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:[9] 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 inquirry

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,[10] John L. McMillan, of South Carolina, Chair-

9. John W. McCormack (Mass.).

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

man of the Committee on the District of Columbia, called up for consideration H.R. 4697, to amend the Alcoholic Beverage Control Act of the District of Columbia. Mr. Albert P. Morano, of Connecticut, rose to a point of order:

MR. MORANO: Mr. Speaker, I make the point of order against the consideration of this bill on the ground that when the committee considered this bill there was not a quorum present to report it to the House.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, may I be recognized on the point of order?

THE SPEAKER:[11] Yes.

MR. SMITH of Virginia: Mr. Speaker, there is great difficulty, it is true, in getting a quorum of the District Committee, but I was personally present when this bill was voted out, and there was a quorum of the committee present. And, in order to be sure that there was no such question as this raised on the floor of the House, I myself made a motion, when a quorum was present, to reconsider all of the bills that had been considered and voted them out again, which was done.

THE SPEAKER: Does the chairman of the Committee of the District of Columbia desire to be heard on the point of order? . . .

MR. MCMILLAN: Mr. Speaker, the statement made by the gentleman from Virginia [Mr. Smith] is correct. . . .

THE SPEAKER: The Chair must know whether the gentleman says that there was a quorum present or not, to his knowledge.

MR. MCMILLAN: Mr. Speaker, there was a quorum present part of the time and part of the time there was not.

THE SPEAKER: That is not an answer to the query of the Chair.

MR. [SIDNEY E.] SIMPSON of Illinois: Mr. Speaker, would the gentleman yield?

MR. SMITH of Virginia: I yield.

MR. SIMPSON of Illinois: I will say for the benefit of the House that I was at the committee meeting when the gentleman from Virginia [Mr. Smith] brought up the point of no quorum; and there was a quorum present.

THE SPEAKER: That is what the Chair is trying to ascertain from the chairman of the committee.

MR. MCMILLAN: That is correct.

THE SPEAKER: That is the point that is involved here.

MR. MCMILLAN: The gentleman from Virginia [Mr. Smith] made that motion and there was a quorum present. . . .

MR. MORANO: Mr. Speaker, I press my point of order. I would like to know whether or not there was a quorum present when this bill was reported, not when the gentleman from Virginia made his motion.

THE SPEAKER: The chairman of the legislative committee has just stated to the Chair that there was a quorum present when this bill was reported. The Chair is going to take the word of the chairman of the committee, because that is according to the rules and practices of the House.

MR. MORANO: Mr. Speaker, I understood the chairman to say that when the gentleman from Virginia [Mr. Smith] made his motion there was a quorum present. But I did not understand the chairman of the committee

11. Sam Rayburn (Tex.).

to say that when this bill was reported there was a quorum present.

THE SPEAKER: The Chair is going to ask the gentleman from South Carolina [Mr. McMillan] that question now.

MR. MCMILLAN: Mr. Speaker, when the gentleman from Virginia made his motion he stated that he wanted all bills that were considered that day passed with a quorum present.

THE SPEAKER: The Chair is going to ask the gentleman again if a quorum was present, to his certain knowledge, when this bill was reported.

MR. MCMILLAN: There was not when this bill was passed.

MR. MORANO: Mr. Speaker, I insist on my point of order.

MR. SMITH of Virginia: Mr. Speaker, I should like to be heard further, because I think it is important to straighten this question out.

THE SPEAKER: It is.

MR. SMITH of Virginia: Not from the standpoint of this bill, but as a parliamentary question. Frequently bills are discussed and voted upon when a quorum is not present. It is the custom, at the conclusion of the discussion, when a quorum is present, to move a reconsideration of all the bills that have been passed, and to move to report them out. That is what was done in this matter. I think it is important for the House to know just how strict this rule is and how it is to be applied, because I think every bill that was passed upon this morning came here under the same conditions as this bill.

