THE SPEAKER:[9] The question is on ordering the previous question on the motion to recommit.[10]

Motion to Recommit With Instructions and "Straight" Motions

§ 31.2 A motion to recommit with instructions does not take precedence over a straight motion to recommit, both motions being on an equal footing

On Mar. 29, 1954,[11] the House was considering House Resolution 468, relating to expenses incurred in conducting investigations authorized by the rules of the House. The Speaker, Joseph W. Martin, Jr., of Massachusetts, then recognized Mr. Augustine B. Kelley, of Pennsylvania:

MR. KELLEY of Pennsylvania: Mr Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. KELLEY of Pennsylvania: I am, Mr. Speaker.

MR. (CLARE E.) HOFFMAN of Michigan: Mr. Speaker, I have a motion to recommit with instructions.

THE SPEAKER: The Chair is obliged to say that, by reason of a time-honored custom, the motion to recommit belongs to the minority party if they claim the privilege, and in this instance they have claimed it. Therefore, the Chair is constrained to recognize the gentleman from Pennsylvania [MR. KELLEY], for that purpose.

MR. HOFFMAN of Michigan: Mr. Speaker, does not a motion to recommit with instructions take precedence over a straight motion to recommit?

THE SPEAKER: It does not. All motions to recommit are on an equal footing.

§ 32. Motions to Recommit With Instructions

Precedence

§ 32.1 The motion to recommit with instructions does not take precedence over a straight motion to recommit.

On Nov. 25, 1970,[12] the House was considering H.R. 19504, the Federal Aid Highway Act. Both Mr. Frederick Schwengel, of Iowa, and Mr. Joel T. Broyhill, of Virginia, sought to offer motions to recommit. Mr. Brock Adams, of Washington, was then recognized to propound a parliamentary inquiry.

MR. ADAMS: Mr. Speaker, would a specific motion to recommit with instructions have priority over a general motion to recommit? Did the gen-

9. John W. McCormack (Mass.).
10. See also 91 CONG. REC. 2739, 79th Cong. 1st Sess., Mar. 24, 1945.
11. 100 CONG. REC. 3962–67, 83d Cong. 2d Sess.
12. 116 CONG. REC. 38997, 91st Cong. 2d Sess.

tleman from Virginia announce that his motion was a general motion to recommit?

It is my understanding that the motion to recommit by the gentleman from Iowa is a motion to recommit with instructions and, therefore, has priority.

THE SPEAKER:[13] The Chair will state in response to the parliamentary inquiry that a motion to recommit with instructions does not have priority.

MR. ADAMS: Mr. Speaker, a further parliamentary inquiry.

It is my understanding that under the rules, a motion to recommit with instructions is a motion that, if not described by the word "priority" is entitled to prior recognition by the Chair because a motion with specific instructions is entitled to recognition over a general motion to recommit.

THE SPEAKER: The Chair will state that a motion to recommit with instructions does not have priority over a straight motion to recommit.

Amendment to Motion to Recommit

§ 32.2 A motion to recommit with instructions is subject to amendment if the previous question is voted down.

On Oct. 3, 1969,[14] the House was considering H.R. 14000, the military procurement authorizations for fiscal year 1970. After Mr. Alvin E. O'Konski, of Wisconsin, moved to recommit the bill to the Committee on Armed Services with certain instructions, Mr. Donald M. Fraser, of Minnesota, rose to his feet:

MR. FRASER: Mr. Speaker, in order to be able to amend the pending motion to recommit, is it necessary that the previous question be voted down?

THE SPEAKER:[15] The Chair will state the answer to the question is "yes."[16]

§ 32.3 Parliamentarian's Note: The House may reject the previous question on a straight motion to recommit, and then amend the motion to include instructions to reinsert in the bill any germane amendment, including amendments adopted in the Committee of the Whole but rejected in the House.

§ 32.4 If the previous question is voted down on a motion to recommit, a Member offering an amendment to the motion does not necessarily have to qualify as being opposed to the bill.

On June 26, 1968,[17] the House was considering H.R. 18037, ap-

13. John W. McCormack (Mass.).
14. 115 CONG. REC. 28487, 28488, 91st Cong. 1st Sess.
15. John W. McCormack (Mass.).
16. See also 114 CONG. REC. 12262, 12263, 90th Cong. 2d Sess., May 8, 1968.
17. 114 CONG. REC. 18940, 18941, 90th Cong. 2d Sess.

propriations for Labor and HEW for fiscal 1969. Mr. Robert H. Michel, of Illinois, offered a motion to recommit the bill to the Committee on Appropriations with certain instructions. Mr. Michel then propounded a parliamentary inquiry:

MR. MICHEL: Is it not also true that for one to qualify to amend a motion to recommit, one would also have to be opposed to the bill?

THE SPEAKER:[18] At that stage, should it develop, not necessarily.

§ 32.5 An amendment incorporated in a motion to recommit with instructions must be germane to the bill to which the amendment is proposed.

On June 18, 1957,[19] the House was considering H.R. 6127, to provide the means of further securing and protecting the civil rights of persons within the United States. Mr. Richard H. Poff, of Virginia, offered a motion to recommit the bill to the Committee on the Judiciary with certain instructions, and Mr. Kenneth B. Keating, of New York, rose with a point of order:

MR. KEATING: Mr. Speaker, I make the point of order that the wording of the motion to recommit is not germane to the bill. We have already debated the germaneness of the wording of this motion in Committee of the Whole. But, I have this additional observation to make, which was not made, as I recall, during the debate, namely, that this proposed amendment is to the act, where as it is inserted as an amendment to a section of the act. It is sought to insert this in part III of the bill only at page 10, line 5, but it purports to be an amendment to the entire act. We had a similar situation presented in the Committee in the consideration of this matter and the Chair ruled in Committee that because the wording was an amendment to the section, but was worded as an amendment to the act, that it was not germane. I urge that if the amendment were to the act, as it purports to be, it would have to be at some other point in the bill and could not be an amendment to the act in the middle of one of the sections of the act.

THE SPEAKER:[20] The Chair is ready to rule.

This same question was raised in the Committee of the Whole on the same amendment. The very capable gentleman from Rhode Island [Mr. Forand] Chairman of the Committee of the Whole, overruled the point of order after having heard all the debate. The present occupant of the Chair, having read all of the debate and having heard most of it, reaffirms the decision of the Chairman of the Committee of the Whole in the consideration of the bill and, therefore, overrules the point of order.

