

thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:⁽³⁾ The gentleman from Pennsylvania (Mr. Morgan) is recognized for 1 hour on his motion.

Mr. Morgan: Mr. Speaker, I have no desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question.

However, a brief debate ensued, after which the following occurred:

MR. MORGAN: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: The question is on ordering the previous question. . . .

The question was taken; and there were—yeas 247, nays 143, not voting 41. . . .

So the previous question was ordered. . . .

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

THE SPEAKER: The question is on the motion offered by the gentleman from Pennsylvania (Mr. Morgan).

The motion was agreed to.

3. John W. McCormack (Mass.).

§ 15. Effect of Ordering Previous Question

Precluding Further Consideration

§ 15.1 Where the previous question is moved on a resolution and the pending amendment thereto, no further debate is in order unless the previous question is rejected.

On Sept. 17, 1965,⁽⁴⁾ the House was considering House Resolution 585, dismissing five Mississippi election contests. Mr. Carl Albert, of Oklahoma, had offered an amendment to the pending resolution. The following then occurred:

MR. ALBERT: Mr. Speaker, I move the previous question on the amendment and the resolution.

Mr. [JAMES G.] FULTON [of Pennsylvania]: Mr. Speaker, I am on my feet. I rise in opposition to the amendment.

THE SPEAKER:⁽⁵⁾ The gentleman from Pennsylvania rises in opposition. The Chair advises the gentleman that under the rules he cannot be recognized unless time is yielded to him. The gentleman from Oklahoma has moved the previous question on the amendment and the resolution.

MR. FULTON of Pennsylvania: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

4. 111 CONG. REC. 24291, 89th Cong. 1st Sess.

5. John W. McCormack (Mass.).

MR. FULTON of Pennsylvania: Will this amendment foreclose the resolution of Mr. Ryan being brought up by action of the House in the affirmative on this resolution?

THE SPEAKER: That is a matter for the House to determine in carrying out its will.

The question is on the motion of the gentleman from Oklahoma ordering the previous question on the amendment and the resolution.

The previous question was ordered.

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

§ 15.2 The demand for the previous question precludes further debate on the question of passing a bill over a Presidential veto.

On June 16, 1948,⁽⁶⁾ the House was considering the veto of H.R. 6355, providing supplemental appropriations for the Federal Security Agency for fiscal 1949. The following took place:

THE SPEAKER:⁽⁷⁾ The unfinished business is consideration of the President's veto of H.R. 6355.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, the President vetoed the bill H.R. 6355, which carries

6. 94 CONG. REC. 8473, 80th Cong. 2d Sess.

7. Joseph W. Martin, Jr. (Mass.).

nearly \$1,000,000,000 of appropriations for functioning of the Social Security Administration, some portions of the Public Health Service and the United States Employment Service in the Department of Labor. This is the question before the House.

Mr. Speaker, I move the previous question.

MR. [JOHN J.] ROONEY [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ROONEY: Mr. Speaker, under the rules is not the majority granted the privilege of discussing this message?

THE SPEAKER: If the gentleman from Wisconsin withdraws his moving of the previous question it would be in order. Otherwise it is not in order.

§ 15.3 Demanding the previous question on a measure precludes further amendments thereto.

On June 12, 1961,⁽⁸⁾ the House was considering H.R. 7053, relating to the admission of certain evidence in the courts of the District of Columbia. The following occurred:

MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question.

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Speaker, will the gentleman yield for the purpose of offering an amendment?

8. 107 CONG. REC. 10080, 87th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:⁽⁹⁾ Does the gentleman from South Carolina yield to the gentleman from Florida for the purpose of offering an amendment?

MR. McMILLAN: Mr. Speaker, as I understand the parliamentary situation, I have moved the previous question. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CRAMER: Mr. Speaker, I have previously announced I would offer an amendment to make it applicable nationwide in conformance with a bill reported by the Committee on the Judiciary. Could the Chair advise me as to when and if such an amendment is in order and under what circumstances?

THE SPEAKER PRO TEMPORE: The Chair will state that the amendment can be offered only if the previous question is voted down.

