

order on Wednesday, September 6, 1961.⁽⁴⁾

B. MOTIONS TO SUSPEND THE RULES

§ 9. Use and Effect

Rule XXVII clauses 1 through 3⁽⁵⁾ provides for a motion to suspend the rules, by a two-thirds vote, which is in order on specified days:

1. No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, and on the Tuesdays immediately following those days, and during the last six days of a session.

2. All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

3. When a motion to suspend the rules has been seconded, it shall be in

4. H. Res. 444, 107 CONG. REC. 17766, 87th Cong. 1st Sess., Aug. 31, 1961.

5. See House Rules and Manual §§902907 (1979).

This rule was further amended in the 95th Congress to permit the Speaker to recognize for motions to suspend the rules on every Monday and Tuesday. H. Res. 5, 95th Cong. 1st Sess., Jan. 4, 1977. In 1974, a procedure was added to the rule to permit record votes on suspensions to be postponed until after all such motions have been considered. H. Res. 998, 93d Cong. 2d Sess., Apr. 9, 1974.

order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition; and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.⁽⁶⁾

The motion may be used either to suspend specific rules or to suspend all rules which are in conflict with the purpose of the motion. In current practice, the motion is most frequently used to pass bills or adopt resolutions; the form of the motion is to "suspend the rules and pass the bill" or to "suspend the rules and pass the bill with an amendment." Where

6. The motion to suspend the rules, as a method of changing the order of business, is of old usage in the House of Representatives, dating back to 1822. See 5 Hinds' Precedents §6790 for the early history of the rule.

The motion to suspend the rules is one of the three methods to change the regular order of business, the other two being unanimous-consent requests and special orders reported from the Committee on Rules.

the motion is used in that fashion, all rules are suspended which are in conflict with the passage of the bill, and no points of order against the consideration of the bill may be raised, such as points of order based on defects in reporting the bill, inclusion of appropriation language in a legislative bill, or the like.⁽⁷⁾

While most bills passed by the House have been reported out by committees of the House in accordance with the rules, a motion to suspend the rules may be used to pass an original bill or resolution submitted from the floor and neither introduced nor referred to a committee.⁽⁸⁾ Or the motion may be used to pass a bill which is pending before a committee but which has not been reported.⁽⁹⁾

The motion to suspend the rules is an effective method for passing emergency or noncontroversial legislation, without amendment (motions brought up under suspension may not be amended unless the amendment is part of the motion).⁽¹⁰⁾ And since the motion

7. See §§ 9.7–9.12, *infra*.

8. See, for example, § 9.19, *infra*. See also §§ 9.13–9.18 (passage of resolutions affecting the order of business, submitted from the floor).

9. See, for example, § 9.2, *infra*.

10. See §§ 9.22–9.24, *infra*. For discussion of the prohibition against offering amendments on the floor to bills

requires a two-thirds vote for adoption, suspension has been used to bring up and adopt proposed amendments to the United States Constitution, which require a two-thirds vote pursuant to article V of the Constitution.⁽¹¹⁾

The motion is also an expeditious method for adopting special orders of business without a full report by the Committee on Rules. A resolution (which frequently provides for the disposal of bills from the Speaker's table) may be submitted directly from the floor, and the Member recognized to move to suspend the rules and agree to the resolution is usually the chairman of the committee with jurisdiction over the subject matter of the legislation.⁽¹²⁾

Alternatively, the special order of business may be made part of

and resolutions brought up under suspension, see § 14, *infra*.

11. See § 9.21, *infra*.

12. See §§ 9.13–9.18, *infra*. For matters related to recognition for motions to suspend the rules, see § 11, *infra*.

If the motion is used to agree to a resolution to take a bill from the Speaker's table, ask for a conference and provide that the Speaker immediately appoint conferees, the use of the motion may prevent a motion to instruct conferees since the "immediate" appointment of conferees implies action by the Speaker without intervening motion (see § 13.17, *infra*).

the motion to suspend the rules (rather than using the motion to adopt a resolution creating the special order). For example, it may be moved to suspend the rules, take from the Speaker's table a House bill with a Senate amendment thereto, and concur in the Senate amendment.⁽¹³⁾ However, using the motion to adopt a resolution creating the special order eliminates confusion as to the effect of the motion, since the resolution is sent to the desk and reported by the Clerk, rather than the offerer of the motion being required to make what may be a complicated order of business part of the motion.⁽¹⁴⁾

13. See § 14. 9, *infra*.

14. While it has been held that the right of a Member to have read the paper on which he is called to vote is not changed by the fact that the procedure is by suspension of the rules (6 Hinds' Precedents § 5277; 8 Cannon's Precedents § 3400), the precedents are not uniform in this regard, and in earlier instances the separate motion to suspend the rules and dispense with reading of pending bills, amendments, and Senate amendments was held in order (5 Hinds' Precedents §§ 5278-84). Under the modern practice, only the motion "to suspend the rules and pass" is itself read. Thus only the title of the bill is normally read by the Clerk, and amendments included in the motion are not reported separately, but the Chair may, in his discretion, where

Some rules of the House may not be suspended, by a motion to suspend the rules or otherwise, such as the rule relating to the privileges of the floor,⁽¹⁵⁾ the rule relating to the use of the Hall of the House,⁽¹⁶⁾ and the rule prohibiting the introduction of gallery occupants.⁽¹⁷⁾

As indicated by Rule XXVII clause 1, above, the motion is only in order on certain days and on the last six days of a session (although the Speaker may be authorized, by unanimous consent, by a motion to suspend the rules, or by a special order from the Committee on Rules, to entertain motions or a motion to suspend

objection is made to that procedure, require the reading of an amendment which is not printed or otherwise available (§ 14.4, *infra*). And, in § 12.21, *infra*, where, pending a motion to suspend the rules and agree to a resolution which provided for concurring in a Senate amendment with an amendment consisting of the text of a bill introduced in the House, the Speaker ruled that reading of the resolution itself was sufficient and that it could be reread to the House only by unanimous consent.

