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Chapter 53
Suspension of Rules

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§ 1. Generally; Motions to Suspend

In General

A motion to suspend the rules is authorized by House rule XV clause 1, adopted in its original form in 1822. *Manual* § 885. The privileged motion is in order only on the days specified by the rule or by special order of the House. §§ 4, 5, infra. Recognition for the motion is at the discretion of the Speaker. § 6, infra. It is debatable for 40 minutes, is not amendable, and requires a two-thirds vote for its adoption. §§ 7, 8, 10, infra.

Effect of Special Rules From the Committee on Rules

Rejection of a motion that the House suspend the rules and pass a bill does not constitute a rejection of the bill. The Speaker may schedule it again under suspension of rules. 107–2, July 15, 2002, July 23, 2002, pp ____. The Committee on Rules may report a resolution authorizing the consideration of such bill. 8 Cannon § 3392; Deschler Ch 21 § 15.8. The House also may adopt a special rule to permit suspension motions on other days of the week. *Manual* § 887.

§ 2. Uses of the Motion

In General

In the early practice, the motion to suspend the rules was used only to enable a matter to be taken up. *Manual* § 886; 5 Hinds §§ 6852, 6853. Under the modern practice, it is possible by one motion both to bring a matter before the House and to pass it under suspension of the rules. The proponent moves ''that the House suspend the rules and pass the bill.'' *Manual* § 886; 5 Hinds §§ 6846, 6847. In this form, all rules that ordinarily would impede an immediate vote on passage of a measure are set aside. The underlying bill is passed without the intervention of questions such as ordering the previous question, third reading, recommittal, or division of the question. § 5, infra.

A motion to suspend the rules may provide for passage of an unreported bill. 5 Hinds § 6850. Indeed, the motion to suspend may provide for a series of procedural steps, such as the reconsideration of the vote passing a bill, the amendment of the bill, and its passage again. 5 Hinds § 6849. Forms for offering motion, see § 6, infra.

To Pass Legislative Measures

Under the modern practice, the motion to suspend the rules is used frequently to pass reported legislative measures that are perceived to have a broad degree of support and little need for prolonged debate. It also is available to bring before the House bills that would otherwise be subject to a point of order. 8 Cannon § 3424; Deschler Ch 21 § 9. The motion may provide for the passage of a bill, even if the bill has not been reported or referred to any calendar or previously introduced. *Manual* § 886; 8 Cannon § 3421. Following are some examples of measures considered under suspension of the rules:

- An amendment to the Constitution (both the motion and the amendment requiring a two-thirds vote). Deschler Ch 21 § 9.21.
- A bill or resolution submitted from the floor and not considered by a committee. Deschler Ch 21 § 9.19.
- A bill that is pending before a committee but that has not been reported. Deschler Ch 21 § 9.
- A Senate bill. Deschler Ch 21 § 9.3.
- An amendment to a Senate bill and a motion to insist on the House amendment and request a conference. 103–2, Mar. 24, 1994, p 6515.
- A resolution to disagree to a Senate amendment to a House joint resolution and agree to a request for a conference. Deschler Ch 21 § 9.13.
- A conference report. 8 Cannon §§ 3406, 3423.
- A motion to recommit a conference report. Deschler Ch 21 § 9.5.

- A motion to agree to Senate amendments. 8 Cannon § 3425.
- A resolution to concur in a Senate amendment to a House bill with a further House amendment. *Manual* § 886.
- A motion to reconsider the vote by which a bill passed, amend the bill, and pass the bill again. 5 Hinds § 6849.
- A motion to take a measure from the table. 5 Hinds §§ 5640, 6288.
- A bill consisting of the text of two bills previously passed by the House. *Manual* § 886.

If a motion to suspend the rules and pass a proposition is rejected, a similar proposition may be brought up under another motion to suspend the rules (107–2, July 15, 2002, July 23, 2002, pp ____) or pursuant to a special rule from the Committee on Rules (Deschler Ch 21 §§ 15.7, 15.8).

