

Previous Question

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Research References

- 5 Hinds §§ 5443–5520, 5569–5604
- 8 Cannon §§ 2661–2694
- 7 Deschler Ch 23 §§ 14–24
- Manual §§ 461–463, 804–811

§ 1. In General

Function and Purpose

The motion for the previous question is used during the consideration of a matter to terminate debate, foreclose the offering of amendments, and to bring the House to an immediate vote on the main question. § 9, *infra*. It is the only motion used for this purpose in the House. 5 Hinds § 5456; 8 Cannon § 2662. It is authorized by Rule XVII clause 1 (*Manual* § 804) and is an essential motion in the procedure of the House.

The import of the previous question, in Jefferson’s language, is “shall the main question be now put?” *Manual* § 452. If the House by majority

vote agrees to the motion, consideration ordinarily ceases and the House is brought to a direct vote on the pending proposition. *Manual* § 804. If the House disagrees to the motion, it throws the main question open to further consideration (§ 15, *infra*), and transfers the right of recognition to those Members who opposed the motion (§ 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 surpress a question which 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.

As a result, debates from 1807–1811 were prolonged. Finally, in 1811, after an appeal had been taken from a ruling to the contrary by the Speaker, the House decided that there could be no debate after the previous question was ordered, and this decision was adhered to in subsequent rulings by the Speaker. See 11–3, Mar. 2, 1811, H. Jour. p 611.

The previous question was incorporated into the House rules in 1840. See 25–1, Jan. 14, 1840, *Globe* p 121. To moderate the harsh effects of the rule, seen by some as a way of surpressing a minority, the number required to order the previous question was changed from one-fifth to a majority (see 12–1, H. Jour. pp 402, 406), 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 § 6821. In addition, 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.

It is also in order to make a motion and simultaneously demand the previous question on the motion. 5 Hinds §§ 5477–5479.

Where, during the consideration of a bill, a Member states merely “I move the previous question,” without further specificity as to 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. However, when the House has before it several motions, a simple motion for the previous question applies to the immediate proposition only and does not include other pending questions. See 8 Cannon § 2676.

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:

That at the conclusion of general debate the previous question shall be considered as ordered on _____ [*resolution or other proposition*] to final passage without intervening motion, except one motion to recommit.

When the House is operating under such a rule, the Chair states the motion (“under the rule, the previous question is ordered”) and so a motion for the previous question from the floor is unnecessary. 7 Cannon § 776.

Time Certain Provisions

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.

§ 3. — When in Order; Quorum Requirements

The previous question is one of those motions that is in order under the rules of the House “when a question is under debate.” Rule XVI clause 4. It is considered a fundamental rule of parliamentary procedure, and as such it 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 (5 Hinds § 5456; 8 Cannon § 2662) and in the House *as in* Committee of the Whole (6 Cannon § 639). See also Deschler Ch 23 § 14.10. The motion is not in order in the Committee of the Whole (4 Hinds § 4716; Deschler Ch 23 § 14.8; *Manual* § 805), but may be moved in the House on an amendment reported from the Committee of the Whole (Deschler Ch 23 § 14.9).

The previous question is ordered by a majority of those voting, a quorum being present. Rule XVII. 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 bill has the prior right to recognition and may move the previous question at any time during the hour allotted to him. 8 Cannon § 3231. While he has the floor he may move the previous question and thereby cut off debate (89–1, Jan. 4, 1965, p 20), even if the effect of the motion is to terminate debate time previously yielded to the minority (95–1, Mar. 9, 1977, p 6816). Other Members may not interpose the previous question during such time as the Member in charge is holding the floor (*Manual* § 807; 2 Hinds § 1458), even though he may not yet have begun his remarks (2 Hinds § 1458). And although he may have surrendered the floor “for debate only,” he is entitled to prior recognition to move the previous question when he again regains the floor. 8 Cannon § 2682. 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 so moving may be to deprive the Member in charge of control of his measure. 5 Hinds § 5476; 8 Cannon § 2685; *Manual* § 807.