§ 32.6 The Speaker indicated that an amendment accom-

18. John W. McCormack (Mass.).

19. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

20. Sam Rayburn (Tex.).

panying a motion to recommit a bill would have to follow the form of the bill as reflected by the engrossed copy.

On Mar. 22, 1949,[1] the House was considering H.R. 1437, the Army and Air Force Act of 1949. Mr. Carl Vinson, of Georgia, asked unanimous consent that the third reading of the bill be dispensed with, when Mr. Vito Marcantonio, of New York, reserving the right to object, rose with a parliamentary inquiry:

> MR. MARCANTONIO: Mr. Speaker, if the pending unanimous-consent request is granted and a motion to recommit is offered with an amendment, does the amendment have to follow the lines of the engrossed copy?
>
> THE SPEAKER:[2] It should. Is there objection to the request of the gentleman from Georgia?
>
> There was no objection.

§ 32.7 An amendment in the form of a limitation to an appropriations bill, contained in a motion to recommit with instructions, providing that no funds were to be used for the purchase of certain foreign agricultural products, was held in order under Rule XXI clause 2.

On May 19, 1939,[3] the House was considering H.R. 6392, state, justice, judiciary, and commerce appropriations for 1940. Mr. Charles Hawks, Jr., of Wisconsin, offered the following motion to recommit:

> Mr. Hawks moves to recommit the bill to the committee with instructions to report it back forthwith with the following amendment: At the end of the bill insert a new paragraph, as follows:
>
> > No part of the funds appropriated in this bill shall be used for the purpose of purchasing any foreign dairy or other competitive foreign agricultural products. . . .
>
> MR. THOMAS S. MCMILLAN [of South Carolina]: Mr. Speaker, I make a point of order against the motion to recommit.
>
> THE SPEAKER:[4] The gentleman will state the point of order.
>
> MR. THOMAS S. MCMILLAN: Mr. Speaker, I make the point of order that the motion to recommit is not in order in that it is an attempt to place legislation in an appropriation bill.
>
> MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, it is a limitation on appropriations.
>
> THE SPEAKER: The Chair is ready to rule on the point of order made by the gentleman from South Carolina.
>
> The point of order has been made that the motion to recommit is not in order because of the fact that it sets up matters of legislation in an appropriation bill. The Chair has tried carefully

1. 95 CONG. REC. 2936, 81st Cong. 1st Sess.
2. Sam Rayburn (Tex.).
3. 84 CONG. REC. 5856, 76th Cong. 1st Sess.
4. William B. Bankhead (Ala.).

to read the provisions of the motion. On a fair reading and construction of the whole motion it appears that there is nothing affirmative in the motion in the way of legislation. It appears to the Chair on the whole to be a restriction or a limitation upon the expenditure of funds.

§ 32.8 A motion to recommit a bill reported by the Committee on House Administration, making unlawful the requirement of the payment of a poll tax, with instructions to report it back in the form of a joint resolution amending the Constitution to accomplish the purpose of the bill was held not germane inasmuch as a constitutional amendment involving the question would lie within the jurisdiction of the Committee on the Judiciary.

On July 26, 1949,[5] the House was considering H.R. 3199, the antipoll tax bill. After the bill was read for a period of time, Mr. Robert Hale, of Maine, offered a motion to recommit:

The Clerk read as follows:

Mr. Hale moves to recommit the bill H.R. 3199 to the Committee on House Administration with directions that they report the legislation back to the House in the form of a joint resolution amending the Constitution to make illegal payment of poll taxes as a qualification of voting. . . .

MR. [VITO] MARCANTONIO [of New York]: I make the point of order that the language which is carried in the motion to recommit is not germane to the bill. The motion calls for a constitutional amendment.

THE SPEAKER:[6] The Chair is inclined to agree with the gentleman for the simple reason that a constitutional amendment involving this question would lie within the jurisdiction of the Committee on the Judiciary and not within the Committee on House Administration. The Chair sustains the point of order.

Timeliness of Point of Order

§ 32.9 A point of order that a motion to recommit with instructions is not germane to the bill comes too late after the proponent of the motion has been recognized for five minutes of debate in the House, and has yielded for a parliamentary inquiry.

On June 2, 1971,[7] the House was considering H.R. 3613, a manpower and revenue-sharing bill. Mr. Marvin L. Esch, of Michigan, offered a motion to recommit the bill to the Committee on Education and Labor with certain instructions, and was recognized for

5. 95 CONG. REC. 10247, 81st Cong. 1st Sess.

6. Sam Rayburn (Tex.).

7. 117 CONG. REC. 17491–95, 92d Cong. 1st Sess.

five minutes of debate thereon. At this point, Mr. James G. O'Hara, of Michigan, interrupted Mr. Esch with a parliamentary inquiry:

MR. O'HARA: Then I would like to inquire of the Speaker, if the fact that an amendment was made in order, a particular amendment otherwise not germane, was made in order under the 5-minute rule, by provisions of the resolution from the Committee on Rules, would that make the same non-germane amendment in order as a motion to recommit with instructions?

THE SPEAKER:[8] The gentleman from Michigan [Mr. Esch] has been recognized on his motion to recommit with instructions. Any challenge to the motion would now come too late.

The gentleman from Michigan [Mr. Esch] may continue to debate his motion to recommit with instructions.

Instructions to House Committees

§ 32.10 The House may, through use of the motion to recommit, instruct one of its committees to take certain actions.

On Aug. 22, 1966,[9] the House was considering H.R. 16340, prohibiting picketing within 500 feet of any church in the District of Columbia. Mr. Don Edwards, of California, offered a motion to recommit:

THE SPEAKER PRO TEMPORE:[10] The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Edwards of California moves to recommit H.R. 16340 to the District of Columbia Committee with instructions to hold public hearings and to request a report of the Department of Justice and the testimony of the Attorney General.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I make a point of order against the motion to recommit. We cannot tell a committee who to call as witnesses and what kind of hearings to hold.

THE SPEAKER PRO TEMPORE: The House has authority to instruct the committee. The motion is in order.[11]

§ 32.11 The House rejected a motion to recommit a resolution of the Committee on Un-American Activities to a select committee with instructions to examine the sufficiency of the contempt citation and report back to the House.