15. Rule XXXII, *House Rules and Manual* § 919 (1979).

16. Rule XXXI, *House Rules and Manual* § 918 (1979).

17. Rule XIV clause 8, *House Rules and Manual* § 764 (1979).

the rules on days other than those specified in the rule).⁽¹⁸⁾ The so-called "suspension calendar" is a list of those bills on which motions to suspend the rules will be entertained by the Speaker on a given day. The list is generally programed in advance in order that notice be given to Members of the House. And only such bills as have been cleared with the leadership are brought up under suspension, as the Speaker has plenary power to entertain or to refuse recognition for motions to suspend the rules.⁽¹⁹⁾

Effect of Defeat of a Motion to Suspend the Rules

§ 9.1 The Committee on Rules may report a special rule making in order the consideration of a joint resolution previously defeated on a motion to suspend the rules.

On Aug. 24, 1935,⁽²⁰⁾ Mr. John J. O'Connor, of New York, called up by direction of the Committee on Rules a special order making in order the consideration of a bill which had been brought up under suspension of the rules on the

18. For discussion as to when motions to suspend the rules are in order, see § 10, *infra*.

19. See, for example, § 9.6, *infra*.

20. 79 CONG. REC. 14652, 74th Cong. 1st Sess.

same day and had failed to obtain a two-thirds vote for passage. Speaker Joseph W. Byrns, of Tennessee, answered parliamentary inquiries on the power of the Committee on Rules to report such a resolution:

MR. O'CONNOR: Mr. Speaker, this is a matter which was considered today under suspension of the rules but failed of passage. It is a matter about which there was some confusion. It is a very simple matter and has nothing to do with ship subsidies. It merely extends the time within which the President can determine whether or not to cancel or modify the contracts. The President has before him this important situation: Many of these contracts will expire between October of this year and January of next year. I am authorized to say that the President feels he needs this authority.

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

MR. [MAURY] MAVERICK [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MAVERICK: After a bill has been passed on, can it be brought up again the same day? What about the Puerto Rico bill, which failed? If we can again bring up the bill made in order by this resolution, we can do it with the Puerto Rico bill, or with any other bill that has been defeated once during the day. This bill was defeated a few hours ago.

THE SPEAKER: The Chair will answer the gentleman's parliamentary inquiry. This is an effort on the part of the gentleman from New York, Chairman of the Rules Committee, to bring this bill up under a special rule.

The question is up to the House as to whether or not that can be done.

MR. MAVERICK: I did not hear the Chair.

THE SPEAKER: This is a special rule which is under consideration and is in order.

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MCFARLANE: Is it in order for the Chairman of the Rules Committee to bring in a rule on a bill which we defeated this afternoon and then move the previous question before the opponents have an opportunity to be heard?

THE SPEAKER: It is, under the rules of the House.

MR. O'CONNOR: Mr. Speaker, all the opponents were heard today.

THE SPEAKER: It is a question for the House itself to determine.

MR. [OTHA D.] WEARIN [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WEARIN: Does this rule provide for the opportunity to offer amendments?

THE SPEAKER: The joint resolution is considered in the House under the rules of the House.

Use of Motion to Suspend Rules Generally

§ 9.2 On motion of the Majority Leader, the House agreed to suspend the rules and pass a bill increasing the salary of the President, although the

bill had not been considered in committee.

On Jan. 6, 1969,⁽²¹⁾ Carl Albert, of Oklahoma, the Majority Leader, moved to suspend the rules and pass a bill which had been referred to committee but not yet considered by the committee.

MR. ALBERT: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to increase the per annum rate of compensation of the President of the United States.

The Clerk read as follows:

H.R. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 3, United States Code, is amended by striking out "\$100,000" and inserting in lieu thereof "\$200,000".

Sec. 2. The amendment made by this Act shall take effect at noon on January 20, 1969.

THE SPEAKER:⁽¹⁾ Is a second demanded?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I demand a second.

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

There was no objection.

THE SPEAKER: The Chair recognizes the gentleman from Oklahoma (Mr. Albert).

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

Mr. Speaker, as Members all know, this is the first suspension bill of the

21. 115 CONG. REC. 172-76, 91st Cong. 1st Sess.

1. John W. McCormack (Mass.)

91st Congress. Normally the Speaker would not recognize Members to call up bills under suspension of the rules this early in the term and without committee consideration. The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. Members know that under article II, section 1, clause 7, of the Constitution the salary of the President of the United States cannot be increased during his term of office. Therefore, if the matter is to be handled at all, it must be passed by both Houses of Congress and signed by the President before noon on January 20. Members further know, Mr. Speaker, that committee assignments have not been made and will not be made in time for normal hearings and proceedings to be had in order to consider this bill by the deadline.

