

Chapter CCLIII.¹

THE MOTION TO RECONSIDER.

1. As to who may make the motion. Sections 2774, 2775.
 2. In relation to other motions. Sections 2776, 2777.
 3. As to vetoed bills and suspension of the rules. Sections 2778–2781.
 4. In relation to votes referring a bill. Sections 2782, 2783.
 5. In relation to the previous question. Section 2784.
 6. Entry and consideration of motion. Sections 2785–2787.
 7. Repetition of the motion. Sections 2788, 2789.
 8. In relation to the vote ordering the yeas and nays. Sections 2790, 2791.
 9. As to debate on the motion. Section 2792.
 10. General decision. Sections 2793–2795.
-

2774. A Member who failed to vote may not move to reconsider.

On June 28, 1918,² the House agreed to the conference report on the Post Office appropriation bill, yeas 150, nays 149.

Mr. William Gordon, of Ohio, when his name was called, failed to vote on the question.

The vote having been announced, Mr. Gordon addressed the Speaker and desired to know if it would be in order for him to move to reconsider the vote by which the conference report was agreed to.

The Speaker³ called attention to the rule providing that only those Members voting in the affirmative were authorized to move to recommit, and held that as the gentleman had not voted either in the affirmative or in the negative he could not be recognized to offer a motion to reconsider.

2775. Where the yeas and nays on a vote have not been ordered recorded in the Journal, any Member, irrespective of whether he voted with the majority or not, may make the motion to reconsider.

On June 27, 1918,⁴ Mr. John A. Moon, of Tennessee, called up the conference report on the Post Office appropriation bill.

The question being taken on agreeing to the conference report was decided in the negative.

¹Supplementary to Chapter CXXIII.

²Second session Sixty-fifth Congress, Record, p. 8423.

³Champ Clark, of Missouri, Speaker.

⁴Second session Sixty-fifth Congress, Record, p. 8386.

Mr. Martin B. Madden, of Illinois, as a parliamentary inquiry, asked if it were competent, where a viva voce vote had been taken, for any Member of the House to move to reconsider, or if only a Member who had voted with the majority was authorized to offer the motion.

The Speaker¹ held that under the circumstances any Member, irrespective of whether he had voted with the majority or not, might move to reconsider.

2776. A motion to reconsider the vote by which the House had decided a question of parliamentary procedure was held not to be in order.

A bill once rejected may not be taken up for consideration the second time in the same session.

On March 9, 1910,² during the Wednesday call of committee, Mr. Frank O. Lowden, of Illinois, by direction of the Committee on Foreign Affairs, called up the bill (H. R. 22312) for the acquisition of consular buildings abroad.

Mr. George W. Prince, of Illinois made a point of order that a bill practically identical in substance had been previously rejected by the House during the same session.

After exhaustive debate, the Speaker² decided to submit the question to the House for decision, and put the question:

Shall the point of order made by the gentleman from Illinois be sustained?

The question being decided in the affirmative, yeas 150, nays 134, Mr. Prince offered a motion to reconsider and moved to lay that motion on the table.

Mr. Swager Sherley, of Kentucky, made the point of order that the motion to reconsider was not in order.

The Speaker sustained the point of order.

2777. The vote by which the House refuses to order a third reading may be reconsidered.

On May 4, 1921,⁴ Mr. Joseph W. Fordney, of Michigan, moved to reconsider the vote by which the House on the preceding day had refused to order the third reading of the joint resolution (S. J. 38) admitting Emil S. Fischer to the rights and privileges of a citizen of the United States.

Mr. Otis Wingo, of Arkansas, made the point of order that the refusal of the House to advance the bill to a third reading amounted to a refusal of consideration and was not subject to reconsideration.

After debate,⁵ the Speaker ruled:

The rule provides that:

“When a motion has been made and carried or lost, it shall be in order for any Member of the majority, on the same or succeeding day, to move for the reconsideration thereof.”

