

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*.

sion vote⁽³⁾ and after refusal of a yea and nay vote which followed a division.⁽⁴⁾

In General

§ 13.1 A sufficient number having stood to order the yeas and nays, but prior to the start of the roll call, the Speaker pro tempore recognized a Member who had shown due diligence to object to a vote on the ground of no quorum, thus causing the roll call to be automatic.

On Feb. 18, 1943,⁽⁵⁾ during consideration of House Resolution 124, to appropriate funds for the Select Committee to Investigate Un-American Activities, the Chair caused the call to be automatic.

THE SPEAKER PRO TEMPORE:⁽⁶⁾ The question is on the resolution.

The question was taken; and on a division (demand by Mr. Dickstein and Mr. Kennedy) there were—ayes 133, noes 29.

Mr. [Samuel] Dickstein [of New York] rose.

MR. [LEO E.] ALLEN of Illinois: Mr. Speaker, I demand the yeas and nays.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois demands the

3. § 13.18, *infra*.

4. § 13.19, *infra*.

5. 89 CONG. REC. 1111, 78th Cong. 1st Sess.

6. Jere Cooper (Tenn.).

yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted.

Evidently, a sufficient number.

MR. DICKSTEIN: Mr. Speaker, I was on my feet making a point of order that a quorum is not present, and I make the point of order that a quorum is not present.

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

§ 13.2 The fact that a Member is on his feet does not constitute notice to the Chair that he is seeking recognition to object to a vote on the ground that a quorum is not present.

On Oct. 5, 1962,⁽⁷⁾ during consideration of S. 1447, to amend the Teachers' Salary Act for the District of Columbia, Speaker John W. McCormack, of Massachusetts, ruled on the proper procedure to raise a point of no quorum.

THE SPEAKER: The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table. . . .

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Speaker, I object to the

7. 108 CONG. REC. 22649, 87th Cong. 2d Sess.

vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The bill has already passed.

MR. FULTON: Mr. Speaker, I was on my feet.

THE SPEAKER: The Chair will state that if a Member is on his feet, that is insufficient. The gentleman did not address the Chair.

§ 13.3 The action of the House in passing a bill was, by unanimous consent, vacated when a Member insisted that he had been on his feet seeking recognition to object to the vote on the ground that a quorum was not present.

On Oct. 5, 1962,⁽⁸⁾ during consideration of S. 1447, to amend the Teachers' Salary Act for the District of Columbia, Speaker John W. McCormack, of Massachusetts, ordered the proceedings vacated after a Member insisted that he had timely sought recognition to raise a point of no quorum.

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The bill has already passed.

MR. FULTON: Mr. Speaker, I was on my feet.

8. 108 CONG. REC. 22649, 87th Cong. 2d Sess.

THE SPEAKER: The Chair will state that if a Member is on his feet, that is insufficient. The gentleman did not address the Chair.

MR. FULTON: I was saying "Mr. Speaker," and was not heard. I was on my feet.

THE SPEAKER: If the gentleman asks unanimous consent to vacate the action, the Chair will entertain a request. But the passage of the bill had been completed.

MR. FULTON: Mr. Speaker, I was on my feet addressing the Speaker, but I was not recognized.

THE SPEAKER: The Chair does not know what is in the gentleman's mind when the gentleman is on his feet.

MR. FULTON: I was saying "Mr. Speaker," right straight through. I am sure it is the custom of the House to be recognized when a point of order is being made.

THE SPEAKER: Without objection, the action whereby the bill was passed will be vacated.

There was no objection.

§ 13.4 A point of no quorum (made following announcement of a division vote on an amendment, totaling less than a quorum) does not precipitate an automatic roll call under Rule XV clause 4⁽⁹⁾ unless an objection to the vote on the ground that a quorum is not present is made and sustained.

