

THE SPEAKER PRO TEMPORE: The point of order is sustained.⁽¹⁶⁾

§ 30. Debating the Motion

Time for Debate

§ 30.1 Pursuant to Rule XVI clause 4, five minutes of debate in favor of and five minutes in opposition to a motion to recommit with instructions are in order notwithstanding the ordering of the previous question on a bill or joint resolution to final passage.

On July 19, 1973,⁽¹⁷⁾ the House was considering H.R. 8860, to amend and extend the Agricultural Act of 1970. After the previous question was ordered on the bill, Mr. Charles M. Teague, of California, was recognized:

MR. TEAGUE of California: Mr. Speaker I offer a motion to recommit.

THE SPEAKER:⁽¹⁸⁾ Is the gentleman opposed to the bill?

16. See also 109th CONG. REC. 25249, 88th Cong. 1st Sess., Dec. 19, 1963; 107 CONG. REC. 5288, 87th Cong. 1st Sess., Mar. 29, 1961; 102 CONG. REC. 13755, 13764, 84th Cong. 2d Sess., July 20, 1956; and 89 CONG. REC. 7135, 78th Cong. 1st Sess., July 3, 1943.

17. 119 CONG. REC. 24966, 93d Cong. 1st Sess.

18. Carl Albert (Okla.).

MR. TEAGUE of California: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit. . . .

Under the rule the gentleman from California is recognized for 5 minutes. . . .

Does the gentleman from Texas desire to rise in opposition to the motion to recommit?

MR. [WILLIAM R.] POAGE [of Texas]: I do, Mr. Speaker.⁽¹⁹⁾

Parliamentarian's Note: Rule XVI clause 4 was amended by the Legislative Reorganization Act of 1970 [84 Stat. 1140, Pub. L. No. 91-510, §123 (Oct. 26, 1970)] to provide that 10 minutes of debate shall always be in order on a motion to recommit with instructions after the previous question is ordered on the passage of a bill or joint resolution. This change became effective on Jan. 22, 1971 (H. Res. 5, 92d Cong. 1st Sess.).

Yielding to Another Member After Debate

§ 30.2 The Member offering a motion to recommit a bill with instructions may, at the conclusion of debate thereon, yield to another Member to

19. See also 119 CONG. REC. 13079, 93d Cong. 1st Sess., Apr. 18, 1973; 118 CONG. REC. 3451-53, 92d Cong. 2d Sess., Feb. 9, 1972; and 117 CONG. REC. 34345-47, 92d Cong. 1st Sess., Sept. 30, 1971.

offer an amendment to the motion if the previous question has not been ordered on that motion.

On July 19, 1973,⁽²⁰⁾ Mr. Charles M. Teague, of California, offered a motion to recommit the bill H.R. 8860, to amend and extend the Agricultural Act of 1970. After Mr. Teague had debated his motion for five minutes, William R. Poage, of Texas, the chairman of the committee that reported the bill, was recognized in opposition to the motion to recommit.

THE SPEAKER:⁽¹⁾ Does the gentleman from Texas desire to rise in opposition to the motion to recommit?

MR. POAGE: I do, Mr. Speaker.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the distinguished chairman of the committee yield for an amendment to the motion to recommit?

MR. POAGE: Certainly I will yield, but I would like to hear the amendment.

THE SPEAKER: The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman

from California can yield for that purpose. . . .

The time of the gentleman from Texas has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. HAYS: Mr. Speaker, my point of order is that I do not believe the gentleman from California can yield for this purpose without getting unanimous consent.

THE SPEAKER: The gentleman can yield for the purpose of an amendment, since he has the floor.

MR. TEAGUE of California: Mr. Speaker, I yield to the distinguished minority leader for the purpose of offering an amendment.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment to the motion to recommit.

MR. [JOHN E.] MOSS [of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MOSS: Mr. Speaker, my point of order is that the time of the gentleman from California had expired.

THE SPEAKER: That does not keep him from yielding.

MR. MOSS: He has not got the floor.

THE SPEAKER: The gentleman from California has the right to yield for an amendment, since he still has the floor as the previous question has not been ordered on the motion to recommit.

Challenging Motion After Debate

§ 30.3 A point of order that a motion to recommit a bill

20. 119 CONG. REC. 24966, 24967, 93d Cong. 1st. Sess.

1. Carl Albert (Okla.).

with instructions is not germane to the bill comes too late after the proponent of the motion has been recognized for five minutes of debate and has yielded for a parliamentary inquiry.

On June 2, 1971,⁽²⁾ the House was considering H.R. 3613, the Public Service Employment Act. Speaker Carl Albert, of Oklahoma, then recognized Mr. Marvin L. Esch, of Michigan.

MR. ESCH: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. ESCH: I am, in its present form, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk then read Mr. Esch's motion to recommit the bill with instructions to report it back forthwith with an amendment.