On Oct. 18, 1966,[12] the House was considering House Resolution

8. Carl Albert (Okla.).
9. 112 CONG. REC. 20119, 89th Cong. 2d Sess.
10. Carl Albert (Okla.).
11. See also 116 CONG. REC. 28036, 91st Cong. 2d Sess., Aug. 10, 1970; and 114 CONG. REC. 6270, 6275, 6276, 90th Cong. 2d Sess., Mar. 13, 1968.
12. 112 CONG. REC. 27484, 89th Cong. 2d Sess.

1060, relating to the refusal of Milton M. Cohen to testify before the Committee on Un-American Activities. Mr. Silvio O. Conte, of Massachusetts, offered a motion to recommit.

THE SPEAKER:[13] The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conte moves to recommit the resolution of the Committee on Un-American Activities to a select committee of seven Members to be appointed by the Speaker with instructions to examine the sufficiency of the contempt citations under existing rules of law and relevant judicial decisions and thereafter to report it back to the House, while Congress is in session, or, when Congress is not in session, to the Speaker of the House, with a statement of its findings.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit. . . .

The question was taken; and there were—yeas 90, nays 181, not voting 161.[14]

Conditional Instructions

§ 32.12 A motion to recommit a bill to the Committee on Public Works, with instructions not to report back to the House until final plans for construction became available, was rejected by the House.

On Mar. 5, 1970,[15] the House was considering S. 2910, providing additional authorization for the Madison Memorial building. The Speaker, John W. McCormack, of Massachusetts, recognized Mr. Marion G. Snyder, of Kentucky, to offer a motion to recommit:

The Clerk read as follows:

Mr. Snyder moves to recommit the bill S. 2910 to the Committee on Public Works with the instruction that it not be reported back to the House until all necessary designs, plans, and specifications have been completed. . . .

The question was taken; and there were—yeas 149, nays 197, answered "present" 1, not voting 83.

Rulings as to Propriety of Motion

§ 32.13 Parliamentarian's Note: It is the responsibility of the Speaker, not the Chairman of the Committee of the Whole, to rule upon the propriety of a motion to recommit with instructions.

Raising Points of Order

§ 32.14 Where a motion to recommit with instructions is

13. John W. McCormack (Mass.).

14. See also 112 CONG. REC. 1742–63, 89th Cong. 2d Sess., Feb. 2, 1966; H. Rept. No. 1241 and H. Res. 699, contempt proceedings against Robert M. Shelton of the Ku Klux Klan.

15. 116 CONG. REC. 6191, 91st Cong. 2d Sess.

ruled out on a point of order, a further motion to recommit may be offered.

On Mar. 2, 1967,[16] the House was considering H.R. 4515, supplemental military authorizations for fiscal 1967. After Mr. Henry S. Reuss, of Wisconsin, offered a motion to recommit the bill with instructions, Mr. L. Mendel Rivers, of South Carolina, rose with a point of order:

MR. RIVERS: Mr. Speaker, I make the point of order that the instructions contained in the motion to recommit are not germane to the bill under consideration. Therefore, they are not in order and are not germane to the matter under consideration.

THE SPEAKER:[17] The gentleman from South Carolina [Mr. Rivers] makes the point of order that the motion to recommit contains provisions that are not germane to the bill presently under consideration. . . .

THE SPEAKER: The Chair is prepared to rule. . . .

It is evident to the Chair that the amendment—or at least portions thereof—are not germane as they involve different subjects than the field covered by the pending bill.

The Chair sustains the point of order.

The question is on the passage of the bill.

MOTION TO RECOMMIT

MR. [GEORGE E.] BROWN [Jr.] of California: Mr. Speaker, I move to recommit the bill H.R. 4515, to the Committee on Armed Services, with instructions to report it back forthwith with an amendment which is at the Clerk's desk.

THE SPEAKER: The Chair will ask if the gentleman is opposed to the bill?

MR. BROWN of California: I am opposed to the bill in its present form, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.[18]

§ 32.15 A point of order against a motion to recommit with an instruction was made prior to completion of the reading thereof, the same proposition having been ruled out as not germane when offered as an amendment in the Committee of the Whole.

On Mar. 2, 1967,[19] the House was considering H.R. 4515, supplemental military authorizations for fiscal 1967. After Mr. Henry S. Reuss, of Wisconsin, offered a motion to recommit the bill with certain instructions, Mr. L. Mendel Rivers, of South Carolina, interrupted the reading of the motion to make a point of order. Mr. Reuss spoke in defense of his motion.

THE SPEAKER:[20] Does the gentleman from Wisconsin [Mr. Reuss] desire to be heard?

16. 113 CONG. REC. 5155, 5156, 90th Cong. 1st Sess.
17. John W. McCormack (Mass.).
18. See also 94 CONG. REC. 5007, 5008, 80th Cong. 2d Sess., Apr. 28, 1948.
19. 113 CONG. REC. 5155, 5156, 90th Cong. 1st Sess.
20. John W. McCormack (Mass.).

MR. REUSS: Mr. Speaker, I shall appreciate proceeding briefly in opposition to the point of order that the amendment is not germane.

Mr. Speaker, the amendment contained in the motion to recommit is precisely the amendment which I offered earlier. It was ruled not germane by the able and respected Chairman of the Committee of the Whole House on the State of the Union, the gentleman from Illinois [Mr. Rostenkowski]. . . .

Mr. Speaker, we find ourselves thus in the position of having two precedents on both sides of the question, which is not an unprecedented matter in the history of precedents. It is a matter analogous to where there is disagreement in the circuit courts of appeals, thus requiring the Supreme Court to rule to resolve the dispute.

Accordingly, I hope and trust that the Speaker will rule that the motion to recommit, and the amendment contained in it, is germane, and thus that this body may vote on this important question of war and peace.

THE SPEAKER: The Chair is prepared to rule. . . .

It is evident to the Chair that the amendment—or at least portions thereof—are not germane as they involve different subjects than the field covered by the pending bill.

The Chair sustains the point of order.

The question is on the passage of the bill.

Instructions to Report Back With Amendment

§ 32.16 The House recommitted a joint resolution to the Committee on Education and Labor with instructions that the preamble and body be reported back forthwith with an amendment in the nature of a substitute.

