

amendments on this title and this section close in 10 minutes.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, I ask that the original motion be read.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, a point of order. I want to know whether or not it takes unanimous consent to withdraw the motion.

THE CHAIRMAN:⁽¹⁴⁾ The gentleman from New York asks unanimous consent to withdraw the motion.

MR. POWELL: That is right. I withdraw it. I ask unanimous consent to withdraw it.

MR. ASHBROOK: Mr. Chairman, I object.

§ 3. Precedence of Motions

In general, recognition to offer a motion is at the discretion of the Chair, subject to the House rules and precedents pertaining to several motions which establish priorities of recognition. These will be discussed later in this chapter in the sections that deal with each motion.

Priority of Motion of Higher Privilege

§ 3.1 A Member having the floor to offer a motion may move the previous question thereon although another

14. Richard Bolling (Mo.).

claims recognition to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question.

On Sept. 13, 1965,⁽¹⁵⁾ Mr. Carl Albert, of Oklahoma, interrupted the Clerk's reading of the Journal.

MR. ALBERT: 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:⁽¹⁶⁾ The Chair will state that the motion to lay on the table is in order, but the amendment is not in order.

What is the motion of the gentleman from Missouri?

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

THE SPEAKER: The gentleman will state it.

MR. HALL: Mr. Speaker, during the reading of the Journal, section by section, I asked at what time it might be amended; and if I understood the distinguished Speaker correctly he said that if such an amendment were submitted by the gentleman from Missouri or any other person at any time it would be in order at the end of the reading of the Journal.

THE SPEAKER: The gentleman from Missouri has a correct recollection of

15. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).

what the Chair said at that time. However, the gentleman from Oklahoma [Mr. Albert] has made a motion that the Journal as read be approved and upon that he has moved the previous question.

MR. HALL: Then, Mr. Speaker, I move to table that motion.

THE SPEAKER: The question is on the motion to lay on the table.

§ 4. Dilatory Motions

Discretion of Chair

§ 4.1 The determination of whether a motion is dilatory is entirely within the discretion of the Chair.

On May 16, 1938,⁽¹⁷⁾ the consideration of an omnibus claims bill was interrupted by a parliamentary inquiry.

Mr. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, I rise to submit a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The gentleman will state it.

MR. COCHRAN: The Chair has stated that tomorrow an omnibus claims bill will be called up. I recall that the last time that an omnibus claims bill was called up a Member rose and moved to strike out a certain title which, of course, was permissible under the rule. However, after he had moved to strike out the title and was recognized, he

immediately stated that he did not propose to insist upon his motion, but that he offered the motion for the purpose of giving the House some information relative to the title under consideration. As I understand the spirit of the rule, there shall be 5 minutes granted in opposition to the title and 5 minutes in favor of the title, each bill being a separate title. It seems to me that the spirit of the rule was violated on that occasion, because there were two speeches of 5 minutes each in favor of the title or bill, and no speech in opposition to the title. My parliamentary inquiry is whether a point of order would lie against the motion of a Member to strike out the title when, as a matter of fact, the Member was not in favor of striking out the title.

THE SPEAKER PRO TEMPORE: The present occupant of the Chair would have no way of reading a Member's mind or questioning his motives with reference to any amendment that he might offer. The Chair thinks that any Member who gained the floor to offer any permissible amendment would be in order and he would be entitled to the floor.

MR. COCHRAN: It was certainly a violation of the spirit of the rule when one offers an amendment to strike out a title and then in the first sentence after recognition says that he is not going to insist upon his motion and consumes 5 minutes that should be allowed in opposition to the title.

THE SPEAKER PRO TEMPORE: The rule interpreted otherwise would make it pretty hard on the occupant of the chair.

MR. [CASSIUS C.] DOWELL [of Iowa]: Where it becomes apparent to the

17. 83 CONG. REC. 6938, 75th Cong. 3d Sess.

18. Sam Rayburn (Tex.).