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Chapter 38
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5 Hinds §§ 5306–5318
8 Cannon §§ 2613–2617
Deschler Ch 23
Manual §§ 443–453, 911, 915, 998, 1030

§ 1. Postponement Generally

Authority for Motion or Declaration

Under rule XVI clause 4, a matter under debate may be postponed to a future day (or indefinitely) pursuant to a motion by any Member. *Manual* §§ 911, 915. A matter also may be postponed pursuant to the provisions of a special order of business. Deschler Ch 23 § 8.1. For example, a special order may order the previous question to final passage without intervening motion but also permit the Speaker to postpone further consideration within a specified time notwithstanding the operation of the previous question. 107–2, H. Res. 574, Oct. 8, 2002, p ____. In some instances the postponement of the consideration of a particular class of legislation has been recognized in statutes that reserve to the Congress the right to review certain executive branch actions. See *Manual* § 1130; *e.g.*, the Trade Act of 1974 (19 USC § 2192). For postponement relating to voting, see VOTING.

Postponement Motions

In the House there are two motions to postpone: (1) the motion to postpone to a day certain and (2) the motion to postpone a matter indefinitely.

Both types of motions are provided for by House rule XVI clause 4. Under that rule the motion to postpone to a day certain takes precedence over the motion to postpone indefinitely. The rule further provides that, once decided, neither motion may be made again on the same day at the same stage of the question. *Manual* § 911.

The two motions are distinguishable in several respects:

- The motion to postpone to a day certain takes precedence over various secondary motions in rule XVI clause 4, including the motions to refer or to amend (§ 3, infra), whereas the motion to postpone indefinitely yields to all those secondary motions (§ 7, infra).
- The motion to postpone to a day certain is debatable only within narrow limits (§ 5, infra), whereas debate on the motion to postpone indefinitely may be extended even to the merits of the pending proposition (§ 8, infra).
- The motion to postpone to a day certain merely suspends consideration of the pending measure until the date specified (§ 2, infra), whereas the motion to postpone indefinitely has the effect of finally disposing of the pending matter adversely (§ 6, infra).

Postponement of Measures in Committee of the Whole

The motion to postpone, either to a day certain or indefinitely, is not in order in the Committee of the Whole. *Manual* § 915; Deschler Ch 23 § 5. It is not in order in the House to move to postpone a bill where the bill is still being considered in the Committee. 4 Hinds § 4915; 8 Cannon § 2436.

Disposition of unfinished matters, see UNFINISHED BUSINESS.

§ 2. Motion to Postpone to a Day Certain

When in Order

When a question is under debate, the motion to postpone to a particular day is provided for by rule XVI clause 4. *Manual* §§ 911, 915. The motion is in order in the House and when the House is sitting as in the Committee of the Whole. 95–1, Nov. 1, 1977, p 36351. The motion is in order following the reading of the pending proposition and may be offered before the manager of the proposition has been recognized for debate. Deschler Ch 23 § 6.2; Deschler-Brown Ch 29 § 68.53. It is not in order after the previous question has been ordered on the pending matter. 5 Hinds §§ 5319–5321; 8 Cannon §§ 2616, 2617; Deschler Ch 23 § 6.1.

A motion to postpone to ''the next legislative day'' is construed as a motion to postpone to a day certain. 8 Cannon § 2657. The motion to postpone to a day certain may not specify a particular hour. 5 Hinds § 5307; Deschler Ch 23 § 5. It is not in order to move to postpone consideration

of business to a day certain if that day is Calendar Wednesday, except by unanimous consent. 7 Cannon § 970; 8 Cannon § 2614.

Form

MEMBER: Mr. Speaker, I move that the [further] consideration of _____ [*the proposition*] be postponed until Friday next.

Effect of Motion

When the House adopts a motion to postpone a measure to a day certain, the effect is to suspend consideration of the measure until the day specified in the motion. 8 Cannon § 2614. A subsequent motion providing for an earlier consideration of the matter is not in order. 5 Hinds § 5308.

Application of Motion to Table

The motion to postpone to a day certain is subject to the motion to lay on the table. *Manual* § 914. The adoption of the motion to table carries only the motion to postpone—not the underlying measure—to the table. 8 Cannon § 2657.

Voting

A motion to postpone a proposition to a day certain may be determined by a simple majority vote, even though the proposition itself may require a two-thirds vote for passage. 7 Cannon § 1112. A bill that comes before the House on the day scheduled for it by a special rule likewise may be postponed by a majority vote. 4 Hinds § 3177.

The vote on a motion to postpone a measure to a day certain is subject to a motion to reconsider. 5 Hinds § 5643.

§ 3. — Precedence

Rule XVI clause 4 lists the motion to postpone to a day certain fourth among those motions available when a question is under debate. It follows the motions to adjourn and to lay on the table and the motion for the previous question, and thus the motion to postpone must yield to these more preferential motions. 5 Hinds § 5301; 8 Cannon § 2609. However, the motion to postpone to a day certain enjoys precedence over the motions to refer, to amend, and to postpone indefinitely. *Manual* § 911; 5 Hinds § 5301. The motion also takes precedence over the question of passing a bill vetoed by the President. Deschler Ch 23 § 7.1.