In view of these circumstances, the distinguished minority leader and the distinguished chairman and ranking member of the Committee on Post Office and Civil Service and myself have jointly offered this resolution for the consideration of the Members of the House.

The House agreed to the motion.

§ 9.3 The Speaker has recognized a Member to move to suspend the rules and pass a Senate bill similar to a House bill which had been previously announced for consideration under the suspension procedure.

On Mar. 16, 1964,⁽²⁾ Speaker John W. McCormack, of Massachusetts, recognized for a motion to suspend the rules and pass a Senate bill; and answered an inquiry relative thereto:

MR. [CHET] HOLIFIELD [of California]: Mr. Speaker, the bill H.R. 9711, to amend the Atomic Energy Act of 1954, is on the suspension calendar for today. However, a similar bill, S. 2448, has been passed by the other body. Therefore, in lieu of calling up H.R. 9711, I move to suspend the rules and pass the bill S. 2448. . . .

MR. [JOHN P.] SAYLOR [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. SAYLOR: Mr. Speaker, the House Calendar lists a bill to come up under suspension and it is a House bill. Does it not require unanimous consent to suspend the rules and take up a Senate bill?

THE SPEAKER: The Chair will advise the gentleman from Pennsylvania, under the rules of the House, the Speaker may recognize a Member on a motion to suspend the rules.

§ 9.4 The House under suspension of the rules passed a simple resolution paying from the contingent fund mileage and paying expenses in a contested election case.

On Aug. 7, 1948,⁽³⁾ the House adopted, without debate, a simple

2. 110 CONG. REC. 5291, 88th Cong. 2d Sess.

3. 94 CONG. REC. 10247, 80th Cong. 2d Sess.

resolution under suspension of the rules:

MR. [RALPH A.] GAMBLE [of New York]: Mr. Speaker, I move to suspend the rules and pass House Resolution 715.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives is authorized and directed to pay to the Sergeant at Arms of the House of Representatives not to exceed \$171,000 out of funds appropriated under the head "Contingent expenses of the Houses," fiscal year 1949, for additional mileage of Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico, at the rate authorized by law.

Sec. 2. That the Clerk of the House of Representatives is authorized and directed to pay to Walter K. Granger, contestee, for expenses incurred in the contested-election case of Wilson versus Granger, as audited and recommended by the Committee on House Administration, \$2,000, to be disbursed out of funds appropriated under the head "Contingent expenses of the House," fiscal year 1949.

THE SPEAKER:⁽⁴⁾ Is a second demanded? [After a pause.] The question is on suspending the rules and passing the resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

§ 9.5 Under a motion to suspend the rules, a conference report was recommitted to a conference committee.

4. Joseph W. Martin, Jr. (Mass.).

On Apr. 1, 1935,⁽⁵⁾ Speaker Joseph W. Byrns, of Tennessee, recognized for a motion to suspend the rules following objection to a unanimous-consent request:

MR. [JAMES P.] BUCHANAN [of Texas]: Mr. Speaker, I ask unanimous consent that the conference report on House Joint Resolution 117, making appropriations for relief purposes, be recommitted to the Committee of Conference.

MR. [JOHN] TABER [of New York]: Mr. Speaker, reserving the right to object, will the gentleman from Texas [Mr. Buchanan], explain why he wants to have the joint resolution recommitted?

MR. BUCHANAN: Mr. Speaker, there are several reasons.

MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Speaker, I demand the regular order.

MR. TABER: Then I shall object, Mr. Speaker.

MR. WOODRUM: The gentleman is going to object anyway.

MR. TABER: Mr. Speaker, I object.

MR. BUCHANAN: Mr. Speaker, I move to suspend the rules and recommit the conference report on House Joint Resolution 117, making appropriations for relief purposes, to the Committee of Conference.

The House adopted the motion to suspend the rules, after House members of the conference committee explained that recommitment to conference was necessary in

5. 79 CONG. REC. 4761-65, 74th Cong. 1st Sess.

order to correct errors in the report.

§ 9.6 On suspension days, the motion to suspend the rules is admitted at the discretion of the Speaker, and he may decline to entertain such motions unless they have the approval of the Majority Leader.

On Aug. 2, 1948,⁽⁶⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, declined to recognize for a motion to suspend the rules and pass a bill and indicated the reason therefor:

MRS. [HELEN GAHAGAN] DOUGLAS [of California]: Mr. Speaker, I move to suspend the rules and discharge the Committee on Banking and Currency from further consideration of S. 866.

THE SPEAKER: The Chair does not recognize the gentlewoman for that purpose. The majority leader has already stated that there will be no suspensions today; and under the practice of the House, suspensions must be cleared through the majority leader. The gentlewoman is not recognized for that purpose.

MRS. DOUGLAS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentlewoman will state it.

MRS. DOUGLAS: Under paragraph 1 of rule XXVII it is in order, is it not, for the Speaker to entertain a motion to suspend the rules?

6. 94 CONG. REC. 9639, 80th Cong. 2d Sess.

THE SPEAKER: Yes, it is within the discretion of the Speaker, and the Speaker states that he will not recognize any Member for that purpose without clearing it through the majority leader, and using that discretion merely refuses to recognize the gentlewoman from California.

MRS. DOUGLAS: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentlewoman will state it.

MRS. DOUGLAS: Today is the first Monday in August, and under the aforementioned rule individual Members may move to suspend the rules and pass important legislation. Do I understand clearly then that the Chair is exercising his discretion in denying the House to vote on the so-called Taft-Ellender-Wagner bill, even under the procedure requiring a two-thirds vote of the Members present?