9. See *House Rules and Manual* §773 (1979).

On Feb. 21, 1967,⁽¹⁰⁾ during consideration of House Resolution 83, authorizing the Committee on Agriculture to make studies and investigations within its jurisdiction, a quorum call—and not an “automatic” vote under Rule XV clause 4—preceded the Chair’s putting the question on the next motion, ordering the previous question.⁽¹¹⁾

THE SPEAKER:⁽¹²⁾ The question is on agreeing to the committee amendments.

The question was taken; and on a division (demanded by Mr. Jones of Missouri), there were—ayes 34, noes 13.

So the committee amendments were agreed to.

MR. JONES OF MISSOURI: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Does the gentleman make the straight point of order that a quorum is not present?

MR. JONES OF MISSOURI: Mr. Speaker, the gentleman makes the point of order. I want to get a quorum here and then I will have a division.

10. 113 CONG. REC. 4139, 4140, 90th Cong. 1st Sess.

11. Note: Representative Paul C. Jones (Mo.), intended to demand a second division vote on the amendments following the quorum call. During the call he was advised that a vote *de novo* would not be in order; consequently, he did not press the point after the quorum had been established.

12. John W. McCormack (Mass.).

THE SPEAKER: The gentleman from Missouri makes the point of order that a quorum is not present.

The Chair will state that the vote is automatic at this point.

MR. JONES OF MISSOURI: The vote on the resolution is not automatic. At this point we are only voting on the amendments.

THE SPEAKER: Does the gentleman from Missouri make the point of order that a quorum is not present and objects to the vote on the ground that a quorum is not present?

Evidently, a quorum is not present.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. HALL: Mr. Speaker, the parliamentary inquiry is whether or not the gentleman from Missouri did object to the vote on the basis that a quorum was not present as was stated by the Speaker.

THE SPEAKER: The Chair would like to understand clearly what the gentleman from Missouri is demanding.

Is the gentleman from Missouri demanding a straight quorum call?

MR. JONES OF MISSOURI: I was demanding a straight quorum call, and then I am going to ask for a division when we come to adopting the resolution.

THE SPEAKER: Evidently a quorum is not present.

CALL OF THE HOUSE

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: . . .

THE SPEAKER: On this rollcall, 323 Members have answered to their names, a quorum.

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

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I move the previous question.

THE SPEAKER: The question is on ordering the previous question.

The question was taken, and on a division (demanded by Mr. Jones of Missouri) there were—ayes 87, noes 35.

MR. JONES of Missouri: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 230, nays 85, not voting 117, as follows: . . .

So the previous question was ordered. . . .

THE SPEAKER: The question is on agreeing to the resolution as amended.

The question was taken, and on a division (demanded by Mr. Jones of Missouri) there were—ayes 128, noes 25.

MR. JONES of Missouri: Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

THE SPEAKER: The gentleman from Missouri objects to the vote on the

ground that a quorum is not present, and makes the point of order that a quorum is not present.

Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

§ 13.5 Where objection was made to a vote on the ground that a quorum was not present, the Speaker, without ruling on the point of no quorum and pursuant to a special order, declared that further proceedings would be put over until the following day.

An objection to a vote on the ground that a quorum is not present takes precedence of a demand for tellers on such question.

On May 4, 1966,⁽¹³⁾ during consideration of H.R. 14745, appropriations measures for the Departments of Labor and Health, Education, and Welfare for fiscal year 1967, Speaker John W. McCormack, of Massachusetts, ruled on the precedence of a point of no quorum over a demand for tellers.

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

13. 112 CONG. REC. 9838, 9839, 89th Cong. 2d Sess.

MR. BOW: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit. . . .

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

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

The yeas and nays were refused.

THE SPEAKER: The question is on the passage of the bill.

MR. BOW: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Under the order of the House of May 3, further proceedings will be postponed until tomorrow.⁽¹⁴⁾

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, is this on the motion to recommit, or on passage?

THE SPEAKER: This is on passage.

MR. LAIRD: That is what I thought, Mr. Speaker.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: As I understood it, the question was on the motion to recommit.

Mr. Speaker, in all sincerity, it did not appear to me that the motion to recommit had been put to the House.

