

Suspension of Rules

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Research References

- 5 Hinds §§ 6790–6862
- 8 Cannon §§ 3397–3426
- 6 Deschler Ch 21 §§ 9–15
- Manual §§ 902–907

§ 1. Generally; Motions to Suspend

In General

A motion to suspend the rules is authorized by House Rule XXVII clause 1, adopted in its original form in 1822. *Manual* § 902. The motion is privileged (§ 5, *infra*), but is in order only on the days specified by the rule (§ 4, *infra*), with recognition to make the motion being at the discretion of the Speaker (§ 6, *infra*). The motion, which no longer requires a second (§ 6, *infra*), is debatable for 40 minutes (§ 7, *infra*), is not amendable (§ 8, *infra*), and requires a two-thirds vote for adoption (§ 10, *infra*).

Effect of Special Rules From the Committee on Rules

The Committee on Rules may report a resolution authorizing the consideration of a bill on which suspension has been rejected by the House. 8 Cannon § 3392; Deschler Ch 21 § 15.8. The House may also adopt a special rule to permit suspension motions on other days of the week or to permit the House to suspend the rules by majority vote as distinguished from a two-thirds vote. 8 Cannon § 3393.

§ 2. Uses of the Motion

In General

In the early practice the motion to suspend the rules was used only to enable a matter to be taken up. 5 Hinds §§ 6852, 6853. Under the modern practice, it is possible by one motion both to bring a matter before the House and pass it under suspension of the rules. The proponent moves “to suspend the rules and pass” the bill. 5 Hinds §§ 6846, 6847. In this form, all rules which would ordinarily impede an immediate vote on passage of a measure are set aside. The underlying bill is passed without the intervention of questions such as ordering the previous question, third reading, or recommittal. See § 5, *infra*.

A motion to suspend the rules may provide for the discharge of a committee from the consideration of a bill and for the final passage of it. 5 Hinds § 6850. Indeed, the motion to suspend may provide for a series of procedural steps, such as the reconsideration of the vote passing a bill, the amendment of the bill, and its passage again. 5 Hinds § 6849. Forms for offering motion, see § 6, *infra*.

To Pass Legislative Measures

Under the modern practice, the motion to suspend the rules is used frequently to pass reported legislative measures which are perceived to have a broad degree of support and little need for prolonged debate. It is also available to bring before the House bills which would otherwise be subject to the inhibitions of other House rules and to a point of order. See 8 Cannon § 3424; Deschler Ch 21 § 9. The motion may provide for the passage of a bill even if the bill has not been reported or referred to any calendar or even previously introduced. 8 Cannon § 3421. The motion may be used (*inter alia*):

- To adopt a proposed amendment to the U.S. Constitution (both the motion and the amendment requiring a two-thirds vote). Deschler Ch 21 § 9.21.
- To pass an original bill or resolution submitted from the floor and not considered by a committee. Deschler Ch 21 § 9.19.
- To pass a bill which is pending before a committee but which has not been reported. Deschler Ch 21 § 9.
- To pass a Senate bill similar to a House bill. Deschler Ch 21 § 9.3.
- To pass a Senate bill as amended, insist on the House amendment and request a conference. 103–2, Mar. 24, 1994, p ____.

- To take a bill from the Speaker's table and agree to Senate amendments. 8 Cannon § 3425.
- To pass a resolution providing for concurrence in nongermane Senate amendments to a House bill or for concurrence with a further House amendment. 93-1, Dec. 21, 1973, p 43251.

If a motion to suspend the rules and pass a proposition is voted down, a similar proposition may be brought up under another motion to suspend the rules (Deschler Ch 21 § 15.7) or pursuant to a special rule from the Committee on Rules (Deschler Ch 21 § 15.8).

To Provide Special Orders

In the early practice, the motion to suspend the rules was used frequently to adopt special orders for the consideration of business. 5 Hinds § 6820. Today, special rules or orders for the consideration of particular business are usually adopted pursuant to a simple majority vote of the House on a report from the Committee on Rules (4 Hinds § 3169; 5 Hinds § 6790) or by unanimous consent (Deschler Ch 21 § 9), but motions to suspend the rules are still used:

- To adopt special orders of business without a report by the Committee on Rules. Deschler Ch 21 §§ 9.13-9.18.
- To permit several bills to be reported. 5 Hinds § 6857.
- To take up for consideration a House joint resolution with Senate amendments and agree to a conference. Deschler Ch 21 § 9.13.
- To agree to a conference report which has been ruled out of order by the Speaker (93-2, Dec. 20, 1974, p 41860) or which has not been printed (8 Cannon § 3423), or which contains matter not in disagreement between the two Houses (8 Cannon § 3406).
- To recommit a conference report to a conference committee. Deschler Ch 21 § 9.5.
- To adopt a resolution extending the time for debate on a motion. Deschler Ch 21 § 9.18.