On the face of that the gentleman from Michigan, who voted yesterday with the majority, is obviously entitled to-day to make a motion to reconsider. The gentleman from Arkansas makes the point of order that this being Calendar Wednesday, the motion is not in order. He first makes the claim that the defeat of a bill on the third reading is the same as a refusal to con-

¹ Champ Clark, of Missouri, Speaker.

² Second session Sixty-first Congress, Record, p. 2966.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ First session Sixty-seventh Congress, Record, p. 1032.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

sider a bill, and therefore the motion to reconsider is not in order. The Chair thinks the gentleman is correct in his claim that when the question of consideration is raised it is not in order to reconsider that decision. But the Chair does not think that the defeat of a bill on the third reading is at all the same as refusing consideration. If it were, then this bill could be taken up again, because refusing to consider a bill does not defeat it. But this bill can not be taken up again. It is dead unless it can be revived by the motion to reconsider, and the Chair does not think that the defeat of a bill on the third reading is at all identical with a refusal to consider a bill. Therefore the Chair overrules the point of order made by the gentleman from Arkansas.

2778. The motion to reconsider may not be applied to the vote on reconsideration of a bill returned with the objection of the President.

Where a two-thirds vote is required, the motion to reconsider may be made by anyone who voted on the prevailing side.

On February 19, 1913,¹ the House, upon consideration, refused to pass the bill S. 3175, the immigration bill, returned by the President without his approval.

Mr. William E. Murray, of Massachusetts, submitted a parliamentary inquiry as to who might move to reconsider.

The Speaker² replied:

It is required that he vote with the majority.

Thereupon Mr. Augustus P. Gardner, of Massachusetts, offered a motion to reconsider the vote by which the House had refused upon reconsideration to pass the immigration bill, the President's objections to the contrary notwithstanding.

Mr. James R. Mann, of Illinois, raised a question of order against the motion.

The Speaker ruled:

This vote was taken under the second subdivision of section 7 of Article I of the Constitution, which reads in this way:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively."

The Chair thinks that the motion to reconsider does not apply. This question, so far as the Chair has found, has never been raised but once, and that was on June 12, 1844, when the Hon. John W. Jones, of Virginia, was Speaker. The Chair will read the syllabus:²

"The motion to reconsider may not be applied to the vote on reconsideration of a bill returned with the objections of the President."

The fact that that decision has never been raised since and has been acquiesced in for a period of 66 years is very persuasive.

A motion to reconsider is carried by a simple majority vote, but a bill can be passed over the presidential veto only by a two-thirds majority. If any other view were taken than the one held by Mr. Speaker Jones, quoted above, we might go on in a circle to the end of the session, never getting anywhere.

¹ Third session Sixty-second Congress, Record, p. 3430.

² Champ Clark, of Missouri, Speaker.

³ Section 5644 of Volume V.

Another thing, under a suspension of the rules, also requiring a two-third majority, the motion to reconsider does not apply. For the reasons above stated the point of order raised by the gentleman from Illinois is sustained.

2779. On October 27, 1919,¹ the House, on reconsideration, passed, over the veto of the President, the bill H. R. 6810, the prohibition-enforcement bill.

Mr. Thomas L. Blanton, of Texas, moved to reconsider the vote just taken.

The Speaker² held that the motion to reconsider was not in order.

2780. On August 19, 1919,³ the Speaker laid before the House the bill (H. R. 3854) for the repeal of the daylight saving law, which has been returned with the objections of the President.

After debate, the question being taken on the passage of the bill, the objections of the President to the contrary notwithstanding, it was decided in the affirmative, yeas 223, nays 101.

Mr. Thomas L. Blanton, of Texas, offered a motion to reconsider the vote by which the bill was passed, and moved to lay that motion on the table.

The Speaker⁴ held that the motion to reconsider a vote on reconsideration of a bill returned with the objections of the President was not in order.

