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MR. ROGERS of Colorado: Mr. Speaker, is a motion to strike out the enacting clause in order at this time?

THE SPEAKER: A motion to strike out the enacting clause is not in order under a motion to suspend the rules.

§ 15. Voting on the Motion

Rule XXVII clause 1 [14] requires that a motion to suspend the rules be adopted by a "vote of two-thirds of the Members voting, a quorum being present." [15] As indicated in § 12, supra, the motion must first be seconded (if a second is demanded and not considered as ordered) by a majority vote before the motion may be considered.

The Speaker has voted on a motion to suspend the rules, to ensure the adoption of the motion.[16] Although a motion to suspend the rules may be used to pass a bill with amendments, or to pass measure which would ordinarily be divisible for a separate vote, a separate vote is not in order on a motion to suspend the rules, and the motion as offered must be voted on in its entirety.[17]

If a motion to suspend the rules and pass a proposition is rejected, the same or a similar proposition may be brought up under suspension of the rules, or pursuant to a special order from the Committee on Rules.[18]

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14. *House Rules and Manual* § 902 (1979). Clause 3(b) of Rule XXVII was added on Apr. 9, 1974 (H. Res. 998, 93d Cong. 2d Sess.) to authorize the Speaker to postpone, until the conclusion of debate on all motions to suspend the rules on one legislative day, votes on such motions on which recorded votes or the yeas and nays have been ordered, or the vote objected to under Rule XV clause 4; and to reduce, after the first postponed vote, to five minutes the time for voting (by electronic device) on each other postponed vote on that day. In the 97th Congress, references in Rule XXVII clause 3 to postponement of votes on suspensions were deleted and were transferred to Rule I clause 5(b)(1) to be consolidated with all authorities of the Speaker on postponing rollcall votes for up to two legislative days.

15. Two-thirds of those Members present and voting is construed as two-thirds of Members present and voting for or against the motion (votes of "present" are discounted). That requirement is identical to the requirement for adopting a proposed amendment to the Constitution under article V of the U.S. Constitution (see *House Rules and Manual* 190 [1979]) and thus such a proposed amendment may be adopted under a motion to suspend the rules (see § 15.2, infra).

16. See §§ 15.3, 15.4, infra.

17 See §§ 15.5, 15.6, infra.

18. See §§ 15.7. 15.8. infra.

Requirement of Two-thirds for Adoption

§ 15.1 A two-thirds vote is required for suspension of the rules (Rule XXVII clause 1), and unanimous consent for the consideration of a bill under suspension does not waive the two-thirds vote requirement for the passage of the bill.

On June 27, 1972,[19] the Speaker pro tempore stated, in response to a parliamentary inquiry, that a unanimous-consent order making in order a motion to suspend the rules on a day other than a regular suspension day, would not alter the requirement of a two-thirds vote for the adoption of such a motion:

> MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I ask unanimous consent that after all other legislative business on Thursday it may be in order to call up for consideration the bill H.R. 14896, the school lunch bill, under suspension of the rules.
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> THE SPEAKER:[20] Is there objection to the request of the gentleman from Kentucky?
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> MR. [DURWARD G.] HALL [of Miseouri]: . . . Mr. Speaker, a parliamentary inquiry.
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> THE SPEAKER PRO TEMPORE:[1] The gentleman will state it.
>
> MR. HALL: Would the Chair confirm that if the unanimous-consent request is granted that the rules for suspension would be in effect and a two-thirds vote would be required to suspend the rules and pass the bill?
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> THE SPEAKER PRO TEMPORE: Under the gentleman's unanimous-consent request it would require a two-thirds vote to suspend the rules and pass the bill.
>
> MR. HALL: I thank the Chair, I withdraw my reservation.
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?
>
> There was no objection.

Passage of Constitutional Amendments

§ 15.2 A proposed amendment to the Constitution may be passed by the House under a motion to suspend the rules, since the motion requires a two-thirds vote for adoption.

On Dec. 5, 1932,[2] 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 Constitution. Two-thirds failed to vote in favor thereof and the motion was rejected.

On Aug. 27, 1962, Speaker John W. McCormack, of Massachusetts,

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19. 118 CONG. REC. 22562, 22563, 92d Cong. 2d Sess.

20. Carl Albert (Okla.).

1. Henry B. Gonzalez (Tex.).

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

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 nonpayment 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.

