

Chapter 29

Lay on the Table

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Research References

- 5 Hinds §§ 5389-5442
- 8 Cannon §§ 2649-2660
- Deschler Ch 23 §§ 9-13
- Manual* §§ 445, 911, 914

§ 1. In General; Effect

The motion to table (or, under the more formal terminology of clause 4 of rule XVI, to “lay on the table”) is used to summarily and adversely dispose of a proposition pending in the House. *Manual* § 914; Deschler Ch 23 § 9.1. The table referred to in rule XVI is the Clerk’s table, not the Speaker’s table. 5 Hinds § 5389 (note).

The language “to lay on the table”—to the extent that it implies that the tabled matter is only temporarily in abeyance—is misleading. The motion is not used simply to put aside a pending matter. The action of the House in adopting the motion to table a proposition is equivalent to a final adverse disposition thereof, and does not merely represent a refusal to consider it. Deschler Ch 23 § 9.1; 95-2, Aug. 15, 1978, p 26204. In this respect the House practice differs from general parliamentary usage, which permits the use of the motion to temporarily suspend consideration of a matter. Under the modern practice in the House, a tabling action is ordinarily as much a final adverse decision as a negative vote on the passage of a bill. 5 Hinds § 6540 (note). With few exceptions, matters laid on the table may

be taken therefrom only by unanimous consent or by a motion to suspend the rules. § 8, *infra*. The pending proposition being disposed of finally and adversely, the adoption of the motion may have the effect of depriving a Member of the right to debate a proposition previously offered. Deschler Ch 23 § 9.2.

If the House rejects the motion to table a proposition, the proposition is before the House for disposition. Deschler Ch 23 §§ 9.19, 12.3. The rejection of a motion to lay on the table does not constitute a “decision” on the underlying proposition; thus, withdrawal of the proposition after such rejection is permissible. 103-2, Mar. 17, 1994, pp 5402, 5403.

§ 2. When in Order

The motion to table is in order only in the House and not in the Committee of the Whole. 4 Hinds §§ 4719, 4720; 8 Cannon §§ 2330, 2556a; Deschler Ch 23 §§ 9.29, 9.30. It does not apply to motions to go into the Committee of the Whole. 6 Cannon § 726. It is not applicable to propositions that are not debatable or amendable, except a motion to discharge a resolution of inquiry. *Manual* § 914; 5 Hinds § 5407.

A motion to table a proposition is in order after the proposition is called up for consideration but before debate thereon. 95-2, July 13, 1978, p 20606; 98-2, Oct. 4, 1984, p 30042. The motion is in order before the Member entitled to prior recognition for debate on the pending proposition has begun debate. 5 Hinds §§ 5393-5395; 6 Cannon § 412; 8 Cannon § 2649. The motion comes too late after the Chair has put the question on the pending proposition and asked for a vote. 96-1, Sept. 20, 1979, p 25512; *cf.* 109-2, June 22, 2006, pp 12298, 12299. The motion is in order after the previous question has been moved on the pending proposition but may not be made after the previous question has been ordered or after the yeas and nays have been ordered thereon. 5 Hinds §§ 5408, 5415-5422; 8 Cannon § 2655; Deschler Ch 23 § 9.

§ 3. Precedence

Generally

Under the rule, the motion to table is preferential. Deschler Ch 23 §§ 9, 11.2. It yields to the motion to adjourn and to the question of consideration. *Manual* § 911; 5 Hinds § 4943; Deschler Ch 23 § 9. However, it enjoys precedence over the motions for the previous question, to postpone, to refer, and to amend. Clause 4 of rule XVI; *Manual* § 911. A motion to table a measure is thus of higher privilege than a motion to refer the measure to a committee. 5 Hinds § 5303; Deschler Ch 23 § 12.5.

As Related to the Motion for the Previous Question

Pending the ordering of the previous question on a proposition that is under debate, the motion to table the proposition is preferential and is voted on first. *Manual* § 914; Deschler Ch 23 §§ 9.11, 12.1. Although a motion to table is not in order after the previous question has been ordered on a pending proposition, if the previous question is voted down, the motion to table again becomes in order and is preferential. 5 Hinds §§ 5415-5422; Deschler Ch 23 §§ 9.21, 12.2.

