

Chapter 39

Previous Question

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Research References

- 5 Hinds §§ 5443–5520, 5569–5604
- 8 Cannon §§ 2661–2694
- Deschler Ch 23 §§ 14–24
- Manual* §§ 461–463, 994–1002

§ 1. In General

Function and Purpose

Rule XIX clause 1 provides for the motion for the previous question. It is an essential motion in the House that is used during the consideration of a matter to terminate debate, foreclose the offering of amendments, and bring the House to an immediate vote on the main question. *Manual* § 994. It is the only motion used for this purpose in the House. 5 Hinds § 5456; 8 Cannon § 2662.

The import of the previous question, in Jefferson's language, is "shall the main question be now put?" *Manual* § 452. If the House disagrees to the motion, the main question is open to further consideration and the right of recognition transfers to a Member who opposed the motion. §§ 15, 16, *infra*.

The House practice in this regard is to be distinguished from that of the Senate. The Senate does not admit the previous question. 8 Cannon § 2663.

Historical Background

In the early Congresses, the previous question was used in the House for an entirely different purpose than it is today, having been modeled on the English parliamentary practice. As early as 1604, the previous question had been used in the Parliament to suppress a question that the majority deemed undesirable for further discussion or action. *Manual* §§ 442, 463. The Continental Congress adopted this device in 1778, but there was no intention of using it as a means of closing debate in order to bring the pending question to a vote. 5 Hinds § 5445.

Early interpretations of the rule in the House were consistent with its usage in the Continental Congress. However, in 1807, the House overruled a holding by Speaker Varnum that the ordering of the previous question precluded all debate on the main question. As a result, debates became very lengthy. In 1811, the House reversed its position by once again overruling Speaker Varnum to provide that there could be no debate after the previous question was ordered, and this decision was adhered to in subsequent rulings by the Speaker. 5 Hinds § 5445.

To moderate the harsh effects of the rule, seen by some as a way of suppressing a minority, the number required to order the previous question was changed from one-fifth to a majority, and a Member was given the right to call for 40 minutes of debate on a proposition if it had not been previously debated. 5 Hinds §§ 5445, 6821. In 1880, the rule was amended to permit the Speaker to entertain one motion to recommit, notwithstanding the ordering of the previous question. § 13, *infra*.

§ 2. Offering the Motion

Form

The motion for the previous question may be offered by any Member holding the floor. It must be made in writing if demanded, but is usually made orally:

MEMBER: Mr. Speaker, I move the previous question on the
 _____ [*proposition*].

SPEAKER: The question is on ordering the previous question.

The motion should precisely specify the scope that is intended. However, where, during the consideration of a bill, a Member states merely “I move the previous question,” without specifying the question to be voted on, the Speaker construes it as a motion for the previous question on the bill to final passage and as applicable to all intervening questions. 8 Cannon §§ 2673, 2674. On the other hand, during consideration of several motions (as in the consideration of Senate amendments reported from conference in disagreement) a simple motion for the previous question applies to the immediate question only and does not include other pending questions. 8 Cannon § 2676. But see Deschler Ch 23 § 14.2.

The motion for the previous question may not include a provision that it is to take effect at a time certain. Such a motion may not include a provision, for example, “that the previous question be considered as ordered at 5 o’clock.” 5 Hinds § 5457.

Effect of Special Rule

The ordering of the previous question on a bill may be required by language in a special rule governing consideration of the bill. The rule may provide, for example:

The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit with or without instructions.

When the House is operating under such a rule, the Chair states that “under the rule, the previous question is ordered,” and a motion for the previous question from the floor is unnecessary. 7 Cannon § 776. Such a rule prohibits intervening motions, such as a motion to adjourn. *Manual* § 912.

§ 3. — When in Order; Quorum Requirements

The previous question is one of those motions that is in order under rule XVI clause 4 “when a question is under debate.” As it is considered a fundamental rule of parliamentary procedure, it also is in order even before the rules of the House have been adopted. Deschler Ch 23 § 14.1.

The motion for the previous question is in order in the House and in the House as in the Committee of the Whole. *Manual* § 995; 5 Hinds § 5456; 6 Cannon § 639; 8 Cannon § 2662; Deschler Ch 23 § 14.10. The motion is not in order in the Committee of the Whole but may be moved in

the House on an amendment reported from the Committee of the Whole. 4 Hinds § 4716; Deschler Ch 23 §§ 14.8, 14.9.

