

# Committee on Rules Legislative Process Program

Section 4 – *House Floor Procedure and Rules*

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LOUISE M. SLAUGHTER, *Chairwoman*

## Motions in the House

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# Motions in the House

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# House Practice

## Chapter 32

### Motions

- § 1. In General
- § 2. Form; Reading of Motion
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#### Research References

5 Hinds §§ 5300–5358  
8 Cannon §§ 2609–2640  
Deschler Ch 23  
*Manual* §§ 460, 902–905, 949

#### § 1. In General

Most motions that are used in the practice of the House are specifically provided for by House rule. They are governed by separate procedural requirements, serve different purposes, and are treated under separate titles elsewhere in this work, such as ADJOURNMENT; LAY ON THE TABLE; POSTPONEMENT; PREVIOUS QUESTION; RECONSIDERATION; REFER AND RECOMMIT; and SUSPENSION OF RULES.

Motions must also conform to certain common procedural requirements; for example, a Member offering a motion must rise to his feet and address the Chair. § 3, *infra*. Although recognition for a motion is always at the discretion of the Speaker, he will ordinarily be bound to entertain any motion that is in order under the rules of the House and in accordance with its parliamentary practices. 4 Hinds § 3550; see also RECOGNITION. Where a motion not in order under the rules of the House is, by unanimous consent, considered and agreed to, it controls the procedure of the House until carried out, unless the House takes affirmative action to the contrary. Deschler Ch 23 § 1.1.

#### § 2. Form; Reading of Motion

Under rule XVI clause 1, a motion entertained in the House or in the Committee of the Whole must be reduced to writing if demanded by a Member. If offered in the House, the motion is entered on the Journal unless withdrawn on the same day. *Manual* § 902. Not every motion is in writing when proposed. When a point of order is raised, the Chair may give the proponent an opportunity to reduce the motion to writing before putting the question thereon. *Manual* § 902.

Rule XVI clause 2 requires that a motion be stated by the Speaker or read by the Clerk before it can be debated. *Manual* § 904; 5 Hinds § 4938. The Clerk's reading may be dispensed with only by unanimous consent. *Manual* § 904.

Where there is a misunderstanding about the wording of a pending motion, the Chair may restate the motion. However, it is not in order to ask that the motion be rereported by the Clerk except by unanimous consent. Deschler Ch 23 §§ 2.4, 2.5. If there is doubt, the motion voted on is the motion as stated by the Chair in putting the question and not as stated by the Member in offering the motion. Deschler Ch 23 § 2.3.

#### § 3. Recognition to Offer

A Member may not make a motion without rising and addressing the Chair. *Manual* §§ 394, 945. A Member desiring to offer a motion must actively seek recognition from the Chair before another motion to dispose of the pending question has been adopted. Rule XVII clause 2 states: "When

two or more Members, Delegates, or the Resident Commissioner rise at once, the Speaker shall name the Member, Delegate, or Resident Commissioner who is first to speak. . . ." *Manual* § 949.

A motion is not pending until the Chair has recognized its proponent thereon. For this reason, the Speaker often asks "For what purpose does the gentleman rise?" when a Member seeks recognition. By this question he determines whether the Member proposes a motion that is entitled to precedence, and he may deny recognition. *Manual* § 953; 2 Hinds § 1464; 6 Cannon §§ 289–291, 293. As a proper exercise of the Speaker's discretion, there is no appeal from such denial. *Manual* § 953; 2 Hinds § 1464; 6 Cannon § 292; 8 Cannon §§ 2429, 2646, 2762.

In certain rules the Chair's discretion in recognition is explicitly stated. In rule XX clause 7(b), the Speaker may recognize a Member to move a call of the House at any time; and further proceedings under a call are considered as dispensed with "unless the Speaker recognizes for a motion" to compel attendance of absentees. In rule XVI clause 4, the motion that the Speaker be authorized to declare a recess or the motion to set the day's adjournment to a day and time certain is entertained "in his discretion." Other motions in rule XVI are given a precedence under the rules that the Chair must acknowledge.

