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Rescinding Action of Both Houses

§ 8.1 The action of the two Houses in connection with the passage of a private bill was rescinded by a concurrent resolution setting forth such rescission and providing that the bill be postponed indefinitely.

On Feb. 7, 1952,[14] the House agreed to a Senate concurrent resolution rescinding the action of the two Houses on the bill S. 1236 for the relief of Kim Song Nore in view of the fact that the individual named in the bill had died.

> MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 60, indefinitely postponing Senate bill 1236, for the relief of Kim Song Nore.
>
> The Clerk read the Senate concurrent resolution, as follows:
>
> *Resolved by the Senate (the House of Representatives concurring),* That the action of the two Houses in connection with the passage of the bill (S. 1236) for the relief of Kim Song Nore be rescinded, and that the said bill be postponed indefinitely.
>
> THE SPEAKER:[15] Is there objection to the request of the gentleman from Pennsylvania?
>
> There was no objection.
>
> The Senate concurrent resolution was concurred in.
>
> A motion to reconsider was laid on the table.

Parliamentarian's Note: The effect of a motion to postpone indefinitely is to finally dispose of the pending matter adversely. It is different from merely refusing to consider a matter at a particular time. The motion is not amendable, but the motion to postpone to a day certain takes precedence.

C. MOTIONS TO LAY ON THE TABLE

§ 9. In General; Application and Effect

The motion to lay on the table, also referred to as the motion to table, is used by the House to reach a final adverse disposition of a proposition.[16] The motion is not in order in the Committee of the Whole.[17]

The motion to lay on the table is of high privilege, but yields to a

14. 98 CONG. REC. 934, 82d Cong. 2d Sess.

15. Sam Rayburn (Tex.).

16. See §§ 9.1 et seq., infra.

17. See 8 Cannon's Precedents §§ 2330, 2556a, 3455; and 4 Hinds' Precedents §§ 4719, 4720.

motion to adjourn.[18] The motion may not be made after the previous question has been ordered,[19] but is in order where the previous question has been moved. It may not be applied to a demand for the previous question[20] nor to motions to suspend the rules.[1]

The motion may not be applied to motions to recommit,[2] motions to go into the Committee of the Whole,[3] nor to any motion relating to the order of business.[4] It is generally not in order on motions which are neither debatable nor amendable.[5]

Most matters laid on the table may be taken therefrom only by unanimous consent[6] or by a motion to suspend the rules.[7] However, questions of privilege laid on the table may be taken from the table on a motion agreed to by the House[8] as may vetoed bills.[9]

When a proposed amendment is laid on the table the pending bill also goes to the table.[10] The result is the same when a Senate amendment to a House bill is laid on the table.[11] However, where one motion to dispose of a Senate amendment (with an amendment) is tabled, the bill and all Senate amendments do not automatically go to the table, as other motions remain available to dispose of that Senate amendment.

Effect on Pending Measure

§ 9.1 In response to a parliamentary inquiry, the Speaker stated that adoption of a motion to lay a resolution on the table would result in the final adverse disposition of the resolution.

On Dec. 14, 1970,[12] the House was considering House Resolution 1306, asserting the privileges of the House relative to the printing and publishing of a report of the Committee on Internal Security. Mr. Louis Stokes, of Ohio, offered a motion to table the resolution. The following then occurred:

> MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Speaker, a parliamentary inquiry.

18. Rule XVI clause 4, *House Rules and Manual* § 782 (1981).
19. See 8 Cannon's Precedents §§ 2655; 5 Hinds' Precedents §§ 5415–5422.
20. 5 Hinds' Precedents §§ 5410, 5411.
1. 5 Hinds' Precedents §§ 5405, 5406.
2. See 8 Cannon's Precedents § 2655; and 5 Hinds' Precedents §§ 5412–5414.
3. 6 Cannon's Precedents § 726.
4. 5 Hinds' Precedents §§ 5403, 5404.
5. Rule XVI clause 4, *House Rules and Manual* § 785 (1981).
6. See §§ 13.1, 13.2, infra.
7. 5 Hinds' Precedents § 6288.
8. 5 Hinds' Precedents § 5438.
9. 4 Hinds' Precedents § 3550; and 5 Hinds' Precedents § 5439.
10. 8 Cannon's Precedents § 2656; and 5 Hinds' Precedents § 5423.
11. 5 Hinds' Precedents § 5424.
12. 116 CONG. REC. 41372, 41373, 91st Cong. 2d Sess.

THE SPEAKER:[13] The gentleman will state it.

MR. WATSON: Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?

THE SPEAKER: If the motion to table is agreed to, then the resolution is tabled.

MR. WATSON: Then that ends it. All right.

Effect on Debate

§ 9.2 The motion to lay on the table may deprive a Member of recognition for debate on a resolution he has offered.