Proponent of Amendment

A Member holding the floor in debate may offer an amendment to the pending proposition and move the previous question on the amendment and on the pending proposition. 95–1, Dec. 6, 1977, p 38393. While the previous question takes precedence over a motion to amend (§ 6, *infra*), the proponent of an amendment, having been recognized for debate, may not be taken from the floor by another Member who seeks to move the previous question. Deschler Ch 23 § 20.7; 90–2, May 8, 1968, p 12262. 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 making 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 having the floor may yield time to others for the sole purpose of debate, and still retain the right to resume debate or move the previous question. 8 Cannon § 3383. But where the Member in charge yields to another Member to offer an amendment to his proposition, he loses the floor and the Member to whom yielded is recognized for one hour and may move the previous question on the amendment and on the measure itself. 95–1, Dec. 6, 1977, p 38393. 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. But 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, 16.4. And a Member who yields the time to another Member for debate may still be recognized at the end of that time to move the previous question. Deschler Ch 23 § 16.5.

If the Member controlling the floor on a measure yields to a second Member to offer an amendment, a third Member may move the previous question before the second Member is recognized to offer his amendment. Deschler Ch 23 § 14; *Manual* § 807.

§ 5. Precedence; Intervention of Other Matters**Generally**

The motion for the previous question is privileged, and takes precedence over another Member seeking recognition for debate (Deschler Ch 23 § 19.1) or to offer an amendment (Deschler Ch 23 § 20.7). The Chair having recognized a Member in charge of a bill for the motion for the previous question, a Member may not be recognized to rise to a question of personal privilege. Deschler Ch 23 § 17.2. However, a message from the Senate (Deschler Ch 23 § 19.4) or the presentation of a conference report (5 Hinds § 6449) is in order notwithstanding the fact that the previous question has been moved or ordered on a pending proposition.

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 (5 Hinds §§ 6831–6833), and is admitted at the

Speaker's discretion notwithstanding the ordering of the previous question on a pending measure (5 Hinds §§ 6827, 6833; 8 Cannon § 3418).

§ 6. — Precedence Over Other Motions

Generally

The House rule that establishes the precedence of motions when a matter is under debate lists the motion for the previous question after the motions to adjourn and to lay on the table. Rule XVI clause 4. The motion for the previous question must therefore yield to those motions. 5 Hinds § 5301. The same rule names the previous question ahead of the motions to postpone, to refer, or to amend, and it is over these motions that the motion for the previous question takes precedence. *Manual* § 782.

The Member in charge of a bill and having the floor may demand the previous question notwithstanding that another Member proposes a motion of higher privilege. 8 Cannon § 2684; *Manual* § 807. Likewise, a Member having the floor to offer a motion may move the previous question thereon, although another claims recognition to offer a motion of higher privilege. Deschler Ch 23 § 16.6. However, the motion of higher privilege must be put before the question is put on the previous question. 5 Hinds § 5480; 8 Cannon § 2684; *Manual* § 807. 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

The motion for the previous question yields to the motion to adjourn under the standing rules of the House. *Manual* § 782. 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. 4 Hinds §§ 3211–3213.

Lay on the Table

The motion to lay on the table takes precedence over the motion for the previous question with respect to the pending proposition. 8 Cannon §§ 2658, 2660; *Manual* § 782. However, the motion to table may not be applied to the motion for the previous question itself. 5 Hinds §§ 5410, 5411. And the motion to table is not in order *after* the previous question is ordered (5 Hinds §§ 5415–5422), or even after the yeas and nays are ordered on the demand for the previous question (5 Hinds §§ 5408, 5409).

While 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 which 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 previous question specifically permits the use of a motion to commit after the previous question has been moved or ordered. *Manual* § 804. See also § 13, *infra*.

Motions to Amend

The motion for the previous question takes precedence over motions to amend. Deschler Ch 23 § 20.2; 96–1, July 24, 1979, p 20385. Thus, the motion for the previous question takes precedence over amendments to motions, such as a motion to recommit (Deschler Ch 23 § 20.4) or to instruct conferees (Deschler Ch 23 § 20.5). Of course, if the motion for the previous question is voted down, the pending measure is subject to amendment. But 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.

Where a Member intervenes in a pending proceeding (where a motion to dispose of a Senate amendment is pending) to make a preferential motion to dispose of the amendment in disagreement with the Senate, he may not move the previous question on that motion as against the right of the Member in charge. 2 Hinds § 1459; *Manual* § 807.