MR. CRAMER: I thank the Chair.

§ 15.4 The motion to amend the Journal may not be admitted after the previous question is demanded on the motion to approve.

On Sept. 13, 1965,⁽¹⁰⁾ after the Clerk concluded reading the Journal the following occurred:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the Journal be approved as read; and on that I move the previous question.

9. W. Homer Thornberry (Tex.).

10. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

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:⁽¹¹⁾ 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 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.

§ 15.5 After the previous question is moved, an amendment may be offered to a pending resolution only if the previous question is voted down.

On Mar. 9, 1967,⁽¹²⁾ the House was considering House Resolution

11. John W. McCormack (Mass.).

12. 113 CONG. REC. 6035-42, 6048, 6049, 90th Cong. 1st Sess.

376, providing special counsel for the House, the Speaker, and other Members named in the action brought by Adam Clayton Powell, Jr., former Representative from the State of New York. After debating the resolution for one hour, Mr. Hale Boggs, of Louisiana, the proponent of the resolution, moved the previous question thereon. Mr. Joe D. Waggonner, Jr., of Louisiana, rose with a parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, is the House of Representatives considering this resolution as a privileged resolution?

THE SPEAKER:⁽¹³⁾ This concerns the privileges of the House.

MR. WAGGONNER: Will there be opportunity to amend this resolution if the previous question is not voted down?

THE SPEAKER: That depends on the action taken by the House in connection with the previous question.

MR. [BYRON G.] ROGERS of Colorado: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ROGERS of Colorado: If we vote down the previous question, then we have the resolution before us and we can then amend it; can we not?

THE SPEAKER: The resolution will be before the House for such action as the House desires to take.⁽¹⁴⁾

13. John W. McCormack [Mass.].

14. See also 111 CONG. REC. 19, 20, 89th Cong. 1st Sess., Jan. 4, 1965; and 107 CONG. REC. 10080, 87th Cong. 1st Sess., June 12, 1961.

§ 15.6 The stage of disagreement having been reached and the previous question having been demanded on the motion to recede [the motion to recede and concur in the Senate amendment having been divided], the Chair informed a Member seeking recognition to offer "a substitute" motion that the previous question had been demanded.

On May 14, 1963,⁽¹⁵⁾ the House was considering H.R. 5517, providing supplemental appropriations for fiscal 1963. The following occurred:

Mr. [ALBERT] THOMAS [of Texas]: Mr. Speaker, perhaps I used the wrong terminology a little while ago. I am going to move the previous question and then the vote, as I understand it, will come on the motion to recede and we should recede and I hope the membership will vote "aye." When we do that, then I will offer a motion to concur with an amendment.

Mr. Speaker, I move the previous question.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I would like to offer a substitute for the Barry motion.

THE SPEAKER:⁽¹⁶⁾ The gentleman from Texas has moved the previous question.

§ 15.7 The ordering of the previous question prevents fur-

15. 109 CONG. REC. 8508, 88th Cong. 1st Sess.

16. John W. McCormack (Mass.).

ther debate and the offering of amendments.

On May 31, 1932,⁽¹⁷⁾ the House was considering House Resolution 235, authorizing an investigation of government competition with private enterprise. The following occurred:

MR. [EDWARD W.] POU [of North Carolina]: Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The question is on the passage of the resolution.

MR. [BURTON L.] FRENCH [of Idaho]: Mr. Speaker, I offer an amendment which I send to the desk.

THE SPEAKER PRO TEMPORE: The previous question has been ordered. The previous question having been ordered, no amendment is in order at this time.

MR. FRENCH: Mr. Speaker, let me make inquiry. I understand that all debate is cut off on the resolution, but a Member has the privilege of offering an amendment.

THE SPEAKER PRO TEMPORE: Under the rules of the House, not only is debate cut off but all power to offer amendments is cut off by the ordering of the previous question.

MR. FRENCH: The Speaker is quite right. I have confused the motion for the previous question with the common motion to close debate. I desired to offer an amendment which would limit the expenditure.