14. On May 3, 1966, the House agreed by unanimous consent to postpone roll calls, except on procedural matters, from Wednesday, May 4, 1966, to Thursday, May 5, 1966, to permit Members to attend the funeral of Senator Patrick V. McNamara (Mich.). See 112 CONG. REC. 9686, 89th Cong. 2d Sess., May 3, 1966.

The gentleman from Ohio was on his feet and the assumption was, from that fact, that he was objecting to the vote on the motion to recommit.

THE SPEAKER: The Chair will always try to protect the intent of a Member. Without objection, the question will be on the motion to recommit, and under the order of May 3, that vote will go over to tomorrow.

MR. [JOHN E.] FOGARTY [of Rhode Island]: Mr. Speaker, I ask for tellers on the motion to recommit.

THE SPEAKER: The Chair will state that the Chair has already announced that under the order of May 3, the vote will go over until tomorrow.

MR. FOGARTY: Is a teller vote a record vote?

THE SPEAKER: The Chair has already passed upon the demand of the gentleman from Ohio who objected to the vote on the ground that a quorum was not present and made the point of order that a quorum was not present on the motion to recommit. The Chair has already passed on that and stated that under the order of May 3, the vote is postponed for further consideration until tomorrow.

MR. FOGARTY: Mr. Speaker, a parliamentary inquiry, then.

THE SPEAKER: Does the gentleman from Ohio withdraw his point of order of no quorum?

MR. BOW: Yes, Mr. Speaker, I do at this point.

THE SPEAKER: Then, the vote on the motion to recommit will go over until tomorrow.

MR. FOGARTY: Mr. Speaker, I would expect the same consideration on this side as was given to the gentleman from Ohio when it was too late on his

motion to recommit. I have been standing on my feet trying to get recognized for a teller vote. I would expect the same consideration be given to me as was given to the opposition. I was trying to demand tellers all the time and I was not recognized. All I ask for is the same consideration as was given to the gentleman from Ohio.

THE SPEAKER: The Chair will state that the Chair has made its ruling that under the order of May 3 further proceedings will go over on the motion to recommit and on the final passage of the bill until tomorrow.

MR. FOGARTY: I never realized a teller vote was a record vote.

THE SPEAKER: The point of order that no quorum was present had been made by the gentleman from Ohio. The Chair will advise the gentleman from Rhode Island that that point of order takes precedence.

MR. FOGARTY: I was trying to get recognized before the point of order of no quorum was made and before the decision of the Chair was made in favor of the gentleman from Ohio and against the gentleman from Rhode Island.

THE SPEAKER: The point of order of no quorum, the Chair will state, takes precedence over the demand for tellers and the gentleman from Ohio has made the point of order of no quorum.

MR. FOGARTY: The only point I make is I think the Chair ruled in favor of the gentleman from Ohio and against the gentleman from Rhode Island. That is the way it seems to me. If the Chair insists on it, there is not anything I can do about it. I just want my views known and expressed. That is the way I feel about it.

THE SPEAKER: The motion to recommit is the right of the minority, and if the member of the minority seeks recognition and is qualified, then he is recognized. The gentleman from Ohio pursued his rights in demanding a call by the yeas and nays. An insufficient number rose. The gentleman from Ohio then made a point of order that a quorum was not present and objected to the vote on that ground. The Chair has already made its ruling that under the order of May 3, further proceedings under the call are postponed until tomorrow.

MR. FOGARTY: How am I to know that a quorum is not present?

THE SPEAKER: The Chair counted. The Chair is aware of the number.

MR. FOGARTY: I assumed that the Chair counted the necessary number for a rollcall vote and found an insufficient number arose for that purpose but not for the purpose of establishing a quorum.

That was my understanding of the Chair at that time.

THE SPEAKER: The Chair will repeat for the benefit of the gentleman from Rhode Island [Mr. Fogarty] that in accordance with the order of May 3, further consideration at this stage of the bill is postponed until tomorrow on a motion to recommit. That is the status of the matter and there is nothing left which the Chair can say.

