

# Postponement

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## Research References

- 5 Hinds §§ 5306–5318
- 8 Cannon §§ 2613–2617
- 7 Deschler Ch 23
- Manual §§ 443–453, 631, 782, 786, 809

## § 1. Postponement Generally

### Authority for Motion

In the House, under Rule XVI clause 4, a matter under debate may be postponed to a future day (or indefinitely) pursuant to a motion by any Member. *Manual* § 782. (As to the Speaker's authority to postpone proceedings on certain questions for a period not to exceed two legislative days, see VOTING.) A matter may also be postponed pursuant to the provisions of a resolution. Deschler Ch 23 § 8.1. And in some instances the postponement of the consideration of a particular class of legislation has been recognized in statutes which reserve to the Congress the right to review certain executive branch actions. See *Manual* § 1013. See *e.g.*, the Trade Act of 1974 (19 USC § 2192).

### Postponement Motions

In the House, there are two motions to postpone: (1) the motion to postpone to a day certain, and (2) the motion to postpone a matter indefinitely. Both are permitted by House Rule XVI clause 4. Under that rule, the motion to postpone to a day certain takes precedence over the motion to postpone indefinitely. The rule further provides that, once decided, neither the motion

to postpone indefinitely nor the motion to postpone to a day certain may be made on the same day at the same stage of the question. *Manual* § 782.

The two motions are distinguishable in many respects:

- The motion to postpone to a day certain takes precedence over various secondary motions in clause 4, including the motions to refer or to amend (§ 3, *infra*), whereas the motion to postpone indefinitely yields to all those secondary motions (§ 7, *infra*).
- The motion to postpone to a day certain is debatable only within narrow limits (§ 5, *infra*), whereas debate on the motion to postpone indefinitely may be extended even to the merits of the pending proposition (§ 8, *infra*).
- The motion to postpone to a day certain merely suspends consideration of the pending measure until the date specified (§ 2, *infra*), whereas the motion to postpone indefinitely has the effect of finally disposing of the pending matter adversely (§ 6, *infra*).

### **Postponement of Measures in Committee of the Whole**

The motion to postpone, either to a day certain or indefinitely, is not in order in the Committee of the Whole. Deschler Ch 23 § 5. And it is not in order in the House to move to postpone a bill where the bill is still being considered in the Committee. 4 Hinds § 4915; 8 Cannon § 2436. However, unless barred by the special rule that governs the consideration of the pending bill, it is in order in the Committee to move that a bill be reported to the House with the recommendation that action on it be postponed. 4 Hinds § 4765; 8 Cannon § 2372; Deschler Ch 23 § 5.

Disposition of unfinished matters, see UNFINISHED BUSINESS.

## **§ 2. Motion to Postpone to a Day Certain**

### **When in Order**

The motion to postpone to a particular day is authorized by Rule XVI clause 4 when a question is under debate. *Manual* § 782. The motion is in order in the House and when the House is sitting *as in* Committee of the Whole. 95–1, Nov. 1, 1977, p 36351. The motion is in order following the reading of the pending proposition (Deschler Ch 28 § 6.2), and may be offered before the manager of the proposition has been recognized for debate (96–2, Oct. 2, 1980, pp 28953–78). It is not in order after the previous question has been ordered on the pending matter. 5 Hinds §§ 5319–5321; 8 Cannon §§ 2616, 2617; Deschler Ch 23 § 6.1.

A motion to postpone to “the next legislative day” is construed as a motion to postpone to a day certain. 8 Cannon § 2657.

The motion to postpone to a day certain may not specify a particular hour. 5 Hinds § 5307; Deschler Ch 23 § 5.

It is not in order to move to postpone consideration of business to a day certain if that day is Calendar Wednesday (8 Cannon § 2614), except by unanimous consent (7 Cannon § 970).

### **Forms**

#### **In the House**

MEMBER: Mr. Speaker, I move that the [further] consideration of House Resolution 321 be postponed until Friday next.

#### **In Committee of the Whole**

MEMBER: Mr. Chairman, I move that the Committee now rise and report the bill back to the House with the recommendation that further consideration be postponed until Friday next.

### **Effect of Motion**

When the House adopts a motion to postpone a measure to a day certain, the effect is to suspend consideration of the measure until the day specified in the motion. 8 Cannon § 2614. A subsequent motion providing for an earlier consideration of the matter is not in order. 5 Hinds § 5308.

### **Application of Motion to Table**

The motion to postpone to a day certain is subject to the motion to lay on the table. 96–2, May 30, 1980, p 12825. The adoption of the motion to table does not carry the bill to the table, however, but only the motion to postpone. 8 Cannon § 2657.

### **Voting**

A motion to postpone a proposition to a day certain may be determined by a simple majority vote, even though the proposition itself may require a two-thirds vote for passage. 7 Cannon § 1112. A bill which comes before the House on the day scheduled for it by a special rule likewise may be postponed by a majority vote. 4 Hinds § 3177.

The vote on a motion to postpone a measure to a day certain is subject to a motion to reconsider. 5 Hinds § 5643.

### **§ 3. — Precedence**

The motion to postpone to a day certain is listed fourth among those motions which enjoy precedence when a question is under debate. See Rule XVI clause 4. It follows the motions to adjourn, to lay on the table, and for the previous question, and thus must yield to these more privileged motions. 5 Hinds § 5301; 8 Cannon § 2609. On the other hand, the motion en-

joys precedence over the motions to refer, to amend, or to postpone indefinitely. *Manual* § 782. See also 5 Hinds § 5301. The motion also takes precedence over the question of passing a bill vetoed by the President. Deschler Ch 23 § 7.1.