§ 3. Rules Suspended by Adoption of Motion

In General

If not otherwise qualified, and if not specifically prohibited by House rule, a motion to suspend the rules, if adopted, suspends all rules, including the standing rules of the House, the unwritten law and practice of the House (8 Cannon § 3406), as well as the parliamentary rules as stated in Jefferson's Manual (5 Hinds § 6796). The motion may be used to suspend a rule requiring that a quorum be present when a bill is reported from committee. 102-2, Sept. 22, 1992, p _____. And no points of order against the consideration of the bill may be raised, such as points of order based on defects in report-

ing the bill, Ramseyer rule violations, or the like. Deschler Ch 21 §§ 9.7–9.12.

Rules Not Subject to Suspension

Where a particular rule of the House states that its requirement is not subject to suspension, the Speaker may not entertain a motion for the suspension of that particular requirement. 5 Hinds §§ 7270, 7283, 7285. Among these rules are:

- The rule relating to the use of the Hall of the House. *Manual* § 918.
- The rule relating to the privileges of the floor. *Manual* § 919.
- The rule prohibiting the introduction of gallery occupants. *Manual* § 764.

§ 4. When Motion is in Order; Notice

The motion to suspend the rules is in order only on the calendar days of Monday and Tuesday, and during the last six days of a session. Rule XXVII clause 1. *Manual* § 902. However, the Speaker may be authorized to recognize for motions to suspend the rules on other days by unanimous consent (Deschler Ch 21 § 10.2) or by resolution (Deschler Ch 21 § 10.3). The “last six days” are not applicable until both Houses have agreed to a concurrent resolution establishing a date for *sine die* adjournment (or until the final six days of a session under the Constitution). 92–2, Oct. 3, 1972, p 33501.

Separate days were formerly accorded to committee motions and motions offered by individual Members, but this distinction is no longer recognized. Deschler Ch 21 § 11.1.

Notice Requirements

The rules and precedents of the House require no advance notice to Members of bills called up under suspension. 95–2, Mar. 20, 1978, p 7535. And copies of reports on bills considered under suspension are not required to be available in advance. 96–1, May 21, 1979, p 11943. However, most bills considered in the House pursuant to a motion to suspend the rules are on a list maintained by the leadership which identifies those bills on which motions to suspend will be entertained by the Speaker on a given day. This list is maintained so as to give appropriate notice to the Members, and ordinarily only such bills as have been cleared with the leadership through this procedure are brought up under suspension. Deschler Ch 21 § 9.

§ 5. Precedence of Motion; Application of Other Motions

When the Motion Takes Precedence

The consideration of a motion to suspend the rules and pass a measure is privileged in the House if made on a day on which the Speaker is authorized to recognize for such motions. Thus the Speaker may recognize for such a motion notwithstanding the pendency on Monday of a request for recognition to consider District of Columbia business, the matters being of equal privilege. Deschler Ch 21 § 10.7. The motion is also of equal privilege with the motion to instruct conferees after 20 days of conference. 100–2, Mar. 1, 1988, p 2750.

Where the motion provides for both suspension of the rules and action on the proposition, it is entertained although the yeas and nays may have been demanded on another highly privileged motion (5 Hinds § 6835), or although the previous question may have been ordered or moved on another matter (5 Hinds §§ 6827, 6831–6833; 8 Cannon § 3418). The motion is admitted pending a decision on a point of order on the pending matter. 8 Cannon §§ 3422, 3424.

When Motion Yields

When a question of the privilege of the House is pending, such as an election contest, that question takes precedence over a motion to suspend the rules. 5 Hinds § 6825. Similarly, if a question as to the administration of the oath of office of a Member is pending, a motion to suspend the rules is not in order. 5 Hinds § 6826. The motion also yields to the consideration of a bill under a special order (5 Hinds § 6838), motions from the Discharge Calendar (7 Cannon § 1018), and the motion to adjourn (5 Hinds §§ 5743–5746), but only one motion to adjourn (8 Cannon § 2823; Deschler Ch 21 § 13.16) unless a quorum fails (5 Hinds §§ 5744, 5746).