Parliamentarian's Note: After objection to a vote on the ground that a quorum is not present has been made and, pursuant to previous agreement, the vote put over to the following day, a demand for tellers on the propo-

sition is not in order because the question is no longer before the House.

During Debate

§ 13.6 A point of no quorum may interrupt a Member in debate.

On July 29, 1935,⁽¹⁵⁾ Louis Ludlow, of Indiana, Speaker pro tempore, indicated that debate in the House could not proceed if a point of no quorum were made and sustained and that a point of no quorum could interrupt a Member who held the floor in debate.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, the gentleman is making a very good speech; therefore I make the point of order there is not a quorum present.

MR. [SAMUEL B.] PETTENGILL [of Indiana]: Mr. Speaker, I make the point that the gentleman cannot make a point of no quorum while the gentleman from Maryland is speaking.

THE SPEAKER PRO TEMPORE: The Chair will count.

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Speaker, the gentleman from Maryland has not yielded for a point of no quorum.

THE SPEAKER PRO TEMPORE: The Chair will state that a quorum must be present before any business may be transacted.

Parliamentarian's Note: See Rule XV clause 6 and interpreta-

15. 79 CONG. REC. 12017, 74th Cong. 1st Sess.

tions of that rule in supplements to this edition to the effect that debate is not business of the House under that rule as amended.

§ 13.7 A point of no quorum may interrupt a Member having the floor in debate.

On July 2, 1940,⁽¹⁾ Speaker William B. Bankhead, of Alabama, alluded to the constitutional question raised by a point of no quorum.

MR. [J. PARNELL] THOMAS of New Jersey: Mr. Speaker, I make a point of order that there is not a quorum present.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I do not yield for that purpose.

THE SPEAKER: The point of no quorum is a constitutional question at all times. Does the gentleman from New Jersey insist upon his point of order?

MR. THOMAS of New Jersey: I do.

THE SPEAKER: The Chair will count. [After counting.] One hundred and sixty-three Members are present, not a quorum.

MR. [CLARENCE] CANNON of Missouri: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

§ 13.8 A point of no quorum is a privileged matter and is in

1. 86 CONG. REC. 9189, 76th Cong. 3d Sess.

order at any time, even when a Member has the floor in debate.

On May 4, 1949,⁽²⁾ during consideration in the Committee of the Whole of H.R. 3989, to incorporate the Virgin Islands Corporation, the Chairman, Henry M. Jackson, of Washington, made a ruling regarding the privileged nature of a point of no quorum.⁽³⁾

MR. [FRED L.] CRAWFORD [of Michigan]: Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. Miller].

MR. [DONALD W.] NICHOLSON [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. NICHOLSON: Is it in order to move that the Committee adjourn?

THE CHAIRMAN: That motion is not in order in Committee. . . .

MR. NICHOLSON: Mr. Chairman, I make the point of order that a quorum is not present.

MR. [MONROE M.] REDDEN [of North Carolina]: Mr. Chairman, I have not heard the gentleman from Massachusetts ask the gentleman from Nebraska to yield and therefore suggest that the gentleman from Massachusetts is out of order.

THE CHAIRMAN: The Chair will state that a point of order based on no

2. 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess.

3. See also 95 CONG. REC. 9312, 81st Cong. 1st Sess., July 12, 1949; and 79 CONG. REC. 1868, 74th Cong. 1st Sess., July 29, 1935.

quorum is a privileged matter and is in order at any time.

§ 13.9 A point of no quorum may be made while a Member is occupying the floor in debate; in the event there is no quorum, the right of the Member to the floor is suspended until a quorum is secured.

On Mar. 25, 1937,⁽⁴⁾ Speaker William B. Bankhead, of Alabama, stated the procedure when a quorum is not present.

MR. [SCOTT W.] LUCAS [of Illinois]: Mr. Speaker, will the gentleman yield?

MR. [RALPH E.] CHURCH [of Illinois]: When I finish my statement, please.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: I demand the gentleman be protected in his rights.