On Jan. 17, 1933,[14] Mr. Louis T. McFadden, of Pennsylvania, offered a resolution of impeachment against President Herbert Hoover. The following took place:

MR. MCFADDEN: During the opening I addressed the Speaker to ascertain whether or not I would be protected in one hour time for debate. I am prepared to debate. I understand a certain motion will be made which will deprive me of that right.

THE SPEAKER:[15] The Chair can not control 434 Members of the House in the motions they will make. The Chair must recognize them and interpret the rules as they are written. That is what the Chair intends to do. The gentleman from Pennsylvania would have an opportunity to discuss this matter for an hour under the rules of the House, if some gentleman did not take him off his feet by a proper motion. [Applause.]

MR. MCFADDEN: That is what I was attempting to ascertain.

The Clerk concluded the reading of the resolution.

MR. [HENRY T.] RAINEY [of Illinois]: Mr. Speaker, I move to lay the resolution of impeachment on the table.

THE SPEAKER: The gentleman from Illinois moves to lay the resolution of impeachment on the table.

May the Chair be permitted to make a statement with reference to the rules applying to that motion. The parliamentarian has examined the precedents with reference to the motion. Speaker Clark and Speaker Gillette, under identical conditions, held that a motion to lay on the table took a Member off the floor of the House, although the general rules granted him one hour in which to discuss the resolution of impeachment or privileges of the House. Therefore the motion is in order.

Application of Motion to Appeal

§ 9.3 An appeal from a decision of the Speaker may be laid on the table.

On Aug. 13, 1937,[16] the House was considering the election contest of Roy v Jenks. After the

13. John W. McCormack (Mass.).

14. 76 CONG. REC. 1968, 72d Cong. 2d Sess.

15. John N. Garner (Tex.).

16. 81 CONG. REC. 8845, 75th Cong. 1st Sess.

Speaker[17] overruled a point of order against the privileged report filed by the elections committee, the following took place:

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I respectfully appeal from the decision of the Chair.

THE SPEAKER: The gentleman from New York appeals from the decision of the Chair.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I move to lay the appeal on the table.

THE SPEAKER: The question is on the motion of the gentleman from Texas to lay the appeal on the table.

The question was taken; and on a division (demanded by Mr. Snell) there were—ayes 212, noes 63.

§ 9.4 When an appeal from a decision of the Chair is tabled, the effect of such action sustains the decision of the Chair.

On May 25, 1944,[18] the House was considering H.R. 4879, making appropriations for war agencies for the fiscal year ending June 30, 1945. In response to a parliamentary inquiry the Speaker[19] ruled that points of order against the bill had been waived by unanimous consent two days previously. The following then occurred:

MR. [FRANCIS H.] CASE [of South Dakota]: Mr. Speaker, in view of the importance of this as a matter of setting a precedent, I respectfully appeal from the decision of the Chair and ask for recognition. . . .

The question involved is whether or not you want the Speaker to recognize Members to ask for the consideration of appropriation bills with points of order waived and let that recognition come at any time regardless of whether or not the bill has been reported to the House.

Mr. Speaker, I move the previous question.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I move that the appeal be laid on the table.

THE SPEAKER: The motion of the gentleman from Massachusetts is preferential.

The question was taken; and the Chair being in doubt, the House divided; and there were—ayes 175, noes 54. . . .

So the motion was agreed to.

THE SPEAKER: The motion offered by the gentleman from Massachusetts is agreed to and the decision of the Chair sustained. . . .

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state it.

MR. CASE: Mr. Speaker, did I understand the Speaker to state that the decision of the Chair was sustained or that the appeal was laid on the table? The effect is perhaps the same.

THE SPEAKER: The motion to lay the appeal on the table was agreed to. The ruling of the Chair was thereby sustained.

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17. William B. Bankhead (Ala.).

18. 90 CONG. REC. 4990–92, 78th Cong. 2d Sess.

19. Sam Rayburn (Tex.).

MR. CASE: The Chair holds that the two things were involved in laying the appeal on the table?

THE SPEAKER: They were in the disposition of the appeal.

Rejection of Motion to Table as Affecting Vetoed Bill

§ 9.5 The Speaker declined to construe a "no" vote on a motion to table as being "tantamount to overriding the President's veto."

On Sept. 7, 1965,[20] Mr. Durward G. Hall, of Missouri, offered a motion to discharge the Committee on Armed Forces from further consideration of the bill H.R. 8439, for military construction, which had been vetoed by the President, and to have that bill considered in the House. Mr. L. Mendel Rivers, of South Carolina, moved to lay that motion on the table. Mr. Hall then rose with a parliamentary inquiry.

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

THE SPEAKER PRO TEMPORE:[1] The gentleman will state it.

