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rules. That is provided in the resolution. . . .

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

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

§ 15. —Of Opposition After Rejection of Essential Motion

Right of recognition to offer a motion to recommit pending final passage, which is the prerogative of the minority if opposed, should be distinguished from the right of recognition for a motion to refer under Rule XXIII clause 7 pending a vote in the House on a motion to strike out the enacting clause. In the latter case, a Member seeking recognition need not be opposed to the bill, since the motion to refer in this case is a measure designed to avert final adverse disposition of the bill. As stated by Speaker Frederick H. Gillett, of Massachusetts, on May 19, 1924,[15] "apparently the provision for a motion to refer was inserted so that the friends of the original bill might avert its permanent death by referring it again to the committee, where it could again be considered in the light of the action of the House." By the same reasoning, Speaker Gillett pointed out, rejection of the motion to refer should not give the right of recognition to sponsors of the bill, but to one supporting the motion to strike the enacting clause.

The right to recognition upon rejection of the previous question is not necessarily a prerogative of the minority.

Cross References

Distribution and alternation of time between proponent and opposition, see § 25, infra.

Effect of special orders on control of opposing time, see § 28, infra.

Losing or surrendering control to opposition, see §§ 33, 34, infra.

Practice of House committees as to time for opposition, see § 26, infra.

Rights of opposition on specific questions and motions, see §§ 16 et seq., infra.

Time for opposition in debate, see §§ 67 et seq., infra (duration of debate in the House) and §§ 74 et seq., infra (duration of debate in the Committee of the Whole).

Yielding time by or to opposition, see §§ 29–31, infra.

15. See 8 Cannon's Precedents § 2629.

Generally

§ 15.1 When an essential motion made by the Member in charge of a bill is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion.[16]

Motion To Postpone Consideration to Day Certain Not "Essential" Motion

§ 15.2 A motion to postpone consideration to a day certain (of a vetoed bill) is not an essential motion whose defeat requires recognition to pass to a Member opposed.

On June 2, 1930,[17] the House was considering the passage of a vetoed bill. A motion to postpone consideration of the bill had been made by the chairman of the committee managing the bill and had been rejected. Mr. John N. Garner, of Texas, raised a parliamentary inquiry whether that motion was an essential motion whose defeat required recognition to pass to the minority. Speaker Nicholas Longworth, of Ohio, discussed the principle raised and ruled that the motion to postpone consideration was not an essential motion within the meaning of the rule.

MR. GARNER: Mr. Speaker, the only issue involved was the question of whether the consideration of the President's veto should be postponed until Thursday. Does the Chair agree with the gentleman from Missouri [Mr. Cannon] that a motion for the previous question being defeated, transfers the right of recognition?

THE SPEAKER: It does; but that is not the question.

MR. GARNER: Then may I follow that up with this statement? That was the motion of the gentleman from South Carolina. If he is recognized now, he will move the previous question on the matter of consideration.

THE SPEAKER: The Chair does not know what the gentleman from South Carolina would do.

MR. GARNER: He did not have the opportunity to do that, but the Chair recognized the gentleman from Minnesota. He moved to postpone until next Thursday, and moved the previous question. The previous question was ordered. The House overwhelmingly declined to let the matter go over until Thursday, indicating that it

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16. For the rule and its application, see *House Rules and Manual* § 755 (1995). For an exception to the rule, as related to intervening adjournment, see § 15.22, infra.

Voting down the previous question on a conference report merely extends the time for debate and does not afford the opportunity to amend the report. See 84 CONG. REC. 8459, 76th Cong. 1st Sess., June 30, 1939; and 84 CONG. REC. 2085, 2086, 76th Cong. 1st Sess., Mar. 1, 1939. Generally, see Ch. 33, infra.

17. 72 CONG. REC. 9913, 9914, 71st Cong. 2d Sess.

wants to vote on the matter immediately. And now the Chair proposes to continue the recognition of the gentleman from Minnesota?

THE SPEAKER: Precisely. The House has indicated its desire to vote immediately, but the gentleman from Minnesota is the chairman of the Committee on Pensions, and it seems to the Chair that he is entitled as chairman of the committee to discuss the matter on the merits. We have had no vote that has gone to the merits of the bill at all.

MR. GARNER: I understand that, but that is not the question involved in recognizing the gentleman from Minnesota. The question is, under the practice and rules of the House, Does this vote automatically transfer to the opposition the right of recognition?