MR. SIMPSON of Illinois: Mr. Speaker, will the gentleman yield?

MR. SMITH of Virginia: I yield.

MR. SIMPSON of Illinois: Mr. Speaker, I wish to verify what Judge Smith is saying. That was exactly the procedure in this matter in the House Committee on the District of Columbia.

MR. SMITH of Virginia: On this proceeding of the committee, I think we ought to be straightened out on it for the future.

THE SPEAKER: This has come up many times and it has always been decided by the Chair on the statement of the chairman of the legislative committee concerned. The gentleman from South Carolina said that when this bill was reported there was not a quorum present. Is the Chair quoting the gentleman from South Carolina correctly?

MR. MCMILLAN: That is correct, Mr. Speaker.

MR. SMITH of Virginia: That really is not the question I am trying to get determined for the benefit of the House and other committees. It is true, I believe, there was not a quorum present when any one of these bills was considered, but before the session adjourned a quorum did appear, and then a blanket motion was made to reconsider all of the bills that had previously been passed upon and to vote them out, which motion was carried. May I ask the chairman of the committee if that is a correct statement of what occurred?

MR. MCMILLAN: That is correct.

THE SPEAKER: A quorum was present at that time?

MR. SMITH of Virginia: At that time a quorum was present. That was the reason the motion was made. That is the only way we can operate in that committee, I might add.

MR. [HENRY O.] TALLE [of Iowa]: Mr. Speaker, may I say as a member of the District Committee that I was present

at the meeting. The gentleman from Virginia [Mr. Smith] has recorded the proceedings accurately.

MR. MORANO: There is obviously a contradiction here, Mr. Speaker. The chairman of the committee said there was not a quorum present when this bill was considered. The issue before the Speaker, as I understand it, is a ruling on this bill, not on other bills that were considered en bloc.

THE SPEAKER: That is correct, but the gentleman from South Carolina said that on the last action on the bill in the committee a quorum was present.

The Chair under the circumstances must overrule the point of order made by the gentleman from Connecticut.

§ 39.2 A point of order against one motion to reconsider the actions whereby a committee reported out several bills in the absence of a quorum should be made in the committee and not in the House.

On July 9, 1956,[12] Mr. John L. McMillan, of South Carolina, called up H.R. 4697, to amend the Alcoholic Beverage Control Act of the District of Columbia of 1954. Mr. Albert P. Morano, of Connecticut, raised a point of order against the consideration of this bill on the ground that the Committee on the District of Columbia had considered this bill in the absence of a quorum. A dialogue ensued and established the following facts: The committee adopted this and several other bills in the absence of a quorum; however, before the committee adjourned a quorum appeared, and a motion was then adopted to reconsider all the bills which had been approved in the absence of a quorum and report them to the House. The Speaker thereupon overruled the point of order. Mr. John Taber, of New York, then posed a parliamentary inquiry.

MR. TABER: Mr. Speaker, is it proper to consider by a single vote a reconsideration of the votes by which several bills have been reported, and then make a single omnibus motion by which all those bills that have been so reconsidered would be reported?

THE SPEAKER:[13] If, as seems to be true in this instance, no point of order was made, then the action of the committee is presumed to have been in accordance with parliamentary procedure of the House of Representatives.

MR. TABER: Mr. Speaker, the thing that would occur to me with reference to that is that if it may be that an omnibus motion is made to report bills that instead of the bills being considered on their merits and by themselves separately, it would be very unfortunate for us to treat bills in that way.

THE SPEAKER: Of course, if any point was made in the committee, they would be compelled to consider them separately. But if no point was made, it is assumed that the committee was acting in proper parliamentary fashion.

12. 102 CONG REC. 12199, 12200, 84th Cong. 2d Sess.

13. Sam Rayburn (Tex.).

Application to Motion to Table

§ 39.3 A motion to reconsider may be applied to a vote on a motion to lay on the table (except to a vote to table another motion to reconsider).