MR. HALL: Mr. Speaker, would a "no" vote as just stated by the Chair be tantamount to overriding the Presidential veto of the military construction bill?

THE SPEAKER PRO TEMPORE: The Chair cannot make such construction on a motion. . . .

The question was taken; and there were—yeas 323, nays 19, not voting 90. . . .

So the motion was agreed to.

Debate on Motions to Table

§ 9.6 The motion to lay on the table is not debatable.

On Dec. 9, 1971,[2] the House approved House Resolution 729, providing for consideration of conference reports the same day reported during the first session of the 92d Congress. Mr. Fletcher Thompson, of Georgia, then moved to reconsider the vote by which the resolution was agreed to. Mr. William M. Colmer, of Mississippi, then offered a motion to table that motion:

MR. COLMER: Mr. Speaker, I move to lay that motion on the table.

THE SPEAKER:[3] The question is on the motion to table, offered by the gentleman from Mississippi.

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

PARLIAMENTARY INQUIRY

MR. THOMPSON of Georgia: Mr. Speaker, a parliamentary inquiry. According to rule XVIII, section 819, debate on the motion to reconsider:

A motion to reconsider is debatable only if the motion proposed to be reconsidered was debatable.

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20. 111 CONG. REC. 22958, 22959, 89th Cong. 1st Sess.

1. Carl Albert (Okla.).

2. 117 CONG. REC. 45875, 45876, 92d Cong. 1st Sess.

3. Carl Albert (Okla.).

The motion was debatable.

THE SPEAKER: The House is not voting on the motion to reconsider. It is voting on the motion to table. That motion is not debatable.

Tabling of Motion to Instruct Conferees

§ 9.7 A motion to instruct conferees is subject to a motion to table.

On Aug. 8, 1961,[4] the House was considering H.R. 7576, authorizing appropriations for the Atomic Energy Commission. After Mr. James E. Van Zandt, of Pennsylvania, had offered a motion to instruct the managers on the part of the House at the conference, and after one hour debate thereon, a motion to table was offered.

MR. VAN ZANDT: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Van Zandt moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 7576 be instructed not to agree to project 62–a–6, electric energy generating facilities for the new production reactor, Hanford, Wash., $95 million as contained in the Senate amendment. . . .

THE SPEAKER PRO TEMPORE:[5] The question is on the motion offered by the gentleman from Pennsylvania [Mr. Van Zandt].

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the motion to instruct conferees be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Under the rules of the House, is this motion to table in order?

THE SPEAKER PRO TEMPORE: The motion is in order. . . .

The question was taken; and there were—yeas 164, nays 235, not voting 38.[6]

§ 9.8 The House has adopted the preferential motion to lay on the table a motion to instruct House conferees.

On Dec. 8, 1970,[7] the House was considering H.R. 17755, the Department of Transportation Appropriation Act for fiscal 1971. The following occurred:

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Yates moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 17755 be instructed to agree to Senate amendment No. 4. . . .

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I offer a privileged motion.

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4. 107 CONG. REC. 14949, 14957, 87th Cong. 1st Sess.

5. Carl Albert (Okla.).

6. See also 115 CONG. REC. 31202–04, 91st Cong. 1st Sess., Oct. 23, 1969; and 96 CONG. REC. 2501–16, 81st Cong. 2d Sess., Feb. 28, 1950.

7. 116 CONG. REC. 40271, 40288, 40289, 91st Cong. 2d Sess.

The Clerk read as follows:

Mr. Boland moves to lay on the table the motion offered by the gentleman from Illinois (Mr. Yates).

THE SPEAKER:[8] The question is on the motion offered by the gentleman from Massachusetts (Mr. Boland). . . .

The question was taken; and there were—yeas 213, nays 175, answered "present" 1, not voting 45. . . .

So the motion to table was agreed to.[9]

§ 9.9 The House rejected a preferential motion to lay on the table a motion to instruct the House managers at a conference.

On Dec. 18, 1969,[10] the House was considering H.R. 13111, dealing with appropriations for the Department of Labor and HEW for fiscal 1970. After Mr. Silvio O. Conte, of Massachusetts, offered a motion to instruct the House conferees to agree to two Senate amendments, Mr. Daniel J. Flood, of Pennsylvania, rose to his feet:

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

The Clerk read as follows:

Mr. Flood moves to lay on the table the motion of the gentleman from Massachusetts (Mr. Conte).

THE SPEAKER:[11] The question is on the preferential motion. . . .

The question was taken; and there were—yeas 181, nays 216, not voting 36. . . .

So the preferential motion was rejected.

Since Mr. Conte had informally conducted debate on his motion prior to formally offering it, the question was at this point taken thereon, and the motion adopted.