To Provide Special Orders

In the early practice of the House, the motion to suspend the rules was used frequently to adopt special orders of business. 5 Hinds § 6820 (note). Today, special orders of business usually are adopted by a simple majority vote of the House on a report from the Committee on Rules. 4 Hinds § 3169; 5 Hinds § 6790. Special orders of business also are often adopted by unanimous consent. See UNANIMOUS-CONSENT AGREEMENTS. However, motions to suspend the rules still may be used to consider the following:

- A request to repeal or change a rule of the House. 5 Hinds § 6862.
- A request to permit several bills to be reported. 5 Hinds § 6857.
- A resolution extending the time for debate on a motion. Deschler Ch 21 § 9.18.

§ 3. Rules Suspended by Adoption of Motion

In General

If not otherwise qualified or if not specifically prohibited by House rule, a motion to suspend the rules suspends all rules, including the standing rules of the House, the unwritten law and practice of the House, and the parliamentary rules stated in Jefferson's Manual. 5 Hinds § 6796; 8 Cannon § 3406. The motion may be used to suspend a rule requiring that a quorum be present when a bill is reported from committee. *Manual* § 886. 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, Ramseyer rule violations, or the like. Deschler Ch 21 §§ 9.7–9.12.

Rules Not Subject to Suspension

Certain rules are not subject to suspension. 5 Hinds §§ 7270, 7283, 7285. Among these rules are:

- The rule relating to the use of the Hall of the House. *Manual* § 677.
- The rule relating to the privileges of the floor. *Manual* § 678.
- The rule prohibiting the introduction of occupants of the gallery. *Manual* § 966.

§ 4. When Motion Is In Order; Notice

Under rule XV clause 1, the motion to suspend the rules is in order only on the calendar days of Monday and Tuesday and during the last six days of a session. *Manual* § 885. However, the Speaker may be authorized to recognize for motions to suspend the rules on other days by unanimous consent or by special order of business. *Manual* § 887; Deschler Ch 21 §§ 10.2, 10.3. The House adopted an order for the first session of the 108th Congress permitting the Speaker to entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under rule XV clause 1. The ''last six days'' are not applicable until both Houses have agreed to a concurrent resolution establishing a date for *sine die* adjournment (or until the final six days of a session under the Constitution). Deschler Ch 21 § 10.9.

Notice Requirements

The rules of the House require no advance notice to Members of bills called up under suspension. *Manual* § 887. Copies of reports on bills considered under suspension are not required to be available in advance. *Manual* § 889. However, most bills considered in the House pursuant to a motion to suspend the rules are on a list maintained by the leadership that identifies those bills on which motions to suspend will be entertained by the Speaker on a given day. This informal list is maintained to give appropriate notice to the Members, and ordinarily only such bills as have been cleared with the leadership through this procedure are brought up under suspension. Deschler Ch 21 § 9. A special order of business providing an additional day for the consideration of motions to suspend the rules may require advance notice of one hour on the floor. If so, unanimous consent is required to permit the Chair to entertain the motion prior to that time. *Manual* § 887.

§ 5. Precedence of Motion; Application of Other Motions

When the Motion Takes Precedence

The motion to suspend the rules and pass a measure is privileged in the House if made on a day on which the Speaker is authorized to recognize for such motions. *Manual* § 887. Thus the Speaker may recognize for such a motion notwithstanding the pendency on Monday of a request for recognition to consider District of Columbia business, the matters being of equal privilege. Deschler Ch 21 § 10.7.

A motion to suspend the rules may be entertained even where the yeas and nays have been demanded on another highly privileged motion or the previous question has been ordered on another matter. 5 Hinds §§ 6827, 6831–6833, 6835; 8 Cannon § 3418.

When Motion Yields

When a question of the privileges of the House (such as an election contest), is pending that question takes precedence over a motion to suspend the rules. 5 Hinds § 6825. Similarly, if a question concerning the administration of the oath of office of a Member is pending, a motion to suspend the rules is not in order. 5 Hinds § 6826. The motion also yields to the consideration of a bill under a special order (5 Hinds § 6838), motions from the Discharge Calendar (7 Cannon § 1018), and the motion to adjourn (5 Hinds §§ 5743–5746). However, pending a motion to suspend the rules, only one motion to adjourn is in order, unless the failure of a quorum is demonstrated. 5 Hinds §§ 5744, 5746; 8 Cannon § 2823; Deschler Ch 21 § 13.16. Because a resolution raising a question of the privileges of the House takes precedence over a motion to suspend the rules, such resolution may be offered and voted on between motions to suspend the rules on which the Speaker has postponed record votes until after debate on all suspensions. *Manual* § 709.