Since there cannot be two motions to suspend the rules pending at the same time (5 Hinds §§ 6836, 6837), a pending motion must be disposed of before another one can be entertained by the Chair. 5 Hinds § 6814.

Application of Other Motions

Many motions which are commonly offered during the consideration of a measure are inapplicable to the motion to suspend. The motion to suspend may not be tabled (5 Hinds § 5406), postponed by motion (5 Hinds § 5322), recommitted (5 Hinds § 6860), or divided for a vote (5 Hinds §§ 6141–6143, 6860). The motion to amend may not be applied to a motion to suspend the rules (5 Hinds § 5405), and the motions for the previous question and

to recommit are not applicable to a proposition being considered under suspension (Deschler Ch 21 § 13.17).

The motion to reconsider may not be applied to a negative vote on the motion to suspend. 5 Hinds § 5645; 8 Cannon § 2781.

§ 6. Offering the Motion; Recognition

The Speaker's Discretion

The Speaker is not required to recognize for motions to suspend the rules. 5 Hinds §§ 6791–6794. On suspension days, recognition for a motion to suspend the rules lies entirely within the discretion of the Speaker. 5 Hinds §§ 6791–6794; 8 Cannon §§ 3402–3404; Deschler Ch 21 §§ 11.4–11.6. In the exercise of his discretion, the Speaker may recognize for a motion to suspend the rules on a bill even though the House has previously rejected a similar motion on the same bill. Deschler Ch 21 § 11.9.

As noted elsewhere (§ 4, *supra*), bills and resolutions to be brought up under suspension are normally cleared with the leadership, and the Speaker may decline recognition for a motion which does not comply with this practice, but he has the discretion to recognize for a motion to suspend the rules and pass emergency legislation which has not been scheduled in advance. Deschler Ch 21 § 9.22.

For many years, the motion to suspend the rules required a second, so that the House, without debate, could decline to entertain the motion. A second was usually considered ordered by unanimous consent; but if challenged the question was determined by a vote with tellers. The practice of requiring a second was dropped by a change in the rules adopted in the 102d Congress. 102–1, Jan. 3, 1991, p ____ (H. Res. 5).

The Speaker ordinarily extends recognition to the chairman of the committee having jurisdiction over the subject matter of the proposition. Deschler Ch 21 §§ 11.10–11.13. The chairman is not required to have the authorization of his committee to so move. Deschler Ch 21 § 11.11.

Forms

Mr. Speaker, I move to suspend the rules and to pass the bill, H.R. _____ [as amended].

Note: The title of the bill is read by the Clerk; the Member's motion need not recite the title.

Mr. Speaker, I move to suspend the rules and agree to the House Resolution, H. Res. _____ [as amended].

Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill H.R. _____.

Mr. Speaker, I move to suspend the rules and adopt [or recommit] the conference report on H.R. _____.

Mr. Speaker, I move to suspend the rules and agree to the resolution I send to the desk.

§ 7. Consideration and Debate

Reading Requirements

Under the early practice, it was held that the motion to suspend the rules did not dispense with the reading of the bill called up for consideration pursuant to the suspension procedure. 5 Hinds § 5277; 8 Cannon § 3400. Under the modern suspension practice, the motion is itself read, as is the title of the bill being considered, but other reading requirements are ordinarily deemed waived. Deschler Ch 21 § 14.4.

Debate

A motion to suspend the rules is debatable under Rule XXVII clause 2 even though the proposition presented is itself not otherwise debatable. 5 Hinds § 6822. Debate should be confined to the object of the motion and may not range to the merits of a bill not scheduled for suspension on that day. 102–1, Nov. 23, 1991, p ____.

Motions to suspend the rules are debatable for 40 minutes under the controlling rule, with 20 minutes to be given to debate in favor of the proposition and 20 minutes in opposition. *Manual* § 907. The 40 minutes of debate is divided between the mover and a Member opposed to the bill. If it develops that the mover is opposed to the bill, some Member in favor is recognized for debate. 8 Cannon § 3416.

A Member rising to claim 20-minutes' time in opposition may be challenged by another Member:

MEMBER: Is the gentleman seeking recognition opposed to the motion?
If not I demand the time in opposition.