Tabling of Resolution to Adjourn Sine Die

§ 9.10 A motion to lay on the table a concurrent resolution providing for adjournment *sine die* is in order.

On Mar. 27, 1936,[12] Mr. Maury Maverick, of Texas, offered a concurrent resolution providing that the two Houses adjourn *sine die*. Mr. William B. Bankhead, of Alabama, then rose to his feet:

MR. BANKHEAD: Mr. Speaker, I move to lay the resolution on the table.

THE SPEAKER:[13] The question is on the motion to lay the resolution on the table. . . .

The motion to lay the resolution on the table was agreed to, and a motion to reconsider was laid on the table.

Parliamentarian's Note: The resolution providing for adjourn-

8. John W. McCormack (Mass.).

9. See also 115 CONG. REC. 29315, 29316, 31202–04, 91st Cong. 1st Sess., Oct. 23, 1969; and 96 CONG. REC. 2501–16, 81st Cong. 2d Sess., Feb. 28, 1950.

10. 115 CONG. REC. 39826–30, 91st Cong. 1st Sess.

11. John W. McCormack (Mass.).

12. 80 CONG. REC. 4512, 4513, 74th Cong. 2d Sess.

13. Joseph W. Byrns (Tenn.).

ment though not debatable is subject to amendment.

Tabling of Motion to Approve the Journal

§ 9.11 A motion to lay on the table a motion to approve the Journal is in order, and takes precedence over the motion for the previous question.

On Sept. 13, 1965,[14] after the Clerk concluded the reading of the Journal, a motion was made that it be approved as read:

> MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the Journal be approved as read; and on that I move the previous question.
>
> MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal.
>
> THE SPEAKER:[15] The Chair will state that the motion to lay on the table is in order, but the amendment is not in order. . . .
>
> The question is on the motion to lay on the table the motion that the Journal be approved as read.
>
> The question was taken; and there were—yeas 138, nays 244, not voting 50.

Tabling of Motion to Rerefer a Bill

§ 9.12 A motion to rerefer a bill to a committee claiming jurisdiction has been laid on the table.

On Apr. 21, 1942,[16] Mr. Samuel Dickstein, of New York, moved that the bill H.R. 6915, be rereferred from the Committee on the Judiciary to the Committee on Immigration and Naturalization. After the Speaker overruled several points of order against the motion by Mr. Dickstein the following occurred:

> MR. [JOHN E.] RANKIN [of Mississippi]: Then, Mr. Speaker, I move to lay on the table the motion of the gentleman from New York.
>
> THE SPEAKER:[17] The question is on the motion offered by the gentleman from Mississippi. . . .
>
> The question was taken; and there were—yeas 238, nays 83, answered "present" 2, not voting 108.

Tabling of Consent Calendar Bill

§ 9.13 A bill called on the Consent Calendar was, by unanimous consent, laid on the table.

On Dec. 17, 1963,[18] the Clerk of the House had just called House Joint Resolution 838, relating to the commission established

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14. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

15. John W. McCormack (Mass.).

16. 88 CONG. REC. 3571, 77th Cong. 2d Sess.

17. Sam Rayburn (Tex.).

18. 109 CONG. REC. 24788, 88th Cong. 1st Sess.

to report on the assassination of President John F. Kennedy. The resolution authorized the commission to compel the attendance of witnesses and the production of records. Mr. Emanuel Celler, of New York, then rose to his feet:

MR. CELLER: Mr. Speaker, an identical bill having passed the House, I ask unanimous consent that House Joint Resolution 852 be tabled.

THE SPEAKER:[19] Is there objection to the request of the gentleman from New York?

There was no objection.

Tabling of Resolution of Impeachment

§ 9.14 The motion to lay on the table applies to resolutions proposing impeachment.

On Jan. 17, 1933,[20] Mr. Louis T. McFadden, of Pennsylvania, offered a resolution proposing the impeachment of President Herbert Hoover. After the Clerk concluded reading the resolution Mr. Henry T. Rainey, of Illinois, rose to his feet.

MR. RAINEY: Mr. Speaker, I move to lay the resolution of impeachment on the table.

THE SPEAKER:[1] The gentleman from Illinois moves to lay the resolution of impeachment on the table.

May the Chair be permitted to make a statement with reference to the rules applying to that motion. The parliamentarian has examined the precedents with reference to the motion. Speaker Clark and Speaker Gillette, under identical conditions, held that a motion to lay on the table took a Member off the floor of the House, although the general rules granted him one hour in which to discuss the resolution of impeachment or privileges of the House. Therefore the motion is in order.

Tabling of Motion to Discharge a Committee

§ 9.15 A motion to discharge a committee from consideration of a vetoed bill is subject to the motion to table.[2]

On Sept. 7, 1965,[3] the Chair recognized Mr. Durward G. Hall, from Missouri.

