

MR. HOFFMAN: I rise to a point of personal privilege because of certain remarks contained in the Congressional Record and ask to be allowed to state my question.

THE SPEAKER: The gentleman from New York has been recognized. The Chair cannot recognize the gentleman from Michigan for that purpose unless the gentleman from New York yields.

MR. SOMERS of New York: Mr. Speaker, I do not yield for that purpose.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker—

THE SPEAKER: The Chair will at the proper time under the rules recognize the gentleman. The Chair has recognized the gentleman from New York. The gentleman from New York has moved the previous question on the conference report.

The question is, Shall the previous question be ordered?

## § 18. Time for Motion

### *Within Time Fixed for Debate*

#### **§ 18.1 Where the House by unanimous consent fixes time and control of debate, the previous question may be moved at any time within that period, and it is not necessary for the Member in charge to yield the full time agreed upon.**

On Mar. 11, 1941,<sup>(13)</sup> the House was considering House Resolution

13. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

131 (providing for the consideration of H.R. 1776, relating to the promotion of national defense) pursuant to a unanimous-consent agreement which stipulated that debate was to continue not to exceed two hours. Before the expiration of the allotted time, Mr. Sol Bloom, of New York, made the following statement:

MR. BLOOM: . . . Mr. Speaker, I do not desire to use any more time nor to yield any additional time, so I ask for a vote on the resolution.

MR. MARTIN J. KENNEDY [of New York]: Mr. Speaker, a point of order.

THE SPEAKER:<sup>(14)</sup> The gentleman will state it.

MR. MARTIN J. KENNEDY: Mr. Speaker, the House is proceeding in its consideration of the Senate amendments to H.R. 1776 under a unanimous-consent agreement granted yesterday—Monday, March 10. The minutes of this action may be found on pages 2142 and 2143 of the Congressional Record. I was present in the House at the time the request was made and, because of the understanding as to the division of time, I did not object. . . .

Under the rules of the House, a proceeding by unanimous consent cannot be dissolved except by unanimous consent of the House. Therefore, the time of 2 hours, fixed for debate, not having elapsed, and with a proper request for time not being granted by the gentleman in charge of the time—the chairman of the Committee on Foreign Affairs—I make a point of order that

14. Sam Rayburn (Tex.).

the action of the chairman of the Committee on Foreign Affairs in moving the previous question prior to the expiration of the agreed time of only 2 hours is not in order and comes prematurely.

THE SPEAKER: The unanimous-consent request agreed to yesterday left control of the time in the hands of the gentleman from New York [Mr. Bloom] and the gentleman from New York [Mr. Fish]. At any time those gentlemen do not desire to yield further time, compliance with the request has been had.

### ***During Debate on Motion to Postpone***

**§ 18.2 A Member moving to postpone further consideration of a veto message to a day certain having been recognized, he may move the previous question on that motion at any time.**

On June 23, 1970,<sup>(15)</sup> the House received the vetoed message on H.R. 11102, the medical facilities construction and modernization amendments of 1970. The following then occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move that further consideration of the veto message of the President be postponed until Thursday, June 25, 1970.

Mr. Speaker, the reason I ask for this postponement is to serve notice on

15. 116 CONG. REC. 20877, 91st Cong. 2d Sess.

all Members of the House and to give everyone an opportunity to study the veto message and to participate in what I think is a highly important matter.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER:<sup>(16)</sup> The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

A motion to reconsider was laid on the table.

### ***Pending Offering of Amendment***

**§ 18.3 The previous question may be moved pending the offering of an amendment by a Member to whom the floor was yielded for that purpose, and the previous question must be voted down before that Member is recognized to offer the amendment.**

On Nov. 8, 1971,<sup>(17)</sup> the House was considering House Joint Resolution 191, proposing an amendment to the Constitution relating to a nondenominational prayer in public buildings. During the debate the following occurred:

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I yield to the gentleman from Alabama (Mr. Buchanan) for the purpose of offering an amendment.

16. John W. McCormack (Mass.).

17. 117 CONG. REC. 39945, 92d Cong. 1st Sess.

MR. [JOHN H.] BUCHANAN [Jr.]: Mr. Speaker, I have an amendment at the desk.