THE SPEAKER: The gentleman has declined to yield.

MR. [FRANK E.] HOOK [of Michigan]: Mr. Speaker, I make the point of no quorum.

THE SPEAKER: The gentleman from Michigan makes the point there is no quorum present. The Chair will count. [After counting.] One hundred and ten Members are present, not a quorum.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I move that the House do now adjourn.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, will the gentleman yield?

MR. RAYBURN: No business can be conducted in the absence of a quorum.

4. 81 CONG. REC. 2793, 75th Cong. 1st Sess.

MR. SABATH: I should like to answer these despicable statements.

THE SPEAKER: The gentleman from Texas moves the House do now adjourn.

MR. CHURCH: I will yield to the gentleman. I want to be fair.

THE SPEAKER: No business of any character can be transacted during the absence of a quorum. It raises a constitutional question. A quorum is not present. The gentleman from Texas has moved that the House do now adjourn, which is not a debatable motion.

The question was taken; and the Speaker announced that the ayes had it.

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

THE SPEAKER: The gentleman from New York demands the yeas and nays.

The yeas and nays were refused.

So the motion to adjourn was agreed to.

During Special Order

§ 13.10 A point of no quorum interrupted a Member who was speaking under a special order following the business of the day.

On Sept. 22, 1965,⁽⁵⁾ a call of the House interrupted a special order.⁽⁶⁾

5. 111 CONG. REC. 24716, 24717, 89th Cong. 1st Sess.

6. See supplements to this edition for discussion of provisions in Rule XV clause 6 adopted in the 93d Congress on Apr. 9, 1974, to the effect that

THE SPEAKER:⁽⁷⁾ Under previous order of the House the gentleman from New York [Mr. Multer] is recognized for 20 minutes.

MR. [ABRAHAM J.] MULTER: Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

MR. MULTER: Mr. Speaker, as the Members of the House well know, for many long days and hours the gentleman from New York [Mr. Horton], the gentleman from Maryland [Mr. Mathias], the gentleman from Maryland [Mr. Sickles], and I have been engaged in a bipartisan effort to bring to the District of Columbia home rule which will be meaningful home rule to the District. . . .

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

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

after the presence of a quorum is once ascertained, a point of no quorum may not be made or entertained during any period of a legislative day when the Speaker is recognizing Members to address the House under special orders, with no measure or matter then under consideration for disposition by the House.

7. John W. McCormack (Mass.).

During Reading of Resolution**§ 13.11 A point of no quorum may interrupt the reading of a resolution.**

On Mar. 1, 1967,⁽⁸⁾ reading of a privileged resolution was interrupted.⁽⁹⁾

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, pursuant to House Resolution 1, I call up for immediate consideration the following privileged resolution, House Resolution 278, which is at the Clerk's desk.

The Clerk read the resolution, as follows:

Whereas,

The Select Committee appointed pursuant to H. Res. 1 (90th Congress) has reached the following conclusions:

First, Adam Clayton Powell possesses the requisite qualifications of age, citizenship and inhabitancy for membership in the House of Representatives. . . .

MR. [PORTER] HARDY [Jr., of Virginia] (during reading of H.R. 278): Mr. Speaker, I make the point of order that a quorum is not present.

8. 113 CONG. REC. 4997, 90th Cong. 1st Sess. Compare §13.28, *infra*, where the Chair refused to permit a point of no quorum during the reading of a resolution called up immediately following the establishment of a quorum.
9. See also 111 CONG. REC. 26727, 26728, 89th Cong. 1st Sess., Oct. 12, 1965; and 92 CONG. REC. 10639, 10640, 79th Cong. 2d Sess., Aug. 1, 1946

THE SPEAKER:⁽¹⁰⁾ 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: . . .

THE SPEAKER: On this rollcall 420 Members have answered to their names, a quorum.

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

THE SPEAKER: The Clerk will resume the reading of the resolution.

§ 13.12 A Member may make a point of no quorum during the reading of a privileged resolution.