The previous question is ordered by a majority of those voting, a quorum being present. However, less than a quorum may order the previous question on a motion incident to a call of the House. 5 Hinds § 5458.

§ 4. — Who May Offer

During Debate in the House

The Member in charge of a pending measure has the prior right to recognition and may move the previous question at any time during the hour allotted to him and thereby cut off debate. 8 Cannon § 3231. The Member in charge may move the previous question when he regains the floor after having yielded to another Member “for debate only.” 8 Cannon § 2682. Other Members may not interpose the previous question during such time as the Member in charge is holding the floor, even though the Member in charge may not yet have begun his remarks. *Manual* § 997; 2 Hinds § 1458. However, if the Member in charge of the pending measure does not move the previous question and loses the floor, any Member having the floor may so move. 5 Hinds § 5475. This is so even though the effect of moving the previous question may be to deprive the Member in charge of control of the measure. *Manual* § 997; 5 Hinds § 5476; 8 Cannon § 2685.

Where time for debate in the House is equally divided and controlled by the majority and the minority, or between those in favor and those opposed, or where a block of time for debate has been yielded by the manager to be yielded in turn by another Member, the previous question may not be moved until the other side has used or yielded back its time. The Chair may vacate the ordering of the previous question where it was improperly moved while the other side was still controlling time. *Manual* § 997.

Proponent of Amendment

A Member managing consideration of a measure may offer an amendment to the pending measure and move the previous question on the amendment and on the pending measure. *Manual* § 996. Although the previous question takes precedence over a motion to amend, the proponent of an amendment, having been recognized for debate after offering the amendment, may not be taken from the floor by another Member who seeks to move the previous question. Deschler Ch 23 § 20.7; § 6, *infra*. This rule is followed even though the amendment offered is merely a pro forma amendment. 92–2, May 8, 1972, pp 16154, 16157. However, a Member offering a preferential motion to dispose of a Senate amendment may not move the

previous question on that motion as against the right of the Member in charge to the floor. 2 Hinds § 1459.

Effect of Yielding

A Member in charge of a pending measure may yield time to others for debate only and still retain the right to resume debate or move the previous question. 8 Cannon § 3383. However, where the Member in charge yields to another Member to offer an amendment to his proposition, he loses the floor and the Member offering the amendment is recognized for one hour and may move the previous question on the amendment and on the measure itself. Deschler-Brown Ch 29 § 33.9. In other words, the Member controlling the time may not yield to another Member to offer an amendment without losing the right to move the previous question. Deschler Ch 23 § 16.2. However, the Member so yielding may move the previous question on the pending measure following disposition of the amendment where the proponent of the amendment has not done so and where no other Member seeks recognition. Deschler Ch 23 §§ 16.3–16.5.

Under rule XVI clause 4, the motion for the previous question takes precedence, and may be offered by any Member, over an amendment offered by either the Member in charge of a pending measure or a second Member who was yielded time by the Member in charge. *Manual* § 997; Deschler Ch 23 §§ 14, 18.3.

§ 5. Precedence; Interruption of Other Matters

Generally

The motion for the previous question has the precedence given it by rule XVI clause 4. The Chair, having recognized a Member in charge of a bill for the motion for the previous question, may not recognize another Member to rise to a question of personal privilege. Deschler Ch 23 § 17.2. However, a message from the Senate, the administration of the oath, or the presentation of a conference report is in order, notwithstanding that the previous question has been moved or ordered on a pending proposition. 5 Hinds § 6449; Deschler Ch 23 §§ 19.3, 19.4.

A measure on which the previous question has been ordered takes precedence over a special order from the Committee on Rules, even if the special order provides for the immediate consideration of certain business. 5 Hinds § 5520.

Suspension of the Rules

The motion to suspend the rules may be entertained after the previous question has been moved and is admitted at the Speaker's discretion, not-

withstanding the ordering of the previous question on a pending measure. *Manual* § 887; 5 Hinds §§ 6827, 6831–6833; 8 Cannon § 3418.

§ 6. — Precedence Over Other Motions

Generally

Under rule XVI clause 4, the motion for the previous question is listed third in the order of precedence after the motions to adjourn and to lay on the table. As such, the previous question has precedence over the motions to postpone, to refer, or to amend. *Manual* § 911; 5 Hinds § 5301; Deschler Ch 23 § 20.7. A Member making the motion also has priority over another Member seeking recognition for debate. Deschler Ch 23 § 19.1.