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.[3]

Parliamentarian's Note: The two-thirds vote requirement for both a proposed amendment to the Constitution and for a motion to suspend the rules is two-thirds of those Members present and voting in the affirmative or negative.

Speaker's Vote

§ 15.3 The Speaker directed the Clerk to call his name on a roll call vote, and his vote enabled a bill to receive the two-thirds necessary for passage under suspension of the rules.

On Oct. 2, 1972,[4] Speaker Carl Albert, of Oklahoma, voted on a motion to suspend the rules where the motion would not have passed without his vote:

> THE SPEAKER: The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 15859, as amended.
>
> The question was taken.
>
> MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.
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> THE SPEAKER: Evidently a quorum is not present.

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3. 108 CONG. REC. 17654–70, 87th Cong. 2d Sess.

See also 96 CONG. REC. 10427, 10428, 81st Cong. 2d Sess., July 17, 1950, where 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.

4. 118 CONG. REC. 33219, 92d Cong. 2d Sess.

Without the Speaker's vote, the tally was 243 yeas, 122 nays; see H. Jour. 1139, 92d Cong. 2d Sess.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 244, nays 122, not voting 65, as follows: . . .

THE SPEAKER: The Clerk will call my name.

The Clerk called the name of Mr. Albert, and he answered "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

§ 15.4 The Speaker voted on a motion to suspend the rules and pass a bill where the vote, as reported to him by the tally clerk, was very close, and subject to reversal if an error appeared in rechecking the tally.

On Nov. 6, 1967,[5] Speaker John W. McCormack, of Massachusetts, voted on a motion to suspend the rules:

THE SPEAKER: The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the Senate Joint Resolution 33, as amended.

The question was taken.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Doorkeeper will close the doors. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 206, nays 102, not voting 124, as follows: . . .

THE SPEAKER: The Clerk will call my name.

The Clerk called the name of Mr. McCormack and he answered "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate joint resolution, as amended, was passed.

Parliamentarian's Note: At the conclusion of the roll call, the tally clerk advised that the vote as recorded was 204 yeas and 102 nays but that there was a possible error in that count. To obviate any such error and assure that the motion pass by a two-thirds vote, the Speaker voted in the affirmative and announced the vote as 205 yeas, 102 nays. Upon reviewing the tally, an error was found and the vote, as corrected, stood at 204 yeas and 102 nays, which was sufficient for the two-thirds vote. Two Members subsequently corrected the vote to show that they were present, voting in the affirmative, but were not recorded. Thus the final tally, as carried in the Record, showed 206 yeas, 102 nays.

Separate Vote Not in Order

§ 15.5 During consideration of motion to suspend the rules

5. 113 CONG. REC. 31287, 90th Cong. 1st Sess.

and pass a bill, it is not in order to demand a separate vote on amendments submitted with the text of the bill when sent to the deck.

On Oct. 7, 1968,[6] Speaker pro tempore Carl Albert, of Oklahoma, stated that separate vote could not be demanded on a motion to suspend the rules and pass a bill with amendments:

MR. [GEORGE A.] GOODLING [of Pennsylvania]: Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a parliamentary inquiry.

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

MR. GOODLING: Under a suspension of the rules procedure, are amendments in order?

THE SPEAKER PRO TEMPORE: No; amendments can be included in the motion, but other amendments are not in order.

MR. GOODLING: If amendments are presented, can a rollcall be had on the amendments?

THE SPEAKER PRO TEMPORE: No rollcall can be had on the amendments; only on those amendments which are submitted with the bill and which are included in the motion.

§ 15.6 It is not in order to demand a division of the question on a proposition considered under a motion to suspend the rules.

On Sept. 20, 1943,[7] Speaker Sam Rayburn, of Texas, stated, in response to a parliamentary inquiry, that a division of the question could not be demanded on a motion to suspend the rules (and pass a resolution providing an order of business):

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 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. . . .

THE SPEAKER: The time of the gentleman from New Jersey has expired.

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DIRKSEN: I believe there is some confusion as to the exact terminology of the resolution offered by the gentleman from Massachusetts, and I ask unanimous consent that the resolution may be again read.

6. 114 CONG. REC. 29800, 90th Cong. 2d Sess.

7. 89 CONG. REC. 7646, 7655, 78th Cong. 1st Sess.

THE SPEAKER: Without objection, the Clerk will again read the resolution.