On Feb. 9, 1972,[1] the House was considering House Joint Resolution 1025, providing a procedure for settlement of a dispute on the Pacific Coast among certain shippers and employees. Mr. Albert H. Quie, of Minnesota, offered the following motion to recommit:

> Mr. Quie moves to recommit House Joint Resolution 1025 to the Committee on Education and Labor with instructions to that committee to report it back to the House forthwith with the following amendment: Strike out all after title of the joint resolution and insert in lieu thereof the following: . . .

The motion to recommit then provided an amendment in the nature of a substitute for the joint resolution.

> MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Speaker, I move the previous question on the motion to recommit.
>
> The previous question was ordered.
>
> THE SPEAKER:[2] The question is on the motion to recommit. . . .
>
> So the motion to recommit was agreed to.

1. 118 CONG. REC. 3451–53, 92d Cong. 2d Sess.
2. Carl Albert (Okla.).

Instructions Modifying Previously Adopted Amendment

§ 32.17 Absent a special rule, a motion to recommit may not include instructions to modify an amendment previously agreed to by the House.

On Apr. 5, 1967,[3] the House was considering House Resolution 221, authorizing expenditures by the Committee on Un-American Activities. Mr. John Ashbrook, of Ohio, offered a motion to recommit the resolution with instructions and Mr. Wayne L. Hays, of Ohio, rose with a point of order against the motion.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ashbrook moves to recommit the resolution (H. Res. 221)to the Committee on House Administration with instructions to report the resolution forthwith with the following amendment: On page 1, line 5, strike out "$350,000" and insert in lieu thereof "$400,000."

MR. HAYS: Mr. Speaker——

THE SPEAKER:[4] For what purpose does the gentleman rise?

MR. HAYS: Mr. Speaker, I make a point of order against the motion to recommit on the grounds that the House has just adopted the committee amendment to cut the amount from $400,000 to $350,000. The gentleman now offers a motion to recommit to restore it from the $350,000 to $400,000 and it is clearly out of order.

THE SPEAKER: Does the gentleman from Ohio [Mr. Ashbrook] desire to be heard?

MR. ASHBROOK: Yes, Mr. Speaker.

Mr. Speaker, it appears to me that we voted to order the previous question on the amendments and the motion to recommit, in my opinion, would be a proper motion to recommit. I hope that the Chair will so hold.

THE SPEAKER: The Chair will call attention to that fact that the previous question was ordered and the amendments were adopted by the House.

It is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment.

An amendment to strike out an amendment already adopted is not in order. The subject matter of the motion to recommit has already been passed upon by the House.

The Chair sustains the point of order.[5]

§ 32.18 A motion to recommit an appropriation bill to a committee with instructions to reduce the amount of the appropriation by a certain amount is in order, but, absent a special rule, the com-

3. 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess.

4. John W. McCormack (Mass.).

5. See also 111 CONG. REC. 2914, 2917, 89th Cong. 1st Sess., Feb. 17, 1965; 103 CONG. REC. 12471, 85th Cong. 1st Sess., July 23, 1957; and 95 CONG. REC. 5597, 81st Cong. 1st Sess., May 4, 1949.

mittee may not report the bill back to the House with an amendment proposing a change in the amendments adopted by the House.

On May 15, 1939,[6] the House was considering H.R. 6260, providing appropriations for certain civil functions administration by the War Department. Speaker William B. Bankhead, of Alabama, recognized Mr. D. Lane Powers, of New Jersey, to offer a motion to recommit.

Mr. Powers moves to recommit the bill to the Committee of Appropriations with instructions to report the same back forthwith with amendments reducing the total amount of the bill $50,000,000.

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Speaker, I make the point of order that the motion to recommit undertakes to do indirectly what cannot be done directly.

The amount carried in this bill, with these amendments, totals $305,000,000. Part of it is for the Panama Canal, part for cemeterial expense, part for the Signal Corps and Alaskan Communications Commission, part for rivers and harbors, part for flood control, and part for the United States Soldiers' Home. Of the amount of $305,000,000, $277,000,000 is for rivers and harbors and flood control, leaving only $28,000,000 for all of these other governmental activities. A reduction of $50,000,000 would take away a large part of the money carried in the two amendments voted in the House last Wednesday. A motion to recommit to do this cannot be done. This motion to recommit attempts to do indirectly what cannot be done directly. It proposes a second vote on the same propositions that were voted on last Wednesday; therefore is subject to a point of order.

THE SPEAKER: The Chair may state, in connection with the point of order made by the gentleman from Mississippi, that the Chair understands the purpose of the motion to recommit, one motion to recomit always being in order after the third reading, is to give those Members opposed to the bill an opportunity to have an expression of opinion by the House upon their proposition. It is true that under the precedents it is not in order by way of a motion to recommit to propose an amendment to an amendment previously adopted by the House, but the motion now pending does not specifically propose to instruct the Committee on Appropriations to do that. The Chair is inclined to the opinion that the motion to recommit in the form here presented is not subject to a point of order.

The Chair overrules the point of order. . . .

The Chair understands the rule to be that the House can adopt a motion to recommit with instructions to reduce the amount of the appropriation by $50,000,000, but the committee, if this motion should be adopted, could not report the bill back to the House with an amendment proposing a change in the amendments adopted by the House.

Parliamentarian's Note: Pursuant to such instructions, the Com-

6. 84 CONG. REC. 5535, 5536, 76th Cong. 1st Sess.

mittee on Appropriations would not necessarily be forced to recommend specific reductions in line item appropriations, but could report an amendment directing an overall reduction of funds in the bill in some manner.

§ 32.19 Where a special rule permitted two motions to recommit and made such motions in order "any rule of the House to the contrary notwithstanding," it was held that instructions in a motion to recommit might propose the striking out of an amendment previously agreed to by the House.

On Mar. 22, 1935,[7] the House was considering H.R. 3896, relating to the payment of adjusted service certificates from World War I. Mr. Fred M. Vinson, of Kentucky, was recognized to offer a motion to recommit the bill with instructions.

MR. VINSON of Kentucky: Mr. Speaker, I move to recommit the bill (H.R. 3896) to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment: Strike out all after the enacting clause in the said bill and insert the following amendment, which I send to the Clerk's desk.