The Member in charge of the pending bill is entitled at all stages to prior recognition for allowable motions intended to expedite the bill. 2 Hinds § 1457; 6 Cannon § 300. However, the fact that a Member has the floor on one matter does not necessarily entitle him to prior recognition on a motion relating to another matter. 2 Hinds § 1464. Except when a Member in charge of a measure occupies the floor in debate, such Member must yield to Members proposing preferential motions. 5 Hinds §§ 5391–5395. Ordinarily, when an essential motion made by the Member in charge is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion. Deschler Ch 23 § 1.2; see also RECOGNITION. As to precedence among particular motions, see motions listed in § 1, *supra*.

#### **§ 4. Dilatory Motions**

Rule XVI clause 1, which was adopted in 1890, states that "[n]o dilatory motion shall be entertained by the Speaker." *Manual* § 902. The Speaker may decline to entertain the motion on his own initiative or on a point of order from the floor. 5 Hinds §§ 5715–5722.

Hinds has said that a motion must be made manifestly for delay in order to justify its rejection as dilatory. 5 Hinds § 5714. Yet the determination of whether a motion is dilatory is entirely within the discretion of the Chair. Deschler Ch 23 § 4.1. Indeed, the Speaker determines a question of dilatoriness not necessarily by the length of time at issue or the character of the underlying business. Rather, the Speaker determines whether under the circumstances the motion is made with intent to delay the business of the House. 8 Cannon § 2804.

The Speaker may decline to entertain debate or an appeal on a question as to the dilatoriness of a motion if to do so would defeat the object of the rule. 5 Hinds § 5731. For discussion of dilatory motions pending consideration of a report from the Committee on Rules, see *Manual* § 857. For the rule prohibiting offering of dilatory amendments printed in the *Congressional Record*, see *Manual* §§ 857, 858.

#### **§ 5. Withdrawal; Reoffering**

##### **Generally**

A motion having been made, rule XVI clause 2 places it in the possession of the House but permits its withdrawal at "any time before a decision or amendment thereon." *Manual* § 904. This rule is interpreted to mean that a motion may be withdrawn in the House as a matter of right unless the House has taken some action thereon, such as a motion for the previous question or the ordering of the previous question. *Manual* § 905; 5 Hinds §§ 5355, 5489; Deschler Ch 23 § 1. The House does not vote on the withdrawal of the motion, if timely. *Manual* § 460. Unanimous consent is not required if withdrawal occurs before a decision is made on the motion as offered or there is an amendment thereof. Deschler Ch 23 § 2.7.

A motion may be withdrawn although an amendment may have been offered to the motion and be pending. 5 Hinds § 5347; 8 Cannon § 2639. A motion may be withdrawn before action thereon even though it is under consideration as unfinished business postponed from the preceding day. 95- 1, June 17, 1977, p 19693.

Action by the House that will preclude withdrawal of a motion includes the ordering of the yeas and nays on the motion. 5 Hinds § 5353. Unanimous consent to withdraw the motion is required where the yeas and nays have been ordered. Deschler Ch 23 § 2.9. However, a motion may be withdrawn after a voice and a division vote thereon where the Chair has not announced the result and where another type of vote might be had on the motion. The Chair may decline to permit a withdrawal while he is counting a vote. *Manual* § 905; 96-1, Nov. 13, 1979, p 32185.

### **Modification of Motion; Reoffering**

A Member having the right to withdraw a motion before a decision thereon has the resulting power to modify the motion (as by withdrawing and offering a modified form). 5 Hinds § 5358. However, the proponent does not necessarily have the right to reoffer the motion, especially where it is a secondary motion under rule XVI clause 4; such motions may properly be offered only at the times designated by the rule. Deschler Ch 23 §1.

Withdrawal of particular motions and withdrawal of amendments, see AMENDMENTS and WITHDRAWAL.

# Commonly Used Motions and Requests in the House of Representatives

Updated May 22, 2008  
Excerpts from CRS Report: RL32207 (p. 2-11)

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## Adjourn.

A motion to adjourn is not debatable and must be considered before all other motions. It is not in order to *table* this motion. Generally, it is not in order to repeat the motion to adjourn immediately after one such motion has been defeated.

A Member would say: *Mr. Speaker, I move that the House do now adjourn.*

## Adjourn to a Date and Time Certain.

A motion that the House adjourn to a date and time certain may not be *tabled*, is not debatable, and may not be amended.

...