THE SPEAKER: The Chair does not think so in this case.

Mr. Garner attempted to appeal the Speaker's ruling on recognition but the Speaker ruled that an appeal did not lie to a decision on recognition.

Motion To Table Resolution of Inquiry

§ 15.3 Where a motion to lay a resolution on the table is made by the Member in charge of the resolution, and that motion is defeated, the right to prior recognition passes to the Member leading the opposition to the motion.

On Feb. 20, 1952,[18] Mr. James P. Richards, of South Carolina, called up, by direction of the Committee on Foreign Affairs, a resolution of inquiry (H. Res. 514) directed to the Secretary of State. Mr. Richards had sent to the Clerk's desk an adverse report of the committee, recommending that the resolution not pass. Mr. Richards immediately moved the privileged and nondebatable motion to lay the resolution on the table. The motion was defeated.

Mr. John M. Vorys, of Ohio, the Member leading the opposition to the motion, was then recognized by Speaker Sam Rayburn, of Texas, who explained the parliamentary situation:

> The gentleman from Ohio [Mr. Vorys] 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.

Mr. Vorys controlled debate on the resolution, which was agreed to by the House.

Parliamentarian's Note: If the manager's motion to table is defeated and no other Member seeks recognition, the manager may retain control over the remaining time for debate.[19]

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18. 98 CONG. REC. 1205–07, 82d Cong. 2d Sess.

19. See 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess., June 15, 1979, discussed in § 34.2, infra.

§ 15.4 The Member calling up for consideration a privileged resolution of inquiry reported adversely from committee is recognized for one hour and may move to lay the resolution on the table at any time; and where the Member calling up the resolution uses part of his hour of debate and then offers a motion to table the resolution which is defeated, the Chair will normally recognize another Member for an hour of debate but may recognize the Member who called up the resolution to control the remainder of his hour of debate, if no other Member seeks recognition.

On June 15, 1979,[20] during consideration of House Resolution 291 (a resolution of inquiry directing the President to provide Members of the House with certain information) the following proceedings occurred in the House:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I call up the resolution (H. Res. 291), a resolution of inquiry directing the President to provide Members of the House with information on the energy situation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, full and complete information on the following:

(1) the existence and percentage of shortages of crude oil and refined petroleum products within the United States and administrative regions; . . .

THE SPEAKER PRO TEMPORE:[1] The gentleman from Michigan (Mr. Dingell) is recognized for 1 hour.

Subsequently in the proceedings, Mr. Dingell made a motion to table the resolution:

MR. DINGELL: Mr. Speaker, at this time I move to table the resolution of inquiry now before the House.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from Michigan (Mr. Dingell). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 4, nays 338, not voting 92, as follows: . . .

So the motion to table was rejected. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Speaker, may I inquire as to how much time remains?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that he has 48 minutes remaining.

20. 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess.

1. John Brademas (Ind.).

MR. DINGELL: Mr. Speaker, I will, then, at this time yield 24 minutes to my distinguished friend, the gentleman from Ohio (Mr. Devine), for purposes of debate only.

Motion To Dispose of Senate Amendment

§ 15.5 Where a motion is made by the Member in charge of a bill to recede and concur in a Senate amendment with an amendment and the motion is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.

On June 26, 1942,[2] Mr. Malcolm C. Tarver, of Georgia, the Member in charge of a general appropriations bill reported from conference with amendments in disagreement, moved that the House recede and concur with an amendment to one of the Senate amendments in disagreement. The motion was rejected.

Mr. Clarence Cannon, of Missouri, a Member opposed to the motion, then arose to make the motion to further insist on its disagreement to the Senate amendment; at the same time, Mr. Tarver arose to make the same motion. After the question of recognition was discussed, Speaker Sam Rayburn, of Texas, recognized Mr. Cannon to make the motion:

MR. TARVER: Mr. Speaker, I desire to submit a parliamentary inquiry. It was my purpose to offer a motion as I have done in connection with the same subject matter on previous occasions. I had risen for the purpose of offering a motion to further insist upon the disagreement of the House to Senate amendments Nos. 90 and 91. I wish to inquire whether or not I am privileged, as chairman of the House conferees, to offer that motion?

MR. CANNON of Missouri: Mr. Speaker, my motion is to further insist.