After the Clerk reported the motion to recommit, Mr. Thomas L. Blanton, of Texas, raised a point of order against the motion.

MR. BLANTON: Mr. Speaker, for the purpose only of getting a ruling from the Chair on the existing parliamentary situation, which is novel in that there has never been a precedent like it before in the whole history of this House, I make the point of order that even though the rule provides for two motions to recommit, they are under and governed by the general rules of the House except insofar as the special rule itself changes the general rules. The rules and precedents of the House provide that where a matter has been voted upon and adopted, not only in the Committee of the Whole House on the state of the Union but also in the House itself after the bill comes back from the Committee of the Whole House on the state of the Union to the House, and the House votes on such substantive proposition in the bill and registers its decision on that proposition, and motion is duly made and carried to reconsider the vote by which the proposition was passed and to lay that motion on the table, you cannot have two votes thereafter in the House on the same identical proposition that has been voted upon once in the House. . . .

THE SPEAKER:[8] The Chair is ready to rule. The pending bill is being considered under a special rule which was unanimously adopted by the House before the bill was taken up for consideration.

It is true, as the gentleman from Texas suggests, that under the ordinary rules of the House only one mo-

7. 79 CONG. REC. 4309–11, 74th Cong. 1st Sess.

8. Joseph W. Byrns (Tenn.).

tion to recommit would be in order. However, the Committee on Rules, after a very long and thorough consideration of the question before the House, and after what the Chair understands to be a general understanding among those for and against either one of the bills, decided in the interest of fairness to propose a rule which permitted two motions to recommit.

While it has no bearing upon the ruling of the Chair, the Chair feels that every Member of the House, without regard to his position on this or any other bill pending, understood at the time the rule was proposed by the Committee on Rules, that it would enable the House to express its will with reference to these two bills. The rule was adopted unanimously, and it provided, 'That if the instructions in such motion relate to the payment of World War adjusted-service certificates, they shall be in order, any rule of the House to the contrary notwithstanding.'

Now, in view of the action of the House in adopting the rule, the Chair thinks, notwithstanding the fact that a vote was taken yesterday on the socalled "Patman bill" and a motion to reconsider laid on the table, it is in order to recognize a Member to offer the Vinson bill in a motion to recommit, even though it may involve a vote for the second time on the Patman bill.

The Chair therefore overrules the point of order.

§ 32.20 Where the House has adopted an amendment in the nature of a substitute, such amendment cannot be further amended by way of a motion to recommit with instructions, absent a special rule, and only a straight motion to recommit would be in order.

On June 17, 1952,[9] the House was considering S. 658, to amend the Communications Act of 1934. Mr. Charles A. Halleck, of Indiana, rose with a parliamentary inquiry:

MR. HALLECK: In view of the fact that the matter before us is a committee amendment, a complete amendment to the whole bill, would any motion to recommit, except a straight motion to recommit, be in order?

THE SPEAKER:[10] That is the only motion that would be in order under the rule.[11]

§ 32.21 Where the rule under which a bill is being considered provides for "a motion to recommit with or without instructions," the motion to recommit may contain instructions to report back forthwith with amendments notwithstanding the fact that the House has just agreed to an amendment in the nature

9. 98 CONG. REC. 7421, 82d Cong. 2d Sess.
10. Sam Rayburn (Tex.).
11. See also 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess., May 4, 1960; and 103 CONG. REC. 12471, 85th Cong. 1st Sess., July 23, 1957.

of a substitute reported from the Committee of the Whole.

On Sept. 29, 1965[12] the Committee of the Whole having considered the bill H.R. 4644, providing home rule for the District of Columbia, reported the bill back to the House with an amendment in the nature of a substitute adopted in the Committee of the Whole.

THE SPEAKER:[13] Under the rule, the previous question is ordered.

The question is on the amendment. . . .

MR. [HOWARD W.] Smith of Virginia: Mr. Speaker, just to get this matter clarified, as I understand the rule, if the Sisk amendment is defeated on the rollcall which is approaching, then we go back to the original first Multer bill, the bill for which the discharge petition was signed. That is the original first bill and there cannot be any vote on any compromise bill. The original Multer bill will then not be subject to further amendment or to any amendment.[14]

THE SPEAKER: It would not be because the previous question has been ordered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, may I make this parliamentary inquiry?

THE SPEAKER: The gentleman will state it.

MR. ALBERT: Is not what the distinguished gentleman from Virginia said subject to the right of the minority to offer a motion to recommit containing appropriate amendments with or without instructions?

THE SPEAKER: The rule provides for one motion to recommit.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HAYS: That one motion to recommit, depending on who decides to offer it, may be a straight motion to recommit without any instructions, may it not?

THE SPEAKER: It could be.

MR. HAYS: A further parliamentary inquiry, Mr. Speaker. Then the House would be faced with voting for or against the original bill Mr. Multer himself abandoned. Is that not true?

THE SPEAKER: The Chair feels that the gentleman from Ohio answered his own question.

Instruction With Previously Rejected Amendment

§ 32.22 An amendment rejected in the Committee of the

12. 111 CONG. REC. 25438, 25439, 89th Cong. 1st Sess.
13. John W. McCormack (Mass.).
14. Although Mr. Smith stated that he was seeking to clarify the matter, his statement reflected some confusion on his part. The impending vote was on the Multer substitute as amended by the Sisk substitute amendment, both of which had been adopted by the Committee of the Whole. Mr. Smith was correct in stating that if the Multer substitute as amended by the Sisk substitute amendment was defeated, the proposition then before the House would have been H.R. 4644. H.R. 4644 was considered pursuant to H. Res. 515, which had been taken from the Committee on Rules on a discharge petition.

Whole may be offered in the House in a motion to recommit with instructions.

On July 8, 1940,[15] the House was considering S. 326, the Mexican claims bill. Mr. Hamilton Fish, Jr., of New York, offered a motion to recommit, and Mr. Luther A. Johnson, of Texas, rose with a point of order:

MR. LUTHER A. JOHNSON: Mr. Speaker, I make a point of order.

THE SPEAKER:[16]The gentleman will state it.

MR. LUTHER A. JOHNSON: An identical amendment was voted upon in Committee of the Whole, offered by the gentleman from Pennsylvania [Mr. Rich].