§ 4. Application to Particular Propositions

Generally; Bills and Resolutions

The motion to table has been held specifically applicable to:

- A House bill. 5 Hinds § 5426.
- A House bill with Senate amendments. 5 Hinds § 6140.
- A vetoed bill. 4 Hinds § 3549.
- A House resolution and an amendment thereto. 5 Hinds § 6139.
- A series of resolutions on a particular subject. 5 Hinds § 6138.
- A privileged resolution. 95-2, July 13, 1978, p 20606.
- A resolution proposing an impeachment or authorizing an impeachment investigation. 6 Cannon § 541; Deschler Ch 23 § 9.14.
- A resolution raising a question of the privileges of the House. 6 Cannon § 560; Deschler Ch 23 § 9.25.
- A resolution to expel a Member. 94-2, Oct. 1, 1976, p 35111.
- A resolution establishing a select committee. Deschler Ch 23 § 9.22.
- A resolution of inquiry adversely reported from committee. Deschler Ch 23 § 9.17.
- A concurrent resolution providing for adjournment *sine die*. Deschler Ch 23 § 9.10.
- An appeal from a decision of the Speaker. 8 Cannon § 3453; Deschler Ch 23 § 9.3.
- A privileged resolution from a party caucus or conference electing Members to committees. *Manual* § 914.

Special Orders of Business

Special orders of business reported from the Committee on Rules and called up under clause 5 of rule XIII are not subject to the motion to table, as clause 6 of rule XIII prohibits dilatory motions. *Manual* §§ 857, 914. However, after rejection of the previous question, the motion to table has been applied to a resolution providing a special order of business. Deschler Ch 23 § 9.23.

The motion to table may not be applied to a resolution providing a special order of business if the resolution is before the House under the oper-

ation of the discharge rule, because such rule prohibits such intervening motion. Deschler Ch 23 § 9.28.

Conference Reports

In the later practice, the motion to table has not been applied to conference reports because this would carry the entire bill and amendments of the other House to the table and would leave no opportunity for the House and Senate to have a second conference. *Manual* § 914; 5 Hinds §§ 6539, 6540.

§ 5. Application to Particular Motions

The motion to table is applicable to debatable motions for the disposal of another matter, such as a motion to refer or a motion to recede and concur in a Senate amendment in disagreement. *Manual* § 914; 5 Hinds § 5433. The motion has been held specifically applicable to:

- A motion to postpone to a day certain. 8 Cannon §§ 2654, 2657.
- A motion to rerefer a bill to a committee. Deschler Ch 23 § 9.12.
- A motion to instruct conferees. Deschler Ch 23 §§ 9.7, 9.8.
- A motion to reconsider a vote. 8 Cannon §§ 2652, 2659; 95-2, Apr. 20, 1978, p 10990.
- A motion to discharge a resolution of inquiry (even though not debatable). 5 Hinds § 5407.
- A motion for a secret session pursuant to clause 9 of rule XVII (even though not debatable). 110-1, May 10, 2007, p 12177.

The motion to table may not be applied to a motion relating to the order of business or to any motion that is neither debatable nor amendable. Deschler Ch 23 §§ 9.26, 9.27. The motion is inapplicable to:

- A motion for the previous question. 5 Hinds §§ 5410, 5411.
- A motion to dispose of measures on which the previous question has been ordered. 8 Cannon §§ 2653, 2655.
- A motion to recommit made after the ordering of the previous question, including a debatable motion to recommit with instructions. *Manual* § 1002a; 5 Hinds §§ 5412-5414; 8 Cannon §§ 2653, 2655.
- A motion to dispense with further proceedings under a call of the House. Deschler Ch 23 §§ 9.26, 12.4.
- A motion to go into the Committee of the Whole. 5 Hinds § 5404; 6 Cannon § 726.
- A motion limiting the time for debate. 5 Hinds § 5403.
- A motion to suspend the rules. *Manual* § 886; 5 Hinds §§ 5405, 5406; Deschler Ch 23 § 9.
- A motion that when the House adjourn it stand adjourned until a day and time certain. *Manual* § 914.
- A motion to adjourn. *Manual* § 912.