2781. The motion to reconsider may not be applied to the vote on a motion to suspend the rules.

On March 2, 1909,⁵ Mr. Jesse Overstreet, of Indiana, moved to suspend the rules and pass the bill (S. 28) providing for ocean mail service between the United States and foreign ports.

After debate, the yeas and nays being demanded and ordered on the motion, it was decided in the negative, yeas 172, nays 175.

Mr. Champ Clark, of Missouri, moved to reconsider the vote by which the motion was rejected.

The Speaker⁶ said:

There is nothing to reconsider. This was a motion to suspend the rules, and that can not be reconsidered. If the House will be in order and the Speaker can have the floor, the Chair will state that this is a motion to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and pass the same under suspension of the rules. Now, the House has by its vote refused to suspend the rules and discharge the Committee of the Whole House on the state of the Union, and the bill remains on the Union Calendar.

2782. The motion to reconsider may not be applied to a vote on the reference of a bill to a committee.

On March 12, 1920,⁷ Mr. Sam Rayburn, of Texas, moved to reconsider the vote taken on the preceding day by which the bill (H. R. 10835) to fix compensation of certain officers in the Army, had been referred to the Committee on Ways and Means.

¹ First session Sixty-sixth Congress, Record, p. 7611.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-sixth Congress, Record, p. 3983.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

⁵ Second session Sixtieth Congress, Record, p. 3695.

⁶ Joseph G. Cannon, of Illinois, Speaker.

⁷ Second session Sixty-sixth Congress, Record, p. 4256.

Mr. Frank W. Mondell, of Wyoming, raised a question of order against the motion.

The Speaker pro tempore¹ ruled:

The Chair sustains the point of order. A motion to reconsider a reference of a bill, by action of the House, is not in order under the rules. The gentleman can make a motion at the proper time for the references. This is not the proper time. The rule sets forth that the time for taking up the matter of correcting the reference of bills is immediately after the reading of the Journal.

2783. Bills reported from committees shall be accompanied by reports which shall be printed.

Bills unaccompanied by written reports are not in order for consideration.

Instance wherein, by unanimous consent, a bill was presented and referred to the calendar in advance of receipt of the report.

On April 25, 1932,² Mr. John McDuffie, of Alabama, from the select Committee on Economy, by direction of that committee, presented the bill (H. R. 11597) to effect economies in the National Government, unaccompanied by a report, and asked unanimous consent that the committee have until midnight of the following day in which to submit a report on the bill.

Mr. John C. Schafer, of Wisconsin, reserved the right to object and inquired when the report would be available, and whether it was proposed to call up the bill for consideration before opportunity had been afforded to examine it in connection with the report.

The Speaker³ said:

Let the Chair state to the gentleman from Wisconsin and to the Members of the House that the bill will not be printed unless there is some kind of a report accompanying it. Unless this request is granted, or a similar request, the bill will not be available to-morrow.

2784. The motion to reconsider and the motion to lay that motion on the table are admitted while the previous question is operating.

On January 11, 1918,⁴ Mr. Simeon D. Fess, of Ohio, rising to a parliamentary inquiry, called attention to an ambiguous statement made by the Speaker on the preceding day⁵ relative to the right of a Member to move to reconsider and simultaneously move to lay that motion on the table, and asked for a ruling on the question.

The Speaker⁶ said:

Both of those motions can be made. There is no necessity for making both at once—that is, you are not compelled to—but one can file a motion to reconsider any time during the day on which the thing occurs or the next day, and you can let that motion hang up as long as you please, until the end of the Congress. The motion to lay upon the table cuts out debate. The motion to reconsider is debatable. In the confusion the Chair did not know, but supposed that

¹ Joseph Walsh, of Massachusetts, Speaker pro tempore.

² First session Seventy-second Congress, Record, p. 8909.

³ John N. Garner, of Texas, Speaker.

