

the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled bill (H.R. 493) to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D.C. Code, 1940 ed.): that if and when the said bill is returned by the President, the action of the Presiding Officer of the two Houses in signing the said bill be deemed to be rescinded; and that the House engrossed bill be returned to the Senate.

THE SPEAKER [Joseph W. Martin, Jr., of Massachusetts]: Is there objection to the request of the gentleman from Illinois?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

§ 4.40 Although it is within the authority of the Speaker to sign enrolled bills of the House, the House may agree to a Senate resolution requesting that the Speaker's signature be rescinded.

On July 30, 1942,⁽⁴⁾ Speaker pro tempore Alfred L. Bulwinkle, of North Carolina, laid before the House a Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to rescind the action of the Speaker in signing the enrolled

4. 88 CONG. REC. 6713, 77th Cong. 2d Sess.

bill (H.R. 7297) entitled "An act authorizing the assignment of personnel from departments or agencies in the executive branch of the Government to certain investigating committees of the Senate and House of Representatives, and for other purposes," and that the House of Representatives be further requested to return the above-numbered engrossed bill to the Senate.

THE SPEAKER PRO TEMPORE: Without objection, it is so ordered.

There was no objection.

§ 5. Participation in Debate and Voting

The Speaker is entitled as a Member of the House to participate in debate.⁽⁵⁾ Accordingly, when the Speaker desires to be heard in debate on a matter he may speak from the floor, whether debate is in the House⁽⁶⁾ or in the Committee of the Whole.⁽⁷⁾ Occasionally the Speaker will speak in debate from the Chair.⁽⁸⁾

Under the House rules⁽⁹⁾ the Speaker may, but is not required, to vote on matters except where (1) his vote would be decisive, or

5. *House Rules and Manual* §751 (1973).

6. See §§ 5.1, 5.2, *infra*.

7. See § 5.3, *infra*.

8. See Ch. 29, *infra*, for fuller treatment of the Speaker's participation in debate.

9. Rule I clause 6, *House Rules and Manual* § 632 (1973).

(2) where the House is engaged in voting by ballot.⁽¹⁰⁾ Measures decided by a tie vote are lost.⁽¹¹⁾

The Speaker has voted, for example: in order to make a quorum of the House;⁽¹²⁾ on a yea and nay roll call vote;⁽¹³⁾ on a roll call vote to make a tie;⁽¹⁴⁾ and on a division vote to break a tie.⁽¹⁵⁾ The Speaker may vote on a teller vote to make a tie⁽¹⁶⁾ and in doing so he need not pass through the tellers to have his vote counted.⁽¹⁷⁾

Participating in Debate

§ 5.1 Normally, if the Speaker wishes to participate in House debate, he does so from the floor of the House.

On Mar. 31, 1958,⁽¹⁸⁾ Speaker Sam Rayburn, of Texas, partici-

10. *Parliamentarian's Note*: Voting by ballot in the House is rarely used and is not to be confused with voting by electronic device. See Rules I clause 5, §630 (electronic device), and XXXVIII §934 (ballot), *House Rules and Manual* (1973).

11. Sec Ch. 30, *infra*, for fuller treatment of the Speaker's participation in voting.

12. See §5.4, *infra*.

13. See §5.5, *infra*.

14. See §5.6, *infra*.

15. See §5.7, *infra*.

16. See §5.8, *infra*.

17. Sec 5.9, *infra*.

18. 104 CONG. REC. 5854, 5855, 85th Cong. 2d Sess.

pated in a debate on the floor of the House when a Member yielded to him. The Speaker commended the work of a particular subcommittee and congratulated the members thereof.

On Aug. 27, 1959,⁽⁹⁾ Speaker Rayburn participated in a debate in the House on the House floor. He took the occasion to express his views on the reconstruction of the east front of the Capitol.

§ 5.2 The Speaker may eulogize a deceased Member from the House floor.

On Jan. 16, 1962,⁽²⁰⁾ Speaker John W. McCormack, of Massachusetts, took the floor to eulogize a deceased Member, Louis Rabaut, of Michigan.

§ 5.3 If the Speaker desires to participate in debate in the Committee of the Whole, he does so from the floor.

On Aug. 31, 1960,⁽¹⁾ Speaker Sam Rayburn, of Texas, participated in debate in the Committee of the Whole from the floor. The debate concerned a bill [H.R. 13021] to provide financial assist-

19. 105 CONG. REC. 17237, 86th Cong. 1st Sess.