THE SPEAKER: The gentleman from Michigan (Mr. Esch) is recognized for 5 minutes.

MR. [JAMES. G.] O'HARA [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Michigan yield for a parliamentary inquiry?

MR. ESCH: I yield to the gentleman from Michigan for a parliamentary inquiry.

2. 117 CONG. REC. 17491-95, 92d Cong. 1st Sess.

MR. O'HARA: Mr. Speaker, I would like to inquire if this is the exact text of H.R. 8141 that was made in order by the amendment to the rule.

MR. ESCH: The gentleman is correct.

MR. O'HARA: Then I would like to inquire of the Speaker, if the fact that an amendment was made in order, a particular amendment otherwise not germane, was made in order under the 5-minute rule, by provisions of the resolution from the Committee on Rules, would that make the same non-germane amendment in order as a motion to recommit with instructions?

THE SPEAKER: The gentleman from Michigan (Mr. Esch) has been recognized on his motion to recommit with instructions. Any challenge to the motion would now come too late.

The gentleman from Michigan (Mr. Esch) may continue to debate his motion to recommit with instructions.

Rights of Member Recognized in Opposition

§ 30.4 A Member recognized for five minutes in opposition to a motion to recommit with instructions controls the floor for debate only, and may not yield to another Member to offer an amendment to the motion to recommit.

On July 19, 1973,⁽³⁾ Mr. Charles M. Teague, of California, had offered a motion to recommit the

3. 119 CONG. REC. 24967, 93d Cong. 1st Sess.

bill H.R. 8860, to amend and extend the Agricultural Act of 1970, to the Committee on Agriculture. After five minutes of debate, the Speaker, Carl Albert, of Oklahoma, addressed William R. Poage, of Texas, Chairman of the Committee on Agriculture:

THE SPEAKER: Does the gentleman from Texas desire to rise in opposition to the motion to recommit?

MR. POAGE: I do, Mr. Speaker. . . .

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the distinguished chairman of the committee yield for an amendment to the motion to recommit?

MR. POAGE: Certainly I will yield, but I would like to hear the amendment.

THE SPEAKER: The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman from California (Mr. Teague) can yield for that purpose. . . .

The time of the gentleman from Texas has expired.

Debate on Recommittal of Simple Resolution

§ 30.5 The provisions of Rule XVI clause 4, which make in order 10 minutes of debate

on a motion to recommit with instructions, after the previous question has been ordered on a measure, apply only to bills and joint resolutions; debate is not in order on a motion under Rule XVII clause 1, to recommit a simple resolution with instructions after the previous question has been ordered.

On Nov. 15, 1973,⁽⁴⁾ the House was considering House Resolution 702, providing additional funds for investigations by the Committee on the Judiciary. After the previous question was ordered on the resolution, Mr. William L. Dickinson, of Alabama, was recognized:

MR. DICKINSON: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁵⁾ Is the gentleman opposed to the resolution?

MR. DICKINSON: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

After the Clerk read the motion to recommit, the Speaker stated:

Without objection, the previous question is ordered on the motion to recommit.

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

4. 119 CONG. REC. 37150, 93d Cong. 1st Sess.

5. Carl Albert (Okla.).

MR. DICKINSON: Mr. Speaker, am I not entitled to five minutes as the member offering this motion to recommit?

THE SPEAKER: The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

MR. DICKINSON: Mr. Speaker, is that also true when there are instructions in the motion to recommit?

THE SPEAKER: The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

Motion to Recommit Conference Report With Instructions

§ 30.6 When the previous question on agreeing to a conference report has been ordered, a motion to recommit is not debatable.

On Sept. 27 (a continuation of the legislative day of Sept. 25), 1961,⁽⁶⁾ the House had just ordered the previous question on the conference report on H.R. 9169, providing supplemental appropriations for fiscal 1962. Mr. Silvio O. Conte, of Massachusetts, was recognized and offered a motion to recommit the conference report with instructions that the House conferees insist on their disagree-

6. 107 CONG. REC. 21524, 87th Cong. 1st Sess.

ment to a particular Senate amendment. After the Clerk reported the motion the following occurred:

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

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The gentleman will state it.

MR. CONTE: Is the motion debatable?

THE SPEAKER PRO TEMPORE: It is not debatable.

§ 31. As Related to Other Motions; Precedence

Previous Question

§ 31.1 The motion for the previous question on a motion to recommit takes precedence over an amendment to the motion to recommit.

On Aug. 11, 1969,⁽⁸⁾ the House was considering H.R. 12982, the District of Columbia Revenue Act of 1969. After Mr. Alvin E. O'Konski, of Wisconsin, offered a motion to recommit the bill, Mr. Brock Adams, of Washington, was recognized:

MR. ADAMS: Mr. Speaker, I have an amendment to the motion to recommit.

MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question on the the motion to recommit.

7. John W. McCormack (Mass.).

8. 115 CONG. REC. 23143, 91st Cong. 1st Sess.