The rule and precedents (5 Hinds § 6802; 8 Cannon § 3415) prescribe priorities in recognition for control of time in opposition to a motion to suspend the rules:

- Opponents have priority.
- Among opponents, members of the committee of jurisdiction have priority.
- Among committee members opposed, minority members have priority in order of full committee seniority.

The allocation of the time is within the discretion of the Members controlling it (Deschler Ch 21 § 13.10), and alternation of recognition between Members on both sides of the aisle is not required (2 Hinds § 1442; Deschler Ch 21 § 13.9). No Member may speak in debate on the motion unless he is yielded time by one of the Members in control of the time.

§ 8

HOUSE PRACTICE

Deschler Ch 21 § 13.7. And time yielded to a Member may not be reserved or yielded to a third Member. 8 Cannon § 3417.

The proponent of the motion is entitled to open and close debate in favor of the motion. Deschler Ch 21 §§ 13.13, 13.14.

The House may by unanimous consent or resolution alter the normal procedure for debate on the motion; in so doing, the House may extend the time for debate or designate the Members to control the time. 8 Cannon § 3414; Deschler Ch 21 §§ 13.3, 13.18. Where debate is extended by unanimous consent, the Speaker divides the time in the same ratio as during the 40 minutes of debate allowed by the rule. 8 Cannon § 3415.

§ 8. Amendments

Amendments from the floor are not in order to propositions being considered for passage under suspension of the rules. 5 Hinds §§ 5405, 6858, 6859; Deschler Ch 21 § 14.8. Only those amendments included in the motion to suspend are in order, and the Member making the motion may not yield to other Members for further amendment. Deschler Ch 21 § 14.6. This prohibition against offering amendments applies to *pro forma* amendments and to motions to strike the enacting clause. Deschler Ch 21 §§ 14.11, 14.12. If it is desired, after a motion to suspend the rules and pass a bill has been offered, to amend the proposition, it is necessary to withdraw the motion and reoffer it in new form. Deschler Ch 21 § 14.3.

The bill and any proposed amendments in the motion are reported (usually by title only) and considered as one entity, and no separate vote is taken on the amendments. Deschler Ch 21 §§ 14.4, 15.5. Committee approval of such amendments is not required. Deschler Ch 21 § 14.2; 102–2, June 22, 1992, p ____.

§ 9. Withdrawal of Motion

A motion to suspend the rules may be withdrawn or modified (5 Hinds §§ 6840, 6844; 8 Cannon §§ 3405, 3419) at any time before the Chair puts the question and a voice vote is taken thereon. 97–1, July 27, 1981, pp 17561–63. And the motion may be withdrawn by unanimous consent even after the Speaker has put the question on its adoption. Deschler Ch 21 § 13.23.

§ 10. Voting on the Motion

In General

A two-thirds vote is required for the adoption of a motion to suspend the rules under Rule XXVII clause 1. *Manual* § 902. “[T]wo-thirds of the Members voting” is construed as two-thirds of the Members present and voting for or against the motion (votes of those “present” are not counted). Deschler Ch 21 § 15.2; 97–1, Dec. 16, 1981, pp 31850–56. The two-thirds vote requirement may be waived pursuant to a special order from the Committee on Rules authorizing a suspension of the rules by a simple majority vote. 8 Cannon §§ 3393, 3399.

Postponing Votes

Roll call votes on a motion to suspend the rules may be postponed by the Speaker under the conditions specified by Rule I clause 5(b). Under this rule, the Speaker may postpone such a vote to a designated time or place in the legislative schedule within two legislative days. *Manual* § 631. At the designated time, the Speaker puts the question on each motion on which further proceedings have been postponed in the order in which the motions have been entered. 93–2, June 4, 1974, p 17521. (Postponing votes generally, see VOTING.)

Once the Speaker has postponed roll call votes to occur at a designated place in the legislative schedule, he may subsequently redesignate the time when the votes will be taken within the appropriate period. 98–2, June 5, 1984, p 14897; 98–2, June 6, 1984, p 15080; 100–2, Oct. 3, 1988, pp 27782, 27878.

Where the Speaker postpones further proceedings on a motion under this rule, the question is no longer being put to a vote for purposes of permitting a point of order of no quorum until the question recurs as unfinished business. 95–1, Sept. 26, 1977, p 30948. And it is too late to demand a recorded vote on the motion after the Speaker has announced that further proceedings on that motion have been postponed. The demand is not in order until the motion is again before the House as unfinished business. 93–2, June 17, 1974, p 19334.