20. 106 CONG. REC. 285, 87th Cong. 2d Sess.

1. 106 CONG. REC. 18734, 18735, 86th Cong. 2d Sess.

ance to certain South American countries for reconstruction and development.

Participation in Voting

§ 5.4 The Speaker may vote in order to make a quorum of the House.

On Nov. 24, 1942,⁽²⁾ Speaker Sam Rayburn, of Texas, cast his vote to provide a quorum for purposes of voting on a motion to recommit.

THE SPEAKER: The question is on agreeing to the motion to recommit.

The question was taken and on a division, there were, ayes 15, noes 70.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, I object to the vote upon the ground that there is no quorum present.

THE SPEAKER: Evidently there is no quorum present. The Clerk will call the roll. The question is on agreeing to the motion to recommit.

The question was taken; and there were—yeas 31, nays 184, not voting,⁽³⁾ 214. . . .

THE SPEAKER: The Clerk will call my name.

The Clerk called the name of Mr. Rayburn and he answered “no.”

So the motion to recommit was rejected.

2. 88 CONG. REC. 9116, 9117, 77th Cong. 2d Sess.

3. *Parliamentarian's Note*: Six vacancies existed in the House at the time this vote was taken; and 215 Members were needed to make a quorum.

§ 5.5 The Speaker may vote on a yea and nay roll call vote.

On June 30, 1939,⁽⁴⁾ Speaker William B. Bankhead, of Alabama, voted as shown below on a yea and nay roll call vote involving a motion to recommit.

THE SPEAKER: The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Fish) there were—ayes 179, noes 185.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 196, answered “present” 1, not voting 40. . . .

THE SPEAKER: The Clerk will call my name.

The Clerk called the name of Mr. Bankhead, and he answered “nay.”

So the motion to recommit was rejected.

§ 5.6 The Speaker may vote on a roll call vote to make a tie.

On May 3, 1946,⁽⁵⁾ Speaker Sam Rayburn, of Texas, on a roll call voted to make a tie and thus reject the question being considered.

§ 5.7 The Speaker may vote on a division vote to break a tie vote of the House.

4. 84 CONG. REC. 8512, 8513, 76th Cong. 1st Sess.

5. 92 CONG. REC. 4434, 4435, 79th Cong. 2d Sess.

On July 15, 1937,⁽⁶⁾ Speaker William B. Bankhead, of Alabama, cast the deciding vote on a motion to recede and concur:

THE SPEAKER: The question is on the motion of the gentleman from Nevada that the House recede and concur [in a Senate amendment].

MR. [ABE] MURDOCK of Utah: Mr. Speaker, I demand a division of that question

THE SPEAKER: The gentleman is entitled to a division of the question. The question is whether the House shall recede from its disagreement to the Senate amendment. . . .

The question was taken; and on a division (demanded by Mr. Rich) there were—ayes 58, noes 58.

THE SPEAKER: The Chair votes “aye.”

§ 5.8 The Chair may vote on a teller vote to make a tie.

On Aug. 1, 1966,⁽⁷⁾ in the Committee of the Whole, an amendment was offered and a vote taken on it, as follows:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN [Richard Bolling, of Missouri]: The question is on the amendment offered by the gentleman from Virginia [Mr. Poff].

The question was taken; and on a division (demanded by Mr. Celler) there were—ayes 51, noes 44.

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I demand tellers.

6. 81 CONG. REC. 7197, 7198, 75th Cong. 1st Sess.

7. 112 CONG. REC. 17760, 17761, 89th Cong. 2d Sess.

Tellers were ordered, and the Chairman appointed as tellers Mr. Poff and Mr. Celler.

The Committee again divided, and the tellers reported that there were—ayes 84, noes 83.

THE CHAIRMAN [Mr. Bolling]: The Chair votes “no.”

So the amendment was rejected.

§ 5.9 The Chair may count himself to make or break a tie on a teller vote without passing through the tellers.

On Sept. 21, 1965,⁽⁸⁾ a teller vote was demanded and taken on an amendment offered in the Committee of the Whole.

THE CHAIRMAN [Daniel D. Rostenkowski, of Illinois]: The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Clark].

The question was taken, and the Chairman announced that the noes had it.

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Clark and Mr. Blatnik.

The Committee divided.

THE CHAIRMAN: On this vote by tellers, the ayes are 100, noes 99.

The Chair votes in the negative.

So the amendment was rejected.

8. 111 CONG. REC. 24635, 89th Cong. 1st Sess.