MR. TARVER: Mr. Speaker, I was on my feet before the gentleman from Missouri rushed over between me and the microphone and offered his motion.

MR. CANNON of Missouri: Mr. Speaker, it is a long-established rule of procedure that when a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to the opposition. That is the position in which the gentleman finds himself. He has made a major motion. The motion has been defeated. Therefore the right of recognition passes to the opposition, and I ask to be recognized to move to further insist.

MR. TARVER: Mr. Speaker, may I be heard with regard to that statement?

THE SPEAKER: The Chair will hear the gentleman.

MR. TARVER: The question has never been raised so far as I have known in the course of my experience of some 16 years upon an appropriation bill conference report, but if as the gentleman

2. 88 CONG. REC. 5642, 5643, 77th Cong. 2d Sess. Generally, see Ch. 33, infra.

states the right of making the motion passes to the opposition, it should pass to my Republican colleague the gentleman from Kansas [Mr. Lambertson] with whom the gentleman from Missouri has been associated in the defeat of the motion offered by the chairman of the subcommittee. I have desired to offer the motion myself in the absence of the exercise of that privilege by the gentleman from Kansas.

MR. [WILLIAM P.] LAMBERTSON: Mr. Speaker, I ask for recognition.

THE SPEAKER: The gentleman from Georgia has the floor.

MR. TARVER: I have completed all I desire to say except that I desire to offer the motion if it is permissible; otherwise, I insist that the right should pass to the opposition and to the gentleman from Kansas [Mr. Lambertson].

THE SPEAKER: The Chair is of the opinion that the gentleman from Missouri has been properly recognized to offer a motion. The gentleman will state his motion.

MR. CANNON of Missouri: Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.

§ 15.6 Where a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to a Member opposed; thus, where a motion made by the Member in charge of a bill to recede and concur in a Senate amendment with an amendment had been defeated, recognition for a motion to recede and concur with another amendment passed to a Member opposed to the defeated motion.

During consideration of H.J. Res. 1131, a further continuing appropriation for fiscal year 1975, in the House on Oct. 7, 1974,[3] the proceedings described above were as follows:

THE SPEAKER:[4] The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 9, strike out: "to the Government of Turkey until the President certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus" and insert "or for the transportation of any military equipment or supplies to any country which uses such defense articles or services in violation of the Foreign Assistance Act of 1961 or the Foreign Military Sales Act, or any agreement entered into under such Acts."

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

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert: "or for the trans-

3. 120 CONG. REC. 34151, 34157–59, 93d Cong. 2d Sess.

4. Carl Albert (Okla.).

portation of any military equipment or supplies to the Government of Turkey unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, or any agreement entered into under such Acts by making good faith efforts to reach a negotiated settlement with respect to Cyprus."

THE SPEAKER: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes and the gentleman from Michigan (Mr. Cederberg) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas (Mr. Mahon).

MR. MAHON: Mr. Speaker, I should just like to say a word and then I will yield to my colleague, the gentleman from New York (Mr. Rosenthal). . . .

THE SPEAKER: The question pending is on the motion of the gentleman from Texas. Those in favor of it will vote "yea."

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Is this vote on the previous question?

THE SPEAKER: The vote is on the motion.

The vote was taken by electronic device, and there were—yeas 69, nays 291, not voting 74. . . .

So the motion was rejected. . . .

MR. ROSENTHAL: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rosenthal moves that the House recede from its disagreement to Senate amendment numbered 3 and concur therein with an amendment as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 3, insert the following: "or for the transportation of any military equipment or supplies to Turkey until and unless the President certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military force in Cyprus."

THE SPEAKER: The gentleman from New York is recognized for 1 hour.

MR. ROSENTHAL: Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Delaware (Mr. du Pont), pending which I yield myself 5 minutes. . . .

MR. ROSENTHAL: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from New York (Mr. Rosenthal).

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

So the motion was agreed to.

Parliamentarian's Note: Pursuant to Rule XXVIII, clause 2(b), time for debate on a motion to dispose of a Senate amendment reported from conference in disagreement is equally divided between majority and minority parties. When the Mahon motion was defeated and Mr. Rosenthal was recognized for one hour, he yielded one-half of his time to a

minority party Member pursuant to that rule.

§ 15.7 Where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment.

During consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriations for fiscal year 1978) in the House on July 19, 1977,[5] the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[6] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 17, line 11, strike out "$2,943,600,000" and insert "$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

MR. BOLAND: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

§ 15.8 While a motion offered by the manager of a conference report to dispose of an amendment reported from conference in disagreement is debatable for one hour, equally divided between the majority and minority parties (under Rule XXVIII clause 2(b)), rejection of that motion causes recognition to pass to a Member opposed thereto to offer another motion to dispose of the amendment, and that Member controls the entire hour of debate on his motion.

5. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

6. Norman Y. Mineta (Calif.).

During consideration of the foreign assistance appropriation bill (H.R. 7797) in the House on Oct. 18, 1977,[7] a motion was offered and the proceedings that followed were as indicated below:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein.

THE SPEAKER PRO TEMPORE:[8] Without objection, the motion offered by the gentleman from Maryland (Mr. Long) will be agreed to.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, if objection is heard to agreeing to the Senate amendment, then 1 hour would be allotted to the manager of the bill (Mr. Long of Maryland), half of which time would be yielded to the gentleman from Florida (Mr. Young). Is that correct?

THE SPEAKER PRO TEMPORE: There would be 30 minutes allotted to each party, the Chair would advise the gentleman.

MR. BAUMAN: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The gentleman from Maryland (Mr. Long) is recognized for 30 minutes.

[The motion was rejected.]

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Young of Florida moves that the House insist on its disagreement to the amendment of the Senate No. 47.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Florida (Mr. Young) for 1 hour.

§ 15.9 The House having rejected a motion offered by the manager of a conference report in disagreement to recede and concur with an amendment in the Senate amendment reported from conference in disagreement, a Member who has opposed that motion may be recognized to offer a motion to recede and concur with a different amendment, and the hour of debate on said motion is pursuant to clause 2(b), Rule XXVIII, divided between the majority and minority parties.

On May 29, 1980,[9] the following proceedings occurred in the House:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the concurrent resolution (H. Con. Res. 307) setting forth the congressional budget for the U.S. Government for the fiscal years

7. 123 CONG. REC. 34108, 34109, 34111, 95th Cong. 1st Sess.

8. William H. Natcher (Ky.).

9. 126 CONG. REC. 12678, 12680, 12709, 12710, 12712, 96th Cong. 2d Sess.

1981, 1982, and 1983 and revising the congressional budget for the U.S. Government for the fiscal year 1980, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

THE SPEAKER:[10] The Clerk will read the conference report. . . .

Pursuant to the rule, the Senate amendment is considered as having been read.

The Senate amendment reads as follows:

> Strike out all after the resolving clause, and insert:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that: . . .

MR. GIAIMO: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

MR. GIAIMO: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Connecticut (Mr. Giaimo).

[The motion was rejected.]

MR. [LEON E.] PANETTA [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Panetta moves that the House recede from its disagreement to the Senate amendment to House Concurrent Resolution 307 and to concur therein with two amendments, as follows:
>
> In the engrossed Senate amendment to House Concurrent Resolution 307, strike out section 1 and sections 14–20 and insert in lieu thereof the following: . . .

THE SPEAKER: The gentleman from California (Mr. Panetta) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Panetta).

Where Manager Had Not Offered the Rejected Motion

§ 15.10 A preferential motion to concur in a Senate amendment reported from conference in disagreement having been rejected, and a motion to disagree to the Senate amendment being then in order, the manager of the conference report maintained the prior right to recognition where he had not been the one to offer the motion to concur.

On Nov. 3, 1977,[11] the proceedings relating to consideration of H.R. 7555 (the Departments of Labor and Health, Education, and Welfare appropriations for fiscal

10. Thomas P. O'Neill, Jr. (Mass.).

11. 123 CONG. REC. 36959, 36966, 95th Cong. 1st Sess.

1978) in the House were as follows:

THE SPEAKER PRO TEMPORE:[12] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, pursuant to the resolution just agreed to, I call up the conference report on the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82 to the bill (H.R. 7555) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 28: Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. . . .

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

The Clerk read as follows:

> Mr. Mahon moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Michel) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Mahon). . . .

So the preferential motion was rejected. . . .

MR. FLOOD: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Flood moves that the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania (Mr. Flood) is recognized for 30 minutes.

Parliamentarian's Note: Had Mr. Flood offered the motion to concur, recognition would have passed to the opponents upon rejection of that motion.

