

Ordering the Previous Question on a Special Rule in the House

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House Members regularly take votes to order the *previous question on special rules* that set the terms for debate and amendment of one or more measures. The procedural effect of ordering the previous question is that it prevents further debate and amendment and brings the House to a vote on the main question—in this case, approval of the special rule.

The previous question motion is sometimes characterized by the minority side as a vote on policy (regardless of which political party is in control of the House). This is because in the case that the previous question motion were defeated, it would be procedurally possible for a Member of the minority party to offer a germane amendment to the special rule. That amendment to the special rule could, for example, permit an additional amendment to be offered to the underlying bill.

In practice, the previous question on a rule is routinely approved. The previous question on a rule has not been defeated since 1988.

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Sarah B. Solomon

Analyst on the Congress
and the Legislative Process

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Introduction

One of the most common roll call votes in the House of Representatives is to *order the previous question*. The “previous question motion” is used to end debate, prevent amendments, and bring the matter under consideration to an immediate vote.

When Members vote on the previous question, they are almost always voting to order the previous question on a *special order of business*. A special order of business is often referred to by congressional staff as a *rule* (and, in this report, as a *special rule* to distinguish it from the standing rules of the House). Special rules are resolutions reported by the Rules Committee that permit the House to take up legislation and set the terms for its consideration, such as limiting debate and structuring an amendment process.¹

In current practice, the House always agrees to order the previous question on a special rule; those supporting consideration of the legislation under the terms provided—generally all members of the majority party—vote in the affirmative. Members of the minority party often urge the defeat of the previous question and sometimes frame the vote as connected to a specified policy proposal.

This report explains these procedures in depth, including a description of how the House debates special rules and uses the previous question motion to bring these resolutions to a vote. It also explains the procedural effects of defeating the previous question as well as how Members sometimes characterize the previous question motion as a vote on policy.

Consideration of Special Rules on the House Floor

Before a measure can be taken up under the terms of a special rule, the House must first debate and adopt the special rule itself. A special rule that is reported by the Rules Committee can be called up for consideration if offered at the committee’s direction. In practice, the timing of floor consideration of a special rule is decided in advance by the majority party leadership and the Rules Committee.²

The time available to debate a special rule is controlled by a majority and a minority floor manager: the chair and ranking member of the Rules Committee or other Rules Committee members. The resolution is called up under the one-hour rule, which allows the majority floor manager to control an hour of debate time.³ By long-standing custom, the majority manager yields 30 minutes to the minority manager “for purposes of debate only,” which precludes the minority side from offering any amendments or other kinds of motions. Only if the majority Member controlling time on the special rule yields the floor expressly to allow for amendment would another Member have an opportunity to offer one.⁴ The floor managers usually initiate debate on the resolution and may yield discrete portions of time to Members on their sides who wish to speak on the special rule or the underlying legislation.

¹ For more information on special rules, see CRS Report R48308, *Special Rules in the House of Representatives: Purpose and Content*.

² Clause 5(a)(4) of Rule XIII confers privileged floor status to special rules reported by the Rules Committee.

³ Clause 2 of Rule XVII states that a Member “may not occupy more than one hour in debate.” See CRS Report 98-427, *Considering Measures in the House Under the One-Hour Rule*.

⁴ In practice, special rules are infrequently amended on the floor by either the majority floor manager or any other Member. Since 1985, the House has amended an average of three special rules per Congress.

In theory, the one-hour rule accords each Member up to an hour to speak on any question before the House. In practice, a second hour of debate on a special rule does not arise because, at the end of the first hour, the majority floor manager will move the previous question on the special rule to end any further debate (or amendment) and bring the special rule to an immediate vote.⁵ Moving the previous question requires simple majority support, is seldom defeated, and is usually decided along party lines. In short, the one-hour rule for debate and the operation of the previous question motion effectively allows a *total* of one hour of debate by the House for considering a special rule.

If the previous question is adopted, the House then votes immediately on the “main” question, which is on adopting the special rule. Only if the House approves the special rule can it take up the underlying legislation under the terms laid out in the resolution.

The Previous Question Motion

Function and Form of the Previous Question Motion

The motion for the previous question is the means by which a numerical majority may bring the House to a vote on the question of adoption of a special rule. The motion asks: “Shall the main question be now put?”⁶ The motion for the previous question is not debatable, and it cannot be laid on the table or postponed. Therefore, the vote on the motion to order the previous question generally occurs directly after the motion is made.

After the first hour of debate has been consumed or yielded back, the majority manager may state:

M___. Speaker, I move the previous question on the resolution.⁷

After which the presiding officer would first put the question to a voice vote by announcing:

The question is on ordering the previous question. As many as favor the motion will say “Aye.” As many as are opposed say “No.”

Oftentimes, a Member requests that the previous question motion be decided by roll call vote, wherein Members cast their votes on the floor by electronic device, establishing a record of how each Member voted. In such cases, the Speaker may put the vote to the House immediately but has authority to postpone the vote for up to two additional legislative days.⁸ For the convenience of Members, the Speaker will often schedule votes to occur in a series (or “cluster”).

⁵ If the previous question is ordered on a debatable proposition on which no debate actually occurred, a Member may call for 40 minutes of debate, equally divided and controlled by a proponent and opponent of the question. However, the majority floor manager almost always moves the previous question after some period of debate on a special rule.