MR. HALL: Mr. Speaker, I rise to a question of the highest privilege of the House, based directly on the Constitution and precedents, and offer a motion.

THE SPEAKER PRO TEMPORE:[4] The Clerk will report the motion.

The Clerk read as follows:

Motion by Mr. Hall:

Resolved, That the Committee on Armed Services be discharged from further consideration of the bill H.R. 8439, for military construction, with

19. John W. McCormack (Mass.).
20. 76 CONG. REC. 1965–68, 72d Cong. 2d Sess.
1. John N. Garner (Tex.).
2. But see § 9.16, infra.
3. 111 CONG. REC. 22958, 22959, 89th Cong. 1st Sess.
4. Carl Albert (Okla.).

the President's veto thereon, and that the same be now considered.

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Speaker, I move to lay that motion on the table.

THE SPEAKER PRO TEMPORE: The question is on the motion of the gentleman from South Carolina. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it. . . .

MR. HALL: Is a highly privileged motion according to the Constitution subject to a motion to table?

THE SPEAKER PRO TEMPORE: It is. . . .

The question was taken; and there were—yeas 323, nays 19, not voting 90.

Parliamentarian's Note: The general rule (stated in § 9.16, infra) is that motions to discharge committees are not subject to a motion to table. Rule XXVII clause 4,[5] which authorizes motions to discharge committees from consideration of "public bills and resolutions" provides, *inter alia,* that such motions be decided without intervening motion except one motion to adjourn, and thereby precludes motions to lay on the table. However, this rule does not apply to vetoed bills where the motion to discharge is based on the constitutional privilege accorded the consideration of a veto. Therefore, the prohibition against intervening motions on motions to discharge committees does not apply when a motion to discharge is made under another rule of the House or provision of law not governed by rule XXVII clause 4.

§ 9.16 The motion to lay on the table a motion to discharge a committee under rule XXVII clause 4 is not in order.

On June 11, 1945,[6] a Member sought to obtain consideration of H.R. 7, a bill to outlaw the poll tax, by calling up a motion to discharge the Committee on Rules from further consideration of a resolution providing for consideration of that bill:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I call up the motion to discharge the Committee on Rules from further consideration of House Resolution 139, providing for the consideration of the bill (H.R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

After the Clerk read the resolution, the following occurred:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I move that the motion be laid on the table.

THE SPEAKER:[7] That motion is not in order under the rules.

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5. *House Rules and Manual* § 908 (1981).

6. 91 CONG. REC. 5892–96, 79th Cong. 1st Sess.

7. Sam Rayburn (Tex.).

Tabling of Resolution of Inquiry

§ 9.17 The motion to lay on the table may be applied to a resolution of inquiry adversely reported from a committee.

On Aug. 16, 1972,[8] Mr. Charles M. Price, of Illinois, called up House Resolutions 1078 and 1079, directing the Secretary of Defense to furnish certain information to the House of Representatives:

> MR. PRICE of Illinois: Mr. Speaker, in view of the fact that this resolution was adversely reported by the House Committee on Armed Services by a rollcall vote of 27 to 5, I move to lay House Resolution 1078 on the table.
>
> THE SPEAKER:[9] The question is on the motion offered by the gentleman from Illinios (Mr. Price).
>
> The motion to table was agreed to. . . .
>
> MR. PRICE of Illinois: Mr. Speaker, I call up House Resolution 1079 and ask for its immediate consideration.
>
> The Clerk read the resolution. . . .
>
> MR. PRICE of Illinois: Mr. Speaker, in view of the fact that this resolution was ordered adversely reported to the House on a vote of 31 to 1 by the House Armed Services Committee I move to lay House Resolution 1079 on the table.
>
> THE SPEAKER: The question is on the motion offered by the gentleman from Illinois (Mr. Price).
>
> The motion to table was agreed to.
>
> A motion to reconsider the votes by which action was taken on both motions to table was laid on the table.[10]

§ 9.18 A resolution of inquiry was, by unanimous consent, discharged from the Committee on the Judiciary and laid on the table at the request of its sponsor.

On Oct. 23, 1973, Mr. Paul N. McCloskey, of California, introduced House Resolution 634, a privileged resolution of inquiry, requesting the Attorney General to furnish the House with all documents and items of evidence in the custody of the Watergate Special Prosecutor as of Oct. 20 of that year.

On Nov. 1, 1973,[11] after the Attorney General had turned over the documents in question to a federal court, Mr. McCloskey took the following action:

> MR. MCCLOSKEY: Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of

8. 118 CONG. REC. 28365, 92d Cong. 2d Sess.
9. Carl Albert (Okla.).
10. See also 119 CONG. REC. 6383–85, 93d Cong. 1st Sess., Mar. 6, 1973; 117 CONG. REC. 34266, 92d Cong. 1st Sess., Sept. 30, 1971; 117 CONG. REC. 23030, 23031, 92d Cong. 1st Sess., June 30, 1971; and 111 CONG. REC. 24030, 24033, 24034, 89th Cong. 1st Sess., Sept. 16, 1965.
11. 119 CONG. REC. 35644, 93d Cong. 1st Sess.

