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§ 14. Renewal of Motion

Generally

§ 14.1 Only one motion recommending that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken is in order on the same legislative day unless the text of the bill is changed.

On Mar. 16, 1948,[19] during consideration of S. 2182, extending rent controls, Chairman Walter C. Ploeser, of Missouri, made reference to the general rule against permitting a second motion to strike the enacting clause.

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Celler moves that the Committee do now rise and report S. 2182 back to the House with the recommendation that the enacting clause be stricken therefrom. . . .

THE CHAIRMAN: The time of the gentleman from California [Mr. Jackson] has expired.

The question is on the motion offered by the gentleman from New York [Mr. Celler].

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: As I understand, only one motion of this kind can be offered to a bill.

THE CHAIRMAN: Unless the text of the bill is changed.

§ 14.2 A second motion to strike out the enacting clause is not entertained in the absence of any material modification of the bill.

On Mar. 26, 1965,[20] during consideration of H. R. 2362, the elementary and secondary education bill of 1965, one motion to strike the enacting clause having been defeated, Chairman Richard Bolling, of Missouri, indicated the circumstances under which a second motion to strike out the enacting clause would be in order.

MR. GEORGE W. ANDREWS [of Alabama]: Mr. Chairman, I offer a preferential motion.

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all

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19. 94 CONG. REC. 2956, 80th Cong. 2d Sess. See, for example, 99 CONG. REC. 9563, 83d Cong. 1st Sess., July 22, 1953; 97 CONG. REC. 8970, 82d Cong. 1st Sess., July 26, 1951; and 95 CONG. REC. 4414, 81st Cong. 1st Sess., Apr. 12, 1949, for other illustrations of this principle.

20. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

See also 108 CONG. REC. 11369, 87th Cong. 2d Sess., June 21, 1962; and 96 CONG. REC. 2235, 81st Cong. 2d Sess., Feb. 22, 1950 (Calendar Wednesday).

debate on this section close in 5 minutes.

THE CHAIRMAN: Will the chairman suspend for a minute?

MR. GEORGE W. ANDREWS: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: Will the gentleman state his preferential motion?

MR. GEORGE W. ANDREWS: That the Committee rise and strike out the enacting clause.

THE CHAIRMAN: The Chair will have to advise the gentleman from Alabama that that motion will not be in order again until substantial change is made in the bill.

§ 14.3 A second motion to strike out the enacting clause is in order on a bill if a substantial change has been made in the bill since the disposal of the first motion.

On Apr. 6, 1935,[21] during consideration of H.R. 5529, to prevent war profiteering, Chairman Lindsay C. Warren, of North Carolina, overruled a point of order against the renewal on the same day of a motion to strike the enacting clause, noting that a substantial change had been made in the bill since disposition of the previous motion.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I move to strike out the enacting clause.

MR. [LISTER] HILL of Alabama: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman from Mississippi will send to the Clerk's desk his motion.

MR. HILL of Alabama: Mr. Chairman, I make the point of order that the motion is dilatory. That motion was voted down yesterday. . . .

THE CHAIRMAN: The Chair overrules the point of order, believing that there has been a substantial change made in the bill since the motion to strike was made. The gentleman from Mississippi moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Parliamentarian's Note: The motion can be renewed on the following legislative day regardless of modification of the bill. See § 14.8, infra.

After Amendment

§ 14.4 A second motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out is in order if the bill has been amended since disposition of the first motion.

On June 18, 1970[22] during consideration of H.R. 17070, the Post-

21. 79 CONG. REC. 5181, 74th Cong. 1st Sess. See 79 CONG. REC. 12430, 74th Cong. 1st Sess., Aug. 3, 1935, for another example of this principle.

22. 116 CONG. REC. 20481, 91st Cong. 2d Sess. See 86 CONG. REC. 1899, 76th Cong. 3d Sess., Feb. 23, 1940; 84

al Reform Act of 1970, Chairman Charles M. Price, of Illinois, stated that a second motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken is in order if business [the adoption of amendments] has transpired since the first such motion.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Wright moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Chairman, a point of order. Has not such a motion already been introduced and defeated?

THE CHAIRMAN. It has been, but other business has transpired since the first motion to rise and strike the enacting clause. The motion is in order, and the gentleman from Texas is recognized for 5 minutes.

After Rejection of Amendment

§ 14.5 A second motion to strike out the enacting clause is not in order if the only action of the Committee of the Whole in the interim has been the rejection of a proposed amendment to the bill.

On June 21, 1962,[1] during consideration of H.R. 11222, the food and agricultural bill of 1962, Chairman Francis E. Walter, of Pennsylvania, refused to entertain a second motion to strike out the enacting clause because the only action in the interim had been rejection of a proposed amendment to the bill.

THE CHAIRMAN: The time for debate on title IV has expired.

MR. [ANCHER] NELSEN [of Minnesota]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Nelsen moves that the Committee do now rise and report H.R. 11222 back to the House with the recommendation that the enacting clause be stricken. . . .

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Minnesota.

The motion was rejected.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I offer an amendment. . . .

THE CHAIRMAN: . . . The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows: . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New York [Mr. Stratton].

CONG. REC. 7382, 76th Cong. 1st Sess., June 16, 1939; and 82 CONG. REC. 1119, 75th Cong. 2d Sess., Dec. 8, 1937, for other examples of this principle.

