

§ 12. As Related to Prayer by the Chaplain and Messages

Rule XV clause 6(a), added to the rules on Apr. 9, 1974, now provides that a point of no quorum may not be entertained at certain times. It is not in order during the offering of the prayer or during the reception of any message from the President or Senate. While the new rule reflects prior practice, in part, precedents interpreting the new rule will appear in supplements to this edition.

Prayers

§ 12.1 A quorum is not required for prayer by the Chaplain at the opening of a session, and the Speaker does not recognize Members for such a point of order.

On Mar. 19, 1941,⁽⁵⁾ Speaker Sam Rayburn, of Texas, made a ruling regarding the quorum requirement for opening prayer.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

5. 87 CONG. REC. 2351, 2352, 77th Cong. 1st Sess.

MR. RICH: Mr. Speaker, when I was seeking recognition from the Speaker before the Chaplain offered prayer, I felt that there would be a call of the House and I thought it would be a good thing for all the Members to be here for once to hear the Chaplain offer prayer. What does the Speaker think about that? Would it be proper procedure for a Member to make the point of order that a quorum is not present before the Chaplain offers prayer?

THE SPEAKER: As the Chair understands, it has been held many times that the prayer is not such business of the House that a quorum is required.

§ 12.2 Because the prayer offered at the beginning of the business of the House is not considered as business, the Speaker does not recognize a point of order that a quorum is not present before the prayer.

On Aug. 4, 1950,⁽⁶⁾ Speaker Sam Rayburn, of Texas, made a ruling regarding the offering of the prayer.⁽⁷⁾

The House met at 10 o'clock a.m.

THE SPEAKER: The Chaplain will offer prayer.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: We will have the prayer first, because that is not considered business.

6. 96 CONG. REC. 11829, 81st Cong. 2d Sess.

7. See also 92 CONG. REC. 3567, 79th Cong. 2d Sess., Apr. 12, 1946.

Prayer will be offered by the Chaplain.

Messages

§ 12.3 A quorum is required for the reading of messages and quorum calls may interrupt such readings.

On Jan. 21, 1946,⁽⁸⁾ the reading of the President's budget message was twice interrupted by quorum calls.

The Speaker pro tempore laid before the House the message of the President on the state of the Union and transmitting the Budget.

(For message, see p. 136 of the proceedings of the Senate of this date.)

MR. [ROBERT F.] RICH [of Pennsylvania] (interrupting the reading of the message): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽⁹⁾ The Clerk read a message from the President of the United States, and the Chair feels that an inquiry at this time should not be entertained.

MR. RICH: Mr. Speaker, I think it is wise that the membership of the House hear the President's message, and I make a point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

MR. [ALBERT A.] GORE [of Tennessee]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER PRO TEMPORE: On this roll call 303 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

The Clerk resumed the reading of the President's message.

MR. RICH (interrupting the reading of the President's message): Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER PRO TEMPORE: Two hundred and fifty-four Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The Clerk concluded the reading of the President's message.

Parliamentarian's Note: This message contained approximately 25,000 words and took about three hours to read.

§ 12.4 Messages received by the Clerk during adjournments and forwarded to the Speaker are retained by the

8. 92 CONG. REC. 164, 165, 79th Cong. 2d Sess.

9. John W. McCormack (Mass.).

Speaker and not laid before the House until a quorum appears.

On Aug. 22, 1960,⁽¹⁰⁾ following establishment of a quorum, receipt of a message was announced.

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

AUGUST 15, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office on August 1, 1960. . . .

The Speaker laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

THE WHITE HOUSE, *July 29, 1960.*
To the Congress of the United States:

I transmit herewith the 41st Report to Congress on Lend-Lease Operations for the calendar year 1959.

More details on this and other lend-lease items are contained in the report.

DWIGHT D. EISENHOWER.

(Enclosure: 41st Report to Congress on Lend-Lease Operations.)

Parliamentarian's Note: A message from the President, received

10. 106 CONG. REC. 17026, 17027, 86th Cong. 2d Sess.

by the Clerk while the Congress was adjourned to a day certain, was retained at the Speaker's table for one week after the House reconvened since the transaction of business was prevented by lack of a quorum.

Notwithstanding the reconvening of the House on Aug. 15, a quorum did not appear until Aug. 22 and the House adjourned from day-to-day from the 15th through the 19th, and, by unanimous consent, from the 19th to the 22d. No business was conducted until the 22d, except that a letter of resignation from a Member was laid before the House.

§ 12.5 Messages from the President and the Senate may be received in the absence of a quorum, pending a motion for a call of the House.

On Oct. 8, 1968,⁽¹¹⁾ messages from the President and Senate were received pending a call of the House.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER:⁽¹²⁾ Evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

11. 114 CONG. REC. 30091, 90th Cong. 2d Sess.

12. John W. McCormack (Mass.).

THE SPEAKER: At this time the Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries. . . .

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8781. An act to authorize the Secretary of the Interior to exchange certain lands in Shasta County, Calif., and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 653) entitled "An act to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings." . . .

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 286 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

§ 12.6 Messages from the President and the Senate, though they may be received in the absence of a quorum during a call of the House are not

read until a quorum is present.

On Oct. 11, 1968,⁽¹³⁾ messages were received, as follows:

THE SPEAKER:⁽¹⁴⁾ The gentleman from Ohio insists upon his point of order that a quorum is not present, and evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

During the call of the roll a message was received from the President of the United States and from the Senate.

THE SPEAKER: One hundred eighty-eight Members are present, not a quorum. . . .

MR. ALBERT: Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Saturday, October 12, 1968, at 12 o'clock noon.

Parliamentarian's Note: On Oct. 12, 1968,⁽¹⁵⁾ immediately after the opening prayer and reading of the Journal, these messages were read and referred:

A message from the Senate by Mr. Arrington, one of its clerks, announced

13. 114 CONG. REC. 30816, 30817, 90th Cong. 2d Sess.
14. John W. McCormack (Mass.).
15. 114 CONG. REC. 31116, 31117, 90th Cong. 2d Sess.

that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11394. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

The Speaker laid before the House the following message from the Presi-

dent of the United States, which was received October 11; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit the Third Annual Report of the Office of Economic Opportunity

C. OBJECTIONS TO ABSENCE OF A QUORUM; POINTS OF NO QUORUM

§ 13. In General; Timeliness and Diligence

Recently adopted provisions in Rule XV clause 6 specify certain times or circumstances in which a point of no quorum cannot be made or entertained and enumerate others where, once the presence of a quorum has been ascertained, the point of no quorum may not be entertained.— Certain parts of clause 6 reflect and incorporate existing precedents concerning points of no quorum; others are new and further restrict the use of the point of order that a quorum is not present. These provisions will be discussed in the supplements to this chapter as they appear.⁽¹⁶⁾

16. See also § 10, *supra*, for a discussion of proceedings which do and do not require a quorum.

The precedents which follow must be considered in the light of the changes to Rule XV adopted since April 1974.

Although it is clear that an objection to a vote because of the absence of a quorum comes too late after the motion to reconsider has been laid on the table,⁽¹⁾ whether an objection is timely when made following the announcement of a vote depends on several factors. For example, points of no quorum have been held to be timely and in order when made after the Chair announced his opinion that the yeas on a voice vote prevailed but before the House proceeded to other business;⁽²⁾ after a parliamentary inquiry which immediately followed announcement of the number who voted on a divi-

1. §§ 13.23–13.25, *infra*.

2. § 13.16, *infra*.