House Resolution 634 and that the resolution be laid upon the table.

THE SPEAKER:[12] Is there objection to the request of the gentleman from California?

There was no objection.

§ 9.19 The House has rejected a motion to lay on the table an adversely reported resolution of inquiry, and after debate, agreed to the resolution.

On Feb. 20, 1952,[13] Mr. James P. Richards, of South Carolina, offered a privileged resolution, House Resolution 514, directing the Secretary of State to transmit to the House information relating to agreements made between the President of the United States and the Prime Minister of Great Britain. After the Clerk read the resolution and the adverse report thereon by the Committee on Foreign Affairs, the following took place:

MR. RICHARDS: Mr. Speaker, I move that the resolution be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[14] The gentleman will state it.

MR. HALLECK: Mr. Speaker, this is a matter of very considerable importance. Does the making of this motion at this time preclude all debate, or may we expect that the chairman of the Committee on Foreign Affairs will yield time to those who may want to discuss this matter?

THE SPEAKER: The motion to lay on the table is not debatable. The gentleman from South Carolina cannot yield time after he has made a motion to lay on the table. . . .

The question is on the motion of the gentleman from South Carolina. . . .

The question was taken; and there were—yeas 150, nays 184, not voting 97. . . .

So the motion was rejected.

Debate ensued on the resolution and the proceedings were resolved as follows:

MR. [JOHN M.] VORYS [of Ohio]: Mr. Speaker, I move the previous question.

The previous question was ordered. . . .

The question was taken; and there were—yeas 189, nays 143, not voting 99, as follows. . . .

So the resolution was agreed to.

Raising Question of Consideration

§ 9.20 Parliamentarian's Note: The question of consideration may be raised after a motion to lay on the table has been made.[15]

Tabling of Resolution From Rules Committee

§ 9.21 In response to a parliamentary inquiry the

12. Carl Albert (Okla.).
13. 98 CONG. REC. 1205–07, 1215, 1216, 82d Cong. 2d Sess.
14. Sam Rayburn (Tex.).
15. 5 Hinds' Precedents § 4943.

Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules was voted down, a motion to table would be in order and would be preferential.

On Oct. 19, 1966,[16] the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct, when a series of parliamentary inquiries were raised.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, it is true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER:[17] 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.

§ 9.22 After defeating the motion for the previous question on a resolution establishing a select investigative committee reported by the Committee on Rules, the House then voted to table the resolution.

On Mar. 11, 1941,[18] the House was considering House Resolution 120, providing for an investigation of the national military defense capability. Mr. Edward E. Cox, of Georgia, offered an amendment to the resolution and moved the previous question on the amendment and the resolution. The following then occurred:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[19] The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate. The question is on ordering the previous question. . . .

So the motion for the previous question was rejected.

MR. MAY: Mr. Speaker, I move that House Resolution 120 be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.[1]

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.
17. John W. McCormack (Mass.).
18. 87 CONG. REC. 2189, 77th Cong. 1st Sess.
19. Sam Rayburn (Tex.).
1. See also 81 CONG. REC. 3291–301, 75th Cong. 1st Sess., Apr. 8, 1937.

§ 9.23 A resolution reported by the Committee on Rules providing a special order of business was, after debate, laid on the table.

On June 15, 1938,[2] the House was considering House Resolution 526, providing for the consideration of a joint resolution to establish a Bureau of Fine Arts in the Department of the Interior. After debate, the previous question was rejected and the following transpired:

MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I move that the resolution be tabled.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, I do not yield to the gentleman from Georgia for that purpose unless the same order is entered with reference to my retaining the floor in the event the motion is defeated.

THE SPEAKER:[3] Unless there is objection the Chair will consider that the same order shall prevail.

There was no objection.

THE SPEAKER: The gentleman from Georgia moves that the resolution be laid on the table.

The question was taken; and on a division (demanded by Mr. Boileau) there were—ayes 195, noes 35.

So the motion was agreed to.

§ 9.24 A resolution reported by the Committee on Rules has been laid on the table by unanimous consent.

On Oct. 2, 1963,[4] the House was considering House Resolution 514, concerning a trip to be made by members of the Committee on Agriculture. Mr. Howard W. Smith, of Virginia, was recognized.

MR. SMITH of Virginia: Mr. Speaker, the Committee on Rules reported House Resolution 514 concerning a trip to be made by members of the Committee on Agriculture. The matter did not get through until after the trip was over. It is now on the Calendar. I ask unanimous consent that House Resolution 514 be laid on the table.

