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§ 36. Withdrawing the Motion

Withdrawal of Senate Motion to Reconsider

§ 36.1 In the Senate, a motion to reconsider was withdrawn, by unanimous consent, some seven months after having been entered.

On Nov. 18, 1963,[11] with Senator Gaylord A. Nelson, of Wisconsin, presiding, the following took place on the Senate floor:

> MR. [MIKE] MANSFIELD [of Montana]: Mr. President, I ask unanimous consent to withdraw the motion which I made on April 26 to reconsider H.R. 2837, a bill to amend further section 11 of the Federal Register Act.
>
> THE PRESIDING OFFICER: Is there objection?
>
> The Chair hears none, and it is so ordered.
>
> H.R. 2837 will be transmitted to the House of Representatives.

§ 37. Requirement for a Quorum

Effect of Point of Order of no Quorum

§ 37.1 When a point of order that a quorum was not present was raised against the offering of a motion to reconsider the vote by which a bill was adopted, the proponent of the motion indicated a willingness to enter, rather than make, the motion; the point of order was withdrawn, and the motion was entered.

On Apr. 22, 1943,[12] Mr. Eugene Worley, of Texas, moved to reconsider the vote whereby the House had on the previous day rejected H.R. 1860, a bill to provide overtime compensation for government employees. Objection was made on the ground that a quorum was not present, but was withdrawn after Mr. Worley asked for unanimous consent to enter, rather than to make, his motion:

> MR. WORLEY: Mr. Speaker, I move to reconsider the action by which H.R. 1860 was on yesterday rejected.
>
> MR. [ALBERT A.] GORE [of Tennessee]: Mr. Speaker, I make the point of order a quorum is not present.
>
> MR. WORLEY: Mr. Speaker, I ask unanimous consent to enter the motion.
>
> MR. GORE: Mr. Speaker, then I withdraw the point of order.
>
> THE SPEAKER:[13] Is there objection to the request of the gentleman from Texas [Mr. Worley]?

11. 109 CONG. REC. 22063, 88th Cong. 1st Sess.

12. 89 CONG. REC. 3729, 78th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

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 However, once the point of order was withdrawn, such unanimous consent would no longer have been required.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,[14] 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. 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:[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. 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-

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

15. John W. McCormack (Mass.).