## Recess.

Unlike an adjournment of the House, a recess is a temporary interruption or suspension of a meeting of the House, generally proposed by a member of the leadership. The Speaker may entertain a nondebatable motion authorizing him to declare a recess, and that motion will be considered before any other motion, except a motion to adjourn. In addition, the Speaker is authorized to declare a recess "for a short time" when no question is pending before the House.

...

## Table, Lay on the Table.

If agreed to, a motion to table disposes of the pending matter adversely and without a direct vote on its substance. The motion is not debatable, and is adopted by majority vote or without objection. If adopted, the tabling motion is the same as defeating the underlying proposition. If the tabling motion is defeated, the situation reverts to where it was when the motion to table was made. The House does not allow the tabling motion against the motion to *recommit*, but it is in order against some other motions, such as the motion to *reconsider a vote* or *appeal the ruling of the chair*. A motion to table an amendment, if successful, also would table the underlying proposition to which the amendment was proposed.

A Member would say: *Mr. Speaker, I move to lay the [proposition] on the table.*

...

## Postpone Indefinitely.

A pending matter may be subject to a motion to postpone indefinitely, which kills it. The motion to postpone indefinitely is not amendable, it is debatable and may also be *tabled*, which, if

successful, would kill the motion to postpone indefinitely, but not the underlying matter or measure.

A Member would say: *Mr. Speaker, I move that the [further] consideration of \_\_\_\_ be postponed indefinitely.*

### **Postpone Until a Day Certain.**

The motion to postpone to a day certain postpones consideration of specified business and brings it back for consideration on the specified day. The motion to postpone until a day certain is amendable, and it is debatable. The motion may not specify a time when the matter will be considered. It is in order to offer a motion to *table* this motion, which, if successful, would kill the motion to postpone to a date certain but not the underlying matter or measure.

A Member would say: *Mr. Speaker, I move that the [further] consideration of \_\_\_\_ be*

### **Suspend the Rules.**

Noncontroversial measures can be considered by moving that the House suspend the rules and pass a bill, adopt a resolution or conference report, or concur in amendments of the Senate. Typically, the motion to suspend the rules is offered by the committee or subcommittee chair of the committee of jurisdiction. A measure considered under suspension of the rules must pass by a two-thirds vote of those Members present and voting. Debate on a motion to suspend the rules and pass a measure is limited to 40 minutes; the time is evenly divided between proponents and opponents of the measure. Members may not offer amendments from the floor, but the motion itself can include an amendment, typically a committee amendment.

A Member would say: *Mr. Speaker, I move that the House suspend the rules and pass...*

...

### **Previous Question.**

The previous question is a nondebatable motion to close consideration and bring a pending matter to an immediate vote. If the motion is agreed to by a majority vote, it generally cuts off further debate and prevents the offering of additional amendments or motions. If the previous question is ordered on a debatable proposal before any debate has occurred, the proposal may be debated after the previous question is ordered for 40 minutes. When the House considers a special rule from the Rules Committee, the majority floor manager usually moves the previous question on the resolution when time for debate has been used or yielded back. If the motion fails, the Speaker recognizes a Member who opposed ordering the previous question to offer and debate an amendment. After debate on the amendment, that Member typically then moves the previous question on the resolution and the amendment to it. Once a special rule has been approved and the House considers the matter governed by it, typically in the Committee of the Whole, the special rule normally directs that the previous question is ordered as soon as the Committee of the Whole reports the measure back to the House.

A Member would say: *Mr. Speaker, I move the previous question on ....*

...

### **Reconsider (a Vote).**

A Member who has voted with the prevailing side may make a motion that the House reconsider a vote. This motion allows the House one opportunity to review its decision on a motion, amendment, measure, or any other proposition on which it has voted. The motion to reconsider must be offered on the same day as the original vote, or on the next legislative day. The motion is



debatable only when offered to a proposal that was debatable. If the motion to reconsider a vote succeeds, it brings the original question back before the House. Immediately after the result of a vote has been announced, the Speaker usually declares, "Without objection, a motion to reconsider is laid on the table." Any Member can object and force a vote on the motion to reconsider, or on a motion to table the motion to reconsider. Those who oppose reconsidering the vote may move to *table* the motion, which would kill the move to reconsider the vote and block any future attempt to reopen the issue.

A Member would say: *I move to reconsider the vote by which the [proposition] was passed [or rejected].*

...