On Oct. 9, 1968,[14] the House had adopted a motion offered by Mr. Carl Albert, of Oklahoma, to table an appeal from a decision of the Chair sought by Mr. Robert Taft, Jr., of Ohio. The following then occurred:

> MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I offer a privileged motion.
>
> THE SPEAKER:[15] 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. [CARL] ALBERT [of Oklahoma]: 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. . . .
>
> 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 135, nays 104, not voting 191, as follows: . . .
>
> So the motion to lay on the table was agreed to.
>
> The result of the vote was announced as above recorded.

Application to Conference Reports

§ 39.4 The House may reconsider the vote whereby a conference report was rejected.

The House may reconsider the vote on a conference report, as illustrated by the proceedings of May 5, 1943,[16] dealing with the War Overtime Pay Act of 1943.

> MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Speaker, pursuant to rule 18, I call up for consideration the motion to reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected. . . .
>
> THE SPEAKER:[17] . . . The question is: Will the House reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected? . . .
>
> The question recurs on the motion to reconsider.

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14. 114 CONG. REC. 30215, 30216, 90th Cong. 2d Sess.

15. John W. McCormack (Mass.).

16. 89 CONG. REC. 4001, 78th Cong. 1st Sess.

17. Sam Rayburn (Tex.).

The question was taken; and on a division (demanded by Mr. Vorys of Ohio) there were—ayes 169, noes 82.

So the motion to reconsider was agreed to.

THE SPEAKER: The question is on agreeing to the conference report.

Mr. RAMSPECK: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 275, nays 119, not voting 40.

Application to Vote to Recommit

§ 39.5 The motion to reconsider has been applied to the vote whereby a conference report was recommitted.

On the legislative day of Dec. 20, 1963,[18] after the House voted to recommit the conference report on H.R. 9499 (foreign aid appropriations for 1964), the following occurred on the floor:

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

THE SPEAKER:[19] 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.

§ 39.6 It is in order to reconsider the vote whereby the House recommitted a joint resolution to a committee.

On July 14, 1932,[20] after the House voted to recommit Senate Joint Resolution 169 (for relocation of the unemployed), a motion was entered to reconsider this vote.

MR. [LUTHER A.] JOHNSON of Texas: Mr. Speaker, I voted for the motion to recommit, and I make the motion to reconsider the vote by which the bill was recommitted, and spread that motion upon the Journal.

THE SPEAKER:[1] The gentleman from Texas . . . moves to reconsider the vote by which the Senate Joint Resolution was recommitted. The motion will be spread upon the Journal.

On July 16, 1932,[2] this motion was called up for consideration, and laid on the table.

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

19. John W. McCormack (Mass.).

20. 75 CONG. REC. 15391, 72d Cong. 1st Sess.

1. John N. Garner (Tex.).

2. 75 CONG. REC. 15725, 72d Cong. 1st Sess.

MR. JOHNSON of Texas: Mr. Speaker, I call up my motion to reconsider the vote whereby Senate Joint Resolution 169 was recommitted to the Committee on Labor.

MR. [CHARLES] ADKINS [of Illinois]: Mr. Speaker, I move to lay that motion on the table.

THE SPEAKER: The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division [demanded by Mr. Connery], there were 147 ayes and 29 noes.

MR. [WILLIAM P.] CONNERY [Jr., of Massachusetts]: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The gentleman from Massachusetts demands the yeas and nays. Eleven Members have arisen, not a sufficient number, and the yeas and nays are refused.

So the motion to lay the motion of Mr. Johnson of Texas on the table was agreed to.

Use of Motion to Vote on Motion to Expunge Remarks in Record

§ 39.7 The motion to reconsider may be used to reopen the proceedings whereby the House voted to expunge certain proceedings from the Congressional Record, including a speech made on the floor by a Member.