THE SPEAKER: The Chair will state that the rule has existed for more than 50 years, and in accordance with the procedure which has been followed by not only the present Speaker but every other Speaker, the Chair does not recognize the gentlewoman from California for that purpose.

MRS. DOUGLAS: Mr. Speaker, I ask unanimous consent for the present consideration of S. 866.

THE SPEAKER: The Chair does not recognize the gentlewoman for that purpose.

Suspension Suspends All Rules

§ 9.7 A motion to suspend the rules (Rule XXVII) and pass a bill operates to suspend all rules in conflict with the mo-

tion; thus, a point of order will not lie against consideration of the bill on the ground that the committee report on the bill is unavailable.

On Sept. 16, 1968,⁽⁷⁾ Speaker John W. McCormack, of Massachusetts, overruled a point of order against the consideration of a bill called up under suspension of the rules:

THE SPEAKER: Is a second demanded?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, at the proper time I ask to be recognized to make a point of order against consideration of this bill.

THE SPEAKER: The Chair will state that if the gentleman proposes to make a point of order, this is the time to make it.

MR. GROSS: Mr. Speaker, I make a point of order against the consideration of the bill (H.R. 19136) on the ground that it violates rule XI, clause 26(e), in that it was reported from the committee without a quorum being present.

THE SPEAKER: The Chair will state that the motion to suspend the rules suspends all rules, including the rule mentioned by the gentleman from Iowa.

§ 9.8 A motion to suspend the rules and pass a bill suspends all rules, including the

7. 114 CONG. REC. 27029, 27030, 90th Cong. 2d Sess.

Ramseyer rule, and a point of order would not lie as to any provision of the bill or against the report.

On Mar. 7, 1949,⁽⁸⁾ Speaker Sam Rayburn, of Texas, indicated a point of order against the consideration of a bill brought up under suspension of the rules would not lie:

MR. [CARL] VINSON [of Georgia] (interrupting the reading of the bill): Mr. Speaker, I ask unanimous consent that the further reading of the bill as amended be dispensed with and that the same be printed in the Record at this point.

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

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, reserving the right to object, will that deprive any Member from making a point of order against the bill at this time?

THE SPEAKER: A motion to suspend the rules suspends all rules. Therefore, a point of order would not lie as to any provision of the bill.

MR. MARCANTONIO: Including the Ramseyer rule?

THE SPEAKER: Including the Ramseyer rule.

§ 9.9 Points of order may not be raised against a conference report which is being considered under a motion to suspend the rules.

8. 95 CONG. REC. 1942, 1943, 81st Cong. 1st Sess.

On Aug. 20, 1937,⁽⁹⁾ Mr. Marvin Jones, of Texas, moved to suspend the rules and adopt the conference report on H.R. 7667, the sugar bill of 1937, after Mr. Millard F. Caldwell, of Florida, indicated he wished to make a point of order against the conference report. Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry on the effect of the motion as to points of order against the report:

MR. CALDWELL: Mr. Speaker, as I stated, I don't want to waive any rights that I have to make a point of order on the conference report.

MR. JONES: If the House agrees to suspend the rules, that suspends all rules and does away with points of order.

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

THE SPEAKER: The gentleman will state it.

MR. CALDWELL: Am I to understand that if the rules are suspended the point of order will not lie to the conference report?

THE SPEAKER: A motion to suspend the rules, if agreed to, suspends all rules. It must be adopted by a two-thirds vote. That would include a point of order against the conference report.

MR. CALDWELL: Then, Mr. Speaker if this report actually exceeds the authority of the conferees by including matters neither in the House nor the Senate bill, am I given to understand that

the suspending of the rules will prevent the making of a point of order on that account?

THE SPEAKER: The motion to suspend the rules, if adopted by a two-thirds vote, waives the right of any Member to make a point of order against the conference report.

§ 9.10 Where a bill is being considered under suspension of the rules, a point of order will not lie against the bill on the ground that a quorum was not present when the bill was reported from committee, since the motion to suspend the rules and pass the bill has the effect of suspending all rules in conflict with the motion.

On Oct. 7, 1968,⁽¹⁰⁾ Mr. Durward G. Hall, of Missouri, pro-pounded a parliamentary inquiry relative to the fact that there were scheduled to be brought up under suspension of the rules on that day four bills from the Committee on Post Office and Civil Service which were reported in violation of Rule XI clause 26(e) [Rule XI clause 2(l)(2)(A) in the *House Rules and Manual* (1979)], which requires a quorum of a committee to be present when a bill is ordered reported. Speaker John W. McCormack, of Massa-

9. 81 CONG. REC. 9463, 9464, 75th Cong. 1st Sess.

10. 114 CONG. REC. 29764, 90th Cong. 2d Sess.

chusetts, indicated that the point of order would not lie when the bill was brought up under suspension:

MR. HALL: . . . Mr. Speaker, I submit that the bills S. 1507, S. 1190, H.R. 17954, and H.R. 7406 all were improperly reported. Mr. Speaker, my parliamentary inquiry is this: At what point in the proceedings would it be in order to raise the question against these bills as being in violation of rule XI, clause 26(e) inasmuch as they are scheduled to be considered under suspension of the rules, which would obviously suspend the rule I have cited?