⁴ Second session Sixty-fifth Congress, Record, p. 851.

⁵ Record, p. 811.

⁶ Champ Clark, of Missouri, Speaker.

what was desired was an opportunity to get at the matter to-day. A Member can undoubtedly make both motions.

There is one other matter to which the Chair wishes to direct attention. Two gentlemen suggested yesterday that the Constitution provided there must be a roll call on a constitutional amendment. It does not provide anything of the sort. Everybody was rising, however, and, without ruling on the matter, the Chair ordered the Clerk to call the roll, because there was no use wasting time about it.

2785. Entering a motion to reconsider and consideration of such motion, are separate propositions and have respective privilege.

While the motion to reconsider may be entered at any time during the two days prescribed by the rule, it may not be considered while another question is before the house, and when relating to a bill belonging to a particular class of business, the consideration of the motion is in order only when that class of business is in order.

On a vote on which the yeas and nays have not been ordered recorded, any Member may move to reconsider regardless as to whether he voted with the prevailing side.

An affirmative vote on the motion to lay on the table may be reconsidered.

A motion to reconsider may be entered at any time, even when privileged business is pending, as pending a motion to resolve into the Committee of the Whole for the consideration of an appropriation bill, but such motion may not be considered until the business to which it relates is again in order.

On February 11, 1909,¹ Mr. James S. Sherman, of New York, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriations bill.

Pending that motion Mr. William S. Bennet, of New York, moved to reconsider the vote by which the conference report on the bill (H. R. 21052) amending the act establishing the Bureau of Immigration had been laid on the table earlier in the day.

Mr. John F. Fitzgerald, of New York, moved to lay the motion on the table. The Speaker² reminded:

There is a matter of privilege pending, namely, to go into Committee of the Whole.

Mr. Fitzgerald protested that the motion to lay on the table took precedence of all motions except the motion to adjourn and was in order if the motion to reconsider was in order.

The Speaker differentiated:

Entering a motion to reconsider is one thing, and its consideration is another thing. A motion to reconsider, under the rule, can be entered at any time; for obvious reasons, of course, it can not take a gentleman off the floor. A motion to lay on the table may be reconsidered. Under the rules and practice a motion to reconsider may be entered at any time; but the consideration of that motion is not in order until business is in order to which the motion referred. Now, the gentleman from New York has the floor on a motion that the House resolve itself into the Com-

¹Second session Sixtieth Congress, Record, p. 2238.

²Joseph G. Cannon, of Illinois, Speaker.

mittee of the Whole on an appropriation bill, which is a motion of higher precedence, and he asks consideration of that.

Under the rules of the House a motion to reconsider must be entered within two days; that is, to-day or to-morrow. Now, the entry of the motion is one thing. The consideration of the motion is another thing. If it were not in order to enter the motion at any time, privileged business might be pending both to-day and to-morrow, and the Member would be cut off from the exercise of his right, or the House might prevent him from entering a reconsideration of the motion if it desired to do so. So that, the motion being entered, it can be called up to-day, a week from now, or any other time that it is the pleasure of the House to call it up. Consideration of the motion is only in order when the class of business to which it refers is in order. Now, that class of business is not in order, because there is a motion pending that the House resolve itself into the Committee of the Whole to consider a privileged bill, namely, a general appropriation bill.

Mr. Martin B. Madden, of Illinois, made the point of order that the motion might not be entertained because the proponent had not voted in the affirmative when the question of laying on the table was taken.

The Speaker said:

There was no record vote. Any Member can enter a motion to reconsider.

2786. A motion to reconsider business which is in order on certain days only, may be entered on any day, but consideration of such motion is in order only when that class of business is in order.

When a motion to reconsider relates to a bill belonging to a particular class of business, the consideration of the motion is in order only when that class of business is in order.