The Member in charge of a proposition and having the floor may demand the previous question, notwithstanding that another Member proposes a motion of higher privilege. However, the motion of higher privilege must be put before the question is put on the previous question. *Manual* § 997; 5 Hinds § 5480; 8 Cannon § 2684; Deschler Ch 23 § 16.6. A Member having the floor may not exclude a privileged motion simply by offering a motion of lower privilege and demanding the previous question thereon. 8 Cannon § 2609.

Adjournment

Under rule XVI clause 4, the motion to adjourn takes precedence over the motion for the previous question. *Manual* § 911. However, a motion to adjourn is not in order after the previous question has been ordered on a bill to final passage under a special rule prohibiting any intervening motions. *Manual* § 1002; 4 Hinds §§ 3211–3213.

Lay on the Table

Under rule XVI clause 4, the motion to lay the pending proposition on the table takes precedence over the motion for the previous question. *Manual* § 911; 8 Cannon §§ 2658, 2660. However, the motion to table may not be applied to the motion for the previous question itself. 5 Hinds §§ 5410, 5411. The motion to table is not in order *after* the previous question is ordered, or even after the yeas and nays are ordered on the demand for the previous question. 5 Hinds §§ 5408, 5409, 5415–5422. A motion to table a motion to recommit is not in order after the previous question has been ordered on a bill to final passage under a special rule prohibiting any intervening motions. *Manual* § 1002a.

Although the motion for the previous question yields to the motion to table, if the motion to table is rejected, the question recurs on the motion

for the previous question that was pending when the motion to table was offered. Deschler Ch 23 § 20.1.

Referral or Recommittal

The previous question may be moved on a proposition while a motion to refer it is pending. 8 Cannon § 2678. However, the rule authorizing the motion to recommit (or commit) specifically permits the use of that motion after the previous question has been moved or ordered. *Manual* § 1001; see also § 13, *infra*.

Motions to Amend

The motion for the previous question takes precedence over the motion to amend. Deschler Ch 23 § 20.2. Thus, the motion for the previous question takes precedence over an amendment to, for example, a motion to recommit or a motion to instruct conferees. Deschler Ch 23 §§ 20.4, 20.5. If the motion for the previous question is voted down, the pending measure is subject to amendment. However, if the amendment is ruled out on a point of order, the previous question may again be moved and takes precedence over the offering of another amendment. Deschler Ch 23 § 20.3.

A Member, having obtained the floor to offer a preferential motion to dispose of a Senate amendment in disagreement with the Senate, may not move the previous question on that preferential motion to the end that the Member in charge of the pending proposition is denied recognition for debate. *Manual* § 997; 2 Hinds § 1459.

§ 7. Scope of Motion; Application to Particular Propositions

Generally

Under rule XIX clause 1, “the previous question may be moved and ordered on a single question, on a series of questions allowable under the rules, or on an amendment or amendments, or may embrace all authorized motions or amendments and include the bill or resolution to its passage, adoption, or rejection.” *Manual* § 994. The motion should precisely specify the scope that is intended. However, where, during the consideration of a bill, a Member states merely “I move the previous question,” without specifying the question to be voted on, the Speaker construes it as a motion for the previous question on the bill to final passage and as applicable to all intervening questions. 8 Cannon §§ 2673, 2674. On the other hand, during consideration of several motions (as in the consideration of Senate amendments reported from conference in disagreement), a simple motion for the previous question applies to the immediate question only and does not

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include other pending questions. 8 Cannon § 2676; but see Deschler Ch 23 § 14.2.

The motion for the previous question is generally applicable to any pending measure or motion that is subject to debate or amendment (*Manual* § 996) and has been held specifically applicable to:

- A proposition and a pending motion to refer the proposition to a committee. 5 Hinds § 5466; 8 Cannon § 2678.
- A pending resolution and an amendment thereto. *Manual* § 996.
- A question of approval of the Journal. Deschler Ch 23 § 14.6.
- A private bill under consideration during the call of the Private Calendar. Deschler Ch 23 § 14.5.
- A question of agreeing to a report of the Committee of the Whole that the enacting clause be stricken. 5 Hinds § 5342.
- A resolution to elect Members to committees. 8 Cannon § 2174.
- Certain amendments to a bill (leaving the remaining amendments open to debate and further amendment). 8 Cannon § 2679.
- All amendments to a bill other than a particular amendment. Deschler Ch 23 § 15.17.
- A substitute amendment. 5 Hinds § 5472.
- A question of privilege, including one involving censure of a Member or impeachment. 2 Hinds § 1256; 5 Hinds § 5460; 8 Cannon § 2672.
- A motion to limit debate pending a motion to go into the Committee of the Whole. 5 Hinds §§ 5203, 5473.
- A motion to postpone a matter to a day certain. Deschler Ch 23 § 18.2.