Mr. Speaker, I ask the guidance of the Chair in lodging my point of order against these listed bills so that my objection may be fairly considered, and so that my right to object will be protected. Mr. Speaker, I intend to do so only because orderly procedure must be based on compliance with the rules of the House which we have adopted.

THE SPEAKER: The Chair will state that any point of order would have to be made when the bill is called up.

The Chair might also advise or convey the suggestion to the gentleman from Missouri that the bills will be considered under suspension of the rules, and that means suspension of all rules.

MR. HALL: Mr. Speaker, a further parliamentary inquiry. Would it not be in order, prior to the House going into the Consent Calendar or suspension of the rules, to lodge the point of order against the bills at this time?

THE SPEAKER: The point of order could be directed against such consideration when the bills are called up

under the general rules of the House. The rules we are operating under today as far as these bills are concerned concerns suspension of the rules, and that motion will suspend all rules.

MR. HALL: Mr. Speaker, if I may inquire further, is it not true that, until such time as we go into that period of suspension of the rules, a point of order would logically lie against such bills which violate the prerogatives of the House and of the individual Members thereof, to say nothing of the committee rules? My belief that a point of order should be sustained is based on improper committee procedure and addresses itself to the fact that the bills are improperly scheduled, listed, or programed on the calendar, or rule of suspension, and so forth.

THE SPEAKER: The Chair will state, as to points of order, at the time the Chair answered the specific inquiry of the gentleman from Missouri, a point of order would not lie until the bill is reached and brought up for construction.

MR. HALL: Mr. Speaker, may I be recognized at that time to lodge such a point of order, and will this Member be protected?

THE SPEAKER: The Chair will always protect the rights of any Member. The Chair has frankly conveyed to the gentleman that we are operating under a suspension of the rules procedure today, and that suspends all rules.

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ARENDS: Do I correctly understand the ruling of the Chair that sus-

pending all the rules pertains to more than just the House; it pertains to the rules of committee action likewise?

THE SPEAKER: The gentleman from Illinois is correct.

MR. ARENDS: I thank the Speaker.

§9.11 The Speaker has indicated that a point of order will not lie under Rule XXI against a provision transferring or appropriating funds contained in a legislative bill being considered under a motion to suspend the rules.

On Oct. 18, 1971,⁽¹¹⁾ Speaker Carl Albert, of Oklahoma, answered a parliamentary inquiry as to the effect of suspension of the rules where a bill violated Rule XXI clause 4:⁽¹²⁾

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, my parliamentary inquiry is that inasmuch as section 7 of this House Joint Resolution 923 would under normal circumstances and methods of consideration obviously be subject to a point of order because it involves a transfer of funds in an authorization bill, at what point under the motion to suspend the rules could such a point of order be offered?

THE SPEAKER: The Chair will state to the gentleman from Missouri that the motion made by the gentleman

from Kentucky [Mr. Perkins], itself calls for a suspension of the rules, which means all the rules, and, therefore, there would be no point in the consideration of the joint resolution under a suspension of the rules to make that point of order.

MR. HALL: Mr. Speaker, a further parliamentary inquiry. Does the Chair mean to inform the Members of the House that the only way that we could get redress and relief from what would otherwise be a point of order, would be if the committee moved to suspend the rules and pass the bill with an amendment deleting that section?

THE SPEAKER: The Chair will advise the gentleman from Missouri that the joint resolution comes to the floor under a motion to suspend the rules and pass it with amendments. The amendments will be under consideration, but only the amendments which are embraced in the motion made by the gentleman from Kentucky are in order.

MR. HALL: Therefore, if this motion passes and we do suspend the rules, unless the gentleman making the motion yielded for the purpose of an amendment there would be no way to seek relief?

THE SPEAKER: The Chair will inform the gentleman from Missouri that the gentleman who is making the motion to suspend the rules and pass this joint resolution cannot yield for the purpose of further amendment.

§9.12 A motion to suspend the rules and pass a bill suspends all rules, and points of order against reference of the bill are not entertained.

11. 117 CONG. REC. 36507, 36508, 92d Cong. 1st Sess.

12. *House Rules and Manual* §846 (1973). [Now Rule XXI clause 5, *House Rules and Manual*, §846 (1979).]

On June 21, 1943,⁽¹³⁾ the Speaker pro tempore, Jere Cooper, of Tennessee, overruled a point of order against the consideration of a bill brought up under suspension of the rules:

MR. [JOHN] LESINSKI [of Michigan]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LESINSKI: Mr. Speaker, I make the point of order that the bill is improperly brought in by the Committee on World War Veterans' Legislation and that it belongs to the Committee on Invalid Pensions.

THE SPEAKER PRO TEMPORE: The point of order comes too late. The committee has reported the bill, and it is now under consideration under a suspension of the rules.

MR. LESINSKI: I know; but Mr. Speaker, the bill was brought into the Committee on World War Veterans' Legislation in typewritten form on one day, passed the same day, and filed the same day. There was no time for the chairman of any other committee to make an objection at the time.

MR. [JOHN E.] RANKIN [of Mississippi]: The gentleman from Michigan does not know it, but a motion to suspend the rules suspends all rules.

THE SPEAKER PRO TEMPORE: The purpose of a motion to suspend the rules, of course, is to suspend all rules of the House.