§ 7. Scope of Motion; Application to Particular Propositions

Generally

The House rule which permits the motion for the previous question permits its use in a variety of legislative situations. The motion may be sought on “a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection.” Rule XVII clause 1 (*Manual* § 804). The term “bill” as used in this rule is a generic term which includes all legislative propositions which could properly come before the House. 5 Hinds § 5572. Thus, the previous question may be moved on the pending measure and all amendments thereto, or merely on a pending amendment. 90–1, Jan. 10, 1967, pp 31–33; 94–2, Mar. 17, 1976, p 6789. If not otherwise specified, the motion for the previous question applies to all pending motions or amendments. Deschler Ch 23 § 14.2.

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The motion for the previous question is generally applicable to any pending measure or motion which is subject to debate or amendment and has been held specifically applicable to:

- The main proposition and a pending motion to refer it to a committee. 5 Hinds § 5466; 8 Cannon § 2678.
- A pending resolution and an amendment thereto. *Manual* § 806.
- The 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.
- The question of agreeing to a report of the Committee of the Whole that the enacting clause be stricken. 5 Hinds § 5342.
- Resolutions 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.
- Questions of privilege, such as those involving censure of Members 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, and may not be demanded on:

- A proposition which is not subject to debate or amendment (4 Hinds § 3077), or which is being considered under procedure which precludes debate or intervening motions (Deschler Ch 23 § 14.12).
- A proposition against which a point of order is pending. 8 Cannon §§ 2681, 3433.
- A single section of a bill. 4 Hinds § 4930; *Manual* § 806.
- 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 and agree thereto. Deschler Ch 23 § 14.11.

Titles and Preambles

The rules of the House permit the offering of an amendment to the title of a bill after its passage. *Manual* § 822. 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. See 5 Hinds § 5469 (note 2) and Deschler Ch 23 §§ 14.7, 18.4.

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 does not apply to other pending questions. 8 Cannon § 2676. Similarly, a motion for the previous question may not be applied to a motion to agree to a conference report and also to a motion to ask 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 are merely incidental thereto. 8 Cannon § 2687. Thus, in one instance, it was held that the pending 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 (5 Hinds § 5301; Deschler Ch 23 § 21.1; *Manual* § 782) and cannot be amended (5 Hinds § 5754; *Manual* § 452). It is not subject to a motion to table (5 Hinds §§ 5410, 5411; *Manual* § 809) and it cannot be postponed. 5 Hinds § 5322; *Manual* § 451. “To change it to tomorrow, or any other moment,” Jefferson wrote, “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. Deschler Ch 23 § 14.3. 101–2, Sept. 25, 1990, p _____. See also *Manual* § 806. But 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. And 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 (8 Cannon § 3173), such as a series of resolutions (5 Hinds § 6149).

Withdrawal of Motion; Renewal

A Member may withdraw his motion for the previous question, if the House has not acted thereon (94–1, Mar. 26, 1975, p 8897), 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 may nevertheless be renewed after debate or other intervening business. See 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 (5 Hinds § 5655; 8 Cannon § 2790) and may, by unanimous consent, be vacated. 86–2, Aug. 26, 1960, p 17869; 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.

§ 9. Effect

Generally; As Precluding Further Consideration

The adoption of the motion for the previous question by a majority vote stops all debate, precludes the offering of amendments, and brings the House to an immediate vote on the pending matter. Deschler Ch 23 §§ 15, 15.17. That is, with the exceptions discussed below (§§ 13, 14, *infra*) the House consideration of the proposition terminates. 5 Hinds § 5321. It cannot be modified, corrected, or changed, except by unanimous consent. 5 Hinds §§ 5482, 5485. And a point of order against it may be ruled out as untimely. Deschler Ch 23 § 15.21. The ordering of the previous question also affects the right of a proponent to withdraw his proposal. A motion cannot ordinarily be withdrawn once the previous question has been ordered on it. 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 out the enacting clause (Deschler Ch 23 § 15.13).

Where a special order providing for the consideration of a matter states that the previous question shall be considered as ordered thereon without intervening motion, and does not simply state that the previous question be considered as ordered after debate, the previous question is considered as ordered from the beginning of the debate, precluding the consideration of any intervening motion, such as the motion to postpone. 96–2, Mar. 12, 1980, p 5388.