Because two motions to suspend the rules cannot be pending at the same time, a pending motion must be disposed of before another one may be entertained by the Chair. 5 Hinds § 6814, 6837.

Application of Other Motions

Many motions that commonly are offered during the consideration of a measure are inapplicable to the motion to suspend. The motion to suspend may not be tabled (5 Hinds § 5406), postponed by motion (5 Hinds § 5322), recommitted (5 Hinds § 6860), or divided for a vote (5 Hinds §§ 6141–6143, 6860). The motion to amend may not be applied to a motion to suspend the rules. 5 Hinds § 5405. The motion for the previous question is not appli-

cable to a proposition being considered under suspension. Deschler Ch 21 § 13.17.

The motion to reconsider may not be applied to a negative vote on the motion to suspend. *Manual* § 886; 5 Hinds § 5645; 8 Cannon § 2781.

§ 6. Offering of Motion; Recognition

The Speaker's Discretion

On suspension days, recognition for a motion to suspend the rules lies entirely within the discretion of the Speaker. 5 Hinds §§ 6791–6794; 8 Cannon §§ 3402–3404; Deschler Ch 21 §§ 11.4–11.6. In the exercise of his discretion, the Speaker may recognize for a motion to suspend the rules on a bill, even though the House previously has rejected a similar motion on the same bill. Deschler Ch 21 § 11.9.

Measures called up under suspension normally are cleared with the leadership, and the Speaker may decline recognition for a motion that does not comply with this practice. Deschler Ch 21 § 11.6. However, he has the discretion to recognize for a motion to suspend the rules and pass legislation that has not been scheduled in advance. Deschler Ch 21 § 9.22; § 4, supra.

Before 1991 the motion to suspend the rules required a second, so that the House, without debate, could decline to entertain the motion. A second usually was considered ordered by unanimous consent. However, if challenged, the question was resolved by a vote with tellers. *Manual* § 889.

The Speaker ordinarily extends recognition to the chairman or other member of the committee having jurisdiction over the subject matter of the proposition and not to the original sponsor of the measure. Deschler Ch 21 §§ 11.10–11.13. The chairman does not require the authorization of his committee to so move. Deschler Ch 21 § 11.11.

Forms

Mr. Speaker, I move that the House suspend the rules and pass the bill, H.R. _____ [as amended].

Note: The title of the bill is read by the Clerk; the Member's motion need not recite the title.

Mr. Speaker, I move that the House suspend the rules and agree to House Resolution _____ [as amended].

Mr. Speaker, I move that the House suspend the rules and concur in the Senate amendment to the bill H.R. _____.

Mr. Speaker, I move that the House suspend the rules and adopt [or recommit] the conference report on H.R. _____.

Mr. Speaker, I move that the House suspend the rules and agree to the resolution I send to the desk.

§ 7. Consideration and Debate

Reading Requirements

Under the early practice, it was held that the motion to suspend the rules did not dispense with the reading of the bill thereby called up for consideration. 5 Hinds § 5277; 8 Cannon § 3400. However, under the modern practice, the motion itself is recited by the proponent and the title is read by the clerk. Other reading requirements are deemed waived. *Manual* § 886; Deschler Ch 21 § 14.4.

Debate

Under rule XV clause 1(c), motions to suspend the rules are debatable for 40 minutes, equally divided between the proponent of the motion and an opponent. *Manual* § 891. This is so, even though the proposition presented is itself not otherwise debatable. 5 Hinds § 6822. If it develops that the mover is opposed to the bill, a Member in favor may be recognized for debate. 8 Cannon § 3416. A Member rising to claim the time in opposition may be challenged by another Member:

> MEMBER: Is the gentleman seeking recognition opposed to the motion? If not, I demand the time in opposition.

Following are the priorities in recognition for control of time in opposition to a motion to suspend the rules:

- Opponents have priority.
- Among opponents, members of the committee of jurisdiction have priority.
- Among committee members opposed, minority members have priority in order of full-committee seniority.

5 Hinds § 6802; 8 Cannon § 3415. The Chair will not examine the degree of a Member's opposition to the motion. *Manual* § 891.