Previous Question Rejected

§ 15.11 Where the previous question was voted down on a resolution before the House, recognition passed to the opponents of the resolution, and the Speaker declared that a minority Member was entitled to recognition, if opposed.

On July 20, 1939,[13] Mr. Howard W. Smith, of Virginia, managing on behalf of the Committee on Rules a resolution to authorize an investigation, moved the previous question on the resolution.

12. K. Gunn McKay (Utah).

13. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

Speaker William B. Bankhead, of Alabama, then answered parliamentary inquiries on the order of recognition to be followed should the previous question be rejected:

> MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?
>
> THE SPEAKER: Undoubtedly.
>
> MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?
>
> THE SPEAKER: If the previous question is voted down it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course a representative of the minority would have the first right of recognition.

Parliamentarian's Note: A majority Member could be recognized, after defeat of the previous question, to offer a preferential motion, such as to table, postpone or recommit (the prohibition against dilatory motions on a privileged resolution from the Committee on Rules no longer applying).

§ 15.12 A minority Member, who had led the opposition, was recognized after the House had refused to order the previous question on a resolution offered by the majority and providing for the seating of a Member-elect.

On Mar. 1, 1967,[14] Mr. Emanuel Celler, of New York, a Member of the majority, moved the previous question on House Resolution 278, which he had offered, and which provided for the seating of challenged Member-elect Adam C. Powell, of New York. The previous question was rejected.

Speaker John W. McCormack, of Massachusetts, then recognized Thomas B. Curtis, of Missouri, a Member of the minority, to offer a substitute amendment excluding Member-elect Powell from membership in the House.

§ 15.13 The motion for the previous question on a resolution being voted down, recognition for control of debate on the resolution passes to a Member opposed.

On Mar. 13, 1939,[15] Mr. Howard W. Smith, of Virginia, called

14. 113 CONG. REC. 5019, 5020, 90th Cong. 1st Sess.

15. 84 CONG. REC. 2663, 76th Cong. 1st Sess. *Parliamentarian's Note:* Pend-

up at the direction of the Committee on the District of Columbia House Resolution 113, authorizing an investigation of the milk industry in the District of Columbia. Mr. Smith moved the previous question on the resolution. After the motion was rejected, Speaker William B. Bankhead, of Alabama, stated:

> Under the rules of procedure, the recognition passes to the gentleman from Michigan [Mr. Mapes] if he desires to claim it.

The Speaker declared, in response to parliamentary inquiries, that Mr. Carl E. Mapes, who had been leading the opposition to the resolution, would control one hour of debate and would lose the floor if he yielded to another Member to offer an amendment.

Qualification of Member as Opposed

§ 15.14 After determining that a Member was qualified as opposed to the pending resolution, the Speaker recognized him to offer a motion to table the resolution after the previous question had been rejected.

On Oct. 19, 1966,[16] the House rejected the previous question moved by Mr. Claude D. Pepper, of Florida, the Member in control of a resolution from the Committee on Rules (establishing a Select Committee on Standards and Conduct). Speaker John W. McCormack, of Massachusetts, then recognized Mr. Joe D. Waggonner, Jr., of Louisiana, to offer a motion to lay the resolution on the table, after determining whether Mr. Waggonner was entitled to recognition as being opposed to the resolution:

> MR. WAGGONNER: Mr. Speaker, I offer a motion.
>
> THE SPEAKER: Is the gentleman from Louisiana opposed to the resolution?
>
> MR. WAGGONNER: I am, in its present form, Mr. Speaker.
>
> THE SPEAKER: Has the gentleman participated actively in the debate in opposition?
>
> MR. WAGGONNER: I did, Mr. Speaker.
>
> THE SPEAKER: The Chair recognizes the gentleman.
>
> The Clerk read as follows:
>
> Mr. Waggonner moves to lay House Resolution 1013 on the table.

Parliamentarian's Note: Normally, the Speaker determines opposition from his observations of

ing a vote on ordering the previous question, the Chair may decline to indicate whom he might recognize or what form of amendment might be in order if the previous question were rejected. 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess., Oct. 8, 1969.

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

debate and not by requiring a Member to "qualify".

Resolution Called Up Prior to Adoption of Rules

§ 15.15 Recognition to offer an amendment to a resolution called up prior to the adoption of rules passes to a Member leading the opposition to the resolution if the previous question is rejected.