A motion to reconsider the vote by which recommendation of the Committee of the Whole House that the enacting clause of a bill on the Private Calendar be stricken out was agreed to, may be entered on any day on which recognition is had for that purpose, but the motion may be taken up for consideration on Private Calendar Friday only.

The vote by which the enacting clause of a bill on the Private Calendar was stricken out being reconsidered, the question is pending on agreeing to the recommendation of the Committee of the Whole and being decided in the negative, sends the bill back to the Private Calendar.

On January 7, 1911,¹ Mr. William Sulzer, of New York, entered a motion to reconsider the vote by which the House on the preceding day, had agreed to the recommendation of the Committee of the Whole House to strike out the enacting clause of the bill (S. 1028) for the relief of Capt. Warren C. Beach.

Mr. James R. Mann, of Illinois, while conceding the right to enter the motion at this time objected to its present consideration.

The Speaker² said:

The gentleman enters the motion.

It would come up for reconsideration on Private Calendar day, unless the House, by unanimous consent, should agree to the motion.

The proper way is for the gentleman to ask unanimous consent to take up the motion at this time to reconsider.

¹Third session Sixty-first Congress, Record, p. 640.

²Joseph G. Cannon, of Illinois, Speaker.

The motion to reconsider has been entered. It would be in order to consider it only on Friday, when the bill itself would be in order; but the gentleman, as the Chair understands, desires unanimous consent to consider the motion to reconsider at this time.

In response to further inquiries by Mr. Sulzer, the Speaker also held that if the motion to reconsider prevailed the question before the House was on concurrence in the recommendation of the Committee of the Whole that the enacting clause be stricken out; but if concurrence was delayed until the day set apart for the consideration of bills on the Private Calendar, the bill would go back to the Committee of the Whole for further report.

The Speaker added:

If the motion to reconsider prevails, one more step would be necessary, namely, Will the House concur in the recommendation? And if the House refuses to concur in the recommendation, it would then go to the Private Calendar.

Under the rule it would go to the calendar. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

2787. A motion to reconsider having been entered within the time prescribed by the rule, is privileged and may be called up at pleasure.

On June 12, 1916,¹ Mr. Frank Buchanan, of Illinois, moved reconsideration of the vote by which the House had passed the bill (H. R. 15158) to fix the time for commencement of the annual term of the Supreme Court.

Pending which, Mr. Buchanan submitted a parliamentary inquiry as to the status of the bill and when it would be in order to take up the motion for consideration.

The Speaker² held:

And it comes up whenever the gentleman wants to bring it up or the House wants to consider it.

2788. The House decided (overruling the Speaker) that the motion to reconsider the vote on a proposition having been once agreed to, and the vote having again been taken, a second motion to reconsider may not be made unless the nature of the proposition has been changed by amendment.

The vote on a substitute and the vote on the original resolution as amended by the substitute, if the substitute entirely replaces the original resolution, is the same proposition within the practice prohibiting a second motion to reconsider the same proposition unless changed by amendment.

On March 1,³ 1919, at the conclusion of debate on the contested-election case of *Britt v. Weaver*, Mr. Walter A. Watson, of Virginia, offered a resolution declaring the contestee elected.

Mr. Cassius C. Dowell, of Iowa, offered a substitute for the resolution declaring the contestant duly elected.

The substitute being agreed to, yeas 182, nays 177, Mr. Watson offered a motion to reconsider the vote by which the substitute had been adopted.

¹ First session Sixty-fourth Congress, Record, p. 9478.

² Champ Clark, of Missouri, Speaker.

³ Third session Sixty-fifth Congress, Record, p. 4807.

The question being put, the House decided in favor of reconsideration—yeas 180, nays 177.

The question recurring on the resolution proposed by Mr. Dowell, as a substitute for the resolution offered by Mr. Watson, the substitute was again agreed to—yeas 185, nays 183.

The resolution as amended by the substitute was then passed—yeas 185, nays 182.

Mr. Watson moved to reconsider the vote by which the resolution as amended had been agreed to.