THE SPEAKER: That was an amendment which was offered in Committee of the Whole, the Chair will state. The House takes no judicial notice of action in Committee of the Whole or the rejection of an amendment in the Committee. The point of order is overruled.[17]

Instructions to Report Back "Forthwith"

§ 32.23 Instructions to report back "forthwith" accompanying a motion to recommit must be complied with immediately, and while the committee to which a bill is recommitted with instructions to report "forthwith" takes no action thereon, the Member in charge of the bill immediately reports the bill to the House as instructed, and the amendment is before the House for immediate consideration.

On Apr. 24, 1950,[18] after the engrossment and third reading of (H.R. 5965) providing for the construction of certain Veterans' Administration hospitals the House adopted a motion to recommit the bill to the Committee on Veterans' Affairs with instructions to report the bill back forthwith with an amendment.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, pursuant to the motion just adopted, I report the bill back with the amendment and move the previous question.

The previous question was ordered.

THE SPEAKER:[1] The Clerk will report the amendment.

After the Clerk read the amendment the Speaker announced that the question was on the amendment. Mr. James W. Wadsworth, of New York, then rose with the following parliamentary inquirty.

15. 86 CONG. REC. 9302, 9303, 76th Cong. 3d Sess.
16. William B. Bankhead (Ala.).
17. See also 114 CONG. REC. 10126–30, 90th Cong. 2d Sess., Apr. 22, 1968; and 93 CONG. REC. 10445, 80th Cong. 1st Sess., July 26, 1947.
18. 96 CONG. REC. 5620, 81st Cong. 2d Sess.
1. Sam Rayburn (Tex.).

MR. WADSWORTH: Mr. Speaker, is it possible that such a motion can be made by the gentleman from Mississippi in view of the fact that the committee has had no meeting?

THE SPEAKER: This is a forthwith motion. The question is on the amendment.[2]

§ 32.24 Where a motion to recommit with instructions to report back "forthwith" with an amendment has been agreed to, and the bill and amendment have again been reported to the House, the question recurs upon agreeing to the amendment, and if the amendment is agreed to, the bill is again ordered engrossed and read a third time.

On Sept. 30, 1965,[3] Mr. James T. Broyhill, of North Carolina, had offered a motion to recommit the bill H.R. 10281, the Federal Salary Adjustment Act of 1965. After the Speaker, John W. McCormack, of Massachusetts, put the question on the motion to recommit the following took place:

The question was taken; and there were—yeas 238, nays 140, answered "present" 1, not voting 53. . . .

The result of the vote was announced as above recorded.

MR. [JAMES H.] MORRISON [of Louisiana]: Mr. Speaker, pursuant to the instructions of the House on the motion to recommit I report back the bill, H.R. 10281, with an amendment.

The Clerk read as follows:

On page 38, strike out line 9 and all that follows through line 5 on page 39.

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

THE SPEAKER: The question is on passage of the bill.[4]

§ 32.25 A motion to recommit a bill to a committee with instructions to amend it and report the bill back to the House "as thus amended" was construed to mean "not forthwith," and the bill when reported back to the House was not given a privileged status.

On May 18, 1938,[5] the House was considering H.R. 9738, to cre-

2. See also 107 CONG. REC. 19208, 87th Cong. 1st Sess., Sept. 13, 1961; and 105 CONG. REC. 8635, 8636, 86th Cong. 1st Sess., May 20, 1959.

3. 111 CONG. REC. 25701, 25702, 89th Cong. 1st Sess.

4. See also 111 CONG. REC. 1194, 1195, 89th Cong. 1st Sess., Jan. 26, 1965; 108 CONG. REC. 21897, 21898, 87th Cong. 2d Sess., Oct. 3, 1962; and 89 CONG. REC. 3948, 3956, 3957, 78th Cong. 1st Sess., May 4, 1943.

5. 83 CONG. REC. 7103, 75th Cong. 3d Sess.

ate a Civil Aeronautics Authority. Mr. Carl E. Mapes, of Michigan, was recognized to offer a motion to recommit, and the following occurred:

The Clerk read as follows:

> Mr. Mapes moves to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to that committee to amend the bill so as to provide for the regulation of civil aeronautics by the Interstate Commerce Commission instead of by the Civil Aeronautics Authority provided in the bill, and to report the same back to the House as thus amended. . . .

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[6] The gentleman will state it.

MR. BOILEAU: The gentleman from Michigan has offered a motion to recommit which is not in the usual form of a motion to recommit, which provides that the committee shall report the bill back forthwith with the following amendments. It is a direction to the committee to amend the bill in accordance with the instructions in the motion to recommit and to report the bill back to the House. Obviously the motion to recommit, if carried, will necessitate considerable work on the part of the Committee on Interstate and Foreign Commerce. My parliamentary inquiry is, after the Committee on Interstate and Foreign Commerce makes the necessary changes as directed in the motion to recommit—assuming, of course, that the motion should prevail—would the bill then come back to the House automatically without action on the part of the Committee on Rules? In other words, would the bill amended in accordance with the instructions in the motion to recommit come back to the House as a matter of privilege?

THE SPEAKER: In answer to the parliamentary inquiry of the gentleman from Wisconsin, the Chair will state that the bill would be reported back to the House as it was in the first instance before the consideration of the bill was begun.

MR. BOILEAU: Assuming the motion to recommit prevails and the Committee on Interstate and Foreign Commerce is directed to make certain amendments, would not the committee then be forced to bring the bill back to the House as amended, and in that instance would it be a matter of privilege, or would the Committee on Rules be required to present a rule to make consideration of the bill in order?

THE SPEAKER: This is a rather unusual form in which to prepare a motion to recommit. However, the Chair will have to construe the motion as it is presented in the light of the parliamentary inquiry of the gentleman from Wisconsin.

The motion provides that the committee shall amend the bill so as to provide, and so forth. If the motion to recommit should prevail, of course, under the terms of the motion the bill would be recommitted to the Committee on Interstate and Foreign Commerce for the purpose of undertaking to carry out the instructions. The Chair is not of the opinion that thereafter the bill would have a privileged status before the House.

6. William B. Bankhead (Ala.).

§ 32.26 Where a motion to recommit a bill with instructions that it be reported back forthwith with an amendment has been agreed to, a motion to strike out the enacting clause of the bill is not in order pending the report of the committee pursuant to the instructions.