⁶ See *Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Eighteenth Congress*, 117th Cong. 2nd sess., H.Doc. 117-161 (Washington, GPO, 2023), §462.

⁷ The Member in charge of a pending measure may move the previous question to cut off debate at any time during the hour allotted to the Member. In practice, however, the Member in charge moves the previous question at the end of the first hour of debate.

⁸ The procedures by which the Speaker may postpone and cluster record votes is provided for in clause 8 of Rule XX. See CRS Report 98-988, *Voting and Quorum Procedures in the House of Representatives*.

Rejection of the Previous Question Motion Under the One-Hour Rule

Under the one-hour rule, each Member may debate any measure, amendment, and otherwise debatable motion for up to one hour. In practice, however, the House limits *total* debate time to one hour by moving the previous question after the first hour has been consumed or yielded back. A successful vote to order the previous question ends debate, resulting in an immediate vote on the measure under consideration.

If the House were to reject the previous question motion, the underlying question—in this case a special rule—would remain debatable and amendable. The Speaker would recognize the leader of the opposition to the motion—typically the minority floor manager—to control the second hour of debate.⁹ Unlike the first hour, during which the minority floor manager was yielded 30 minutes “for purposes of debate only,” the minority floor manager may use the second hour to propose amendments to the special rule. For example, the minority floor manager could theoretically offer one or more amendments to the rule affecting restrictions on Members’ ability to offer floor amendments to the underlying measure. Any amendment(s) to the rule offered during the second hour would need to comply with the standing rules of the House, including the germaneness requirement on amending activity.¹⁰

During the second hour of debate, the previous question remains available, and a minority Member would be expected to move the previous question on the special rule and any amendments to it. The same majority coalition that voted to defeat the previous question motion after the first hour of debate could also approve the previous question motion at the end of the second hour. If the previous question is ordered at this point, the House would proceed immediately to a vote on the proposed amendment and then on the special rule in its amended form (if amended).

Majority party Members almost always vote in favor of ordering the previous question after the first hour, in part because allowing any amendments to the rule could facilitate consideration of minority party policy priorities and also because they cannot be certain what amendments to the rule might be offered. Not since the 100th Congress (1987-1988) has a previous question vote on a special rule failed on the House floor.¹¹ If majority party Members oppose the terms of a special rule or the underlying legislation, they are more likely to vote against the rule after the previous question has been ordered or against the bill itself.

⁹ *Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Eighteenth Congress*, 117th Cong. 2nd sess., H.Doc. 117-161 (Washington, GPO, 2023), §954.

¹⁰ For more information on the rules and procedures governing the amending process, see CRS Report 98-995, *The Amending Process in the House of Representatives*, pp. 9-12, and John V. Sullivan, Thomas J. Wickham Jr., and Jason A. Smith, *House Practice: A Guide to the Rules, Precedents, and Procedures of the House* (Washington, DC: GPO, 2024, hereinafter *House Practice*), ch. 26. *House Practice* states, “A special order of business reported from the Committee on Rules providing solely for the consideration of a bill relating to a certain subject may be amended neither by an amendment that would substitute the consideration of a different proposition, nor by an amendment that would permit the additional consideration of a nongermane amendment to the bill.”

¹¹ The House did not order the previous question on H.Res. 427, 100th Congress (1987-1988), by a vote of 131-272. The rule, as reported, provided for consideration of a conference report and waived all points of order against it. The amendment to the rule provided an exception to the blanket waiver. This had the effect of allowing a point of order to be raised against a specified portion of the report that included nongermane matter that originated in the Senate. See *Congressional Record*, vol. 134 (April 19, 1988), pp. 7345-7355.

Characterization of the Previous Question Vote by the Minority Party

Ordering the previous question on a special rule does not modify the text of the rule or the underlying legislation. However, for many years, and regardless of which political party is in control of the House, Members of the minority party have often characterized the previous question vote as a vote on a policy position. As explained above, if the House fails to order the previous question after the first hour of debate, the minority floor manager gains control of the next hour of debate and may offer a germane amendment to the special rule.

Oftentimes, minority party Members specify during debate a policy outcome they hope to achieve if given the opportunity to amend a special rule. For example, the ranking member of the Rules Committee in the 113th Congress (2013-2014) made the following statement during floor consideration of the rule H.Res. 322:

Ms. SLAUGHTER. Mr. Speaker, if we defeat the previous question, we will offer on our side an amendment to the rule that allows the House to consider the SAFE Bridges Act, which funds emergency repairs and creates countless American jobs.¹²

The ranking member further posited a policy connection to the previous question vote in a statement inserted in the *Congressional Record*:

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan.... Clearly, the vote on the previous question on a rule does have substantive policy implications.¹³

Sometimes, the minority floor manager secures unanimous consent that text of the amendment to the rule that they would offer be printed in the *Congressional Record* prior to the vote on the previous question.

Author Information

Sarah B. Solomon
Analyst on the Congress and the Legislative Process

¹² See *Congressional Record*, vol. 159 (August 1, 2013), p. H5283.

¹³ See *Congressional Record*, vol. 159 (August 1, 2013), p. H5284.

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