Mr. James R. Mann, of Illinois, made the point of order that the resolution as amended was identical with the substitute and the vote on the substitute having been reconsidered, and being the second time decided in the affirmative, a second motion to reconsider was not in order on the same proposition.

The Speaker¹ overruled the point of order.

Mr. Mann, of Illinois, appealed from the decision of the Chair and Mr. Martin D. Foster, of Illinois, moved to lay the appeal on the table.

The motion of lay the appeal on the table was not agreed to; and the question recurring on the appeal from the decision of the Speaker, it was decided in the negative—yeas 173, nays 182, and the decision of the Chair was not sustained.

The Speaker pro tempore² announced:

The effect of the vote just announced is that the ruling of the Speaker does not stand as the judgment of the House, and the point of order against the motion to reconsider is sustained. The Chair therefore announces that the resolution of the gentleman from Virginia, as amended by the substitute of the gentleman from Iowa, is adopted, thereby establishing the right of the gentleman from North Carolina, Mr. Britt, to a seat in this House.

2789. After the passage of a bill, reconsideration of the vote on any amendment thereto may be secured only by motion to reconsider the vote by which the bill was passed.

On April 21, 1926,³ the Senate passed the bill (H. R. 6773) for the settlement of the indebtedness of the Kingdom of Italy to the United States of America. Subsequently, on the same day,⁴ in the Senate, Mr. James A. Reed, of Missouri, proposed to enter a motion to reconsider the vote by which an amendment offered by Mr. Robert B. Howell, of Nebraska, had been rejected.

Mr. David A. Reed, of Pennsylvania, made the point of order that the vote on a subsidiary question could not be considered after the passage of the bill.

The Vice President⁵ sustained the point of order and said:

The point of order is well taken. The motion for reconsideration should be upon the passage of the bill and then the bill would be open to amendment.

2790. A motion to reconsider may be applied to a vote ordering the yeas and nays.

¹ Champ Clark, of Missouri, Speaker.

² Edward W. Saunders, of Virginia, Speaker pro tempore.

³ Edward W. Saunders, of Virginia, Speaker pro tempore.

⁴ Record, p. 7968.

⁵ Charles G. Dawes, of Illinois, Vice President.

On July 15, 1919¹ the House was considering the sundry civil appropriation bill.

Mr. Thomas L. Blanton, of Texas, moved to recommit the bill with instructions, to which motion Mr. James W. Good, of Iowa, offered an amendment in the nature of a substitute.

Mr. Good offered a motion for the previous question which was agreed to, and the yeas and nays were ordered, when Mr. Good moved to reconsider the vote by which the previous question had been ordered, and pending that moved to reconsider the vote by which the yeas and nays were ordered.

Mr. Charles R. Crisp, of Georgia, made the point of order that in view of the Constitutional provision by which one-fifth may demand the yeas and nays, the admission of the motion to reconsider under which a majority would be required to sustain the order for the yeas and nays already made, would virtually nullify this Constitutional prerogative.

The Speaker² ruled:

The Chair is disposed to think that the House has a right to reconsider the motion for the yeas and nays, but if it does so of course immediately the motion is pending, and one-fifth of the House could order the yeas and nays again, so that it seems to the Chair that the question is one of propriety and of usefulness rather than of parliamentary law. The Chair thinks that the motion to reconsider is in order.

Mr. Michael F. Phelan, of Massachusetts, suggested that if the vote were reconsidered, one-fifth of those present would again order the yeas and nays, and inquired if a second motion to reconsider would then be in order.

The Speaker replied:

The Chair thinks the second motion to reconsider would be a dilatory motion. But the Chair does not see why it is not now in order to reconsider the vote by which the yeas and nays were ordered. It might happen that on reflection the whole House might want to do away with the ordering of the yeas and nays and ought to have an opportunity to do it.

