

There was no objection.

*Parliamentarian's Note:* Since a quorum is required to reconsider the vote on a proposition which requires a quorum (5 Hinds' Precedents § 5606), and since under the rules then applicable no business could be conducted once a point of no quorum was made, it became necessary to seek unanimous consent to enter the motion. However, once the point of order was withdrawn, such unanimous consent would no longer have been required.

## § 38. As Related to Other Motions

### *Motion to Lay on the Table*

**§ 38.1 The motion to reconsider may be applied to a vote to lay a matter on the table (except to a vote to table a motion to reconsider) and conversely, a motion to reconsider may be laid on the table.**

On Oct. 9, 1968,<sup>(14)</sup> Mr. Robert Taft, Jr., of Ohio, sought to appeal a ruling of the Chair, and Mr. Carl Albert, of Oklahoma, moved to lay that appeal on the table.

14. 114 CONG. REC. 30214-16, 90th Cong. 2d Sess.

After the House voted to table the appeal the following took place:

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I offer a privileged motion.

THE SPEAKER:<sup>(15)</sup> The gentleman from California will state his privileged motion.

MR. HOSMER: Mr. Speaker, I move to reconsider the vote on the motion to lay the appeal from the Chair on the table.

MR. ALBERT: Mr. Speaker, I move that the motion be laid on the table.

THE SPEAKER: The gentleman from California moves to reconsider the vote on the motion to lay the appeal from the decision of the Chair on the table, and the gentleman from Oklahoma moves that that motion be laid on the table.

MR. HOSMER: Mr. Speaker, I make a point of order against the motion of the gentleman from Oklahoma to lay my motion on the table because that motion does not lie.

THE SPEAKER: The Chair will state that a motion to lay on the table, on a motion to reconsider, is a recognized motion. . . .

The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert], that the motion to reconsider be laid on the table.

The question was taken; and there were—yeas 136, nays 104, not voting 191. . . .

So the motion to lay on the table was agreed to.

### **§ 38.2 A motion to reconsider and a motion to table the mo-**

15. John W. McCormack (Mass.).

**tion to reconsider were made from the floor and agreed to by unanimous consent.**

On July 18, 1962,<sup>(16)</sup> after the House adopted a motion to recommit the conference report on S. 167 relating to the enforcement of antitrust laws, the following occurred:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(17)</sup> The gentleman will state it.

MR. GROSS: Was the vote by which the motion to recommit carried reconsidered and that motion laid on the table?

THE SPEAKER: It has not been yet.

MR. GROSS: I so move, Mr. Speaker.

THE SPEAKER: Without objection the motion to reconsider will be laid on the table.

There was no objection.

**§ 38.3 After a Member inquired as to whether a motion to reconsider a vote on a motion to recommit had been tabled, the motion to reconsider was laid on the table.**

On the legislative day of Dec. 20, 1963,<sup>(18)</sup> the House voted to recommit Conference Report No.

16. 108 CONG. REC. 13997, 87th Cong. 2d Sess.

17. John W. McCormack (Mass.).

18. 109 CONG. REC. 25423, 88th Cong. 1st Sess., Dec. 21, 1963 (Calendar Day).

1091 on H.R. 9499, dealing with foreign aid appropriations for fiscal 1964. The following then took place:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(1)</sup> The gentleman will state the parliamentary inquiry.

MR. HALLECK: Mr. Speaker, was a motion to reconsider the vote just taken on the motion to recommit tabled?

THE SPEAKER: The Chair thanks the gentleman.

A motion to reconsider the vote by which action was taken on the motion to recommit the conference report on H.R. 9499 making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1964, and for other purposes, was laid on the table.

**§ 38.4 Where objection was raised to a unanimous-consent request that a motion to reconsider be tabled, the Chair announced that the objection was heard and then, since no Member sought recognition to make a motion relating to the pending bill, recognized another Member to call up the next item of scheduled business.**

On Oct. 9, 1969,<sup>(2)</sup> after the House agreed to a conference on

1. John W. McCormack (Mass.).

2. 115 CONG. REC. 29315, 29316, 91st Cong. 1st Sess.

H.R. 11612 relating to agriculture appropriations for fiscal 1970, Mr. Silvio O. Conte, of Massachusetts, offered a motion to instruct the House conferees to insist on a certain provision of the bill. The following then occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Whitten moves to lay on the table the motion offered by the gentleman from Massachusetts (Mr. Conte).

THE SPEAKER:<sup>(3)</sup> The question is on the preferential motion offered by the gentleman from Mississippi (Mr. Whitten). . . .

So the preferential motion was agreed to [and the Chair appointed managers on the part of the House].