On Feb. 11, 1941,[3] the House agreed to a motion offered by Mr. John E. Rankin, of Mississippi, to expunge from the Record a speech made that day by Mr. Samuel Dickstein, of New York (criticizing the House Committee on Un-American Activities). A point of order raised by Mr. Clare E. Hoffman, of Michigan, against this speech and the Speaker's response thereto, both of which occurred during the speech, were also removed from the Record as a result of this motion. On Feb. 13, 1941,[4] Mr. Hoffman, who wished to have the alleged offensive speech and his point of order against it preserved in the Record, rose to a question of privilege of the House, contending that by expunging from the Record those proceedings of Feb. 11, the House had abridged the first amendment. He offered a resolution to have the expunged proceedings included in the Record. The issue was resolved in the following manner:

MR. HOFFMAN: I raised a question of the privilege of the House. The House has not passed upon that question raised by the resolution.

THE SPEAKER:[5] The House would have to decide that, and, in the opinion of the Chair, the House did decide the matter when it expunged the remarks from the Record. The Chair thinks, under the circumstances, that the

3. 87 CONG. REC. 932, 933, 77th Cong. 1st Sess.

4. *Id.* at pp. 979, 980.

5. Sam Rayburn (Tex.).

proper way to reopen the question would be by a motion to reconsider the vote whereby the motion of the gentleman from Mississippi [Mr. Rankin] was adopted. The Chair is of the opinion that inasmuch as the question raised by the gentleman from Michigan was decided by a vote of the House on a proper motion, that he does not now present a question of privilege of the House or of personal privilege.

Senate Practice

§ 39.8 A motion to reconsider its action in passing a House bill may be entered in the Senate; when this occurs, the Senate requests the House to return the papers.

On May 8, 1967,[6] the following occurred on the floor of the Senate:

MR. [ALLEN J.] ELLENDER [of Louisiana]: Mr. President, I enter a motion to reconsider the vote by which the bill [H.R. 3399 to amend section 2 of Public Law 88–240] to extend the termination date for the Corregidor-Bataan Memorial Commission was passed on Thursday, May 4, 1967.

THE PRESIDING OFFICER:[7] The motion will be entered and placed on the calendar.

MOTION FOR HOUSE TO RETURN TO THE SENATE THE PAPERS ON H.R. 3399

MR. ELLENDER: Mr. President, I move that the House of Representatives be requested to return to the Senate the papers on H.R. 3399, to amend section 2 of Public Law 88–240, to extend the termination date for the Corregidor-Bataan Memorial Commission.

THE PRESIDING OFFICER: The motion will be stated.

THE ASSISTANT LEGISLATIVE CLERK: The Senator from Louisiana [Mr. Ellender] moves that the House of Representatives be requested to return to the Senate the papers on H.R. 3399, to amend section 2 of Public Law 88–240, to extend the termination date for the Corregidor-Bataan Memorial Commission.

THE PRESIDING OFFICER: The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Parliamentarian's Note: H.R. 3399, extending the termination date for the Corregidor-Bataan Memorial Commission, was adopted by the Senate on May 4, 1967. By the time the message arrived from the Senate on May 8, requesting the return of the papers to the Senate, the enrolled bill was on the Speaker's table awaiting his signature. After consultations with the Chairman of the Committee on Foreign Affairs, the Speaker withheld his signature until the chairman could ascertain the reason for the Senate's request and recommend appropriate action in response thereto.

§ 39.9 A motion to reconsider two Senate bills having been

6. 113 CONG. REC. 11868, 11918, 90th Cong. 1st Sess.
7. Birch Bayh (Ind.).

entered, the Senate [by motion] requested the House to return the bills.

On Aug. 26, 1963,[8] a motion to reconsider certain votes was made on the floor of the Senate:

MR. [MICHAEL J.] MANSFIELD [of Montana]: Mr. President, I enter a motion to reconsider the votes by which the bills, S. 1914 to incorporate the Catholic War Veterans of the United States of America, and S. 1942 to incorporate the Jewish War Veterans of the United States of America, were passed on August 20. . . .