17. 75 CONG. REC. 11681, 72d Cong. 1st Sess.

18. Loring M. Black [N.Y.].

THE SPEAKER PRO TEMPORE: The gentleman might have opposed the previous question.

Effect on Amendments Between the Houses

§ 15.8 After the previous question has been ordered on a motion to recede and concur, no further debate is in order on that motion.

On Aug. 26, 1960,⁽¹⁹⁾ the House had agreed to the conference report on H.R. 12619, providing appropriations for the mutual security program for fiscal 1961, and had begun considering amendments in disagreement when the following took place:

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. Passman moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert “, including not less than \$35,000,000 for Spain.”

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker——

THE SPEAKER:⁽²⁰⁾ For what purpose does the gentleman rise?

MR. CONTE: To object to the amendment.

MR. PASSMAN: Mr. Speaker, I move the previous question on the motion.

19. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

20. Sam Rayburn (Tex.).

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

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

THE SPEAKER: The gentleman just asked for a vote on it.

MR. CONTE: Can we debate it?

THE SPEAKER: Not after the previous question is ordered.⁽¹⁾

Effect on Motion to Reconsider

§ 15.9 Where a resolution (providing for the order of business) had been agreed to without debate and without the ordering of the previous question, a motion to reconsider the vote thereon was ruled debatable.

On Sept. 13, 1965,⁽²⁾ the House had voted to adopt House Resolution 506, providing for consideration of H.R. 10065, the Equal Employment Opportunity Act of 1965. Mr. William M. McCulloch, of Ohio, rose to his feet.

MR. MCCULLOCH: Mr. Speaker, was the previous question ordered on the question to adopt the resolution that has just been voted on?

THE SPEAKER: ⁽³⁾ It was not.

MR. MCCULLOCH: Mr. Speaker, having voted in the affirmative, I now

1. See also 104 CONG. REC. 19618, 85th Cong. 2d Sess., Aug. 23, 1958.
2. 111 CONG. REC. 23608, 89th Cong. 1st Sess.
3. John W. McCormack (Mass.).

move that the vote by which House Resolution 506 was adopted be now reconsidered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the motion be laid upon the table.

MR. MCCULLOCH: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert].

MR. [MELVIN R.] LAIRD [OF WISCONSIN]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is in the process of counting.

Evidently a sufficient number have risen, and the yeas and nays are ordered.

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. LAIRD: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentleman from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.

The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.

THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?

MR. LAIRD: Mr. Speaker, if the motion to debate is defeated, the motion to reconsider will give us an opportunity to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

Debate on Amendment to Resolution

§ 15.10 Where a member of the Committee on Rules calling up a resolution reported by that committee offers an amendment to such a resolution, the amendment is not debatable if the previous question has been moved and ordered.

On Mar. 11, 1941,⁽⁴⁾ Mr. Edward E. Cox, of Georgia, called up House Resolution 120, providing for investigation of national defense. After the Clerk read the resolution, the following took place:

MR. COX: Mr. Speaker, I have stated that the language proposed by the gentleman from New York [Mr. Wadsworth] is an improvement to this bill, and I offer it as an amendment to the bill, and, Mr. Speaker, I move the previous question on the amendment and the resolution.

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, I make the point of order that the resolution is not subject to amendment until the previous question has been disposed of.

THE SPEAKER:⁽⁵⁾ After the previous question is ordered amendments are not in order.

MR. MAY: Certainly not.

THE SPEAKER: It is in order for the gentleman from Georgia [Mr. Cox] to

offer the amendment. The Clerk will report the amendment. . . .

THE SPEAKER: The gentleman from Georgia [Mr. Cox] moves the previous question on the amendment and the resolution.

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

THE SPEAKER: The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate. The question is on ordering the previous question.

§ 15.11 Where the House had ordered the previous question on an amendment in the nature of a substitute for a resolution and on the resolution, the Speaker indicated that no further amendment to the resolution would be in order.