On Apr. 16, 1970,[7] the House adopted a motion to recommit the bill H.R. 16311, the Family Assistance Act of 1970, to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with several amendments. Immediately after the vote was announced on the motion to recommit, Mr. Wayne L. Hays, of Ohio, was recognized:

> MR. HAYS: Mr. Speaker, I have a preferential motion.
>
> THE SPEAKER:[8] Will the gentleman state his motion?
>
> MR. HAYS: I move that the enacting clause be stricken out.
>
> THE SPEAKER: The Chair will state that that motion is not in order. The Chair passed on it awhile ago. That motion is not in order.[9]

7. 114 CONG. REC. 12093, 12106, 91st Cong. 2d Sess.

8. John W. McCormack (Mass.).

9. *Parliamentarian's Note:* The previous question had been ordered on the bill and amendments to final passage without intervening motion except one motion to recommit.

§ 32.27 The House voted to recommit a bill to a committee with instructions to report back forthwith with an amendment and then rejected the amendment when so reported.

On Feb. 4, 1940,[10] the House was considering H.R. 7551, relating to certain payments to the San Carlos Apache Indians. The House adopted a motion offered by Mr. Jesse P. Wolcott, of Michigan, to recommit the bill to the Committee on Indian Affairs with instructions to report it back forthwith with an amendment.

> MR. [WILL] ROGERS of Oklahoma: Mr. Speaker, pursuant to the instructions of the House, I refer the bill back to the House with an amendment.
>
> The Clerk read as follows:
>
> > Page 2, line 6, strike out all the remainder of the paragraph after the word "Indians."
>
> THE SPEAKER PRO TEMPORE:[11] The question is on agreeing to the amendment.
>
> The question was taken; and on a division (demanded by Mr. Schafer of Wisconsin) there were—ayes 11, noes 14.
>
> MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.

10. 86 Cong. Rec. 1456–58, 76th Cong. 3d Sess.

11. Sam Rayburn (Tex.).

MR. COCHRAN: Is that the amendment offered by the gentleman from Michigan [Mr. Wolcott] just adopted by a roll-call vote?

THE SPEAKER PRO TEMPORE: The gentleman is correct. It was included in the motion to recommit. The House voted on the amendment provided for in the motion to recommit, and there were—ayes 11, noes 14.

MR. [JOHN C.] SCHAFER of Wisconsin: Mr. Speaker, I demand the regular order.

The amendment was rejected.

§ 32.28 The House having voted to recommit a bill to a committee with instructions to report back forthwith with an amendment agreed to the amendment when so reported, but then defeated the bill on a yea and nay vote.

On June 30, 1941,[12] the House was considering H.R. 4228, a wiretapping bill. After the House adopted a motion to recommit the bill to the Committee on the Judiciary with instructions to report it back forthwith with an amendment, the following occurred:

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, in obedience to the instruction of the House we report the bill back as amended in accordance with the order of the House.

THE SPEAKER:[13] The Clerk will report the amendment.

After the Clerk reported the amendment the following occurred:

THE SPEAKER: The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

THE SPEAKER: The question in on the passage of the bill. . . .

The question was taken; and there were—yeas 147, nays 154, answered "present" 1, not voting 130, as follows: . . .

Recommittal of Conference Report With Instructions

§ 32.29 On a motion to recommit a conference report with instructions, it is not in order to demand a separate vote on the instructions or various branches thereof.

On Apr. 11, 1956,[14] the House was considering the conference report on H.R. 12, to amend the Agricultural Act of 1949. After Mr. Joseph W. Martin, Jr., of Massachusetts, offered a motion to recommit the conference report with various instructions, Mr. Arthur L. Miller, of Nebraska, rose with a parliamentary inquiry:

MR. MILLER OF NEBRASKA: Since the motion to recommit applies to several

12. 87 Cong. Rec. 5793, 77th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

14. 102 Cong. Rec. 6157, 84th Cong. 2d Sess.

titles and sections of the bill, is it possible under the rules of the House to get a separate vote on the various amendments that seek to strike certain matter from the bill?

The Speaker:[15] A motion to recommit is not subject to division.

§ 32.30 A motion to recommit a conference report to the committee of conference with instructions to do something which the House itself does not have the power to do (to amend its own bill after its passage) is not in order.

On Aug. 25, 1950,[16] the House was considering the conference report on H.R. 7786, an appropriations bill. Mr. Vito Marcantonio, of New York, offered the following motion to recommit the conference report:

Mr. Marcantonio moves to recommit the conference report on H.R. 7786 to the committee of conference with instructions to the managers on the part of the House to incorporate in the conference report the following provisions: At the end of chapter XI, titled "General Provisions," add the following:

"None of the funds appropriated in this act shall be paid to any person, firm, partnership, or corporation which refuses equality in employment to any person because of race, color, or creed."

Mr. Clarence Cannon, of Missouri, rose with a point of order:

MR. CANNON: Mr. Speaker, the motion is not in order for two reasons: In the first place, the proposed instructions to the House managers incorporated in the motion propose action which is not within their province, they direct the managers on the part of the House to change the conference report, an action which can be taken only with the concurrence of the managers on the part of the Senate.

The second point is that the provision which the gentleman from New York seeks to add to the conference report does not appear in either the House bill or the Senate bill. It is therefore not in conference. It is not in difference between the two Houses. For either reason, the motion to recommit is not in order.

THE SPEAKER:[17] The Chair is ready to rule. Without passing on the first point raised by the gentleman from Missouri, the Chair will rule on the second point made by the gentleman from Missouri. The point of order is that this matter was not incorporated in the bill when it passed the House, nor was it in the bill as it passed the other body. The motion to recommit calls upon the committee of conference to do something which the House itself does not have the power to do, namely to amend its own bill after its passage. This matter, not being in either the House version or the Senate version of the bill, the Chair holds that the point or order is well taken and sustains the point of order.

§ 32.31 A motion to recommit a conference report with in-

15. Sam Rayburn (Tex.).
16. 96 Cong. Rec. 13476, 81st Cong. 2d Sess.
17. Sam Rayburn (Tex.).

structions to the House managers to report back an amendment which would include the provisions of the bill as reported by the House committee, rather than as passed by the House with changes, was held not in order as being beyond the scope of the Senate and House passed versions.