THE PRESIDENT PRO TEMPORE:[9] The Senator has a right to enter the motion.

MR. MANSFIELD: Mr. President, I move that the House of Representatives be requested to return the papers on the bill S. 1914 to incorporate the Catholic War Veterans of the United States of America, and on the bill S. 1942, to incorporate the Jewish War Veterans of the United States of America.

THE PRESIDENT PRO TEMPORE: The question is on agreeing to the motion of the Senator from Montana. . . .

The motion was agreed to.

Use in Committee of the Whole

§ 39.10 A motion to reconsider is not in order in the Committee of the Whole.

On May 24, 1967,[10] the Committee of the Whole was considering H.R. 7819, the Elementary and Secondary Education Act amendments of 1967. A motion regulating the time for debate had been approved when the following occurred:

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[11] The gentleman from Illinois will state his parliamentary inquiry.

MR. PUCINSKI: Mr. Chairman, is a motion to reconsider the last motion in order?

THE CHAIRMAN: The Chair will state to the gentleman from Illinois [Mr. Pucinski] that such motion is not in order in the Committee of the Whole.

§ 39.11 Where the Committee of the Whole has, by motion, agreed to limit debate on a pending amendment, a motion to reconsider its action is not in order.

On Aug. 5, 1966,[12] the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, when Mr. William L. Dickinson, of Alabama, rose to a point of order:

MR. DICKINSON: Mr. Chairman, I have a point of order.

THE CHAIRMAN:[13] The gentleman will state his point of order.

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8. 109 CONG. REC. 15849, 15850, 88th Cong. 1st Sess.

9. Carl Hayden (Ariz.).

10. 113 CONG. REC. 13824, 90th Cong. 1st Sess.

11. Charles M. Price (Ill.).

12. 112 CONG. REC. 18416, 89th Cong. 2d Sess.

13. Richard Bolling (Mo.).

MR. DICKINSON: Mr. Chairman, if I understand correctly, we were granted 2 hours in which to submit amendments. One hour and 45 minutes has been used up. We have 15 minutes remaining. Did the Chair just rule that it would be inappropriate, and this Committee would be unable to reconsider, the fixing of this time? Was that the ruling of the Chair?

THE CHAIRMAN: A motion to reconsider is not in order in the Committee of the Whole.

§ 39.12 A request to reconsider a vote on an amendment is not in order in the Committee of the Whole, even by unanimous consent.

On Dec. 4, 1963,[14] the Committee of the Whole was considering H.R. 6196—on the revitalization of cotton industry—when the following took place:

MR. [ROBERT J.] DOLE [of Kansas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[15] The gentleman will state it.

MR. DOLE: Mr. Chairman, would it now be in order to reconsider by unanimous consent the amendment I previously offered?

THE CHAIRMAN: A motion to reconsider is not in order in the Committee of the Whole.

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

On Mar. 12, 1945,[16] while Mr. Brent Spence, of Kentucky, was controlling debate in the Committee of the Whole on H.R. 2023 [to continue the Commodity Credit Corporation] he inadvertently permitted adoption of an amendment offered by Mr. Jesse P. Wolcott, of Michigan. Upon realizing his mistake, Mr. Spence sought to reconsider the vote on this amendment, and the following occurred:

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

THE CHAIRMAN:[17] Such a motion is not in order in the Committee of the Whole.

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?

14. 109 CONG. REC. 23322, 88th Cong. 1st Sess.

15. John J. Rooney (N.Y.).

16. 91 CONG. REC. 2042, 2043, 79th Cong. 1st Sess.

17. R. Ewing Thomason (Tex.).

THE CHAIRMAN: Such a request would be in order, and the Chair 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.

Question of Consideration

§ 39.14 It is not in order to reconsider the vote whereby the House has declined to consider a proposition since the question of consideration can be raised again at a subsequent time.