Immediately the question would recur on ordering the yeas and nays, which, under the Constitution, can be ordered by one-fifth.

2791. The motion to reconsider may not be entertained while the House is dividing.

On August 21, 1911,³ Mr. Robert L. Henry, of Texas, by direction of the Committee on Rules, reported the resolution (H. Res. 295) providing for the consideration of the bill (H. R. 12812) the cotton schedule tariff bill.

On motion of Mr. Henry, by unanimous consent, the previous question was ordered on the resolution.

The question being put on agreeing to the resolution, on a division, the yeas were 115, nays 90.

Pending which, Mr. Oscar W. Underwood, of Alabama, moved to reconsider the vote by which the previous question was ordered.

Mr. John Dalzell, of Pennsylvania, made the point of order that the motion to reconsider was not in order which the House was dividing.

¹ First session Sixty-sixth Congress, Record, p. 2663.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-second Congress, Record, p. 4314.

The Speaker¹ rules:

The motion of the gentleman from Alabama to reconsider is out of order when the House is dividing. The House had divided on a rising vote. The yeas and nays are incident to the division, and the yeas and nays have been ordered. The Clerk will call the roll.

2792. A motion to reconsider is debatable if the motion proposed to be reconsidered was debatable.

On January 19, 1925,² Mr. Daniel R. Anthony, Jr., of Kansas, moved to reconsider the vote by which the bill (H. R. 5084) amending the national defense act had been passed.

Pending that motion, Mr. Anthony inquired if the motion to reconsider the vote was debatable.

The Speaker³ held:

It is debatable if the bill itself is debatable.

2793. The motion to reconsider, while not entertained in the Committee of the Whole, is in order in the House as in Committee of the Whole.

On July 9, 1913,⁴ Mr. Robert L. Henry, of Texas, from the Committee on Rules, reported the resolution (H. Res. 198) providing for the investigation of an alleged lobby.

On motion of Mr. Henry, by unanimous consent, it was ordered that general debate on the resolution be limited to one hour, at the close of which time the resolution should be read for amendment under the five-minute rule.

General debate having been exhausted, the resolution was being considered under the five-minute rule, when Mr. Jefferson M. Levy, of New York, offered an amendment striking out authorization for employment of legal counsel, which was agreed to.

Subsequently, Mr. James R. Mann, of Illinois, moved to reconsider the vote by which the amendment offered by Mr. Levy had been adopted.

Mr. James Hay, of Virginia, made the point of order that the motion to reconsider was not admissible for the reason that the agreement to consider the resolution under the five-minute rule in the House was equivalent to consideration in the Committee of the Whole.

Mr. Mann in discussing the point of order said:

Mr. Speaker, it is undoubtedly true, as stated by the gentleman from Virginia that instead of pursuing an ordinary course which would be pursued in the House, where the gentleman in charge of the bill controls it and no one can offer an amendment without his consent, we are considering the bill under the five-minute rule for amendment. The gentleman from Virginia, however, failed to distinguish between the House considering a bill under the five-minute rule and the Committee of the Whole House considering a bill under the five-minute rule. The House in session can entertain a motion to reconsider. The Committee of the Whole can not entertain the motion to reconsider, and the reason is manifest.

¹ Champ Clark, of Missouri, Speaker,

² Second session Sixty-eighth Congress, Record, p. 2099.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ First session Sixty-third Congress, Record, p. 2348.

The adoption of an amendment in the Committee of the Whole does not adopt an amendment. It is a mere recommendation to the House, and the House adopts the amendment, and after the House has adopted an amendment or agreed to an amendment recommended by a Committee of the Whole it could reconsider the vote by which the amendment was adopted. Now, the gentleman's position would put the House in a position where, having agreed to an amendment, there was no way by which the House could change its mind. In the Committee of the Whole when an amendment is agreed to it still has to be passed through the House; still has to run gauntlet of a motion to reconsider.