On June 13, 1973,⁽⁶⁾ the House was considering House Resolution 437, providing for consideration of H.R. 8410, which would permit a temporary increase in the public debt limitation. Mr. John B. Anderson, of Illinois, offered an amendment in the nature of a substitute to the pending resolu-

4. 87 CONG. REC. 2189, 77th Cong. 1st Sess.

5. Sam Rayburn (Tex.).

6. 119 CONG. REC. 19343, 19344, 93d Cong. 1st Sess.

tion. After the amendment had been read and debated for one hour the following occurred:

MR. [JOHN] ANDERSON [of Illinois]: . . . Mr. Speaker, I move the previous question of the amendment and on the resolution. . . .

The vote was taken by electronic device, and there were—yeas 254, nays 160, not voting 19. . . .

So the previous question was ordered. . . .

THE SPEAKER:⁽⁷⁾ The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Anderson). . . .

The vote was taken by electronic device, and there were—yeas 248, nays 163, not voting 22. . . .

So the amendment in the nature of a substitute was agreed to. . .

MR. [ROBERT L.] LEGGETT [of California]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LEGGETT: We have now had one amendment to the rule. I am wondering at this point would another amendment for tax reform, as suggested by Mr. Reuss, be in order?

THE SPEAKER: The answer is “no”, because the previous question has been ordered on the resolution.⁽⁸⁾

§5.12 When the previous question is ordered on an amend-

7. Carl Albert (Okla.).

8. See also 113 CONG. REC. 5036, 90th Cong. 1st Sess., Mar. 1, 1967; and 113 CONG. REC. 28, 31–33, 90th Cong. 1st Sess., Jan. 10, 1967.

ment and the resolution to which it is offered, following acceptance or rejection of the amendment, the vote recurs immediately on the resolution.

On Mar. 1, 1967,⁽⁹⁾ the House was considering House Resolution 278, relating to the right of Representative-elect Adam C. Powell, Jr., of New York, to be sworn in. Mr. Thomas B. Curtis, of Missouri, offered an amendment to the resolution and the previous question was ordered on both the amendment and the resolution. After a brief discussion, Mr. Charles E. Goodell, of New York, rose with a parliamentary inquiry:

MR. GOODELL: Mr. Speaker, if the Curtis amendment which is now pending is defeated, then is it in order to move the previous question on the committee resolution?

THE SPEAKER:⁽¹⁰⁾ If the amendment is defeated, the original resolution will be before the House for a vote.

MR. GOODELL: For an immediate vote?

THE SPEAKER: Yes, for an immediate vote.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GERALD R. FORD: If the amendment of the gentleman from Missouri

9. 113 CONG. REC. 5036, 5037, 90th Cong. 1st Sess.

10. John W. McCormack (Mass.).

prevails as a substitute for the committee resolution, then there will be an opportunity for a further vote, however?

THE SPEAKER: Then the question will occur on the adoption of the resolution, as amended.

Effect on Motion to Strike Enacting Clause

§ 15.13 A motion in the House to strike out the enacting clause is not in order where the previous question has been ordered on the bill and amendments thereto to final passage.

On Apr. 16, 1970,⁽¹¹⁾ the House was considering H.R. 16311, the Family Assistance Act of 1970. The following occurred:

THE SPEAKER:⁽¹²⁾ Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

[The bill was ordered to be engrossed and read a third time, and was read the third time.]

THE SPEAKER: The question is on the passage of the bill.

MR. [OMAR T.] BURLESON [of Texas]: Mr. Speaker a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BURLESON of Texas: Mr. Speaker, I have a preferential motion which

was not permitted to be made in the Committee of the Whole. The preferential motion is to strike the enacting clause. Is it in order in the House at this time?

THE SPEAKER: Due to the fact that the previous question has been ordered on the bill to final passage, the motion is not in order at this time.

Effect When Ordered on Resolution and Pending Amendment

§ 15.14 A special rule reported by the Committee on Rules is subject to amendment unless the previous question is ordered.