On Apr. 7, 1937,[18] the issue before the House was whether to consider H.R. 2251, an antilynching bill:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I raise the question of consideration.

THE SPEAKER:[1] The gentleman from New York raises the question of consideration.

The question is, will the House consider the bill [H.R. 2251] to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching? . . .

The question was taken; and there were—yeas 123, nays 257, not voting 50, as follows: . . .

So the House refused to consider the bill. . . .

MR. FISH: Mr. Speaker, I move to reconsider the vote by which the House refused to consider the bill and lay that motion on the table.

THE SPEAKER: The Chair thinks that the motion is not in order on a vote of this character.

Second Motion

§ 39.15 After a motion to reconsider has been laid on the table a second motion to reconsider is not in order.

On June 20, 1967,[2] the House had just adopted H.R. 10480, to prohibit desecration of the flag, when confusion arose as to the effect of House action on amendments reported out by the Committee of the Whole. Mr. Theodore R. Kupferman, of New York, stated that his vote had been based on a misconception of the exact wording of the bill, and raised the following parliamentary inquiry:

MR. KUPFERMAN: Mr. Speaker, may I ask is it in order for reconsideration of the vote on the ground that there was a misconception at the time of the vote?

THE SPEAKER:[3] The Chair will reply to the gentleman from New York

18. 81 CONG. REC. 3252–54, 75th Cong. 1st Sess.

1. William B. Bankhead (Ala.).

2. 113 CONG. REC. 16497, 16498, 90th Cong. 1st Sess.

3. John W. McCormack (Mass.).

that a motion to reconsider was laid on the table and that a motion to reconsider at this point is not in order.

§ 39.16 After one motion to reconsider has been acted on, a second motion to reconsider is not in order.

On May 6, 1964,[4] the Senate rejected amendments proposed by Senator Thruston B. Morton, of Kentucky, to amendments offered by Senator Herman E. Talmadge, of Georgia, to H.R. 7152, the Civil Rights Act of 1963. Senator Everett M. Dirksen, of Illinois, moved to reconsider the vote on the Morton amendments, with the following results:

THE ACTING PRESIDENT PRO TEMPORE:[5] The question is on agreeing to the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected. . . .

The results was announced—yeas 46, nays 45, as follows: . . .

So the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected was agreed to.

THE ACTING PRESIDENT PRO TEMPORE: The question now is on agreeing to the amendments, of the Senator from Kentucky [Mr. Morton] to the Talmadge amendments. . . .

The legislative clerk proceeded to call the roll. . . .

The result was announced—yeas 45, nays 46, as follows: . . .

So Mr. Morton's amendments to the amendments of Mr. Talmadge were rejected.

MR. DIRKSEN: Mr. President, I move to reconsider the vote.

THE ACTING PRESIDENT PRO TEMPORE: The motion is not in order.

§ 40. Precedence of Motion

Vote Recapitulation and Motion to Reconsider

§ 40.1 A demand for recapitulation takes precedence over a motion to reconsider.

On May 6, 1964,[6] the Senate defeated by a tie vote several amendments to H.R. 7152, the Civil Rights Act of 1963. Mr. Everett M. Dirksen, of Illinois, sought to have this vote reconsidered.

THE ACTING PRESIDENT PRO TEMPORE:[7] The vote being 45 yeas and 45 nays, the Morton amendments to the Talmadge amendments are rejected.

SEVERAL SENATORS: No, no, no.

MR. DIRKSEN: Mr. President, I move that the Senate reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected.

THE ACTING PRESIDENT PRO TEMPORE: The question is on agreeing to the motion to reconsider.

4. 110 CONG. REC. 10201–03, 88th Cong. 2d Sess.
5. Lee Metcalf (Mont.).
6. 110 CONG. REC. 10200, 10201, 88th Cong. 2d Sess.
7. Lee Metcalf (Mont.).