THE SPEAKER:<sup>(18)</sup> Does the gentleman realize he will lose control of the time?

MR. WYLIE: The gentleman realizes he loses control of the time. I do yield to the gentleman from Alabama for the purpose of offering an amendment.

THE SPEAKER: The gentleman has yielded the floor.

MOTION OFFERED BY MR. CELLER

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I move the previous question on House Joint Resolution 191.

THE SPEAKER: The motion is completely and highly privileged and is in order.

PARLIAMENTARY INQUIRY

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

THE SPEAKER: The gentleman will state it.

MR. GERARD R. FORD: Mr. Speaker, if the previous question is voted down, does that permit the offering of an amendment by the gentleman from Alabama (Mr. Buchanan)?

THE SPEAKER: If it is voted down, any proper motion can be made.

The question is on the motion offered by the gentleman from New York (Mr. Celler).

The motion was rejected.

***Time to Move Previous Question on Preamble***

**§ 18.4 A motion for the previous question on a pending**

**18.** Carl Albert (Okla.).

**resolution does not cover the preamble thereto unless the motion so provides; and a motion to order the previous question on the preamble is in order following the vote whereby the resolution is agreed to.**

On Mar 1, 1967,<sup>(1)</sup> the House was considering House Resolution 278, relating to the rights of Representative-elect Adam Clayton Powell, Jr., of New York, to be sworn in. After the resolution and amendment were agreed to the following took place:

MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Speaker, I move the previous question on the adoption of the preamble.

MR. [PHILLIP] BURTON of California: Mr. Speaker, a point of order.

THE SPEAKER:<sup>(2)</sup> The gentleman from California will state his point of order.

MR. BURTON of California: The gentleman from Missouri is urging a motion that duplicates an action already taken by the House. The House already has had a motion to close debate on the preamble and on the resolution as amended.

We have already had that vote. I make the point of order that the gentleman's request and/or motion is out of order. I think the record of the proceedings of the House will indicate

1. 113 CONG. REC. 5038, 5039, 90th Cong. 1st Sess.
2. John W. McCormack (Mass.).

that the point being advocated reflects accurately the proceedings as they have transpired.

THE SPEAKER: The Chair will state that the previous question was ordered on the amendment and the resolution but not on the preamble.

## § 19. Relation to Other Matters

### *Privilege of Motion Over Recognition of Member of Debate*

#### § 19.1 The motion for the previous question is privileged and is in order before a Member is recognized for debate.

On Apr. 1, 1938,<sup>(3)</sup> the House was considering S. 3331, a reorganization bill. Mr. John J. Cochran, of Missouri, spoke:

MR. COCHRAN: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, I move that general debate in the Committee of the Whole House on the state of the Union on the bill (S. 3331) do now close, and on that motion I move the previous question.

MR. [JOHN J.] O'CONNOR of New York: Mr. Speaker, I ask recognition.

MR. COCHRAN: Mr. Speaker, on that motion I have moved the previous question.

3. 83 CONG. REC. 4616, 75th Cong. 3d Sess.

MR. O'CONNOR of New York: Mr. Speaker, I asked recognition before the previous question was moved.

THE SPEAKER:<sup>(4)</sup> The gentleman from Missouri moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, the gentleman moves that general debate in the Committee of the Whole House on the state of the Union on the bill S. 3331 do now close, and on that motion he moves the previous question.

MR. O'CONNOR of New York: Mr. Speaker, before the gentleman moved the previous question I asked recognition.

THE SPEAKER: The gentleman from Missouri moved the previous question.

MR. O'CONNOR of New York: I asked recognition, Mr. Speaker, before the gentleman moved the previous question.

THE SPEAKER: The motion for the previous question takes precedence.

### *As Related to Amendment to Resolution*

#### § 19.2 An amendment to the body of a resolution reported by the Committee on Rules is properly offered before the previous question is moved.

On Feb. 28, 1949,<sup>(5)</sup> Mr. John E. Lyle, Jr., of Texas, called up House Resolution 44 (relating to the Panama Canal) which had

4. William B. Bankhead (Ala.).

5. 95 CONG. REC. 1617, 1619, 81st Cong. 1st Sess.