On Jan. 10, 1967,[17] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1) authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker McCormack answered parliamentary inquiries on the procedure of consideration and recognition for the resolution:

> MR. [JOE D.] WAGGONNER [of Louisiana]: Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?
>
> THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment [would] be in order. . . .
>
> MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry. . . .
>
> Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?
>
> THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a question that would present itself to the Chair at that particular time.
>
> . . . However, the usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.

§ 15.16 The motion for the previous question on a resolution having been rejected before the adoption of rules, the Speaker recognized the Minority Leader to offer an amendment to the resolution.

On Jan. 10, 1967,[18] at the convening of the 90th Congress and before the adoption of the rules, Mr. Morris K. Udall, of Arizona, moved the previous question on House Resolution 1, which he had called up and which related to the right of Member-elect Adam C. Powell, of New York, to be sworn. The previous question was rejected. Speaker John W. McCor-

17. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

18. 113 CONG. REC. 24–26, 90th Cong. 1st Sess.

mack, of Massachusetts, then recognized Gerald R. Ford, of Michigan, the Minority Leader, to offer an amendment in the nature of a substitute to the resolution.

Rejection of Previous Question on Privileged Resolution

§ 15.17 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down: (1) the resolution would be open to further consideration, amendment, and debate; (2) the resolution would be subject to a motion to table; and (3) the Chair, under the hour rule, would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[19] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

> MR. [WAYNE L.] HAYS [of Ohio]: 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. . . .
>
> MR. [JAMES C.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?
>
> THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.
>
> MR. FULTON of Pennsylvania: What would be the time for debate?
>
> THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his

19. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

disposal, or such portion of it as he might desire to exercise.

§ 15.18 Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the fight against the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

The proceedings of May 29, 1980, relating to House Resolution 682, providing for consideration of H.R. 7428 (public debt limit extension) are discussed in § 34.6, infra.

§ 15.19 Where the House rejects the previous question, the Member who led the opposition thereto is entitled to one hour of debate and is entitled to close debate where he has yielded half of his time to another Member.

The following proceedings occurred in the House on June 25, 1981,[20] during consideration of House Resolution 169 (providing for consideration of H.R. 3982, Omnibus Budget Reconciliation Act of 1981):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982. . . .

THE SPEAKER:[1] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

After debate, Mr. Bolling moved the previous question on the resolution.

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

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

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

[The previous question was rejected.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

20. 127 CONG. REC. 14065, 14078, 14079, 14081, 97th Cong. 1st Sess.

1. Thomas P. O'Neill, Jr. (Mass.).

THE SPEAKER PRO TEMPORE:[2] The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

MR. LATTA: Mr. Speaker, for purposes of debate only, I yield to my good friend, the Speaker of the House. . . .

THE SPEAKER PRO TEMPORE: Let the Chair inquire of the gentleman from Ohio, did he . . . yield 30 minutes of the hour to the Speaker?

MR. LATTA: Right. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: I reserve my right until such time as the gentleman wants to move the previous question.

MR. LATTA: We have the right under the rules of procedure to close debate.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LATTA: We have the right to close debate on this issue.

MR. O'NEILL: I have no requests for time on this side.

Previous Question and Motion To Lay Resolution on Table Rejected

§ 15.20 The previous question and a motion to lay a resolution on the table having been rejected, the Chair, under the hour rule, recognized a Member in opposition to the resolution.

On Oct. 19, 1966,[3] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper moved the previous question and the motion was rejected. Mr. Joe D. Waggonner, Jr., of Louisiana who assured Speaker John W. McCormack, of Massachusetts, of his opposition to the resolution, was recognized to move to lay the resolution on the table. The motion was rejected.

The Speaker then recognized, for one hour of debate, Mr. Wayne L. Hays, of Ohio, who opposed the resolution.

Motion in House May Be Amended if Member in Control Yields or Previous Question Rejected

§ 15.21 A pending motion being considered in the House is not subject to amendment unless the Member in control specifically yields for that purpose or unless the previous question is rejected.

On Oct. 31, 1983,[4] during consideration of a motion to instruct conferees on H.R. 3222 (Departments of Commerce, State, and Justice appropriations for fiscal 1984) in the House, the following proceedings occurred:

MR. [GEORGE M.] O'BRIEN [of Illinois]: Mr. Speaker, I offer a motion.

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2. James C. Wright, Jr. (Tex.).

3. 112 CONG. REC. 27713–26, 89th Cong. 2d Sess.