§ 10. — On Debate Generally**Effect of Demand**

Where the previous question is moved on a proposition, no further debate on it is in order unless the previous question is rejected when the House votes on the motion. Deschler Ch 23 § 15.1. All incidental questions—except questions of privilege (3 Hinds § 2532)—are likewise decided without debate (5 Hinds §§ 5448, 5449). While the Chair has on rare occasions entertained a parliamentary inquiry following the demand for the previous question, an inquiry directed to the Member holding the floor is in the nature of debate and is not in order. 5 Hinds § 5481. The demand precludes further debate even on questions requiring a two-thirds vote for passage, such as 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). But a question involving the privileges of the House (3 Hinds § 2532) may intervene and may be debated

notwithstanding the ordering of the previous question on a pending proposition.

Effect of Special Rule Ordering the Previous Question

When a bill is reported to the House from the Committee of the Whole pursuant to a resolution providing that the previous question “shall be considered as ordered,” further debate in the House is precluded. Deschler Ch 23 § 15.18. However, 10 minutes’ debate on a motion to recommit with instructions still would be in order. See Deschler Ch 23 § 15.

§ 11. — On Divided Debate

Generally

As noted elsewhere, debate is sometimes divided by rule between a proponent and an opponent, such as under the 40-minute rule. See CONSIDERATION AND DEBATE. Where under a rule of the House debate time on a motion or proposition is equally divided and controlled by the majority and the minority, or between those in favor and those opposed, the previous question may not be moved until the other side has used or yielded back its time; on occasion, the Chair has vacated the adoption of the previous question where it was improperly moved while the other side was still seeking time. 101–1, Oct. 3, 1989, p ____.

Forty-minute Debate

An exception to the rule that the previous question cuts off debate is found in Rule XXVII clause 3. It allows 40 minutes of debate where the previous question is ordered on a debatable proposition which has not in fact been debated. *Manual* § 907. This rule was adopted in 1880 to prevent passing measures without a word of debate, a frequent practice prior to that time. 5 Hinds § 6821. The right to 40 minutes of debate accrues only if the previous question is in fact ordered, not merely moved. Deschler Ch 23 § 21.4. But the 40 minutes’ debate time must be demanded before the House begins to vote on the main question. 5 Hinds § 5496.

The debate time under the 40-minute rule is divided between the Member demanding the time and a Member who represents the opposing view of the matter. Deschler Ch 23 § 21.2. If, after recognition of two Members under the 40-minute rule, it appears that both Members favor the proposition, the Speaker may require that each yield half of his time to those opposing the motion. 8 Cannon § 2689.

The 40-minute rule stipulates that it is applicable to “a debatable proposition on which there has been no debate.” Rule XXVII clause 3 (*Manual* § 907). If there has been any debate at all prior to the ordering of the pre-

vious question (5 Hinds §§ 5499–5501), and such debate was on the merits of the pending proposition (5 Hinds § 5502), the 40 minutes of debate permitted by the rule cannot be claimed. That time may not be demanded on a proposition which has been debated in the Committee of the Whole. 5 Hinds § 5505. The 40-minute rule does not apply to propositions which are themselves not debatable, such as a motion to close debate. 8 Cannon §§ 2555, 2690; Deschler Ch 23 § 21.7.

The word “proposition” in the 40-minute rule refers to the bill or other main question, and does not refer to incidental motions, such as a motion to recommit the bill. 5 Hinds § 5497. “Debate” means debate on the bill or other main proposition 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 moved on an amendment which has not been debated either in the House or in the Committee of the Whole. 5 Hinds § 5503. But the 40 minutes of debate time may not be claimed with respect to an undebated amendment if the previous question was moved both on the undebated amendment and the main proposition, if the main proposition has been debated. 5 Hinds § 5504.

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

§ 12. — On Amendments

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; 89–1, Jan. 4, 1965, p 19. If the House agrees to the motion and thereby orders the previous question, no further amendments to the proposition may be considered (90–1, Jan. 10, 1967, pp 31–33; 93–1, June 13, 1973, pp 19337–44), except for an amendment coming before the House pursuant to a motion to commit with instructions (§ 13, *infra*).

The motion for the previous question is not used in the Committee of the Whole, but is applicable to the work product of the committee.

The previous question is an essential tool of the proponent of a proposition. Amendments to a pending motion are precluded when the previous question is ordered on the motion (8 Cannon § 3231; 95–2, Feb. 22, 1978, p 4074), even if the motion is not subject to debate. 5 Hinds §§ 5473, 5490. Thus, the previous question may be applied in the House to the nondebatable motion to limit general debate in Committee of the Whole, in order to prevent amendment. 5 Hinds § 5473.