## Commit, Recommit, Refer

Although the formal purpose of these motions is to send to committee legislation being considered by the House, they are in practice used principally to bring amendments to the measure before the House. These motions are most likely offered by an opponent of the pending legislation towards the end of House consideration (except for *Refer*, which is used earlier in the process). Only one such motion is in order; the parliamentary situation would determine which of these very similar motions is in order in a given circumstance.

### Commit.

The motion to commit sends a measure or matter to a committee or committees. It is in order only on measures or matters that have not been previously referred to and reported from committee. When the measure or motion was reported by committee, the motion to *recommit* is used. Agreement to the motion to commit sends the measure or matter to a committee or committees. If the motion is on a bill or joint resolution and contains instructions (essentially telling the committee how to handle it), it is debatable. It may be *tabled*. It is in order only after the motion for the *previous question* has been moved or ordered.

### Recommit.

A motion to recommit, to send the bill back to committee, may be offered with or without instructions... The motion to recommit without instructions, sometimes called a "straight" motion to recommit, sends the pending matter back to committee and can effectively kill the measure. The motion is offered just before the vote on final passage or adoption, and only one such motion (*commit*, *recommit* or either of those with *instructions*) is permitted. The Speaker gives priority of recognition for offering the motion to recommit, in order, to minority members of the reporting committee, to any other minority party member, to majority members of the committee, and finally to any other majority party member, but only to a member who declares that he or she opposes the measure. The Rules Committee may not report a special rule that prevents the motion from being offered. The motion to recommit may not be *tabled*. The straight motion to recommit is not subject to debate, but it may be amended to include instructions, so long as the amendment is germane to the underlying measure. A conference report may be subject to a motion to recommit, with or without instructions, if the House is the first chamber to act on the conference agreement.

...

### Refer.

The motion to refer sends a measure or matter to a committee or committees. It is in order only on measures or matters that have not been referred to a committee and are being considered under the general rules of the House. It is a debatable motion that may contain instructions (see "Recommit with Instructions"), and it may be *tabled*. It is in order only before the *previous question* has been moved or ordered.

# Debate, Motions, and Other Actions in the Committee of the Whole

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## Motions to Close (or Limit) Debate

In some circumstances, Members might make motions to close or limit debate on (1) the portion of the measure that is open for amendment, or (2) a pending amendment. Generally, the motions are made to close debate on the pending portion of the text or the pending amendment and "all amendments thereto." This action prevents further discussion of pro forma or substantive amendments to the pending section (or amendment).

When the Committee of the Whole is considering a measure under a special rule that sets time limits for debate on amendments, motions to close debate are not in order. The Committee of the Whole can make minor changes to the terms of consideration specified in a special rule only by unanimous consent and only if the changes are "congruent with the terms" of the special rule.<sup>1</sup>

If the Committee of the Whole is considering a measure under an open rule, however, Members may make motions to close five-minute debate. It is in order to move to close debate only on the portion of the bill that has been read or designated for amendment. Under the five-minute rule, bills are generally read section by section (except general appropriation bills, which are usually read paragraph by paragraph).

A motion to close or limit debate on an amendment (and all amendments thereto) is in order after the proponent of the amendment has been recognized for five minutes and has finished his or her remarks. The motion is usually made by the majority floor manager, although any Member who is recognized might make the motion.

A Member might move that debate end immediately, after the expiration of a certain length of time, or at a specified hour.<sup>2</sup> For example, a Member could make any of the following motions:

I move to close debate on the section and all amendments thereto.

I move to limit debate on the paragraph and all amendments thereto to ten minutes.

I move that all debate on the amendment and all amendments thereto end at 3 p.m.

The motion to close or limit debate is amendable but not debatable; after the motion is made the Committee of the Whole proceeds to vote on it.

A successful motion to close debate on a section (or amendment) and all amendments thereto does not prevent Members from offering further amendments; it only prevents them from debating

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<sup>1</sup> House Practice, p. 436.