On Apr. 15, 1936,⁽¹³⁾ the House was considering House Resolution 475 providing for the consideration of S.J. Res. 234, to create a special committee to investigate lobbying activities. Mr. John J. O'Connor, of New York, offered an amendment to the resolution, which was read by the Clerk. Mr. Bertrand H. Snell, of New York, asked Mr. O'Connor to yield, and the following occurred:

How can the gentleman present an amendment now if it is not a committee amendment?

MR. O'CONNOR: I am presenting it on my own responsibility, the gentleman from Georgia [Mr. Cox], in charge of the rule, having yielded to me for that purpose.

11. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. 80 CONG. REC. 5535, 5536, 74th Cong. 2d Sess.

MR. SNELL: Then the rule is open for amendment.

MR. O'CONNOR: The gentleman from Georgia yielded to me for this purpose, to offer an amendment.

MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I move the previous question.

The previous question was ordered.

MR. [BYRON B.] HARLAN [of Ohio]: A parliamentary inquiry. Mr. Speaker.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state it.

MR. HARLAN: Is the previous question ordered on the amendment or on the resolution?

THE SPEAKER: On both.

MR. SNELL: How can the previous question apply to both?

THE SPEAKER: That was the motion of the gentleman from Georgia. . . .

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

THE SPEAKER: The gentleman will state it.

MR. SNELL: Mr. Speaker, I have always understood that when a rule is presented on the floor and the Member in charge of the rule opens it up for amendment, that it is then open to amendment on the part of anyone who desires to offer an amendment.

THE SPEAKER: That is true, until the previous question has been ordered, and the previous question has here been ordered.

MR. SNELL: It has now, but when I originally asked the question it had not been ordered. I wanted to offer an amendment.

THE SPEAKER: The Chair would have been glad to recognize the gentleman

at that time, but the previous question which has been ordered prevents that now.

MR. SNELL: I know that when a rule is opened up for amendment anybody else can offer an amendment.

THE SPEAKER: The gentleman's amendment would have been in order if the previous question had not been ordered, provided the amendment were germane.

Effect When "Considered as Ordered" Pursuant to Special Rule

§ 15.15 Where the House has agreed by unanimous consent to a request that debate shall be limited in time and confined to a resolution disposing of an election contest, and that the previous question shall be considered as ordered at the conclusion of such debate, a substitute amendment is not in order.

On Aug. 19, 1937,⁽¹⁵⁾ the House was considering House Resolution 309, dealing with the election contest of Roy v Jenks. The following occurred:

THE SPEAKER:⁽¹⁶⁾ The gentleman from North Carolina modifies his request and now asks unanimous consent that debate on the pending resolution shall be confined to the resolution,

15. 81 CONG. REC. 9356, 9374, 75th Cong. 1st Sess.

16. William B. Bankhead (Ala.).

14. Joseph W. Burns (Tenn.).

shall continue for 2 hours and 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Massachusetts; that at the conclusion of this time the previous question shall be considered as ordered.

Is there objection?

MR. [CHARLES L.] GIFFORD [of Massachusetts]: Mr. Speaker, reserving the right to object, may I be allowed to file a substitute motion during that period?

MR. [JOHN H.] KERR [of North Carolina]: I do not agree to that.

THE SPEAKER: Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Bills Reported From the Committee of the Whole

§ 15.16 Where the Committee of the Whole reports a bill to the House pursuant to a resolution which specifies that the "previous question shall be considered as ordered on the bill, etc." the bill is not open to further amendment in the House.

On Sept. 29, 1965,⁽¹⁷⁾ the Committee of the Whole was considering H.R. 4644, providing home rule for the District of Columbia. After the bill was reported back to the House the following occurred:

THE SPEAKER:⁽¹⁸⁾ Under the rule, the previous question is ordered.

17. 111 CONG. REC. 25438, 25439, 89th Cong. 1st Sess.

18. John W. McCormack (Mass.).

The question is on the amendment.

MR. [ABRAHAM J.] MULTER [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. MULTER: I am about to ask for the yeas and nays on the Multer amendment, as amended by the Sisk amendment. If that amendment is rejected on the rollcall vote, which I will ask for, will the pending business before the House then be H.R. 4644?