4. 129 CONG. REC. 29963, 29964, 98th Cong. 1st Sess.

The Clerk read as follows:

> Mr. O'Brien moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the bill, H.R. 3222, be instructed to insist on the House position on the amendment of the Senate numbered 93.

THE SPEAKER PRO TEMPORE:[5] The gentleman from Illinois (Mr. O'Brien) is recognized for 1 hour.

MR. O'BRIEN: Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the House conferees to insist on the House position on Senate amendment 93, which earmarks $70,155,000 in the bill for the juvenile justice program. . . .

MR. [HANK] BROWN of Colorado: Mr. Speaker, will the gentleman yield?

MR. O'BRIEN: I am happy to yield to the gentleman from Colorado.

MR. BROWN of Colorado: Mr. Speaker, I have a motion at the desk that I would like to offer in order to amend the motion.

THE SPEAKER PRO TEMPORE: Does the gentleman from Illinois (Mr. O'Brien) yield for that purpose?

MR. O'BRIEN: I yield not for the purposes of amendment.

THE SPEAKER PRO TEMPORE: Does the gentleman yield for debate only?

MR. O'BRIEN: For debate only, Mr. Speaker.

MR. BROWN of Colorado: Mr. Speaker, I believe I was yielded to without that limitation, and I would like to offer my amendment No. 1 as an amendment to the motion to instruct.

MR. O'BRIEN: In my naivete, I did not anticipate the amendment, Mr. Speaker. However my statement still prevails. I yielded only for comment.

THE SPEAKER PRO TEMPORE: The Chair recognizes that the gentleman yielded only for comment, so the Chair is going to sustain the position of the gentleman from Illinois (Mr. O'Brien). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state his inquiry.

MR. WALKER: Mr. Speaker, if the gentleman from Colorado wishes to offer his amendment as an amendment to the instructions offered by the gentleman from Illinois (Mr. O'Brien), could that be done by defeating the previous question on the motion, thereby giving the gentleman from Colorado an opportunity to offer an amendment?

THE SPEAKER PRO TEMPORE: If the previous question is voted down, an amendment would be in order. . . .

MR. O'BRIEN: Mr. Speaker, I move the previous question on the motion.

[The previous question was defeated and Mr. Brown offered an amendment.]

—Effect of Adjournment Following Intervention of Other Business After Rejection of Previous Question

§ 15.22 The rule that recognition passes to the opposition after rejection of the previous question was once held subject to the following exception: where other business intervenes and occupies

5. Robert A. Roe (N.J.).

the remainder of the day immediately after defeat of the previous question, the bill on which the previous question was rejected must be subsequently called up as unfinished business by a Member directed by his committee to call up that special class of business on a day when that business is in order, since the Speaker does not lay such special bills before the House as unfinished business. Once that Member has called up the bill, however, the Speaker would recognize a Member opposed if he immediately seeks to offer an amendment.

On Feb. 8, 1932,[6] Mr. Vincent L. Palmisano, of Maryland, Chairman of the Committee on the District of Columbia, called up as unfinished business S. 1306, to provide for the incorporation of the District of Columbia Commission on the George Washington Bicentennial.

Mr. Fiorello H. LaGuardia, of New York, raised an inquiry as to the parliamentary situation. He stated that the bill had previously been before the House (on the preceding District of Columbia Monday) and that the previous question had been rejected, requiring recognition to offer amendments or motions to pass to the opposition. [On the preceding District of Columbia Monday, the Chair had recognized another Member, immediately after rejection of the previous question on S. 1306, to call up a general appropriation bill, which was considered until adjournment on that day.]

Mr. LaGuardia and Mr. William H. Stafford, of Wisconsin, both asserted that the parliamentary situation remained the same as when the previous question was rejected, requiring the Chair to grant recognition to the opposition on the bill.

Speaker Pro Tempore Thomas L. Blanton, of Texas, ruled that the chairman of the reporting committee was entitled to recognition since the bill could come before the House only by being called up as unfinished business.

The proceedings were as follows:

> MR. PALMISANO: Mr. Speaker, I call up the bill (S. 1306) to provide for the incorporation of the District of Columbia Commission, George Washington Bicentennial.
>
> THE SPEAKER PRO TEMPORE: The gentleman from Maryland calls up a Senate bill, which the Clerk will report.
>
> The Clerk read the title of the bill.
>
> MR. LAGUARDIA: Mr. Speaker, a parliamentary inquiry.