Adoption of Orders of Business

§ 9.13 Objection being made to a unanimous-consent request

13. 89 CONG. REC. 6209, 78th Cong. 1st Sess.

to take a House joint resolution with Senate amendments from the Speaker's table, disagree to the Senate amendments, and agree to a conference, the Speaker recognized the Member in charge for a motion to suspend the rules and pass a resolution which would accomplish such end.

On July 6, 1943,⁽¹⁴⁾ Speaker Sam Rayburn, of Texas, recognized for a motion to suspend the rules upon objection to a unanimous-consent request:

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 147) to continue the Commodity Credit Corporation as an agency of the United States, to increase its borrowing power, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

MR. [CLARENCE] CANNON of Missouri: Reserving the right to object, Mr. Speaker, I would not consent to the joint resolution being sent to conference, but I would be willing to accede to the gentleman's request if he will modify it by asking that we take the joint resolution from the table and consider the Senate amendments at this time.

MR. STEAGALL: Mr. Speaker, I withdraw the request.

14. 89 CONG. REC. 7309 78th Cong. 1st Sess.

Mr. Speaker, I move to suspend the rules and agree to the resolution which I sent to the Clerk's desk.

The Clerk read the resolution (H. Res. 292), as follows:

Resolved, That immediately upon the adoption of this resolution, the joint resolution, House Joint Resolution 147, with Senate amendments thereto, be and the same hereby is taken from the Speaker's table, the Senate amendments disagreed to and the conference requested by the Senate agreed to.

§ 9.14 The House agreed, under suspension of the rules, to a resolution providing that the House insist upon its amendment to a Senate bill, ask a conference, and that the Speaker immediately appoint conferees.

On June 18, 1948,⁽¹⁵⁾ the House agreed to the following resolution brought up under suspension of the rules:

MR. [WALTER G.] ANDREWS of New York: Mr. Speaker, I move to suspend the rules and pass the resolution, House Resolution 690, which I send to the desk.

THE SPEAKER:⁽¹⁶⁾ The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House insist upon its amendment to S. 2655, ask a conference with the Senate on the disagreeing votes, and that the

15. 94 CONG. REC. 8829, 8830, 80th Cong. 2d Sess.

16. Joseph W. Martin, Jr. (Mass.).

Speaker immediately appoint conferees.

Parliamentarian's Note: Where the resolution sought to be passed is presented in this form, providing that the Speaker immediately appoint conferees, a motion to instruct conferees is precluded.⁽¹⁷⁾

§ 9.15 The House may suspend its rules and pass a resolution to take from the Speaker's table a House bill with Senate amendment and to agree to the Senate amendment.

On Aug. 7, 1948,⁽¹⁸⁾ the House agreed to a resolution, providing an order of business, brought up under suspension of the rules:

Resolved, etc., That immediately upon the adoption of this resolution the bill (H.R. 6959) to amend the National Housing Act, as amended, and for other purposes, with the Senate amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment be, and the same is hereby, agreed to.

The House agreed to a similar resolution under suspension on Aug. 16, 1954:⁽¹⁹⁾

17. See § 13.17, *infra*.

18. 94 CONG. REC. 10197, 80th Cong. 2d Sess.

19. 100 CONG. REC. 14631-35, 83d Cong. 2d Sess.

Resolved, etc., That immediately upon the adoption of this resolution the bill H.R. 6672, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

§ 9.16 The House suspended the rules and passed a resolution taking from the Speaker's table an appropriation bill with Senate amendments thereto, further insisting on disagreement to the Senate amendments, agreeing to a further conference, and authorizing the Speaker to immediately appoint conferees without intervening motion, subsequent to objection to a unanimous-consent request therefor.

On July 27, 1956,⁽²⁰⁾ objection was made to a unanimous-consent request by Mr. Clarence Cannon, of Missouri, to take from the Speaker's table a House appropriation bill with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Later on the same day, Mr. Cannon moved to suspend the rules and pass a resolution to ac-

20. 102 CONG. REC. 15158, 84th Cong. 2d Sess.

complish the same result (the House agreed to the motion):⁽¹⁾

MR. CANNON: Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 648).

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill H.R. 12350, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table; that the House further insists on disagreement to the Senate amendments and agrees to the further conference requested by the Senate, and the Speaker shall immediately appoint the conferees without intervening motion.

THE SPEAKER:⁽²⁾ Is a second demanded? [After a pause.] The Chair hears no request for a second.

The question is on suspending the rules and passing the resolution.

The question was taken; and (twothirds having voted in favor thereof) the rules were suspended and the resolution was passed.

THE SPEAKER: The Chair appoints as conferees on the part of the House: Messrs. Cannon, Kirwan, Gary, Taber, and Phillips.

§ 9.17 The Majority Leader was recognized to offer a motion to suspend the rules and agree to a resolution authorizing the Speaker to declare recesses for the remainder of the session.

On Dec. 21, 1970,⁽³⁾ the Majority Leader was recognized for a

1. *Id.* at p. 15169.

2. Sam Rayburn (Tex.).

3. 116 CONG. REC. 43069, 91st Cong. 2d Sess.

motion to suspend the rules (a unanimous consent request having been objected to):

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that it shall be in order during the remainder of this session for the Speaker to declare a recess at any time subject to the call of the Chair.

THE SPEAKER:⁽⁴⁾ Is there objection to the request of the gentleman from Oklahoma?

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. ALBERT: Mr. Speaker, I offer a resolution and move to suspend the rules and adopt the resolution (H. Res. 1317), making it in order for the Speaker to declare a recess at any time, subject to the call of the Chair.