THE SPEAKER: As introduced.

MR. MULTER: Mr. Speaker, on the amendment I demand the yeas and nays.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GERALD R. FORD: If the Multer amendment as amended is defeated, we then go back to H.R. 4644. Is there an opportunity after that to amend or to further consider?

THE SPEAKER: The response to that would be in the negative, because the previous question has been ordered.

§ 15.17 Unless the previous question is ordered on an amendment reported from the Committee of the Whole such amendment is subject to further consideration and debate in the House.

On Dec. 10, 1937,⁽¹⁹⁾ the Committee of the Whole having had under consideration the bill, H.R.

19. 82 CONG. REC. 1285, 1286, 75th Cong. 2d Sess.

8505, the farm bill, reported that bill back to the House with certain amendments. The following then occurred:

MR. [MARVIN] JONES [of Texas]: Mr. Speaker, I move the previous question on all amendments except the Boileau amendment.

The previous question on all amendments except the Boileau amendment was ordered. . . .

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry. The Speaker:⁽²⁰⁾ The gentleman will state it.

MR. BOILEAU: Mr. Speaker, the gentleman from Texas [Mr. Jones] has moved the previous question on all amendments except the Boileau amendment. I do not recall a similar situation since I have been a Member of the House, and I frankly confess I do not know the effect of the motion of the gentleman from Texas. I would appreciate it if the Speaker would explain to the Members of the House the present status of the Boileau amendment.

Am I correct in my understanding of the present situation that because of the previous question having been ordered on all amendments other than the Boileau amendment there is no longer opportunity for debate on such amendments, but that, the previous question not having been ordered on the Boileau amendment, there is opportunity for debate on it unless the previous question is ordered?

THE SPEAKER: Unless the previous question is ordered on the Boileau amendment, if a Member should seek

recognition to debate the amendment the Chair would recognize that right.

Unanimous Consent to Offer Amendment

§ 15.18 When the Chairman of the Committee of the Whole reports a bill back to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded; and the Speaker has declined to entertain unanimous-consent requests that further amendments be in order.⁽¹⁾

On Aug. 31, 1960,⁽²⁾ the Committee of the Whole rose to report a price support bill to the House:

THE CHAIRMAN:⁽³⁾ There being no amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Keogh, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2917) to establish a price support level for milk and butterfat, pursuant to House Resolution 636, he reported the bill back to the House.

1. But see § 14.13, *supra*.
2. 106 CONG. REC. 18748, 86th Cong. 2d Sess.
3. Eugene J. Keogh (N.Y.).

20. William B. Bankhead (Ala.).

THE SPEAKER:⁽⁴⁾ Under the rule the previous question is ordered.

The question is on the third reading of the Senate bill.

The bill was read a third time.

MR. [CARL H.] ANDERSEN [of Minnesota]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDERSEN of Minnesota: Would it be possible by unanimous consent to return to the amendment stage?

THE SPEAKER: It would not. The previous question has already been ordered. All amendments and all debate are exhausted.

The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. Fulton) there were yeas 171, noes 32.

So the bill was passed, and a motion to reconsider was laid on the table.

Effect Where Several Amendments Are Pending

§ 15.19 Where the previous question is ordered on some of the amendments reported from the Committee of the Whole, they must be disposed of before further consideration of the remaining amendments may be had.

On Dec. 10, 1937,⁽⁵⁾ the Committee of the Whole was consid-

4. Sam Rayburn (Tex.).

5. 82 CONG. REC. 1285, 1286, 75th Cong. 2d Sess.

ering H.R. 8505, the farm bill. After the Committee rose and reported back to the full House the following occurred:

MR. [MARVIN] JONES [of Texas]: Mr. Speaker, I move the previous question on all amendments except the Boileau amendment.

The previous question on all amendments except the Boileau amendment was ordered. . . .

THE SPEAKER:⁽⁶⁾ Is a separate vote demanded on any amendment?

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOILEAU: Will there be an opportunity for a separate vote on the Boileau amendment?