There was no objection.

The Clerk again read the resolution.

MR. DIRKSEN: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DIRKSEN: The resolution contains two substantive proposals. Is it by reason of this fact divisible?

THE SPEAKER: Not under a suspension of the rules, because the first proposal suspends all the rules.

Effect of Rejection

§ 15.7 Rejection of a motion to suspend the rules and agree to a resolution does not preclude the Speaker from exercising his discretionary authority to recognize a Member to offer a similar resolution under suspension of the rules.

On Dec. 21, 1973,[8] Speaker Carl Albert, of Oklahoma, overruled a point of order against recognition for a motion to suspend the rules:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move to suspend the rules and agree to the House Resolution (H. Res. 760) to take from the Speaker's table the Senate bill S. 921, to amend the Wild and Scenic Rivers Act, with a Senate amendment to the House amendment thereto and agree to the Senate amendment to the House amendment with an amendment.

The Clerk read as follows:

H. RES. 760

Resolved, That immediately upon the adoption of this resolution the bill S. 921, with the Senate amendment to the House amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the House amendment be, and the same is hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the text of the bill H.R. 12129.

A point of order was made as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, I make a point of order against this resolution because it, in effect, does nothing more than call up a matter that has already been voted on within the last half hour by this House.

Anyone who says it is not to the contrary has no authority, because no one has read it and we do not know the substance.

THE SPEAKER: The Chair has read the resolutions, they have been read to the House, and the Chair has authority to recognize for motions to suspend the rules.

There are substantial differences, and the Chair has recognized the gentleman from West Virginia.

8. 119 CONG. REC. 43271, 93d Cong. 1st Sess.

The House rejected the motion.

Parliamentarian's Note: The House had earlier rejected a motion to suspend the rules (offered by Mr. Staggers) and agree to a resolution to take the same bill with the Senate amendment from the table and agree to the Senate amendments with an amendment. The second motion offered by Mr. Staggers proposed a different amendment (text of another House bill) to the Senate amendment.

Since the rejection of a motion to suspend the rules does not prejudice its being offered again, no motion to reconsider is in order on a negative vote on a motion to suspend the rules (see 5 Hinds' Precedents §§ 5645, 5646; 8 Cannon's Precedents § 2781).

§ 15.8 The Committee on Rules may report a special rule to make in order the consideration of a joint resolution that had previously been defeated on a motion to suspend the rules.

On Aug. 24, 1935,[9] Speaker Joseph W. Byrns, of Tennessee, stated, in response to a parliamentary inquiry, that the rejection of a motion to suspend the rules and pass a bill did not preclude bringing up the same bill pursuant to a special order from the Committee on Rules:

> MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, by direction of the Committee on Rules I present a privileged report from that committee and ask for its immediate consideration.
>
> The Clerk read as follows:
>
> HOUSE RESOLUTION 372
>
> *Resolved,* That immediately upon the adoption of this resolution the House shall proceed to the consideration of (S.J. Res. 175), a joint resolution to extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act 1935, and all points of order against said joint resolution are hereby waived.
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> 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.
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> 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

9. 79 CONG. REC. 14652, 74th Cong. 1st Sess.

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.

C. SPECIAL RULES OR ORDERS

§ 16. Authority of Committee on Rules; Seeking Special Orders

Under Rule XI clause 17,[10] the Committee on Rules has jurisdiction over the rules, joint rules, and order of business of the House.[11] And under Rule XI

10. *House Rules and Manual* § 715 (1973) [Rule X clause 1(q), *House Rules and Manual* § 686(a) (1979)].

11. The jurisdiction defined in the rule was made effective Jan. 2, 1947, as part of the Legislative Reorganization Act of 1946. The jurisdiction was further defined in the 90th Congress when jurisdiction over rules relating to official conduct and financial disclosure was transferred to the Committee on Standards of Official Conduct (H. Res. 1099, 90th Cong.).

Prior to the 1946 act, Rule XI clause 35 provided that "all proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules." And Rule XI clause 45 conferred privilege on reports from the Committee on Rules.

For a short history of the Committee on Rules, including its procedures, composition and authority in relation to the current and past rules of the House, see 115 CONG. REC. 9498–501, 91st Cong. 1st Sess., Apr. 17. 1969 (insertion in the Record by Richard Bolling [Mo.], a member of the Committee on Rules, of a short history of that committee prepared