On July 31, 1946,⁽¹¹⁾ Speaker Sam Rayburn, of Texas, ruled on the propriety of interrupting the reading of a privileged resolution relating to contempt of a witness.⁽¹²⁾

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I send to the Clerk's desk a privileged resolution.

THE SPEAKER: The Clerk will report the resolution.

10. John W. McCormack (Mass.).
11. 92 CONG. REC. 10592, 79th Cong. 2d Sess.
12. But see §13.28, *infra*, for a precedent in which the point of no quorum was not permitted during the reading of a privileged resolution called up immediately after establishment of a quorum by a call of the House.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the foregoing report of the House Committee on Un-American Activities as to the willful and deliberate refusal of the following persons to produce before the said committee for its inspection certain books, papers, and records.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order. I make the point of order that a quorum is not present.

MR. RANKIN: Mr. Speaker, I make the point of order that the gentleman is interrupting the reading of a resolution that is privileged.

MR. MARCANTONIO: That is just too bad.

THE SPEAKER: The resolution is privileged but a Member may make a point of no quorum at any time.

Evidently there is no quorum present.

Without objection, a call of the House is ordered.

There was no objection.

Effect of Postponing Roll Calls

§ 13.13 An agreement to postpone roll call votes until a time certain would not preclude a point of order of no quorum prior to that time.

On July 30, 1970,⁽¹³⁾ Speaker John W. McCormack, of Massachusetts, answered a parliamen-

13. 116 CONG. REC. 26525, 26526, 91st Cong. 2d Sess.

tary inquiry relating to the effect of an agreement to postpone roll calls.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALL: Mr. Speaker, in the opinion of the Chair, is the unanimous consent restriction on quorum calls and on votes put over until after 4 p.m. today, anent the return of those who would honor our departed colleague still in effect inasmuch as they have returned, and many of them are now on the floor?

THE SPEAKER: The gentleman will restate his parliamentary inquiry.

MR. HALL: Mr. Speaker, may I inquire, in view of the fact that there was an agreement as to quorum calls and rollcalls, whether or not we may see by a quorum call whether we have a quorum on the floor, in view of the importance of this bill, and in view of the fact that it was not scheduled, and in view of the fact that we were deferring until our colleagues returned from Ohio and the services for our departed colleague, Mike Kirwan.

THE SPEAKER: The Chair will state there is no agreement that would prevent a point of order that a quorum is not present.

The Chair will further state that the action taken has been with the understanding of the leadership on both sides and with the further understanding that general debate on the bill will terminate at 4 o'clock.

MR. HALL: Mr. Speaker, I appreciate the statement of the Chair. The Chair

has answered my question. I thoroughly understand the problem, and I am interested in expediting the business of this House, but because of the importance of this bill and the national interest, I make the point of order that a quorum is not present.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, will the gentleman withhold his point of order so I may ask a question?

MR. HALL: I will withhold my point of order.

MR. PATMAN: Mr. Speaker, the understanding is that we will go ahead and at 4 o'clock we will stop, and then we will have the rollcalls, and then the question of proceeding will take place after that.

MR. HALL: Mr. Speaker, I appreciate that, but the importance as brought out during the discussion of the rule far transcends the importance of a lapsed agreement, or stopping at any time certain to resume the other rollcalls. I believe Members should be here and hear whether we should have a teller vote on whether we go into session, so I let my point of order stand.

THE SPEAKER: The gentleman insists on his point of order?

MR. HALL: I do, Mr. Speaker.

Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

MR. [HENRY S.] REUSS [of Wisconsin]: 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: On this rollcall 335 Members have answered to their names, a quorum.

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

During Reading of Journal

§ 13.14 A point of no quorum is in order during the reading of the Journal.

On Dec. 18, 1970,⁽¹⁴⁾ the Speaker pro tempore ruled that the reading of the Journal could be interrupted by a point of no quorum.⁽¹⁵⁾

THE SPEAKER:⁽¹⁶⁾ The Clerk will proceed with the reading of the Journal.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I demand that the Journal be read in full.