<sup>2</sup> The form of the motion affects how time is kept. If the motion specifies that all debate end at a certain specified time, such as 3:00 p.m., then time consumed by actions other than debate — such as votes or the reading of amendments — is subtracted from the time for debate. If the motion instead states that debate end after the expiration of a certain length of time, such as an hour, then only time consumed in debate is counted against the stated length of time. See *House Practice*, pp. 436-437.

such amendments if offered. In other words, if the motion to close debate is agreed to, then once the time remaining for debate (if any) has expired, amendments to the section or the amendment are still in order but they cannot be discussed. If an amendment that was printed in advance in the *Congressional Record* is offered, however, then the proponent and an opponent will each be recognized for five minutes even after debate has been closed on a portion of a measure (House Rule XVIII, clause 8).<sup>3</sup>

The Committee of the Whole might agree to close or limit debate by unanimous consent, rather than by motion. By unanimous consent, the Committee of the Whole could agree to close or limit debate on a portion of text not yet read. In addition, the Committee of the Whole could agree by unanimous consent to limit debate on an amendment not yet offered. If debate is limited by unanimous consent, then the Committee of the Whole can also allocate the remaining time between specified Members.<sup>4</sup> Prior to proposing such unanimous consent requests, the floor managers sometimes engage in a colloquy to reach an agreement about how much time is needed to discuss a pending section or amendment.

If the Committee of the Whole agrees to end debate at some subsequent point, the chair might continue to recognize Members under the five-minute rule. In the past, the chair has also distributed any time provided for under a motion or unanimous consent agreement to close debate by asking Members desiring to speak to stand and then dividing remaining time among them. Alternatively, the chair might make the remaining time controlled time. The chair, for example, might announce that since the Committee of the Whole has agreed to end debate on the amendment and all amendments thereto after an additional half hour, the amendment's sponsor and a Member opposed will each control 15 minutes.<sup>5</sup>

## Amendments

### Motion to Amend.

Unless prohibited by a special rule, a Member may make a motion to amend a paragraph or section after that paragraph or section has been read or designated for amendment. Once the reading of the following paragraph or section has begun, offering a motion to amend the preceding paragraph or section requires unanimous consent.

A Member can also make a motion to amend an amendment unless prohibited by a special rule. In fact, House rules permit as many as four (and in some cases five or more) amendments to be pending simultaneously before a vote is held on any of them (House Rule XVI, clause 6). (The amendment process in the Committee of the Whole rarely becomes this complicated, but interested readers should consult [CRS Report 98-995\(pdf\)](#), *The Amending Process in the House of Representatives*.)

In general, a motion to amend in the Committee of the Whole takes precedence over a motion to rise and report a bill with a recommendation (see "Motions to Rise and Report" section, below).<sup>6</sup> In other words, a Member may not offer a motion to rise and report if another Member seeks recognition to offer an amendment. Under House Rule XXI, clause 2(d), however, after a general appropriations bill has been entirely read for amendment, a motion to rise and report, if offered by the majority leader or a designee, has precedence over any further motions to amend the bill.<sup>7</sup> If agreed to, the motion to rise and report effectively ends consideration of the bill in the Committee

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<sup>3</sup> This provision can be superseded by a special rule.

<sup>4</sup> House Practice, p. 436.

<sup>5</sup> For more information on the discretion of the chair in recognition after debate has been limited, see *House Practice*, p. 437.

<sup>6</sup> *Deschler*, ch. 19, sec. 23.14, p. 273.

<sup>7</sup> At this stage, only an amendment proposing to add a provision after the last section of the bill, or an amendment in the nature of a substitute, would be in order.

of the Whole, precluding any further amendments. If such a motion is rejected, however, Members may offer amendments proposing limitations not authorized in existing law.<sup>8</sup>

### **Withdrawal or Modification of Amendment.**

Once an amendment has been offered and is pending in the Committee of the Whole, the Member offering it may withdraw or modify it only by unanimous consent.

### **Dispensing with Reading of Amendment.**

Under House rules, an amendment must be read in full before any action can be taken on it. The reading of the amendment may be dispensed with by motion, under House Rule XVIII, clause 7, if the amendment has been printed in the bill as reported or in the *Congressional Record*. The motion is not debatable. Often, however, a special rule will provide that such amendments "shall be considered as read," making the motion or request unnecessary. In such cases, the clerk will designate the amendment when it is offered.

The reading of any amendment also may be dispensed with by unanimous consent. If necessary, a Member can state, after offering the amendment:

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the *Record*.