THE SPEAKER:[5] Without objection, it is so ordered.

There was no objection.

Tabling of Resolution Relating to the Privileges of the House

§ 9.25 A resolution raising a question of the privileges of the House has been laid on the table.

On June 20, 1968,[6] the House was considering the conference report on H.R. 15414, the Revenue and Expenditure Control Act of 1968, when Mr. H.R. Gross, of

2. 83 CONG. REC. 9499, 75th Cong. 3d Sess.
3. William B. Bankhead (Ala.).
4. 109 CONG. REC. 18583, 88th Cong. 1st Sess.
5. John W. McCormack (Mass.).
6. 114 CONG. REC. 17970–72, 17977, 17978, 90th Cong. 2d Sess.

Iowa, rose to a question of privilege of the House, and offered a resolution (H. Res. 1222) which contended that the Senate in its amendments to the House bill had contravened the Constitution and had infringed on the privileges of the House. After the debate on the resolution had concluded the following occurred:

MR. GROSS: Mr. Speaker, I move the previous question on the resolution.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I move to lay the resolution offered by the gentleman from Iowa on the table.

THE SPEAKER PRO TEMPORE:[7] The question is on the motion offered by the gentleman from Arkansas. . . .

The motion is to lay the resolution on the table.

The question was taken; and there were—yeas 257, nays 162, not voting 14, as follows. . . .

So the motion to table the resolution was agreed to.

Tabling a Motion to Dispense With Further Proceedings Under a Call

§ 9.26 A motion to lay on the table a motion to dispense with further proceedings under a call of the House is not in order since a motion to table may not be applied to a motion which is neither debatable nor amendable.

On Dec. 18, 1970,[8] the following occurred after a rollcall in the House:

THE SPEAKER:[9] On this rollcall 312 Members have answered to their names, a quorum.

Without objection, further proceeding under the call will be dispensed with.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move to dispense with further proceedings under the call.

THE SPEAKER: The question is on the motion of the gentleman from Oklahoma.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move to table that motion.

THE SPEAKER: The motion to dispense with further proceedings under the call is not debatable and is not amendable. The Chair rules that the motion of the gentleman from Missouri is not in order. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and the Speaker announced that the ayes appeared to have it.[10]

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7. Charles M. Price (Ill.).

8. 116 CONG. REC. 42504, 42505, 91st Cong. 2d Sess.

9. John W. McCormack (Mass.).

10. See also 114 CONG. REC. 26453, 90th Cong. 2d Sess., Sept. 11, 1968; and 111 CONG. REC. 23596–98, 89th Cong. 1st Sess., Sept. 13, 1965.

Tabling of Motions Relating to the Order of Business

§ 9.27 The motion to lay on the table may not be applied to a motion relating to the order of business.

On Apr. 22, 1940,[11] the following took place on the floor of the House:

> MR. [JACK] NICHOLS [of Oklahoma]: Mr. Speaker, I move 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. 8980) to provide revenue for the District of Columbia, and for other purposes; and, pending that, I ask unanimous consent that general debate on the bill be limited to 1 hour, one-half to be controlled by the gentleman from Illinois [Mr. Dirksen] and one-half by myself.
>
> MR. [JOHN C.] SCHAFER [of Wisconsin]: Mr. Speaker, a preferential motion. I move to lay the pending motion on the table.
>
> THE SPEAKER PRO TEMPORE:[12]) The Chair may say to the gentleman from Wisconsin that his motion is not in order. It applies to the order of business and is not in order at this time.

§ 9.28 A resolution providing a special order of business, before the House under operation of the discharge rule, is not subject to the motion to table, since the discharge rule provides that "if the motion prevails to discharge the Committee on Rules from any resolution pending before the committee, the House shall immediately vote on the adoption of said resolution, the Speaker not entertaining any dilatory or other intervening motion except one motion to adjourn."

On June 11, 1945,[13] the House voted to discharge the Committee on Rules from further consideration of House Resolution 139, providing for the consideration of the bill H.R. 7, which sought to eliminate the payment of the poll tax as a prerequisite to voting in a primary or other election for a national officer. The Speaker, Sam Rayburn, of Texas, announced that the question was on the resolution. At that point, Mr. John E. Rankin, of Mississippi, rose with a parliamentary inquiry:

> MR. RANKIN: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. RANKIN: Does that mean that this is the end, that this is the last vote on the resolution?
>
> THE SPEAKER: The last vote today. If the resolution is agreed to, the bill

11. 86 CONG. REC. 4860, 76th Cong. 3d Sess.

12. Sam Rayburn (Tex.).

13. 91 CONG. REC. 5895, 5896, 79th Cong. 1st Sess.

comes up tomorrow under the terms of the resolution.