The previous question is not applicable to:

- A proposition that is not subject to debate or amendment or that is being considered under a procedure that precludes debate or intervening motions. 4 Hinds § 3077; Deschler Ch 23 § 14.12.
- A proposition against which a point of order is pending. 8 Cannon §§ 2681, 3433.
- A portion of a bill, including a single section. *Manual* § 996; 4 Hinds § 4930.
- More than one bill at a time (except by unanimous consent). 5 Hinds §§ 5461–5464.
- A measure being considered under a motion to suspend the rules. Deschler Ch 23 § 14.11.

Titles and Preambles

The rules of the House permit an amendment to the title of a bill after its passage. *Manual* § 922. However, it has been held that when the previous question is ordered on a bill to final passage, the order applies also to the title of the bill, thereby preventing its amendment. 5 Hinds § 5471.

The ordering of the previous question on a pending resolution does not cover the preamble thereto unless the proponent of the motion so specifies. A motion to order the previous question on the preamble is in order following the vote on the resolution. 5 Hinds § 5469 (note 2); Deschler Ch 23 §§ 14.7, 18.4. However, the motion for the previous question may be applied at once to both a resolution and its preamble. *Manual* § 1002c.

Senate Amendments; Conference Reports

The previous question may be applied to a motion to dispose of a Senate amendment in disagreement, such as a motion to recede. Deschler Ch 23 § 15.6. However, a simple motion for the previous question applies to the immediate pending proposition only and not to other pending questions. 8 Cannon § 2676; but see Deschler Ch 23 § 14.2. Similarly, a motion for the previous question may not be applied to a question on agreeing to both a conference report and to a motion to ask for a further conference on amendments not included in the report. 5 Hinds § 5465. Likewise, when the previous question is ordered on a motion to send a matter to conference, it applies to that motion alone and does not extend to a subsequent motion to instruct conferees. 8 Cannon § 2675.

Incidental Questions

The previous question covers the main proposition but does not apply to questions that arise after the previous question has been applied and that are merely incidental thereto. 8 Cannon § 2687. Thus, in one instance, it was held that the previous question applied to certain resolutions but not to the question of whether certain Members should be excused from voting thereon. 5 Hinds § 5467.

§ 8. Debate on Motion; Consideration and Disposition

Generally

The motion for the previous question is not debatable. *Manual* § 911; 5 Hinds § 5301; Deschler Ch 23 § 21.1. The motion cannot be amended. *Manual* § 452; 5 Hinds § 5754. It is not subject to a motion to table, and it cannot be postponed. *Manual* §§ 451, 998; 5 Hinds §§ 5322, 5410, 5411. Jefferson wrote, “to change it to tomorrow, or any other moment is without example and without utility.” *Manual* § 452. Indeed, he felt that it would be “absurd” to postpone the previous question, it being his view that the same result could be had simply by voting against the previous question. *Manual* § 451.

Voting

The motion for the previous question is determined by a simple majority vote, and may be ordered by less than a quorum on a motion incident to a call of the House. 5 Hinds § 5458. A motion for the previous question on an amendment to a measure and on the measure is not divisible so as to obtain separate votes on ordering the previous question on the two propositions. *Manual* § 996; Deschler Ch 23 § 14.3. When the previous question is ordered on an amendment as well as the main proposition to which it is offered, the vote is taken first on the amendment and then immediately on the proposition. Deschler Ch 23 § 15.12. An order for the previous question does not preclude a demand for a division of the question and for a separate vote on distinct substantive propositions, such as a series of resolutions. 5 Hinds § 6149; 8 Cannon § 3173.