## **Other Motions and Actions**

During the consideration of a measure in the Committee of the Whole, a number of motions and requests can be made by Members to raise questions about the method of proceeding, obtain additional time for debate, or advance a measure closer to a final vote.<sup>9</sup> Not all motions and requests available in the Committee of the Whole are listed below, although an effort has been made to include those most likely to be used by Members in the contemporary Congress.

### **Actions Concerning Rules and Procedures**

...

#### **Appeal.**

After the chair rules on a point of order, any Member may appeal the ruling of the chair, although that is rarely done.<sup>10</sup> An appeal from the ruling of the chair is made on the grounds that the chair has misinterpreted or misapplied the rules and precedents; an appeal is *not made* on the grounds that the ruling might have an undesirable effect on the process or the underlying policy.<sup>11</sup>

The appeal is made in the following form:

Member: Mr. Chairman, I respectfully appeal from the decision of the chair.

Chair: The question is, shall the decision of the chair stand as the judgment of the Committee?<sup>12</sup>

A majority vote in the affirmative sustains the ruling of the chair.

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<sup>8</sup> For further information on limitation amendments to general appropriations bills, see CRS Report 98-518, Earmarks and Limitations in Appropriations Bills.

<sup>9</sup> Any Member may demand that a motion be made in writing. *Deschler*, ch. 19, sec. 2.1. Once a motion has been made, unanimous consent is required to withdraw it. *Deschler*, ch. 2.3, sec. 2.10.

<sup>10</sup> An appeal of the ruling of the chair is not in order if it is dilatory or untimely. *House Practice*, p. 67.

<sup>11</sup> *House Practice*, p. 66; *Deschler*, ch. 31, sec. 13.2.

<sup>12</sup> *House Practice*, p. 65.

The vote on an appeal is a determination by the Committee of the Whole on the interpretation of the rule. The vote sets a precedent and could affect future rulings of the chair.

Appeals on most rulings are debatable,<sup>13</sup> and debate in the Committee of the Whole would take place under the five-minute rule.<sup>14</sup> Any Member, however, may offer a motion to close debate on the appeal.<sup>15</sup> In contrast to the common practice "in the House," an appeal cannot be tabled in the Committee of the Whole.<sup>16</sup>

The Member who appeals a ruling may withdraw the appeal at any time before action has been taken, such as the chair putting the question to the Committee of the Whole.

...

## Motions to Rise

The House resolves out of the Committee of the Whole by the Committee "rising." The motion to rise may appear in several different forms: to rise, when it has not concluded consideration; to rise and report, when it has concluded consideration; or in conjunction with an attempt to strike the enacting (or resolving) clause.

### Simple Motion to Rise.

Generally, the simple motion to rise is made to resolve out of the Committee of the Whole and back to the House when the Committee of the Whole has not completed its work on a measure. Any Member may offer a motion to rise.<sup>17</sup> The motion is made in the following form:

Mr. Chairman, I move that the Committee do now rise.<sup>18</sup>

The simple motion to rise is of the highest privilege; it takes precedence over other motions, for example, to amend (during debate under the five-minute rule) and to rise and report with the recommendation that the enacting clause be stricken (see "Relating to the Enacting (or Resolving) Clause" section, below). A simple motion to rise is in order even if a special rule provides that the Committee shall rise and report at the conclusion of its consideration of the bill.<sup>19</sup>

A motion to rise is not debatable, and the chair puts the question to the Committee of the Whole immediately. The simple motion to rise does not require a quorum for adoption. In other words, even if only a few Members are present on the floor (a quorum in the Committee of the Whole is 100 Members), those few Members can agree to a motion to rise. On the other hand, if the simple motion to rise fails when less than a quorum is present on the floor, then a Member can make the point of order that a quorum is not present, pending a request for a recorded vote (for more details, see "Voting and Quorum Procedures" section, below).

If the motion to rise is agreed to, the Committee of the Whole converts itself back into the House and the pending business is left as unfinished. It is resumed from the same point when the House resolves into the Committee of the Whole to consider that measure further.

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<sup>13</sup> Debate is not in order on an appeal of a ruling of the chair on the priority of business or the relevancy of debate. *House Practice*, p. 67.

<sup>14</sup> Appeals are rare, as noted above, and debate on appeals is even rarer, but such debate may extend beyond 10 minutes.