Without objection, a motion to reconsider is laid on the table.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

The Speaker then recognized another Member to call up a special rule for the consideration of another bill. The motion to reconsider was neither entered nor called up the next legislative day, so the matter became moot.

### ***Unanimous-consent Requests***

#### **§ 38.5 A unanimous-consent request to vacate the pro-**

3. John W. McCormack (Mass.).

**ceedings whereby a conference report was agreed to and a motion to reconsider laid on the table, was entertained by the Chair but objected to.**

On May 22, 1968,<sup>(4)</sup> the House was considering the conference report on S. 5, the Consumer Credit Protection Act, when the following occurred:

The conference report was agreed to.

A motion to reconsider was laid on the table.

MR. [WILLIAM T.] CAHILL [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(5)</sup> The gentleman will state the parliamentary inquiry.

MR. CAHILL: Mr. Speaker, would it be in order for a Member to move to rescind the action heretofore taken by the House?

THE SPEAKER: A motion would not be in order. But it would be in order for a unanimous-consent request to be made. . . .

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House adopted the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

4. 114 CONG. REC. 14396, 14398, 14402, 90th Cong. 2d Sess.

5. John W. McCormack (Mass.).

MR. [WILLIAM L.] HUNGATE [of Missouri]: Mr. Speaker, reserving the right to object, all Members were notified this measure would be before the House today as the first order of business. This legislation has been before this body for 8 years. Objection should have been made before the vote was taken.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

**§ 38.6 The Chairman of the Committee of the Whole allowed a unanimous-consent request to vacate the proceedings whereby an amendment was adopted, after he held out of order a motion to reconsider the vote by which that amendment was adopted.**

On Mar. 12, 1945,<sup>(6)</sup> Mr. Brent Spence, of Kentucky, who was in charge of debate in the Committee of the Whole on H.R. 2023 (to continue the Commodity Credit Corporation), inadvertently permitted an amendment offered by Mr. Jesse P. Wolcott, of Michigan, to be adopted. Mr. Spence realized his mistake, and sought to have that proceeding reconsidered:

MR. SPENCE: Mr. Chairman, I move to reconsider the action of the Committee by which the amendment was agreed to.

THE CHAIRMAN:<sup>(7)</sup> Such a motion is not in order in the Committee of the Whole.

6. 91 CONG. REC. 2042, 2043, 79th Cong. 1st Sess.

7. R. Ewing Thomason (Tex.).

MR. WOLCOTT: Mr. Chairman a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WOLCOTT: Inasmuch as business has been transacted since the original request was submitted by the gentleman from Kentucky, would it be in order for me to propound a consent request that the proceedings by which the amendment was adopted be vacated?

THE CHAIRMAN: Such a request would be in order, and the Chairman recognizes the gentleman for that purpose.

MR. WOLCOTT: Then, Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment was adopted reducing the amount from \$5,000,000,000 to \$4,000,000,000 be vacated. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Michigan?

There was no objection.

***Motion for the Previous Question***

**§ 38.7 A motion to reconsider is debatable when a resolution [providing for the order of business] has been agreed to without debate and without the ordering of the previous question.**

On Sept. 13, 1965,<sup>(8)</sup> after adoption of House Resolution 506 providing for consideration of H.R.

8. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

10065 (the Equal Employment Opportunity Act of 1965), the following discussion on the relationship between the motion to reconsider and the previous question took place:

MR. [WILLIAM M.] McCULLOCH [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(9)</sup> The gentleman will state it.

MR. McCULLOCH: Mr. Speaker, was the previous question ordered on the question to adopt the resolution that has just been voted on?

THE SPEAKER: It was not.

MR. McCULLOCH: Mr. Speaker, having voted in the affirmative, I now move that the vote by which House Resolution 506 was adopted be now reconsidered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that that motion be laid upon the table.

MR. McCULLOCH: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. ALBERT].

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is in the process of counting.

Evidently a sufficient number have risen, and the yeas and nays are ordered.

MR. LAIRD: Mr. Speaker, a parliamentary inquiry

THE SPEAKER: The gentleman will state his parliamentary inquiry

MR. LAIRD: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentleman from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.

The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.

THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?

MR. LAIRD: Mr. Speaker, if the motion to table is defeated, the motion to reconsider will give us an opportunity to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

## § 39. Scope and Application of Motion

### *Use in Committee*

**§ 39.1 A motion to reconsider may be used in a committee, when a quorum is present, to report out from that committee bills approved earlier that day in the absence of a quorum.**

On July 9, 1956,<sup>(10)</sup> John L. McMillan, of South Carolina, Chair-

10. 102 CONG. REC. 12199, 12200, 84th Cong. 2d Sess.

9. John W. McCormack (Mass.).