Withdrawal of Motion; Renewal

A Member may withdraw his motion for the previous question if the House has not acted thereon, and any Member entitled to the floor thereafter may renew that motion. 8 Cannon § 2683. If the House acts on the motion and rejects it, the motion nevertheless may be renewed after debate or other intervening business. Deschler Ch 23 §§ 14.4, 22.17.

Vacating the Ordering of the Previous Question

The action of the House in ordering the previous question is subject to the motion to reconsider. *Manual* § 1006; 5 Hinds § 5655. The ordering of the previous question also may be vacated by unanimous consent. 95–1, Oct. 6, 1977, p 32600. Thus, in one instance, unanimous consent was granted to permit the consideration of an amendment to a measure, even though the previous question was operating on the measure. Deschler Ch 23 § 14.13. The Chair has also vacated the ordering of the previous question when it was improperly moved while the other side was still controlling time. *Manual* § 997.

§ 9. Effect**Generally; As Precluding Further Consideration**

Except as discussed in sections 13 and 14, *infra*, the adoption of the motion for the previous question stops all debate, precludes the offering of amendments, and brings the House to an immediate vote on the pending matter. 5 Hinds § 5321; Deschler Ch 23 §§ 15, 15.17. It cannot be modified, corrected, or changed, except by unanimous consent. 5 Hinds §§ 5482, 5485. A point of order against the pending matter on which the previous question

has been ordered may be overruled as untimely. Deschler Ch 23 § 15.21. A motion ordinarily cannot be withdrawn once the previous question has been ordered on it. *Manual* § 905; 5 Hinds §§ 5355, 5489.

As Precluding Other Motions

With the exception of the motions to reconsider or to recommit (§§ 13, 14, *infra*), the ordering of the previous question precludes the application of various motions to dispose of the pending matter, including the motion to table (5 Hinds §§ 5412–5422; 8 Cannon § 2655), the motion to postpone (5 Hinds §§ 5319–5321; 8 Cannon §§ 2609, 2616, 2617), and a motion in the House to strike the enacting clause (Deschler Ch 23 § 15.13).

§ 10. — On Debate Generally

Effect of Demand

After the previous question has been moved on a proposition, no further debate on it is in order unless the previous question is rejected. Deschler Ch 23 § 15.1. All incidental questions, including ordinary questions of order, are likewise decided without debate. *Manual* § 1000; 5 Hinds §§ 5448, 5449. However, under the present practice, the Chair may recognize and respond to a parliamentary inquiry although the previous question may have been demanded. *Manual* § 1000. The demand precludes further debate on the question of overriding a Presidential veto. Deschler Ch 23 § 15.2.

Effect of Adoption

The ordering of the previous question on a proposition under debate has the effect of terminating that debate. 5 Hinds §§ 5443, 5444; 8 Cannon § 2662. The reading of a report or other paper, being in the nature of debate, is not in order thereafter. 5 Hinds §§ 5294, 5296. The proponent's right to close debate is likewise precluded. 5 Hinds §§ 4997–5000. Propositions on which pending debate has been terminated by the motion include: an amendment offered to a resolution reported by the Committee on Rules (Deschler Ch 23 § 15.10), an amendment in the nature of a substitute (Deschler Ch 23 § 15.11), and a motion to dispose of an amendment in disagreement between the Houses (Deschler Ch 23 § 15.8). However, a question involving the privileges of the House, subject to proper notice under rule IX, may intervene and be debated, notwithstanding the ordering of the previous question on a pending proposition, unless the previous question has been ordered to final passage under a special rule prohibiting any intervening motions. 3 Hinds § 2532.

Effect of Special Rule Ordering the Previous Question

A special rule governing consideration of a matter may order the previous question to adoption or passage without intervening motion (often excepting one motion to recommit). Such a resolution nevertheless would permit debate for 10 minutes on the motion to recommit a bill or joint resolution with instructions (*Manual* § 1001; Deschler Ch 23 § 15.15) but would preclude a motion to postpone or a motion to adjourn during pendency of the matter (*Manual* § 1002; 4 Hinds §§ 3211–3213). Alternatively, a special rule that orders the previous question after debate may permit an intervening motion during debate, such as the motion to postpone. 96–2, Mar. 12, 1980, p 5388.

§ 11. — On Divided Debate**Generally**

When debate is divided by rule, or by the manager yielding time, the previous question may not be moved until the other side has used or yielded back its time. *Manual* § 997.