The Clerk read as follows:

H. RES. 1317

Resolved, That during the remainder of this session it shall be in order for the Speaker to declare a recess at any time, subject to the call of the Chair.

THE SPEAKER: Is a second demanded?

MR. GROSS: Mr. Speaker, I demand a second, and I make a point of order that a quorum is not present.

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

MR. ALBERT: Mr. Speaker, I withdraw the resolution until a later time in the day.

THE SPEAKER: The gentleman from Oklahoma withdraws his resolution at the present time.

4. John W. McCormack (Mass.).

MR. GROSS: Mr. Speaker, I withdraw the point of order.

Parliamentarian's Note: Once a second has been ordered (or considered as ordered by unanimous consent) on a motion to suspend the rules, unanimous consent is required to withdraw the motion.

§ 9.18 The House, under a motion to suspend the rules, passed a resolution extending the time for debate on a motion to suspend the rules, and making said motion the unfinished business until disposed of.

On Sept. 20, 1943,⁽⁵⁾ a resolution providing for the consideration of a motion to suspend the rules was itself brought up and passed under suspension of the rules:

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 302), which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the time for debate on a motion to suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such

5. 89 CONG. REC. 7646-65, 78th Cong. 1st Sess.

H. Con. Res. 25 expressed the sense of Congress favoring creation of international machinery to establish and maintain lasting peace and favoring U. S. participation therein.

time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of.

Passage of Measures Submitted From the Floor

§ 9.19 A resolution may be submitted from the floor and immediately considered under suspension of the rules without referral to committee.

On Sept. 17, 1962,⁽⁶⁾ Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, moved to suspend the rules and pass House Resolution 800 (taking a House bill with Senate amendments from the Speaker's table, and agreeing to such amendments), where the resolution was submitted directly from the floor as opposed to being introduced and referred to committee. After debate, the vote on the motion was postponed to a later day pursuant to a previous order.

Parliamentarian's Note: A resolution submitted from the floor and immediately considered under suspension of the rules is not referred to committee and is normally printed only "as agreed to."

6. 108 CONG. REC. 19610, 87th Cong. 2d Sess.

If the resolution is not agreed to, it is printed "as submitted." Where however, as on this occasion, the vote on the motion is postponed to a later day, the resolution is first printed "as submitted" and if the resolution is adopted then printed "as agreed to."

Passage of Appropriation Bills

§ 9.20 A general appropriation bill was called up under suspension of the rules during the final week of a Congress, motions to suspend the rules having been made in order at any time during that week.

On Aug. 22, 1958,⁽⁷⁾ Mr. Albert Thomas, of Texas, moved to suspend the rules and pass H.R. 13856, a general appropriation bill making appropriations for sundry independent executive agencies. The House had previously agreed to a unanimous-consent request, on Aug. 20, authorizing the Speaker, Sam Rayburn, of Texas, to recognize for motions to suspend the rules during the balance of the week. The House adjourned on Aug. 24.

Another occasion where a general appropriation bill was passed under suspension of the rules oc-

7. 104 CONG. REC. 19175, 85th Cong. 2d Sess.

curred on July 2, 1942, where Mr. Malcolm C. Tarver, of Georgia, moved to suspend the rules and pass the agricultural appropriation—bill for 1943. The bill passed under suspension contained matters presently in agreement between House and Senate conferees on the regular appropriation bill, at that time in conference. Expedited action was necessary due to the payroll requirements of the Department of Agriculture. Following the adoption of the motion to suspend the rules and pass the bill, it was messaged to the Senate, where it was referred to committee and not immediately considered.⁽⁸⁾

Passage of Constitutional Amendment

§ 9.21 An amendment to the Constitution may be passed under a motion to suspend the rules.

On Dec. 5, 1932,⁽⁹⁾ Mr. Henry T. Rainey, of Illinois, moved to suspend the rules and pass House Joint Resolution 480, proposing an amendment to the Constitution of the United States, repealing the 18th amendment to the Constitu-

8. 88 CONG. REC. 5953-61, 77th Cong. 2d Sess.

9. 76 CONG. REC. 7-13, 72d Cong. 2d Sess.

tion. Two-thirds failed to vote in favor thereof and the motion was rejected.

On Aug. 27, 1962, Speaker John W. McCormack, of Massachusetts, recognized Mr. Emanuel Celler, of New York, to move to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States to abolish non-payment of a poll tax as a bar to voting in federal elections; the House had previously agreed to a request authorizing the Speaker to recognize for motions to suspend the rules on the fourth Monday of the month. Before Mr. Celler was recognized, a demand was made that the Journal be read in full, and three quorum calls and two record votes on dispensing with further proceedings under the calls interrupted such reading.⁽¹⁰⁾

The House adopted the motion and the joint resolution was passed. The joint resolution was, pursuant to title I, United States Code, section 106b, presented to the Administrator of General Services for ratification by the states, and was ratified as the 24th amendment to the Constitution.⁽¹¹⁾

10. 108 CONG. REC. 17654-70, 87th Cong. 2d Sess.

11. See also 96 CONG. REC. 10427, 81st Cong. 2d Sess., July 17, 1950, where

Parliamentarian's Note: The requirement of Rule XXVII clause 1 that a motion to suspend the rules passed by a two-thirds vote satisfied the requirement of article V of the United States Constitution that a proposed amendment there-to pass the House by a two-thirds vote (of those Members present and voting).