§ 4. — Application to Particular Propositions

The motion to postpone to a day certain has been applied to a wide variety of measures and questions, it being reasoned that otherwise the majority of the House could not exercise its will over the consideration of its business. 8 Cannon § 2613. However, the motion must be applied to the entire pending proposition, and not merely to a part thereof. 5 Hinds § 5306.

The motion to postpone consideration of a matter to a day certain is applicable to such propositions as:

- A bill coming before the House pursuant to a special rule assigning the day for its consideration. 4 Hinds § 3177.
- A veto message, notwithstanding the constitutional mandate that the House ''shall proceed to reconsider'' a vetoed bill. 4 Hinds §§ 3542–3547; 7 Cannon §§ 1101, 1105, 1112; Deschler Ch 23 § 7.1.
- A resolution of disapproval under certain statutes. Deschler Ch 23 § 6.3.
- A resolution of censure reported from the Committee on Standards of Official Conduct. Deschler-Brown Ch 29 § 68.53.
- An appeal from the decision of the Chair. 8 Cannon § 2613.

The motion to postpone to a day certain is not applicable to:

- A motion to discharge a committee under rule XV clause 2. Deschler Ch 23 § 6.4.
- A special rule from the Committee on Rules unless the previous question is rejected. *Manual* § 858; 5 Hinds § 4958.

§ 5. — Debate and Amendment

The motion to postpone to a day certain is subject to amendment. 5 Hinds § 5754; 8 Cannon § 2824. It is debatable within narrow limits. 5 Hinds § 5309. Debate is limited to the advisability of postponement only and may not go to the merits of the proposition to be postponed. 5 Hinds §§ 5310–5315; 8 Cannon § 2372; Deschler Ch 23 § 5.

In the House a motion to postpone to a day certain is debatable for one hour controlled by the Member offering the motion. Deschler-Brown Ch 29 § 68.56. He may move the previous question on the motion and thereby terminate debate and preclude amendment. Deschler Ch 23 § 7.2. If a motion to table the motion is agreed to, debate on and amendments to the motion to postpone are precluded. 8 Cannon § 2654.

§ 6. Motion to Postpone Indefinitely

Authorization and Effect

The motion to postpone indefinitely is provided for by rule XVI clause 4. *Manual* §§ 911, 915. Adoption by the House of a motion to postpone a measure indefinitely constitutes final adverse disposition of that measure. Deschler Ch 23 § 5.

Application

The motion to postpone indefinitely has been held not to apply to a veto message from the President, a ruling that would appear to be reinforced by the constitutional mandate that the House must ''proceed to reconsider'' the measure. U.S. Const. art. I, § 7; 4 Hinds § 3548. However, the motion has been applied to various other legislative propositions, including:

- A House bill with Senate amendment. 5 Hinds § 6200.
- A Senate bill with House amendment. 5 Hinds § 6199.
- A resolution of disapproval of executive actions under certain statutes. Deschler Ch 23 § 6.3.
- A resolution relating to the election of House officers. 5 Hinds § 5318.

The motion to postpone indefinitely must be applied to the entire pending proposition and not merely to a part thereof. 5 Hinds § 5306.

Form

MEMBER: Mr. Speaker, I move that the [further] consideration of _____ be postponed indefinitely.

§ 7. — Precedence; Application to Other Motions

In 1822 the House amended rule XVI clause 4 to change the precedence of the motion to postpone indefinitely from its former place—immediately after the motion for the previous question—to the end of the list, where it remains to this day. *Manual* § 911. Accordingly, the motion to postpone indefinitely enjoys no precedence over the other secondary motions and must yield to the motions to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to refer, and to amend. 5 Hinds § 5301; Deschler Ch 23 § 8.1 (note). Because of its less preferential status, the motion is seldom used in the modern practice. It has been held specifically inapplicable to:

- A motion to refer. 5 Hinds § 5317.
- A motion to suspend the rules. 5 Hinds § 5322.

- A motion to resolve into Committee of the Whole, except under a statute providing for consideration of a resolution of disapproval that specifically allows the motion to postpone. *Manual* § 915; 6 Cannon § 726.
- A motion to discharge a committee under rule XV clause 2. Deschler Ch 23 § 6.4.

§ 8. — Debate and Amendment

The motion to postpone indefinitely is not amendable. Deschler Ch 23 § 8.1 (note). However, the motion is debatable, including debate on the merits of the pending proposition. 5 Hinds § 5316.

Debate on the motion may be precluded by statute with respect to a particular class of legislation. See, *e.g.*, the Trade Act of 1974, § 152(d)(3) (19 USC § 2192(d)(3)). Notwithstanding such a statute, the House may permit debate on the motion by unanimous consent. 98–1, Aug. 1, 1983, pp 21899, 21900.