

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I offer a preferential motion, that the conference report and the Senate amendment be re-committed to the Committee on the Judiciary.

MR. MICHENER: Mr. Speaker, my understanding of the rule is that the motion suggested by the gentleman from New York is not preferential.

THE SPEAKER:⁽¹⁶⁾ The Chair is of the opinion that the motion made by the gentleman from Michigan has priority. The question is on the motion of the gentleman from Michigan to lay the Senate amendment on the table.

The motion was agreed to.

Parliamentarian's Note: If the motion to table a Senate amendment prevails, it results in the final disposition of the bill as well as the Senate amendment.

§ 13. Taking From the Table

By Unanimous Consent

§ 13.1 The proceedings whereby a bill was laid on the table were vacated by unanimous consent.

On May 4, 1959,⁽¹⁾ the House was considering the bill H.R. 5610, to amend the Railroad Retirement Act of 1937, the Railroad

Retirement Tax Act, and the Railroad Unemployment Insurance Act.

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill H.R. 5610 was laid on the table, the amendment agreed to, the bill engrossed and read a third time, and passed, be vacated for the purpose of offering an amendment. . . .

THE SPEAKER:⁽²⁾ Is there objection to the request of the gentleman from Arkansas (Mr. Harris)?

There was no objection.

Parliamentarian's Note: A few days earlier, on Apr. 30, 1959, while the House had under consideration H.R. 5610, the Senate messaged to the House S. 226, a measure differing in only one respect from the House bill as it had been amended on the floor. After passage of H.R. 5610, a motion was adopted to strike out all after the enacting clause in S. 226 and insert the language of the House bill, and the House bill was then laid on the table. The following day, shortly before the Senate bill was to be messaged to the Senate, a question was raised as to the constitutionality of the Senate-passed bill because of a tax feature therein. The proceedings in the House on May 4, 1959, were necessitated by the fact that all bills containing revenue provi-

16. William B. Bankhead (Ala.).

1. 105 CONG. REC. 7310-13, 86th Cong. 1st Sess.

2. Sam Rayburn (Tex.).

sions must, under article I, section 7 of the Constitution, originate in the House. Following the amendment of the House bill and the indefinite postponement of the Senate bill, the House bill, H.R. 5610, was messaged to the Senate.

§ 13.2 It is in order by unanimous consent to consider a resolution that has been laid on the table.

On May 22, 1935,⁽³⁾ the following occurred on the floor of the House:

MR. [WILLIAM M.] Citron [of Connecticut]: Mr. Speaker, I ask unanimous consent to take from the table House Joint Resolution 107, authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

THE SPEAKER: ⁽⁴⁾ Is there objection to the request of the gentleman from Connecticut?

There being no objection, the Clerk read the resolution.

D. MOTIONS FOR THE PREVIOUS QUESTION

§ 14. In General

A motion for the previous question is used to close debate and bring the pending matter to a vote.⁽⁵⁾ It is also used to foreclose further amendments and bring the House to a decision on the pending question. It is not in order in the Committee of the Whole.⁽⁶⁾

The previous question is considered a fundamental rule of par-

liamentary procedure, and as such it is in order even before the rules of the House have been adopted.⁽⁷⁾ The motion takes precedence over all other motions except the motion to adjourn and the motion to lay on the table,⁽⁸⁾ but once moved, the motion itself is not subject to a motion to table.⁽⁹⁾

The defeat of the motion for the previous question has two general effects. It throws the main question open to further consider-

3. 79 CONG. REC. 8026, 74th Cong. 1st Sess.

4. Joseph W. Byrns (Tenn.).

5. Rule XVII clause 1, *House Rules and Manual* §804 (1981); 8 Cannon's Precedents §2662; and 5 Hinds' Precedents §5456.

6. See § 14.8, *infra*.

7. See § 14.1, *infra*.

8. Rule XVI clause 4, *House Rules and Manual* §782 (1981).

9. 5 Hinds' Precedents §§ 5410, 5411.