The allocation of the time is within the discretion of the Members controlling it. Deschler Ch 21 § 13.10. Alternation of recognition between Members on both sides of the aisle is not required. 2 Hinds § 1442; Deschler Ch 21 § 13.9. No Member may speak in debate on the motion unless he is yielded time by a Member in control of the time. Deschler Ch 21 § 13.7. Time yielded to a Member may not be reserved or yielded to a third Member. Deschler Ch 21 § 13.5.

The proponent of the motion is entitled to open and close debate in favor of the motion. Deschler Ch 21 §§ 13.13, 13.14.

Debate should be confined to the object of the motion and may not range to the merits of a bill not scheduled for suspension on that day. *Manual* § 948.

The House may by unanimous consent or resolution alter the normal procedure for debate on the motion. In so doing, the House may extend the time for debate or designate the Members to control the time. 8 Cannon § 3414; Deschler Ch 21 §§ 13.3, 13.18. Where debate is extended by unanimous consent, the Chair divides the time in the same ratio as during the 40 minutes of debate allowed by the rule. If time is extended by unanimous consent, the Chair may divide that time equally between the proponent and the opponent. 8 Cannon § 3415.

§ 8. Amendments

Amendments from the floor are not in order to propositions being considered for passage under suspension of the rules. 5 Hinds §§ 5405, 6858, 6859; Deschler Ch 21 § 14.8. Only those amendments included in the motion to suspend are in order, and the Member offering the motion may not yield to other Members for further amendment. Deschler Ch 21 § 14.6. This prohibition against offering amendments applies to pro forma amendments and to motions to strike the enacting clause. Deschler Ch 21 §§ 14.11, 14.12. After a motion to suspend the rules and pass a bill has been offered, it may be amended either by withdrawing the motion and reoffering it in new form; or the manager of the motion may modify it by unanimous consent. Deschler Ch 21 § 14.3; 107–1, Dec. 5, 2001, p ____.

The bill and any proposed amendments in the motion are reported (usually by title only) and considered as one entity and are printed in the *Congressional Record* in full. Amendments are not voted on separately. Deschler Ch 21 §§ 14.4, 15.5. Committee approval of such amendments is not required. *Manual* § 886; Deschler Ch 21 § 14.2.

§ 9. Withdrawal of Motion

A motion to suspend the rules may be withdrawn at any time before the Chair puts the question and a voice vote is taken thereon. 5 Hinds §§ 6840, 6844; 8 Cannon §§ 3405, 3419. The motion may be withdrawn by unanimous consent, even after the Speaker has put the question on its adoption and postponed further proceedings. Deschler Ch 21 § 13.23.

§ 10. Voting on Motion

In General

Rule XV clause 1(a) requires a two-thirds vote for the adoption of a motion to suspend the rules. *Manual* § 885. That requirement is construed as two-thirds of the Members present and voting for or against the motion

(votes of those ''present'' are not counted except to establish the required quorum). Deschler Ch 21 § 15.2 (note).

The motion to reconsider may not be applied to a negative vote on the motion because such disposition is not final; that is, an identical motion may be entertained. § 1, supra. The motion to reconsider may be applied to an affirmative vote on the motion. *Manual* § 886.

Postponing Votes

A record vote on a motion to suspend the rules may be postponed by the Speaker under the conditions specified by rule XX clause 8. Under this rule, the Speaker may postpone such a vote to a designated time or place in the legislative schedule within two legislative days. The Chair's customary announcement of his intent to postpone, which is made before consideration of a series of motions, is not a necessary prerequisite to his postponement authority. *Manual* § 1030. At the designated time, the Speaker puts the question on each motion on which further proceedings have been postponed. Normally, the questions are put in the order in which the motions were entered. Postponing votes generally, see VOTING.

Once the Speaker has postponed record votes to occur at a designated place in the legislative schedule, he may redesignate the time when the votes will be taken within the appropriate period. *Manual* § 1030.

Where proceedings are postponed for a *de novo* vote by voice in response to a point of no quorum, the question is no longer being put to a vote for purposes of permitting a point of order of no quorum until the question recurs as unfinished business. 95–1, Sept. 26, 1977, p 30948. It is too late to demand a record vote on the motion after the Speaker has announced that further proceedings on that motion have been postponed. The demand is not in order until the motion is again before the House as unfinished business. 93–2, June 17, 1974, p 19334.