MR. RANKIN: I thought the other vote was the only vote to be taken today.

THE SPEAKER: The other vote was on the question of discharging the Committee on Rules. This vote is on the resolution to make the bill in order.

MR. RANKIN: I move to lay that motion on the table.

THE SPEAKER: Under the rule, that motion is not in order.

The question is on the resolution.

The question was taken and the Chair announced that the ayes seemed to have it.

Application of Motion in Committee of the Whole

§ 9.29 In response to a parliamentary inquiry, the Chair stated that a motion to table a pending amendment and all amendments thereto was not in order in the Committee of the Whole.

On Apr. 30, 1970,[14] Mr. Samuel S. Stratton, of New York, rose with a parliamentary inquiry:

MR. STRATTON: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[15] The gentleman will state it.

MR. STRATTON: Would it be in order to move at this time that the Reid of New York amendment and all amendments thereto be tabled so that this matter of grave consequence might be considered at another time?

THE CHAIRMAN: A motion to table is not in order at this time.[16]

§ 9.30 The motion to lay on the table is not in order in Committee of the Whole.

On Oct. 19, 1945,[17] the House was considering H.R. 4407, to reduce appropriations and contract authorizations for certain departments and agencies. Mr. Emmet O'Neal, of Kentucky, made a point of order against an amendment offered by Mr. John E. Rankin, of Mississippi, on the grounds that the amendment was not germane to the bill. After the Chairman, Fritz G. Lanham, of Texas, sustained the point of order, the following took place:

MR. RANKIN: Mr. Chairman, with all the deference in the world for the distinguished Chairman, whom we all love, I respectfully appeal from the ruling of the Chair.

MR. O'NEAL: Mr. Chairman, I move to lay the appeal on the table.

MR. RANKIN: Mr. Chairman, the appeal cannot be laid on the table. The Committee has a right to vote on it.

THE CHAIRMAN. The motion to lay on the table is not in order in the Committee.[18]

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14. 116 CONG. REC. 13782, 91st Cong. 2d Sess.

15. Daniel D. Rostenkowski (Ill.).

16. See also 72 CONG. REC. 8959, 71st Cong. 2d Sess., May 14, 1930.

17. 91 CONG. REC. 9846, 9867–70, 79th Cong. 1st Sess.

18. See also 81 CONG. REC. 7698–700, 75th Cong. 1st Sess., July 27, 1937.

Senate Debate on Motion

§ 9.31 In the Senate, the motion to lay an appeal on the table is not debatable.

On Aug. 2, 1948,[19] 22 Senators signed a cloture petition against a motion to take up the bill H.R. 29, the anti-poll tax bill. Senator Richard B. Russell, of Georgia, submitted a point of order against the cloture petition on the grounds that the Senate rules prohibited the use of the cloture petition against a motion to take up a bill. The President pro tempore, Arthur H. Vandenberg, of Michigan, sustained the point of order, although he stated that his personal feelings were at variance therewith, and he invited the Senate to appeal his ruling.

> MR. [ROBERT A.] TAFT [of Ohio]: Mr. President, I appeal from the decision of the Chair chiefly, of course, because it leaves the Senate in an almost impossible situation. A motion to take up is subject to debate and against it under the Chair's decision, a cloture petition cannot lie. Consequently there is no way by which this situation can be changed, except by physical exhaustion, by keeping the Senate in session day in and day out, which I hope will not be necessary, although we shall have to get to it next year unless this proposed change is made. . . .
>
> THE PRESIDENT PRO TEMPORE: The Senator from Ohio has appealed from the decision of the Chair. Therefore, the pending question before the Senate is, Shall the decision of the Chair stand as the decision of the Senate? . . .
>
> MR. [KENNETH S.] WHERRY [of Nebraska]: Mr. President, I propound the following inquiry: If a motion is made to lay the appeal on the table, is that motion subject to debate?
>
> THE PRESIDENT PRO TEMPORE: No motion to table is ever subject to debate.[20]

§ 10 Offering Motion

Demand That Motion Be in Writing

§ 10.1 A demand that the motion to lay on the table a motion to instruct conferees be in writing comes too late after the motion has been stated and the Chair has responded to several parliamentary inquiries.

On Aug. 8, 1961,[1] after the House had agreed to send to conference H.R. 7576, authorizing appropriations for the Atomic Energy Commission, Mr. James E. Van Zandt, of Pennsylvania, offered a motion to instruct the House conferees. After one hour of debate on this motion, the following occurred (with Carl Albert,

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20. See also 95 CONG. REC. 2273–75. 81st Cong. 1st Sess., Mar. 11, 1949.

1. 107 CONG. REC. 14949–58, 87th Cong. 1st Sess.