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Where the previous question has been ordered on a special order reported by the Committee on Rules (Deschler Ch 23 § 15.14) or on a motion to recommit with instructions (8 Cannon §§ 2698, 2712, 3241), amendments are precluded.

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

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 may be had. Deschler Ch 23 § 15.19.

The foreclosure of amendments also results where the House has adopted and 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

The rule providing for the previous question authorizes the Speaker, pending the motion for or even after the ordering of the previous question, to entertain a motion to recommit the pending bill to a committee. Rule XVII clause 1 (*Manual* § 804). This provision was adopted in 1880 so as 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.

Amendment and Debate

Contrary to the early practice (2 Hinds § 1456), the opponents of the bill are entitled to prior recognition to move to refer it to a committee (*Manual* § 808). The motion to commit 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).

Recommittal motions with instructions commonly provide that the committee report “forthwith.” If the recommittal 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 votes separately on this amendment, and this amendment is not subject to further amendment if the previous question is ordered thereon. The previous question when ordered on the bill and which “triggers” the motion to recommit, continues in force until final 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 Canon § 2677.

It has been held that the motion to recommit under Rule XVII may not be applied solely to an amendment to a measure—that the motion must be applied to the amendment and to the main proposition. 5 Hinds § 5573.

Recommittal Pending Final Passage

The motion to recommit a bill or joint resolution after the previous question has been ordered on the question of final passage is authorized by Rule XVI clause 4. *Manual* § 782. The Committee on Rules is precluded by Rule XI clause 4(b) from reporting a special order which would prevent the motion to recommit from being made as so authorized. *Manual* § 729a. The rule prohibiting special orders that wholly preclude the motion to recommit under Rule XVI clause 4 does not apply to special orders restricting the recommittal of simple or concurrent resolutions. See 100–2, May 4, 1988, p 9865. See REFER AND RECOMMIT.

§ 14. Reconsideration

The vote on the ordering of the previous question on a measure is subject to one 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.

A motion to reconsider a vote on a proposition may be made after the previous question has been demanded on the proposition (5 Hinds § 5656) or even after it has been ordered and while it is operating (5 Hinds §§ 5657–5662; *Manual* § 814). 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, 96–2, May 29, 1980, pp 12663–66; 96–2, July 2, 1980, p 18356.

§ 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; 90–1, Mar. 9, 1967, pp 6035–42, 6048; 91–1, Oct. 8, 1969, p 29219. However, the rejection of the motion for the previous question on a measure that is not subject to amendment does not open the measure to amendment but only extends the time

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for debate thereon. 95–1, Nov. 2, 1977, p 36613. Similarly, if a pending proposition is not debatable, but is vulnerable to an amendment, the defeat of the previous question does not provide debate time but only the opportunity for amendment. Deschler Ch 23 § 22.8.

Motions

The rejection of the previous question opens up the pending proposition to further consideration and amendment where the pending proposition is a motion, such as a motion to instruct conferees (Deschler Ch 23 § 22.12), a motion to recede and concur in a Senate amendment (Deschler Ch 23 § 22.13), or to a motion to recommit a conference report (Deschler Ch 23 § 22.16). But the voting down of the previous question on a conference report merely extends the time for debate and does not afford an opportunity to amend the report. Deschler Ch 23 § 22.15.

§ 16. — As Affecting Recognition

If the previous question is voted down on a proposition, recognition passes to an opponent of the proposition. Deschler Ch 23 §§ 23.1, 23.5. Thus, the previous question on a resolution being voted down, the Speaker may recognize a Member opposed to the resolution (Deschler Ch 23 §§ 23.2, 23.5), who may offer an amendment and be recognized for one hour (96–1, June 13, 1979, pp 14650, 14651). 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 (Deschler Ch 23 § 23.6) and to a motion to instruct conferees (Deschler Ch 23 § 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. But 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 Pending

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 (Deschler Ch 23 § 24.2) imme-

diately after disposal of business on the Speaker's table (5 Hinds §§ 5510–5517; 8 Cannon § 2674). 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 (8 Cannon § 2693) and takes 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). Generally, see UNFINISHED BUSINESS.