would limit the discretion of the conferees to agree to some desirable Senate amendments.

MR. VANIK: Mr. Speaker, I want to thank my distinguished chairman. The conferees and managers on the part of the House have our best wishes, and I ask that they speak for the average taxpayers of America who need to get some relief out of this tax program which will be before the conference.

Mr. Speaker, I withdraw my motion.

§ 2.8 A motion to suspend the rules and pass a bill was, by unanimous consent, withdrawn after a second was ordered, there had been debate on the motion, and the Speaker had put the question on its adoption.

On May 6, 1963,[9] the House was debating H.R. 101, relating to the definition of peanuts under the Agricultural Act. The following then took place:

MR. [DONALD R.] MATTHEWS [of Florida]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 101) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938. . . .

THE SPEAKER:[10] Is a second demanded?

MR. [PAUL] FINDLEY [of Illinois]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection. . . .

THE SPEAKER: The question is on the motion of the gentleman from Florida that the House suspend the rules and pass the bill.

8. Carl Albert (Okla.).

9. 109 CONG. REC. 7813, 7815, 88th Cong. 1st Sess.

10. John W. McCormack (Mass.).

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that the motion to suspend the rules and call up the bill under consideration be withdrawn.

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

There was no objection.

Parliamentarian's Note: Unanimous consent is not required, until a second is ordered, to withdraw a motion to suspend the rules.

§ 2.9 Unanimous consent to withdraw a motion in the House is required where the yeas and nays have been ordered on the motion.

On July 9, 1970,[11] the House was debating H.R. 15628, the Foreign Military Sales Act of 1970. Mr. Donald W. Riegle, Jr., of Michigan, moved that the House instruct its conferees to agree to a Senate amendment. The following took place:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I offer a motion to table.

The Clerk read as follows:

Mr. Hays moves to lay on the table the motion offered by Mr. Riegle.

THE SPEAKER:[12] The question is on the motion offered by the gentleman from Ohio (Mr. Hays) to lay on the table the motion offered by the gentleman from Michigan (Mr. Riegle).

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

MR. HAYS: Mr. Speaker, I have been prevailed upon to attempt to withdraw my motion on the understanding that there will be some equal division of time, and if it is not too late I would ask unanimous consent to withdraw my motion to lay on the table the motion offered by the gentleman from Michigan (Mr. Riegle).

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

MR. [WILLIAM J.] SCHERLE [of Iowa]: Mr. Speaker, I object.

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

THE SPEAKER: Objection is heard.

Withdrawal of Motions in Committee of the Whole

§ 2.10 A motion may be withdrawn in the Committee of the Whole only by unanimous consent.

On Mar. 26, 1965,[13] the Committee of the Whole was debating H.R. 2362, the Elementary and Secondary Education Act of 1965. Mr. Adam C. Powell, of New York, attempted to clarify a previous motion he had offered to limit the time for debate and also limit the offering of amendments to the bill.

MR. POWELL: I withdraw the previous motion. I move all debate and all

11. 116 CONG. REC. 23524, 23525, 91st Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

amendments on this title and this section close in 10 minutes.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, I ask that the original motion be read.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, a point of order. I want to know whether or not it takes unanimous consent to withdraw the motion.

THE CHAIRMAN:[14] The gentleman from New York asks unanimous consent to withdraw the motion.

MR. POWELL: That is right. I withdraw it. I ask unanimous consent to withdraw it.

MR. ASHBROOK: Mr. Chairman, I object.

§ 3. Precedence of Motions

In general, recognition to offer a motion is at the discretion of the Chair, subject to the House rules and precedents pertaining to several motions which establish priorities of recognition. These will be discussed later in this chapter in the sections that deal with each motion.

Priority of Motion of Higher Privilege

§ 3.1 A Member having the floor to offer a motion may move the previous question thereon although another claims recognition to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question.

On Sept. 13, 1965,[15] Mr. Carl Albert, of Oklahoma, interrupted the Clerk's reading of the Journal.

MR. ALBERT: Mr. Speaker, I move that the Journal be approved as read; and on that I move the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal.

THE SPEAKER:[16] The Chair will state that the motion to lay on the table is in order, but the amendment is not in order.

What is the motion of the gentleman from Missouri?

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

THE SPEAKER: The gentleman will state it.

MR. HALL: Mr. Speaker, during the reading of the Journal, section by section, I asked at what time it might be amended; and if I understood the distinguished Speaker correctly he said that if such an amendment were submitted by the gentleman from Missouri or any other person at any time it would be in order at the end of the reading of the Journal.

THE SPEAKER: The gentleman from Missouri has a correct recollection of

14. Richard Bolling (Mo.).

15. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).