1. 108 CONG. REC. 11359, 11360, 11369, 11370, 87th Cong. 2d Sess.

The amendment was rejected. . . .

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I have an amendment at the Clerk's desk which I offer at this time.

THE CHAIRMAN: The Clerk will report the amendment.

MR. [ROBERT J.] DOLE [of Kansas]: Mr. Chairman, I have a preferential motion.

THE CHAIRMAN: The motion is not in order because no action has been taken since the last identical motion.

The Clerk will report the amendment offered by the gentleman from Iowa.

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

THE CHAIRMAN: The gentleman will state it.

MR. DOLE: We just voted on the amendment of the gentleman from New York [Mr. Stratton] and it was defeated.

THE CHAIRMAN: The amendment was defeated and did not prevail.

The Clerk will report the amendment offered by the gentleman from Iowa [Mr. Smith].

After Amendment of Bill

§ 14.6 Where a bill has been amended subsequent to the rejection of a motion to strike out the enacting clause, a second motion is in order and is debatable notwithstanding a limitation of debate on the bill.

On May 9, 1947,[(2)] during consideration of H.R. 2616, providing assistance to Greece and Turkey, Chairman Francis H. Case, of South Dakota, held that a motion to strike the enacting clause was in order and debatable, several amendments having been adopted since disposition of the previous motion to strike the enacting clause.

MR. [CLARK E.] HOFFMAN [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Hoffman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. [PETE] JARMAN [of Alabama]: Mr. Chairman, a point of order against the motion.

THE CHAIRMAN: The gentleman will state it.

MR. JARMAN: Mr. Chairman, that motion has already been made and was voted down once.

THE CHAIRMAN: There have been several amendments adopted on the bill, it has been changed since that motion was previously acted on. The Chair overrules the point of order.

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. VORYS: Mr. Chairman, debate is limited on the bill by action of the committee.

THE CHAIRMAN: The gentleman from Michigan has offered a preferential motion which is in order in spite of the agreement on closing debate.

2. 93 CONG. REC. 4974, 80th Cong. 1st Sess.

Effect of Withdrawal of Prior Motion

§ 14.7 After withdrawal by unanimous consent of the first such motion, a second motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out was held in order and not dilatory.

On May 3, 1949,[3] during consideration of H.R. 2032, the National Labor Relations Act of 1949, Chairman Jere Cooper, of Tennessee, indicated that a second motion to strike the enacting clause is in order and not dilatory where the first such motion had been withdrawn.

MR. [EUGENE] WORLEY [of Texas]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

> Mr. Worley moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman from Texas is recognized for 5 minutes on his motion. . . .

MR. WORLEY: . . . Mr. Chairman, I ask unanimous consent to withdraw my motion.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

MR. [HALE] BOGGS of Louisiana: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Boggs of Louisiana moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I make a point of order that that motion has just been voted down.

THE CHAIRMAN: The gentleman is mistaken. The previous motion was withdrawn by unanimous consent.

MR. [JOSEPH W.] MARTIN [JR.] of Massachusetts: Mr. Chairman, I make the point of order it is dilatory. Is the gentleman going to press his motion?

THE CHAIRMAN: The Chair overrules the point of order.

On Another Day

§ 14.8 Parliamentarian's Note: A second motion to "strike the enacting clause" is in order on a subsequent legislative day, notwithstanding the fact that there has been no modification of the bill since the first preferential motion was rejected.

3. 95 CONG. REC. 5521, 5522, 5531, 81st Cong. 1st Sess.

On May 6, 1950,[4] during consideration of H.R. 7786, the general appropriation bill of 1951, Chairman Jere Cooper, of Tennessee, ruled that a second motion to strike out the enacting clause was in order, the first having been made on a previous day.

THE CHAIRMAN: The time of the gentleman from Texas has expired. All time on this amendment has expired.

MR. [HALE] BOGGS of Louisiana: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Boggs of Louisiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [ALBERT A.] GORE [of Tennessee]: Mr. Chairman, I make a point of order against the motion on the ground that it is a dilatory motion.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the further point of order against the motion that no amendment has been adopted since the last such motion was disposed of.

THE CHAIRMAN: The Chair will state that while it is true that no amendment has been adopted and there has been no alteration in the bill since the last motion to strike out the enacting clause was disposed of, nevertheless this is a different day.

The Chair is of the opinion that the point of order made by the gentleman from New York would not lie against the motion.

D. CONSIDERATION AND DEBATE

§ 15. Generally

This division takes up the general rules relating to consideration and debate in the Committee of the Whole.[5]

When the House issues an order for the consideration of a particular bill and the manner in which it is to be considered, it absolutely binds the Committee of the Whole because the Committee does not possess authority to modify such an order[6] or to set aside a rule of procedure prescribed by the House.[7] Consequently, the Committee of the Whole may not consider a different bill after the House has agreed to a motion to go into the Committee to consider

4. 96CONG. REC. 6571, 81st Cong. 2d Sess.

5. See 5 Hinds' Precedents § 5203–5256 and 8 Cannon's Precedents §§ 2548–2595 for earlier rulings. See also Ch. 29, infra, for further discussion of particular rules on consideration and debate in the Committee of the Whole.

6. 4 Hinds' Precedents §§ 4712, 4713; 7 Cannon's Precedents § 786; and 8 Cannon's Precedents §§ 2321, 2322.

7. 4 Hinds' Precedents § 4713