Forty-minute Debate

An exception to the rule that the previous question cuts off debate is found in rule XIX clause 1. It allows 40 minutes of debate where the previous question is ordered on a debatable proposition that in fact has not been debated. *Manual* § 999. This rule was adopted in 1880 to prevent passing measures without a word of debate, a frequent practice before that time. 5 Hinds § 6821. The right to 40 minutes of debate accrues only if the previous question is ordered, not merely moved. Deschler Ch 23 § 21.4. However, the 40 minutes of debate must be demanded before the House begins to vote on the main question. 5 Hinds § 5496.

Debate under the 40-minute rule is divided between the proponent of the pending proposition and an opponent. Deschler Ch 23 § 21.2.

If there has been any debate at all on the merits of the pending proposition before the ordering of the previous question, the 40 minutes of debate permitted by the rule cannot be claimed. 5 Hinds §§ 5499–5502. That time may not be demanded on a proposition that has been debated in the Committee of the Whole. 5 Hinds § 5505. The 40-minute rule does not apply to propositions that are themselves not debatable, such as a motion to close debate. 8 Cannon §§ 2555, 2690; Deschler Ch 23 § 21.7.

The word “question” in the 40-minute rule refers to the main question and does not refer to incidental motions, such as a motion to recommit a bill. 5 Hinds § 5497. “Debate” means debate on the main question and not

on something incidentally connected therewith, such as a concurrent resolution correcting an error in the section numbers of the bill. 5 Hinds § 5508.

The 40 minutes of debate may be claimed where the previous question has been ordered on an amendment that has not been debated either in the House or in the Committee of the Whole. 5 Hinds § 5503. However, the 40 minutes of debate may not be claimed with respect to an undebated amendment if the previous question was ordered both on the undebated amendment and the main proposition and the main proposition was debated. 5 Hinds § 5504.

The 40-minute rule does not apply at the inception of a Congress before the adoption of rules. 5 Hinds § 5509; Deschler Ch 23 § 21.6.

§ 12. — On Amendments

The previous question is an essential tool of the proponent of a proposition. After the previous question has been moved on a proposition, it is not subject to further amendment unless the motion is rejected by the House. Deschler Ch 23 § 15.5. If the previous question is ordered, no further amendments to the proposition are in order except for an amendment proposed in a motion to recommit with instructions. 8 Cannon § 3231; Deschler Ch 23 § 15.7; § 13, *infra*. Ordering the previous question precludes amendment to a special order reported by the Committee on Rules or to a motion to recommit with instructions. 8 Cannon §§ 2698, 2712, 3241; Deschler Ch 23 § 15.14.

Ordering the previous question on a proposition precludes amendments even if the question is not subject to debate. 5 Hinds §§ 5473, 5490. For example, the previous question may be applied in the House to the non-debatable motion to recommit in order to prevent amendment. *Manual* § 996.

Although unanimous consent may be granted for the consideration of an amendment even though the previous question has been ordered, the Speaker may decline to entertain unanimous-consent requests for that purpose. Deschler Ch 23 §§ 14.13, 15.18.

The motion for the previous question is not used in the Committee of the Whole. However, it is applicable to the work product that the Committee reports to the House. Where the previous question is ordered on some amendments reported from the Committee of the Whole, they must be disposed of before further consideration of the remaining amendments. Deschler Ch 23 § 15.19.

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Amendments also are precluded where the House is operating pursuant to a special order providing that the previous question is “considered as ordered.” Deschler Ch 23 §§ 15.15, 15.16.

§ 13. Recommittal

Generally

Rule XIX clause 2 permits a motion to recommit (or commit) the pending measure to a committee either pending the motion for or after the ordering of the previous question. *Manual* § 1001. This provision was adopted in 1880 to afford “the amplest opportunity to test the sense of the House as to whether or not the bill is in the exact form it desires.” 5 Hinds § 5443; see REFER AND RECOMMIT.

Amendment and Debate

Contrary to the early practice, the opponents of the bill are given priority in recognition to move to recommit it to a committee. *Manual* §§ 1001, 1002; 2 Hinds § 1456. The motion to recommit under this rule may be amended, as by adding instructions, unless such amendment is precluded by moving the previous question on the motion. 5 Hinds §§ 5582–5584; 8 Cannon § 2695.