On May 9, 1955,[18] the House was considering the conference report on S. 1, the Coastal Field Service Compensation Act of 1955. Mr. Edward H. Rees, of Kansas, offered a motion to recommit and the following occurred:

> Mr. Rees of Kansas moves to recommit the bill S. 1 as amended to the committee of conference with instructions to report back an agreement which would include the provisions of H.R. 4644 as reported by the House Post Office and Civil Service Committee, with the additional provision that the 6-percent increase be retroactive to March 1, 1955.
>
> MR. [THOMAS J.] MURRAY OF TENNESSEE: Mr. Speaker, I make a point of order against the motion to recommit. As I understand, the motion instructs the conferees to do something less than the House voted. We are bound to follow the instructions of the House in the conference. That matter is not even in conference.
>
> THE SPEAKER:[19] The Chair is ready to rule. The Chair thinks that this question has been passed upon many times in the past. An exactly similar question was raised on September 15, 1922, when a very distinguished gentleman by the name of John N. Garner made a similar motion to recommit with instructions to the conferees to lower the rates contained in either the bill or in the amendment. Mr. Edward Taylor, of the State of Colorado, made the point of order. Speaker Gillette sustained the point of order, and that decision may be found in Cannon's Precedents, volume VIII, section 3244. It is exactly on all fours with this. Therefore, the Chair sustains the point of order.

Senate Practice

§ 32.32 Where the Senate recommits a bill to the committee which reported it such action nullifies all amendments agreed to on the floor; the committee has the entire matter before it again and may report it back with or without former committee amendments and amendments agreed to by the Senate, unless the motion to recommit contains specific instructions as to how the bill should be reported.

On May 11, 1949,[20] the Senate was considering H.R. 3083, Treasury and Post Office appropriations for 1950. The following discussion

18. 101 Cong. Rec. 5871, 84th Cong. 1st Sess.

19. Sam Rayburn (Tex.).

20. 95 Cong. Rec. 6039, 81st Cong. 1st Sess.

took place on the effect of the motion to recommit:

THE VICE PRESIDENT:[21] The Chair will advise Senators that when a bill is recommitted to the committee from which it emanates, such action nullifies all amendments that have been agreed to on the floor of the Senate, and the bill goes back to the committee—if it happens to be a House bill—in the same shape in which it came to the Senate from the House, regardless of the intention of any Senator.

MR. [ROBERT A.] TAFT [of Ohio]: Mr. President, a parliamentary inquiry.

THE VICE PRESIDENT: The Senator will state it.

MR. TAFT: Is it not true that the committee, complying with the intention of the Senate, as indicated by the motion, can report the bill back adopting or recommending as committee amendments, amendments which it formerly recommended, and also amendments which the Senate itself had specifically approved?

THE VICE PRESIDENT: The committee might do that; but the committee would have to act upon the amendments in committee as if no action had previously been taken.

MR. [CLAUDE D.] PEPPER [of Florida]: Mr. President, a parliamentary inquiry. . . .

The Senator from New Hampshire has today reaffirmed the same principle. I am raising the parliamentary question, Is not the Senate the superior body, which has control of the action of its committees? If the intention of the Senate is clear, could there be any parliamentary result to the contrary?

THE VICE PRESIDENT: The Senate can instruct its committees as it sees fit. It may make an exception of any amendment which has been agreed to on the floor. However, if it does not make an exception of any amendment agreed to on the floor, the parliamentary effect of recommittal is to nullify all amendments agreed to on the floor. In the recommittal of the bill the other day no exception was made of any amendment. The committee has a perfect right to act upon its own judgment; but in the opinion of the Chair, there is no automatic exception with regard to any amendment agreed to in the Senate prior to recommittal of the bill.

21. Alben W. Barkley (Ky.).

§ 32.33 The Senate recommitted a House bill to its Committee on Commerce with instructions to report it back forthwith in an amended form combining the provisions of both the House bill and a related Senate measure.

On Feb. 20, 1970,[1] the Senate was considering H.R. 14465, relating to the expansion and improvement of airport and airway systems when Senator Warren G. Magnuson, of Washington, was recognized to offer a motion to recommit:

MR. MAGNUSON: Mr. President, I ask unanimous consent that H.R. 14465, to provide for expansion and improve-

1. 116 CONG. REC. 4327, 91st Cong. 2d Sess.

ment of the Nation's airport and airway systems, be recommitted to the Committee on Commerce with instructions to report back forthwith a bill which combines the provisions of S. 3108, to provide for additional Federal assistance for the improvement of the airway system, plus the provisions of H.R. 14465, as both were originally reported to the Senate from the Committee on Finance. The bill has two parts and one part had to go to the Committee on Finance.

THE PRESIDING OFFICER:[2] Without objection, it is so ordered.

MR. MAGNUSON: This procedure is followed to permit the bill to be printed in the form in which it will be considered, I believe, early next week. This is one of the most important pieces of legislation we will consider this session.

F. MOTIONS TO RECONSIDER

§ 33. In General

The motion to reconsider is provided for by House rule.[3] It is the procedural device which permits the House to review its actions on a given proposition. Indeed, it has been said that the vote of the House on a proposition "is not final and conclusive upon the House itself until there has been an opportunity to reconsider it,"[4] and that ". . . neither a bill nor an amendment is passed or adopted until the motion to reconsider is disposed of. The Speaker is not allowed to sign a bill during the pendency of a motion to reconsider. . . ."[5] While pending, the motion serves to suspend the original proposition.[6] When the motion is agreed to, the question immediately recurs on the proposition to be reconsidered.[7]

2. Robert C. Byrd (W. Va.).

3. "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, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consist of the House, and thereafter any Member may call it up for consideration: *Provided,* That such motion, if made during the last six days of a session, shall be disposed of when made." Rule XVIII clause 1, *House Rules and Manual* § 812 (1981).

4. Speaker John G. Carlisle (Ky.), Jan. 31, 1889, cited in *Cannon's Procedure* (86th Cong.), p. 319.

5. Speaker Thomas B. Reed (Maine), Feb. 19, 1898, 31 CONG. REC. 1944, 55th Cong. 2d Sess.

6. 5 Hinds' Precedents § 5704.

7. 5 Hinds' Precedents § 5703.