MR. JONES: I may say to the gentleman I am about to ask for a separate vote on it.

MR. BOILEAU: I confess I am not familiar with the procedure in the situation now before the House as to the effect of ordering the previous question on all amendments except the Boileau amendment.

THE SPEAKER: The previous question has already been ordered by the House, thus bringing to an immediate vote all amendments except the so-called Boileau amendment. . . .

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

THE SPEAKER: The gentleman will state it. . . .

MR. BOILEAU: If a motion for the previous question were made and the

6. William B. Bankhead (Ala.).

previous question ordered on the Boileau amendment, would that amendment then be in the same position before this body as the other amendments?

THE SPEAKER: It would, except the previous question has already been ordered on the other amendments, and under the present situation the amendments upon which the previous question is ordered will be put to a vote and disposed of before the Boileau amendment is before the House for consideration.

Effect on Motions to Resolve Into Committee of the Whole

§ 15.20 After the previous question is ordered on a bill to final passage, it is not in order to move that the House resolve itself into the Committee of the Whole for the further consideration of such bill.

On July 8, 1937,⁽⁷⁾ the Committee of the Whole reported back to the House H.R. 3408 with an amendment to amend the Civil Service Act. The following occurred:

THE SPEAKER:⁽⁸⁾ Under the rule the previous question is ordered on the bill and amendment to final passage. . . .

The question is on the engrossment and third reading of the bill.

7. 81 CONG. REC. 6944, 6951, 6952, 75th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. NICHOLS: Mr. Speaker, would a motion be in order at this time that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the bill H.R. 3408?

THE SPEAKER: The Chair replies in the negative to that parliamentary inquiry.

Effect on Point of Order Against Amendment

§ 15.21 After the previous question has been ordered in the House, it is too late to interpose a point of order against an amendment reported from the Committee of the Whole.

On July 21, 1956,⁽⁹⁾ the Committee of the Whole reported back to the House the bill H.R. 7992, to enact certain provisions included in the Department of Defense Appropriations Act and the Civil Functions Appropriations Act.

THE SPEAKER:⁽¹⁰⁾ Under the rule, the previous question is ordered.

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

9. 102 CONG. REC. 13857, 84th Cong. 2d Sess.

10. Sam Rayburn (Tex.).

MR. BOW: The Committee has adopted an amendment which changes the rules of the House. My parliamentary inquiry is this: Is it proper at this time to again interpose a point of order against the report of the Committee on the ground that the rules have been changed in the Committee of the Whole?

THE SPEAKER: The Committee of the Whole has reported an amendment. The Chair would be forced to hold that the point of order comes too late and will not lie at this time.

Effect on Bill Considered on Calendar Wednesday

§ 15.22 A bill considered under the Calendar Wednesday rule becomes unfinished business if the House adjourns after ordering the previous question thereon.

On Feb. 22, 1950,⁽¹¹⁾ the House was considering H.R. 4453, the Federal Employment Practice Act. The bill was ordered to be engrossed and read a third time, after which the following occurred:

MR. [ANDREW J.] BIEMILLER [of Wisconsin]: Mr. Speaker, I demand a reading of the engrossed copy of the bill. . . .

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹²⁾ The gentleman will state it.

11. 96 CONG. REC. 2254, 81st Cong. 2d Sess.

12. Sam Rayburn (Tex.).

MR. HOFFMAN of Michigan: Is a motion to recommit in order at this time?

THE SPEAKER: Not until after the third reading of the bill.

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

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, that means the House will have to stay in session until the engrossed copy is secured?

THE SPEAKER: It does not.

MR. RANKIN: We cannot take a recess on Calendar Wednesday?

THE SPEAKER: The House can adjourn.

MR. RANKIN: We can adjourn but that ends Calendar Wednesday.

THE SPEAKER: The previous question has been ordered and the next time the House meets, whether this week or any other week, it is the pending business. . . .

The Chair wants all Members to understand that on the convening of the House at its next session, the final disposition of this matter is the pending business.