In Committee of the Whole, where not precluded by a special rule ordering the previous question, the motion to recommend postponement of a bill to a day certain takes precedence over the motion to amend (8 Cannon § 2615), but yields to a motion to report the bill with the recommendation that it pass (4 Hinds § 4765) and to a motion to report the bill with a recommendation that it lie on the table (4 Hinds § 4777).

#### § 4. — Application to Particular Propositions

The motion to postpone to a day certain has been applied to a wide variety of measures and questions, it being reasoned that otherwise the majority of the House could not exercise its will over the consideration of its business. 8 Cannon § 2613. However, the motion must be applied to the entire pending proposition, and not merely to a part thereof. 5 Hinds § 5306.

The motion to postpone consideration of a matter to a day certain is applicable to such propositions as:

- A bill coming before the House pursuant to a special rule assigning the day for its consideration. 4 Hinds § 3177.
- Veto messages (4 Hinds §§ 3542–3547; 7 Cannon §§ 1105, 1112), notwithstanding the constitutional mandate that the House “shall proceed to reconsider” a vetoed bill (7 Cannon § 1101). See also Deschler Ch 23 § 7.1.
- A resolution of disapproval. Deschler Ch 23 § 6.3.
- A resolution of censure reported from the Committee on Standards of Official Conduct. 96–2, May 29, 1980, p 12650; 96–2, Oct. 2, 1980, pp 28953–78.
- An appeal from the decision of the Chair. 8 Cannon § 2613.

The motion to postpone to a day certain is not applicable to:

- A motion to discharge a committee under Rule XXVII clause 4. Deschler Ch 23 § 6.4.
- A special rule from the Committee on Rules providing for the consideration of an entire class of bills (5 Hinds § 4958) or providing for consideration of a particular bill (Rule XI clause 4(b)).

#### § 5. — Debate and Amendment

The motion to postpone to a day certain is subject to amendment (5 Hinds § 5754; 8 Cannon § 2824) and is debatable within narrow limits (5

Hinds § 5309). Debate is limited to the advisability of postponement only and may not go to the merits of the proposition to be postponed. 5 Hinds §§ 5310–5315; Deschler Ch 23 § 5; 8 Cannon § 2372; 96–2, May 29, 1980, pp 12649–59. This limitation on debate is also applied to the motion that the Committee of the Whole rise and report with the recommendation that consideration of a measure be postponed to a day certain; such debate is confined to the advisability of postponement and does not extend to the merits of the question under consideration. 8 Cannon § 2372.

In the House a motion to postpone to a day certain is debatable for one hour, controlled by the Member offering the motion. 96–2, Oct. 2, 1980, pp 28953–78; 96–2, May 29, 1980, p 12650. He may seek recognition to move the previous question on the motion and thereby terminate debate and preclude amendment. Deschler Ch 23 § 7.2. Of course, if a motion to table the motion is agreed to, debate on and amendments to the motion to postpone are precluded. 8 Cannon § 2654.

## § 6. Motion to Postpone Indefinitely

### Authorization and Effect

The motion to postpone indefinitely is authorized under Rule XVI clause 4. *Manual* § 782. When the House adopts a motion to postpone a measure indefinitely, the action constitutes a final adverse disposition of that measure. Deschler Ch 23 § 5.

### Application

The motion to postpone indefinitely has been held not to apply to a veto message from the President (4 Hinds § 3548), a ruling which would appear to be reinforced by the constitutional mandate that the House must “proceed to reconsider” the measure. U.S. Const. art. I § 7. However, the motion has been applied to the various other legislative propositions, including:

- House bills with Senate amendment. 5 Hinds § 6200.
- Senate bills with House amendments. 5 Hinds § 6199.
- Resolutions of disapproval. Deschler Ch 23 § 6.3.
- Resolutions relating to the election of House officers. 5 Hinds § 5318.

It should be noted that the motion to postpone indefinitely must be applied to the entire pending proposition, and not merely to a part thereof. 5 Hinds § 5306.

### Forms

#### In the House

MEMBER: Mr. Speaker, I move that the [further] consideration of \_\_\_\_\_ be postponed indefinitely.

#### In Committee of the Whole

MEMBER: Mr. Chairman, I move that the Committee rise and report the bill back to the House with the recommendation that the [further] consideration of \_\_\_\_\_ be postponed indefinitely.

### § 7. — Precedence; Application to Other Motions

In 1822, the House amended the rule (Rule XVI clause 4, *Manual* § 782) which governs the precedence of secondary motions in order when a question is under debate. This amendment took the motion to postpone indefinitely from its place immediately after the motion for the previous question, and relegated it to the end of the list, where it remains to this day. Accordingly, the motion to postpone indefinitely enjoys no precedence over the other secondary motions, and indeed must yield to the motion to adjourn, lay on the table, for the previous question, to postpone to a day certain, to refer, and to amend. 5 Hinds § 5301. See also Deschler Ch 23 § 8.1 (note). Because of its low preferential status, the motion is thus seldom used in the modern practice. It has been held specifically inapplicable to:

- Motions to refer. 5 Hinds § 5317.
- Motions to suspend the rules. 5 Hinds § 5322.
- Motions to resolve into Committee of the Whole. 6 Cannon § 726.
- Motions to discharge a committee under Rule XXVII clause 4. Deschler Ch 23 § 6.4.

### § 8. — Debate and Amendment

The motion to postpone indefinitely is not amendable. Deschler Ch 23 § 8.1 (note). But the motion is open to debate, including debate on the merits of the pending proposition. 5 Hinds § 5316.

Debate on the motion may be precluded by statute with respect to a particular class of legislation. See, for example, the Trade Act of 1974, § 152(d)(3). Notwithstanding such a statute, the House may nevertheless permit debate on the motion by unanimous consent. 98-1, Aug. 1, 1983, pp 21899, 21900.