A motion to recommit with instructions commonly provides that the committee report “forthwith.” If the motion is adopted, the committee chairman immediately reports to the House in conformity with the instructions; and the bill, as modified, is automatically before the House again. The House then votes separately on the amendments, which are not subject to further amendment if the previous question has been ordered on the bill to passage. The previous question, when ordered on the bill, continues in force until disposition of the bill and is not vitiated by its recommitment. Thus, where the previous question is moved on a resolution and an amendment thereto, and the House orders it recommitted with instructions to report with an amendment forthwith, the previous question remains operative to bar a subsequent amendment. 8 Cannon § 2677.

§ 14. Reconsideration

The vote on ordering the previous question on a measure is subject to the motion to reconsider. 5 Hinds § 5655. However, a motion to reconsider that vote may not be entertained if the House has partially executed that order, as by voting on an amendment. 5 Hinds §§ 5653, 5654. The vote ordering the previous question on a special order reported from the Committee

on Rules may be reconsidered and such reconsideration is not dilatory under rule XIII clause 6(b). *Manual* §§ 858, 1006; see also RECONSIDERATION.

A motion to reconsider a vote on a proposition may be made after the previous question has been demanded on the proposition or even after it has been ordered and while it is operating. *Manual* § 1005; 5 Hinds §§ 5656–5662. Under the modern practice, where the House votes to reconsider a proposition on which the previous question was operating when first voted on, no debate is in order except by unanimous consent. Deschler-Brown Ch 29 § 6.51.

§ 15. Rejection of Motion—As Permitting Further Consideration

Generally

The defeat of the motion for the previous question on a pending proposition ordinarily opens up that proposition to further consideration, amendment, and debate. Deschler Ch 23 §§ 22.1–22.5. However, the rejection of the motion for the previous question on a measure that is not subject to amendment, such as a conference report, does not open the measure to amendment but only extends the time for debate thereon. Deschler Ch 23 § 22.15. Similarly, if a pending proposition is not debatable, but is vulnerable to an amendment, the defeat of the previous question does not provide time for debate but only the opportunity for amendment. Deschler Ch 23 § 22.8.

Motions

The rejection of the previous question can open a motion to further amendment. Examples include motions to instruct conferees, to recede and concur in a Senate amendment, to recommit a bill with instructions, and to recommit a conference report. Deschler Ch 23 §§ 22.12, 22.13, 22.16.

§ 16. — As Affecting Recognition

If the previous question is voted down on a proposition, recognition passes to an opponent of the motion for the previous question. Deschler Ch 23 §§ 23.1, 23.5. Thus, the previous question on a resolution being voted down, the Speaker may recognize a Member who led that effort, who may offer an amendment and be recognized for one hour. Deschler Ch 23 §§ 23.2, 23.5. However, recognition of such Member could be preempted by another Member with a preferential motion, such as the motion to lay on the table. *Manual* § 954. The recognition of the Member is not precluded by the fact that he has been previously recognized to offer an amendment. Deschler Ch 23 § 23.4.

The practice of bestowing recognition on a Member leading the opposition upon rejection of the previous question is applied to a resolution from the Committee on Rules and to a motion to instruct conferees. Deschler Ch 23 §§ 23.6, 23.7.

In recognizing one of the leaders of the opposition when the previous question is rejected, the Chair gives preference to a Member of the minority if he actively opposed ordering the previous question. Deschler Ch 23 § 23.1. However, where no minority member so qualified seeks recognition, a majority member who opposed the previous question on the pending proposition may be recognized. Deschler Ch 23 § 23.8.

§ 17. Effect of Adjournment When Previous Question Operating

If the House adjourns without voting on a proposition on which the previous question has been ordered, the question comes up on the next legislative day. 8 Cannon §§ 2693, 2694; Deschler Ch 23 §§ 15.22, 24.2. The proposition is taken up as unfinished business immediately after disposal of business on the Speaker's table. 5 Hinds §§ 5510–5517; 8 Cannon § 2674; Deschler Ch 23 § 24.2. Multiple bills coming over from a previous day with the previous question ordered thereon have precedence in the order in which the several motions for the previous question were made. 5 Hinds § 5518. A proposition coming over from the preceding day with the previous question ordered thereon has been held to take precedence over a motion for the disposition of a veto message from the President and to take precedence over a motion to go into the Committee of the Whole for the consideration of a bill privileged by special order. 8 Cannon §§ 2674, 2693; generally, see UNFINISHED BUSINESS.