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move the previous question on the amendment at this time in order to dispose of it?

THE SPEAKER: The Chair will state to the gentleman that the gentleman from Mississippi has been recognized.

MR. CABELL: Mr. Speaker, would a motion to vote on the pending amendment be in order, since the discussion is not on the amendment?

THE SPEAKER: The Chair has control of the House and the Chair has recognized the gentleman from Mississippi (Mr. Abernethy).[7]

Relation to Motion to Strike Out Enacting Clause

§ 20.8 A motion for the previous question takes precedence over a motion to strike out the enacting clause.

On May 28, 1934,[8] the House was considering H.R. 5043, the District of Columbia taxicab insurance bill, and the following occurred:

MR. [VINCENT L.] PALMISANO [of Maryland]: Mr. Speaker, I move the previous question on the bill and amendment thereto to final passage.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, would a motion to strike out the enacting clause now be in order?

THE SPEAKER:[9] Such a motion is not now in order.

MR. PATMAN: Mr. Speaker, is not a motion to strike out the enacting clause a privileged motion?

THE SPEAKER: It does not have preference over a motion for the previous question.

MR. [THOMAS L.] BLANTON [of Texas]: We can vote down the previous question.

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

Relation to Motion to Adjourn

§ 20.9 The Speaker has refused to recognize for a motion to adjourn after the previous question has been ordered on a bill to final passage under a special rule prohibiting any intervening motion (see 4 Hinds' Precedents §§ 3211–3213).

§ 21. Debate

Debate on Motion for Previous Question

§ 21.1 A motion for the previous question is not debatable.

On Sept. 13, 1965,[10] after the Clerk finished reading the Journal the following occurred:

THE SPEAKER:[11] The question is on ordering the previous question.

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7. See also 114 CONG. REC. 12262, 12263, 90th Cong. 2d Sess., May 8, 1968.

8. 78 CONG. REC. 9743, 73d Cong. 2d Sess.

9. Henry T. Rainey (Ill.).

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

11. John W. McCormack (Mass.).

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALL: Is not debate in order on this motion inasmuch as under section 805 of Jefferson's Manual there has been no debate on ordering the previous question?

THE SPEAKER: The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal. . . .

The question was taken; and there were—yeas 257, nays 126, answered "present" 1, not voting 48.[12]

Debate After Ordering Previous Question

§ 21.2 Where the previous question is ordered on a debatable proposition which has not in fact been debated, a Member may demand the right to 40 minutes of debate, and this time is divided between the person demanding the time and a Member who represents the opposing view of the matter [see Rule XXVII clause 3].

On Sept. 13, 1965,[13] the previous question was ordered on the approval of the Journal as read before any debate had occurred on that question. Mr. Durward G. Hall, of Missouri, then rose to his feet.

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

THE SPEAKER:[14] The gentleman will state it.

MR. HALL: May we not have debate at this time, under the rules of the House, under section 805, as quoted?

THE SPEAKER: If a Member claims the right.

MR. HALL: I make such a claim, Mr. Speaker.

THE SPEAKER: The gentleman is recognized for 20 minutes. . . .

The gentleman from Oklahoma [Mr. Albert] is recognized for 20 minutes.[15]

§ 21.3 Since the motion for the previous question is not debatable, a Member is not entitled to claim the right to debate it under Rule XXVII clause 3.

On Sept. 13, 1965,[16] after the conclusion of the reading of the Journal, the following occurred:

THE SPEAKER:[17] The question is on ordering the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

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12. See also 95 CONG. REC. 10, 81st Cong. 1st Sess., Jan. 3, 1949.

13. 111 *Cong. Rec.* 23602, 23604–06, 89th Cong. 1st Sess.

14. John W. McCormack (Mass.).

15. See Rule XXVII clause 3, *House Rules and Manual* § 907 (1981).

16. 111 CONG. REC. 23601, 89th Cong. 1st Sess.

17. John W. McCormack (Mass.).

THE SPEAKER: The gentleman will state it.

MR. HALL: Is not debate in order on this motion inasmuch as under section 805 of Jefferson's Manual there has been no debate on ordering the previous question?

THE SPEAKER: The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal. . . .

The question was taken; and there were—yeas 257, nays 126, answered "present" 1, not voting 48.

§ 21.4 Parliamentarian's Note: The right to recognition for 20 minutes of debate under Rule XXVII clause 3 does not apply simply because the previous question is moved on a proposition on which there has been no debate; the right to 40 minutes of debate accrues only if the previous question is in fact ordered.

On May 14, 1963,[18] the House was considering H.R. 5517, providing supplemental appropriations for fiscal 1963. Mr. Albert Thomas, of Texas, moved that the House concur in the amendment of the Senate numbered 76 with an amendment, and before any debate had taken place on that motion he moved the previous question thereon. Mr. Thomas B. Curtis, of Missouri, then rose to his feet.

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

THE SPEAKER:[19] The gentleman will state it.

MR. CURTIS: As I understand, any person seeking an opportunity for 20 minutes can have it because the previous question has been moved before there has been any debate on it.

THE SPEAKER: Well, the Chair is not passing on that.

MR. CURTIS: Mr. Speaker, I ask for recognition for 20 minutes.

THE SPEAKER: The previous question has not been ordered yet.