Passage of Emergency Legislation

§ 9.22 Immediately after a joint session to hear the President was dissolved, the House suspended the rules and passed a bill recommended by the President to settle a labor strike.

On May 25, 1946,⁽¹²⁾ a joint session was held in the House Chamber in order to hear an address from President Harry S. Truman; the President recommended the urgent passage of legislation to settle existing national strikes which had halted all rail transportation. Immediately following the President's address, the legisla-

a motion to suspend the rules and pass S.J. Res. 2, proposing an amendment to the Constitution providing for a method of electing the President and Vice President, was rejected by the House.

12. 92 CONG. REC. 5752-62, 79th Cong. 2d Sess.

tion which he had recommended was passed under suspension of the rules:

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 34 minutes p.m.

TEMPORARY INDUSTRIAL DISPUTES
SETTLEMENT ACT

THE SPEAKER [Sam Rayburn, of Texas]: The Chair recognizes the gentleman from Massachusetts [Mr. McCormack].

MR. [JOHN W.] MCCORMACK: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace. . . .

THE SPEAKER: Is a second demanded?

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. MARCANTONIO: I am, Mr. Speaker.

MR. MCCORMACK: Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

THE SPEAKER: Is there objection to the request of the gentleman from Massachusetts [Mr. McCormack]?

There was no objection.

After debate the following proceedings occurred:

THE SPEAKER: . . . The question is on the motion to suspend the rules and pass the bill.

MR. McCORMACK: Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 306, nays 13, not voting 112.

§ 9.23 The motion to suspend the rules is sometimes used to expedite the passage of emergency legislation; thus, the House agreed to suspend the rules and pass a joint resolution extending for 20 days the period of negotiation under the Railway Labor Act, thereby averting a threatened railway strike deadline less than 48 hours away.

On Apr. 11, 1967,⁽¹³⁾ Mr. Harley O. Staggers, of West Virginia, moved to suspend the rules (pursuant to a unanimous-consent agreement obtained Apr. 10 making such motion in order) and pass House Joint Resolution 493, to extend for 20 days the period of negotiations under the Railway Labor Act. The House agreed to the motion and passed the bill, thus averting a threatened railway strike less than 48 hours away.

Parliamentarian's Note: The use of the motion to suspend the rules on this date demonstrates rapid

13. 113 CONG. REC. 8987-90, 90th Cong. 1st Sess.

congressional action to meet a threatened emergency.

The President met with congressional leaders at the White House early on the morning of April 10, and explained that the threatened strike deadline was midnight Wednesday, April 12. The President was leaving for Uruguay for a meeting of American heads of State on the 11th and would be out of the country for the remainder of the week.

A Presidential message and a draft of legislation was delivered to both Houses of Congress on the 10th. The House Committee on Interstate and Foreign Commerce met and ordered the resolution (H.J. Res. 493) reported late that afternoon. The committee had secured permission for filing the report after the adjournment of the House. (H. Rept. No. 182.)

The Senate and House both took up identical versions of the resolution on Tuesday, April 11. The Senate completed action first. Senate Joint Resolution 65 was messaged to the House just as the House completed action on its version. The House thus accepted the Senate resolution, taking it up and passing it by unanimous consent.

The Senate enrolling clerk had in advance enrolled the bill, which was signed by both the Speaker

and the Vice President that same afternoon and was at the White House by 5:30 p.m. that evening.

After White House processing, the bill was flown by helicopter to Andrews Air Force Base where an Air Force jet was waiting to fly to Uruguay. The joint resolution was signed by the President on April 12, in Uruguay, and became Public Law No. 90-10.

§ 9.24 The Speaker stated, in recognizing a Member for a unanimous-consent request to consider a bill, that if any amendments were offered he would ask the Member to withdraw the request and to move to suspend the rules and pass the bill because of the vital importance that the bill pass immediately and without amendment.

On July 5, 1943,⁽¹⁴⁾ Speaker Sam Rayburn, of Texas, recognized a Member for a unanimous-consent request:

USE OF GOVERNMENT-OWNED SILVER
FOR WAR PURPOSES

THE SPEAKER: The Chair recognizes the gentleman from Michigan [Mr. Dingell].

MR. [JOHN D.] DINGELL: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill

14. 89 CONG. REC. 7213, 7214, 78th Cong. 1st Sess.

(S. 35) to authorize the use for war purposes of silver held or owned by the United States.

The Clerk read the title of the bill.

The House discussed the bill under the reservation of the right to object, and the Speaker then answered a parliamentary inquiry as follows:

MR. [FREDERICK C.] SMITH of Ohio: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Ohio: It is my understanding this bill will be read and will be subject to amendment, providing there is no objection to its consideration under the unanimous-consent request.

THE SPEAKER: The gentleman is correct, it would be subject to amendment, but the Chair is going to be very frank with the gentleman. If there are going to be amendments offered to this bill the Chair will request the gentleman from Michigan to withdraw his request, and then the Chair will recognize the gentleman from Michigan to move to suspend the rules and pass the bill. The Chair thinks it vitally important that this bill pass immediately, and he thinks it should be passed without amendment. The Chair will accept the responsibility if it is put up to the Chair.

§ 10. When in Order

Rule XXVII clause 1⁽¹⁵⁾ specifies the days on which motions to suspend the rules are in order:

15. *House Rules and Manual* §902 (1979).