The motion to table may not be applied to a motion to discharge a committee under clause 2 of rule XV unless the proposition before the committee is a vetoed bill or a resolution of inquiry. *Manual* §914; 5 Hinds §5407; 6 Cannon §415; Deschler Ch 23 §§9.15, 9.16.

§ 6. Offering the Motion; Debate and Disposition

Generally; Debate

The motion to table, although customarily made orally from the floor, is subject to a timely demand that it be in writing. Deschler Ch 23 §10.1.

MEMBER: M__ . Speaker, I move that the House lay the _____
[*proposition*] on the table.

The motion to table is not debatable. Clause 4 of rule XVI; *Manual* §914; 5 Hinds §5301; 6 Cannon §412; 8 Cannon §2465; Deschler Ch 23 §9.6. However, debate may be permitted by unanimous consent. 98-2, Oct. 4, 1984, p 30042.

Disposition of Motion

It has been established that the motion to table:

- May not be amended. *Manual* §914; 5 Hinds §5754.
- May not be divided for a vote. 5 Hinds §§6138-6140.
- May be reconsidered pursuant to motion. 5 Hinds §§5628, 5629, 6288; 8 Cannon §2785.
- May be repeated after intervening business, but a call of the House alone is not considered sufficient intervening business. 5 Hinds §§5398-5401.

§ 7. Collateral Matters Carried to the Table

A bill or other proposition may be carried to the table when the House votes to table a proposal that is closely related thereto. Thus, when a proposed amendment to a pending measure is tabled, the pending measure also goes to the table. 5 Hinds §§5423, 5424; 8 Cannon §2656. This rule is applied even where a Senate amendment to a House bill is tabled. 5 Hinds §5424. The tabling of a bill has been held to result in the tabling of a pending motion to print the bill. 5 Hinds §5426. The tabling of a proposal, however, will not result in the tabling of a connected matter unless it is directly

and intimately related thereto. 8 Cannon § 2658. It has been held, for example, that:

- The tabling of an amendment to the Journal does not carry the Journal to the table. 5 Hinds §§ 5435, 5436.
- The tabling of a proposition for adverse disposition of a pending matter does not carry to the table the matter proposed to be disposed of. 8 Cannon § 2660.
- The tabling of a motion to reconsider a vote does not carry with it the proposition voted on. 8 Cannon §§ 2652, 2659.
- The tabling of a motion to instruct conferees does not carry with it the bill in disagreement. 8 Cannon § 2658.
- The tabling of a resolution providing for the termination of impeachment proceedings does not carry with it such proceedings. 6 Cannon § 538.
- The tabling of a preamble does not carry with it accompanying resolutions already agreed to. 5 Hinds § 5430.
- The tabling of a resolution does not take with it a connected resolution already agreed to. 5 Hinds § 5428.
- The tabling of a motion to receive a petition does not carry the petition with it. 5 Hinds §§ 5431-5433.
- The tabling of an appeal from a decision of the Speaker on a question of order does not carry with it the matter that was pending when the question of order arose. 5 Hinds § 5434.
- The tabling of a motion to postpone consideration of a Senate amendment does not carry with it pending motions for disposition of the amendment. 8 Cannon § 2657.

A motion to refer or a motion to recede and concur in a Senate amendment in disagreement may be laid on the table without carrying the pending matter to the table because other motions remain available for disposition of the pending amendment. *Manual* § 914.

§ 8. Taking From the Table; Reconsideration

A matter once laid on the table may be taken therefrom only by suspension of the rules (or similar process) or by unanimous consent unless it is a matter of privilege. *Manual* § 445; 5 Hinds § 6288; Deschler Ch 23 §§ 13.1, 13.2. Such matters of privilege include questions of privilege (5 Hinds §§ 5438, 5439), propositions to impeach (3 Hinds § 2049), and bills vetoed by the President (5 Hinds § 5439). An affirmative vote on a motion to table may be reconsidered pursuant to a timely motion therefor. 5 Hinds § 5628; 8 Cannon § 2785.

Moreover, a measure that has been tabled by the House may be presented again in similar but not identical form. 4 Hinds § 3385. However, under modern practice, a tabled resolution raising a question of the privi-

leges of the House (even where the motion to reconsider that vote was laid on the table), may be offered again in identical form on a subsequent day if still constituting a question of privilege. *Manual* § 713; 104-1, Nov. 17, 1995, p 33846.