<sup>15</sup> *House Practice*, p. 67.

<sup>16</sup> *Ibid.*, p. 68.

<sup>17</sup> A Member to whom time is yielded for debate only may not offer a motion to rise. However, a majority or minority Member controlling time during general debate may yield to a Member for the purposes of offering a motion to rise. *House Practice*, p. 326.

<sup>18</sup> *House Practice*, p. 324.

<sup>19</sup> *House Practice*, p. 325

## **Motion to Rise and Report.**

The Committee of the Whole recommends action on a measure to the House. It does this by rising and reporting the measure with a recommendation, typically to adopt amendments agreed to in the Committee of the Whole; it may accomplish this action by motion.

After all parts of a measure have been read for amendment in the Committee of the Whole, and no further amendments are offered or are in order, a Member may offer a motion to rise and report the measure back to the House, ending the consideration of the measure in the Committee of the Whole and recommending that the House formally accept the Committee's actions. A Member (usually, in practice, the floor manager) may state:

Mr. Chairman, I move that the Committee do now rise and report the bill (or resolution) back to the House with the recommendation that...<sup>20</sup>

Under current practice, however, the special rule for consideration of a bill usually provides that "At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted."<sup>21</sup> When a special rule includes such language, a motion to rise and report the measure is not necessary.

However, after a general appropriations bill has been entirely read for amendment, under House Rule XXI, clause 2(d), the majority leader or a designee may make a motion to rise and report, even when a special rule provides for the Committee of the Whole to rise and report without motion. Such a motion by the majority leader or a designee has precedence over any further motions to amend the bill. If such a motion is defeated, or the motion is not made, a Member may offer an amendment proposing a limitation not authorized in existing law, or how some funds in the bill may be used.<sup>22</sup>

## **Relating to the Enacting (or Resolving) Clause.**

At any point after the clerk has begun to read the bill (or resolution) for amendment under the five-minute rule, a Member may move that the Committee of the Whole rise and report with the recommendation to strike the measure's enacting (or resolving) clause.<sup>23</sup> If the motion is successful and the House then accepts the recommendation, the measure effectively is rejected. If the motion is successful but the House rejects the recommendation, the House automatically resolves itself back into the Committee of the Whole for further consideration of the legislation.<sup>24</sup> If the motion is unsuccessful, the Committee of the Whole continues consideration of the legislation.

A motion to rise and report with the recommendation to strike the enacting (or resolving) clause must be made in writing and in the proper form. Thus, to avoid a point of order, a Member must offer the motion in the following form:

Mr. Chairman, I move that the Committee of the Whole do now rise and report the bill (or resolution) back to the House with the recommendation that the enacting (or resolving) clause be stricken.<sup>25</sup>

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<sup>20</sup> House Practice, p. 324.

<sup>21</sup> Although unlikely under contemporary practice, if the special rule does not contain this or similar language, a Member could also offer a motion to rise and report with the recommendation that the consideration of the bill be postponed, that the bill be referred, or that the bill lie on the table. *House Practice*, pp. 318-319.

<sup>22</sup> For further information on limitation amendments to general appropriations bills, see CRS Report 98-518, *Earmarks and Limitations in Appropriations Bills*.

<sup>23</sup> The motion is not in order during general debate, or when a Member has obtained the floor for purposes of debate. *House Practice*, p. 322.

<sup>24</sup> House Practice, p. 320.

<sup>25</sup> *Ibid.*

A Member offering the motion to rise and report with the recommendation to strike the enacting (or resolving) clause must be opposed to the bill; a Member simply indicates as much to the chair if or when challenged. Debate on the motion is limited to 10 minutes: five minutes in favor and five minutes in opposition.<sup>26</sup> If the Committee of the Whole rejects a motion to rise and report with the recommendation to strike the enacting (or resolving) clause, a second such motion may be offered only after a material modification has been made to the measure (e.g., after the measure has been amended), or on a subsequent day.<sup>27</sup>

Although the practice is not necessarily common, a Member might offer a motion to strike the enacting (or resolving) clause in order to obtain time for debate, especially in a situation when no time for debate is otherwise available.<sup>28</sup>

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<sup>26</sup> House Practice, p. 322.

<sup>27</sup> House Practice, pp. 321-322.

<sup>28</sup> House Practice, p. 321.