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Chapter 32
Motions

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§ 1. In General

Most motions that are used in the practice of the House are specifically provided for by House rule. They are governed by separate procedural requirements, serve different purposes, and are treated under separate titles elsewhere in this work, such as ADJOURNMENT; LAY ON THE TABLE; POSTPONEMENT; PREVIOUS QUESTION; RECONSIDERATION; REFER AND RECOMMIT; and SUSPENSION OF RULES.

Motions must also conform to certain common procedural requirements; for example, a Member offering a motion must rise to his feet and address the Chair. § 3, infra. Although recognition for a motion is always at the discretion of the Speaker, he will ordinarily be bound to entertain any motion that is in order under the rules of the House and in accordance with its parliamentary practices. 4 Hinds § 3550; see also RECOGNITION. Where a motion not in order under the rules of the House is, by unanimous consent, considered and agreed to, it controls the procedure of the House until carried out, unless the House takes affirmative action to the contrary. Deschler Ch 23 § 1.1.

§ 2. Form; Reading of Motion

Under rule XVI clause 1, a motion entertained in the House or in the Committee of the Whole must be reduced to writing if demanded by a Member. If offered in the House, the motion is entered on the Journal unless withdrawn on the same day. *Manual* § 902. Not every motion is in writing

when proposed. When a point of order is raised, the Chair may give the proponent an opportunity to reduce the motion to writing before putting the question thereon. *Manual* § 902.

Rule XVI clause 2 requires that a motion be stated by the Speaker or read by the Clerk before it can be debated. *Manual* § 904; 5 Hinds § 4938. The Clerk's reading may be dispensed with only by unanimous consent. *Manual* § 904.

Where there is a misunderstanding about the wording of a pending motion, the Chair may restate the motion. However, it is not in order to ask that the motion be rereported by the Clerk except by unanimous consent. Deschler Ch 23 §§ 2.4, 2.5. If there is doubt, the motion voted on is the motion as stated by the Chair in putting the question and not as stated by the Member in offering the motion. Deschler Ch 23 § 2.3.

§ 3. Recognition to Offer

A Member may not make a motion without rising and addressing the Chair. *Manual* §§ 394, 945. A Member desiring to offer a motion must actively seek recognition from the Chair before another motion to dispose of the pending question has been adopted. Rule XVII clause 2 states: ''When two or more Members, Delegates, or the Resident Commissioner rise at once, the Speaker shall name the Member, Delegate, or Resident Commissioner who is first to speak. . . .'' *Manual* § 949.

A motion is not pending until the Chair has recognized its proponent thereon. For this reason, the Speaker often asks ''For what purpose does the gentleman rise?'' when a Member seeks recognition. By this question he determines whether the Member proposes a motion that is entitled to precedence, and he may deny recognition. *Manual* § 953; 2 Hinds § 1464; 6 Cannon §§ 289–291, 293. As a proper exercise of the Speaker's discretion, there is no appeal from such denial. *Manual* § 953; 2 Hinds § 1464; 6 Cannon § 292; 8 Cannon §§ 2429, 2646, 2762.

In certain rules the Chair's discretion in recognition is explicitly stated. In rule XX clause 7(b), the Speaker may recognize a Member to move a call of the House at any time; and further proceedings under a call are considered as dispensed with ''unless the Speaker recognizes for a motion'' to compel attendance of absentees. In rule XVI clause 4, the motion that the Speaker be authorized to declare a recess or the motion to set the day's adjournment to a day and time certain is entertained ''in his discretion.'' Other motions in rule XVI are given a precedence under the rules that the Chair must acknowledge.

The Member in charge of the pending bill is entitled at all stages to prior recognition for allowable motions intended to expedite the bill. 2 Hinds § 1457; 6 Cannon § 300. However, the fact that a Member has the floor on one matter does not necessarily entitle him to prior recognition on a motion relating to another matter. 2 Hinds § 1464. Except when a Member in charge of a measure occupies the floor in debate, such Member must yield to Members proposing preferential motions. 5 Hinds §§ 5391–5395. Ordinarily, when an essential motion made by the Member in charge is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion. Deschler Ch 23 § 1.2; see also RECOGNITION. As to precedence among particular motions, see motions listed in § 1, supra.

§ 4. Dilatory Motions

Rule XVI clause 1, which was adopted in 1890, states that ''[n]o dilatory motion shall be entertained by the Speaker.'' *Manual* § 902. The Speaker may decline to entertain the motion on his own initiative or on a point of order from the floor. 5 Hinds §§ 5715–5722.

Hinds has said that a motion must be made manifestly for delay in order to justify its rejection as dilatory. 5 Hinds § 5714. Yet the determination of whether a motion is dilatory is entirely within the discretion of the Chair. Deschler Ch 23 § 4.1. Indeed, the Speaker determines a question of dilatoriness not necessarily by the length of time at issue or the character of the underlying business. Rather, the Speaker determines whether under the circumstances the motion is made with intent to delay the business of the House. 8 Cannon § 2804.

The Speaker may decline to entertain debate or an appeal on a question as to the dilatoriness of a motion if to do so would defeat the object of the rule. 5 Hinds § 5731. For discussion of dilatory motions pending consideration of a report from the Committee on Rules, see *Manual* § 857. For the rule prohibiting offering of dilatory amendments printed in the *Congressional Record*, see *Manual* §§ 857, 858.

§ 5. Withdrawal; Reoffering

Generally

A motion having been made, rule XVI clause 2 places it in the possession of the House but permits its withdrawal at ''any time before a decision or amendment thereon.'' *Manual* § 904. This rule is interpreted to mean that a motion may be withdrawn in the House as a matter of right unless the House has taken some action thereon, such as a motion for the previous question or the ordering of the previous question. *Manual* § 905; 5 Hinds

§§ 5355, 5489; Deschler Ch 23 § 1. The House does not vote on the withdrawal of the motion, if timely. *Manual* § 460. Unanimous consent is not required if withdrawal occurs before a decision is made on the motion as offered or there is an amendment thereof. Deschler Ch 23 § 2.7.

A motion may be withdrawn although an amendment may have been offered to the motion and be pending. 5 Hinds § 5347; 8 Cannon § 2639. A motion may be withdrawn before action thereon even though it is under consideration as unfinished business postponed from the preceding day. 95–1, June 17, 1977, p 19693.

Action by the House that will preclude withdrawal of a motion includes the ordering of the yeas and nays on the motion. 5 Hinds § 5353. Unanimous consent to withdraw the motion is required where the yeas and nays have been ordered. Deschler Ch 23 § 2.9. However, a motion may be withdrawn after a voice and a division vote thereon where the Chair has not announced the result and where another type of vote might be had on the motion. The Chair may decline to permit a withdrawal while he is counting a vote. *Manual* § 905; 96–1, Nov. 13, 1979, p 32185.

Modification of Motion; Reoffering

A Member having the right to withdraw a motion before a decision thereon has the resulting power to modify the motion (as by withdrawing and offering a modified form). 5 Hinds § 5358. However, the proponent does not necessarily have the right to reoffer the motion, especially where it is a secondary motion under rule XVI clause 4; such motions may properly be offered only at the times designated by the rule. Deschler Ch 23 § 1.

Withdrawal of particular motions and withdrawal of amendments, see AMENDMENTS and WITHDRAWAL.