Effect on Motion to Recommit

§ 15.23 The Member offering a motion to recommit a bill with instructions may, at the conclusion of the 10 minutes of debate thereon, yield to another Member to offer an amendment to the motion if the previous question has not been ordered on the motion to recommit.

On July 19, 1973,⁽¹³⁾ the House was considering House Resolution 8860, to amend and extend the Agriculture Act of 1970. Mr. Charles M. Teague, of California, offered a motion to recommit and controlled the floor for five minutes of debate in favor of his motion. Mr. William R. Poage, of Texas, then controlled the floor for five minutes in opposition to the motion to recommit. Mr. Gerald R. Ford, of Michigan, sought to have Mr. Poage yield the floor to him for the purpose of offering an amendment to the motion to recommit. The following occurred:

MR. POAGE: Certainly I will yield, but I would like to hear the amendment.

THE SPEAKER:⁽¹⁴⁾ The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman from California can yield for that purpose. . . . The time of the gentleman from Texas has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a point of order.

13. 119 CONG. REC. 24967, 93d Cong. 1st Sess.

14. Carl Albert (Okla.).

THE SPEAKER: The gentleman will state it.

MR. HAYS: Mr. Speaker, my point of order is that I do not believe the gentleman from California can yield for this purpose without getting unanimous consent.

THE SPEAKER: The gentleman can yield for the purpose of an amendment, since he has the floor.

MR. TEAGUE of California: Mr. Speaker, I yield to the distinguished minority leader for the purpose of offering an amendment.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment to the motion to recommit.

MR. [JOHN E.] MOSS [of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MOSS: Mr. Speaker, my point of order is that the time of the gentleman from California had expired.

THE SPEAKER: That does not keep him from yielding.

MR. MOSS: He has not got the floor.

THE SPEAKER: The gentleman from California has the right to yield for an amendment, since he still has the floor as the previous question has not been ordered on the motion to recommit.

Ordered Prior to Motion to Recommit Conference Report

§ 15.24 A motion to recommit a conference report is not in order until the previous question has been ordered on the conference report.

On Dec. 15, 1970,⁽¹⁵⁾ the House was considering the conference re-

15. 116 CONG. REC. 41502, 41503, 91st Cong. 2d Sess.

port on H.R. 17755, appropriations for the Department of Transportation for fiscal 1971. Mr. Sidney R. Yates, of Illinois, rose with a parliamentary inquiry:

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

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ The gentleman will state his parliamentary inquiry.

MR. YATES: Mr. Speaker, as I understand, in order to have specific instructions given to the conferees it is necessary that the previous question be voted down; is that correct? I mean on the motion to recommit?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Illinois is in error. The previous question on the conference report has to be ordered before there can be a motion to recommit.

§ 16. Offering Motion; Who May Offer

Member Controlling Debate

§ 16.1 The Member in control of debate may move the previous question and cut off debate, either before or after the adoption of the rules.

On Jan. 4, 1965,⁽¹⁷⁾ the House was considering House Resolution 2, offered by the Majority Leader,

16. Wilbur D. Mills (Ark.).

17. 111 CONG. REC.20, 89th Cong. 1st Sess.

Carl Albert, of Oklahoma, authorizing the Speaker to administer the oath of office to Mr. Richard L. Ottinger, of New York. The following occurred:

MR.[JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER:⁽¹⁸⁾ If the resolution is agreed to, it will not be in order for the gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

THE SPEAKER: Not unless the gentleman from Oklahoma yields to the gentleman for that purpose.

MR. CLEVELAND: Mr. Speaker, will the gentleman yield?

MR. ALBERT: The gentleman from Oklahoma does not yield for that purpose.

MR. CLEVELAND: Mr. Speaker, a parliamentary inquiry. Will there be any opportunity to discuss the merits of this case prior to a vote on the resolution offered by the gentleman from Oklahoma?

THE SPEAKER: The gentleman from Oklahoma has control over the time. Not unless the gentleman from Oklahoma yields for that purpose. . . .

18. John W. McCormack (Mass.).