6. 75 CONG. REC. 3548–50, 72d Cong. 1st Sess.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LAGUARDIA: The bill which the gentleman calls up was before the House two weeks ago.

THE SPEAKER PRO TEMPORE: This is unfinished business. We have had a second reading of the bill at the former meeting when the bill was considered on last District day.

MR. LAGUARDIA: But the previous question was voted down.

THE SPEAKER PRO TEMPORE: The previous question was then voted down. It is before the House now for further consideration, just where we left off before.

MR. LAGUARDIA: I ask recognition in opposition.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland [Mr. Palmisano], who is the ranking majority member of the committee, is entitled to recognition first to offer committee amendments, and then the gentleman from New York will be recognized.

MR. STAFFORD: Mr. Speaker, I assume that when this bill is now brought up we are brought back to the same legislative situation we were in when it was last considered.

THE SPEAKER PRO TEMPORE: That is the situation.

MR. STAFFORD: The previous question was then voted down. At that moment any person who wished to propose an amendment would have had the privilege of being recognized. I claim that any person who wishes to offer an amendment has prior recognition to the gentleman from Maryland.

THE SPEAKER PRO TEMPORE: But the previous question having been voted down, it did not take off the floor the gentleman from Maryland, who stands in the position of chairman of the committee, so the parliamentarian informs the Chair.

MR. STAFFORD: The very fact that the previous question was voted down granted the right to the opposition to offer an amendment and have control of the time.

THE SPEAKER PRO TEMPORE: This is another date on this legislation, and while it is in the same situation the Chair will recognize the gentleman from Maryland first, as acting chairman of his committee, and after that will recognize some Member who is opposed to the bill.

MR. [LAFAYETTE L.] PATTERSON [of Alabama]: Mr. Speaker, a further parliamentary inquiry. Do we understand that the gentleman from Maryland will be recognized for one hour and then the opponents of the bill be recognized for one hour?

THE SPEAKER PRO TEMPORE: The gentleman from Maryland, as acting chairman of the committee, is recognized first to offer committee amendments, and if some Member does not move the previous question——

MR. STAFFORD: Oh, Mr. Speaker, I take issue with the ruling of the Chair, because the House has affirmatively decided that the opposition is entitled to recognition, the previous question having been voted down. In the consideration of this bill we are placed in the same situation as we were when it was last considered.

THE SPEAKER PRO TEMPORE: The Chair will state the parliamentary situation. On a previous District day when this bill was up for consideration, the previous question was moved

and the House voted down that motion. Then the opposition clearly was entitled to recognition. This is another legislative day; and that being true, it is the duty of the Chair to recognize the one standing as chairman of the committee, who is the gentleman from Maryland, to offer committee amendments. Then the Chair will recognize someone in opposition to the bill. The Chair is advised by the parliamentarian that such is the correct procedure.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LAGUARDIA: I can not follow the statement of the Chair that the bill is coming before the House de novo. The Chair properly stated that the bill now is the unfinished business. A bill can not change its status because it is the unfinished business and carried over to another day. The previous question having been voted down, the bill is now open to the House for amendment, and on that I have asked for recognition by the Chair to offer an amendment.

THE SPEAKER PRO TEMPORE: The Chair will rule that the one acting for the committee in calling up the bill has a right to first offer committee amendments. If the proceedings had continued on the day the previous question was voted down, then any Member opposing the bill gaining recognition could have offered an amendment; but this being another legislative day, it is the duty of the Chair to recognize the acting chairman of the committee in calling up the bill to offer committee amendments, and the Chair has done that. Regardless of his own opinion, the Chair is guided by the parliamentarian. When a parliamentary situation arises whereby the Chair can recognize some one opposed to the bill, the Chair will do that.

Parliamentarian's Note: Bills which are in order on certain days under the rules of the House do not automatically come before the House, but must be called up by an authorized committee member. Therefore, in this instance, the Chair recognized the Chairman of the Committee on the District of Columbia to bring the bill before the House. Once recognized for that purpose, the chairman of the committee could offer committee amendments not printed in the bill, but if an opposition Member immediately sought to offer an amendment, the Chair indicated that he would first be recognized if he immediately had stated his intention.[7]

7. See also Ch. 21, § 3, supra, for discussion of unfinished business.