§ 21.5 Where the House refused to order the previous question on a motion to concur in a Senate amendment with an amendment, but did order the previous question on the offering of a substitute therefor before debate was had thereon, the action gave rise to 40 minutes' debate on the proposition.

On June 8, 1943,[20] the House was considering the conference report on H.R. 2714, urgent defense appropriations for 1943. After the House voted without debate to recede from its disagreement to a

18. 109 CONG. REC. 8508–11, 88th Cong. 1st Sess.

19. John W. McCormack (Mass.).

20. 89 CONG. REC. 5506, 5507, 5509, 5510, 78th Cong. 1st Sess.

Senate amendment, Mr. Clarence Cannon, of Missouri, moved that the House concur in the Senate amendment with an amendment. Without intervening debate, he moved the previous question on his motion. After the motion for the previous question was rejected, the following occurred:

MR. [JOHN] TABER [of New York]: Mr. Speaker, I offer a substitute for the motion offered by the gentleman from Missouri.

The Clerk read as follows:

Mr. Taber moves to substitute for the Cannon amendment an amendment as follows: Add to the language of the Senate amendment No. 5 the following: "or the Department of State or the Office of Strategic Services".

MR. TABER: On that motion I move the previous question, Mr. Speaker.

The previous question was ordered.

The Speaker, Sam Rayburn, of Texas, having previously stated that time for debate is fixed when the previous question has been ordered, not when the motion therefor has been made,[1] indicated that there would be 20 minutes of debate on each side, and recognized Mr. Cannon for 20 minutes.

Previous Question Ordered Prior to Adoption of Rules

§ 21.6 Prior to the adoption of the rules, when the motion for the previous question is moved without debate, the 40 minutes' debate prescribed by the House rules during the previous Congress does not apply.

On Jan. 7, 1959,[2] Speaker Sam Rayburn, of Texas, was swearing in the Members of the Congress. Mr. John W. McCormack, of Massachusetts, offered House Resolution 1, providing for the swearing in of Mr. T. Dale Alford, of Arkansas, whose election to the 86th Congress had been subject to a challenge.

MR. MCCORMACK: Mr. Speaker, this resolution is in accord with existing precedents and, Mr. Speaker, I move the previous question on this resolution.

The previous question was ordered.

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, may I make an inquiry on a point of parliamentary procedure.

THE SPEAKER: The gentleman will state it.

MR. O'NEILL: Mr. Speaker, when the previous order has been moved and there is no debate, under the rules of the House are we not entitled to 40 minutes debate?

THE SPEAKER: Under the precedents, the 40-minute rule does not apply before the adoption of the rules.

The question is on the resolution.

The resolution was agreed to.

1. *Id.* at p. 5507.

2. 105 CONG. REC. 14, 86th Cong. 1st Sess.

Previous Question Moved on Motion to Close Debate

§ 21.7 When the previous question is moved on a motion to close debate (a motion in itself not debatable), the rule providing for 40 minutes of debate on propositions on which the previous question has been ordered without prior debate does not apply and no debate is in order.

On Apr. 1, 1938,[3] the House was considering S. 3331, a reorganization bill, when Mr. John J. Cochran, of Missouri, rose to his feet:

> 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.
>
> MR. O'CONNOR of New York: Mr. Speaker, I asked recognition before the previous question was moved.
>
> THE SPEAKER:[4] 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 over any other motion.
>
> MR. O'CONNOR of New York: Mr. Speaker, I ask recognition under the 40-minute rule. It is well recognized in the House that there are 40 minutes of debate on a motion even under the previous question.
>
> THE SPEAKER: The Chair will read from a precedent directly involved on this proposition, Cannon's Precedents, section 2555, volume 8:
>
> > When the previous question is ordered on the motion to close debate, the rule providing for 40-minute debate on propositions on which the previous question has been ordered without prior debate does not apply, and no debate is in order.
>
> MR. O'CONNOR of New York: Mr. Speaker, the previous question has not been ordered. May I suggest to the distinguished Speaker that he read the rule of the House as to the 40 minutes

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

4. William B. Bankhead (Ala.).

of debate before the previous question is ordered?

THE SPEAKER: Under the general rules of the House the previous question is always a privileged motion. The gentleman from Missouri has exercised his right to move the previous question.

The question is on ordering the previous question on the motion of the gentleman from Missouri [Mr. Cochran] to close debate. . . .

The question was taken; and there were—yeas 149, nays 191, not voting 89.

Previous Question Ordered on Motion to Send Bill to Conference

§ 21.8 Objection has been raised to a unanimous-consent request to permit one hour of debate on a motion to send a bill to conference, on which the previous question had been ordered after a brief debate.

On July 9, 1970,[5] the House was considering H.R. 15628, to amend the Foreign Military Sales Act of 1970. Thomas E. Morgan, of Pennsylvania, the Chairman of the Committee on Foreign Affairs, offered a motion to take the bill from the Speaker's table with Senate amendments thereto, to disagree to the Senate amendments and to agree to conference asked by the Senate. The following then occurred:

THE SPEAKER:[6] 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. . . .

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. . . .

The result of the vote was announced as above recorded.

The doors were opened.

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.

§ 22. Rejection of Motion as Permitting Further Consideration

5. 116 CONG. REC. 23518, 23524, 91st Cong. 2d Sess.

6. John W. McCormack (Mass.).