There is no rule in reference to the five-minute rule that prevents a motion for reconsideration at all. The prevention of the reconsideration is in the Committee of the Whole. A motion to recommit is not recognized in the Committee of the Whole, and the reason is that the action of the committee is not final. It still has to be agreed to by the House. The amendment has to be reported to the House and agreed to. That is the reason why the motion for reconsideration is not recognized.

Now, we frequently consider bills in the House as in Committee of the Whole, and it has always been held that that does not change the status of the House. The motion to reconsider is a motion of right in the House under the rules. The rules provide that any motion agreed to in the House is open to the motion for reconsideration until you have gone to a certain extent, where you stop.

The Speaker¹ said:

There are certain motions that can be made in the House and that can also be made in the House as in Committee of the Whole which are not permissible in the Committee of the Whole. For instance you can not have roll calls in Committee of the Whole, and you can not move the previous question in Committee of the Whole, and several other things not necessary to enumerate all of which are permissible in the House, but not in Committee of the Whole.

Now, the House is really not in the House acting as in Committee of the Whole. But here is a resolution which was presented by the gentleman from Texas, which was to be considered in the House. He had an hour. He might do as he pleased with that hour. He could move the previous question whenever he got ready. But if he let the hour slip by without moving the previous question, then the next gentleman who was recognized would have an hour. But everybody recognized that this was a resolution of a good deal of importance. So the gentleman from Texas and the rest of the gentlemen entered into an agreement by which they would have a general debate of an hour and then consider the resolution under the five-minute rule.

Now, if all these other things can be done in the House as in the Committee of the Whole that can not be done in the Committee of the Whole, the Chair thinks this motion to reconsider is proper to entertain.

2794. A request for unanimous consent is in effect a motion and action predicated thereon is subject to reconsideration.

Instance wherein the Speaker reversed as erroneous a decision made in a previous session.

On May 23, 1916,² Mr. Martin B. Madden, of Illinois, called up for consideration a motion entered on the preceding day to reconsider the action of the House in changing the reference of the bill (H. R. 6915) relating to civil service pensions, from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service.

Mr. William E. Cox, of Indiana, made the point of order that inasmuch as the change in reference was made by unanimous consent, the motion to reconsider did not apply.

¹ Champ Clark, of Missouri, Speaker.

² First session Sixty-fourth Congress, Record, p. 8516.

The Speaker¹ sustained the point of order.

Subsequently, on February 16, 1917,² the Speaker addressed the House and said:

With the consent of the House, the Chair wants to correct a ruling which he has been intending to do for some time. It will be remembered that during the last session the gentleman from Illinois, Mr. Madden, made a motion to reconsider a vote by which unanimous consent was granted in a certain matter. The Chair ruled that the motion to reconsider does not apply to unanimous consent. On subsequent reflection and investigation the Chair is convinced that the ruling of the Chair was incorrect and untenable, and that the motion to reconsider does apply in such cases.

The Chair makes this correction now, when no such controversy is pending, to the end that the former erroneous ruling may not go into the footnotes of the next Manual, to the misleading of Members.

2795. A majority vote is sufficient to reconsider a vote taken under the requirements that two-thirds shall be necessary to carry the question.

On October 3, 1918,³ in the Senate, Mr. Andrieus A. Jones, of New Mexico, in calling up a motion entered on a previous day to reconsider the action taken by the Senate relative to a proposed amendment (H. J. Res. 200) to the Constitution providing for woman suffrage, as a parliamentary inquiry, asked if the motion to reconsider such action was determined by a majority vote.

The Vice President⁴ replied:

The Chair is of the opinion that the rule plainly provides that a majority is all that is needed to reconsider.

¹ Champ Clark, of Missouri, Speaker.

² Second session Sixty-fourth Congress, Record, p. 3429.

³ Second session Sixty-fifth Congress, Record, p. 11037.

⁴ Thomas R. Marshall, of Indiana, Vice President.