The Clerk proceeded to read the Journal of the proceedings of yesterday. . . .

MR. [H. R.] GROSS [of Iowa] (during the reading): Mr. Speaker, I make the point of order that a quorum is not present.

14. 116 CONG. REC. 42505, 91st Cong. 2d Sess.

15. See supplements to this edition for discussion of provisions in Rule XV clause 6 adopted in the 93d Congress on Apr. 9, 1974, to the effect that after the presence of a quorum is once ascertained, a point of no quorum may not be made or entertained during the reading of the Journal and the deletion of the requirement for the appearance of a quorum before approval of the Journal in the 96th Congress on Jan. 15, 1979.

16. John W. McCormack (Mass.).

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ The Chair will count. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman from New York will state his parliamentary inquiry.

MR. STRATTON: Mr. Speaker, is it in order for a Member to be recognized during the reading of the Journal which is a highly privileged document which we all want to hear in full?

THE SPEAKER PRO TEMPORE: The Chair will inform the distinguished gentleman from New York that a point of order that a quorum is not present is always in order.

A quorum is not present.

MR. [CLAUDE D.] PEPPER [of Florida]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

§ 13.15 The reading of the Journal was interrupted by a point of no quorum and a call of the House.

On Nov. 3, 1967,⁽¹⁸⁾ the following proceedings took place:

THE SPEAKER:⁽¹⁹⁾ The Clerk will read the Journal of the proceedings of Thursday, November 2, 1967.

The Clerk began the reading of the Journal. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I make the point of order that a quorum is not present.

- 17. William J.B. Dorn (S.C.).
- 18. 113 CONG. REC. 31081, 90th Cong. 1st Sess.
- 19. John W. McCormack (Mass.).

THE SPEAKER: 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: . . .

THE SPEAKER: On this rollcall 298 Members have answered to their names, a quorum.

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

The Clerk proceeded to read the Journal of the proceedings of yesterday.

After Announcement of Voice Vote

§ 13.16 Objection to a vote in the House under Rule XV clause 4,⁽²⁰⁾ does not come too late after the Chair has announced his opinion of the voice vote on that question but before the House has proceeded to further business.

On Sept. 28, 1972,⁽¹⁾ during consideration of H.R. 13694, the American Revolution Bicentennial Commission amendments, Speaker pro tempore Chet Holifield, of California, ruled on the timeliness of a point of no quorum.

The Clerk reread the amendment.

- 20. See *House Rules and Manual* § 773 (1979).
- 1. 118 CONG. REC. 32766, 92d Cong. 2d Sess.

THE SPEAKER PRO TEMPORE: The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, I believe that the request of the gentleman from Pennsylvania (Mr. Williams), for a rollcall vote comes too late.

THE SPEAKER PRO TEMPORE: The Chair will state that the Chair had announced his opinion of the vote, but had not proceeded to the next question. Does the gentleman from Pennsylvania insist upon his point of order that a quorum is not present and object to the vote on the ground that a quorum is not present?

MR. WILLIAMS: I do, Mr. Speaker.

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

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 182, not voting 103.

After Permission to Extend Remarks

§ 13.17 A second point of order that a quorum is not present

is in order after intervening business such as permission to extend remarks in the Record.

On June 4, 1951,⁽²⁾ The Speaker pro tempore, J. Percy Priest, of Tennessee, ruled that a second point of no quorum was in order.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, I make the point of order a quorum is not present.

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

MR. [JERE] COOPER [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 242 Members have answered to their names, a quorum.

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

Mr. Harrison of Virginia asked and was given permission to extend his remarks in two instances and include extraneous matter. . . .

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, I make the point of order that a quorum is not present. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

2. 97 CONG. REC. 6096, 6097, 82d Cong. 1st Sess.

MR. HALLECK: Mr. Speaker, in view of the fact that a call of the House has just disclosed the presence of a quorum, is not the point of order sought to be made by the gentleman from Pennsylvania out of order at this time?

THE SPEAKER PRO TEMPORE: The Chair may say that some business has been transacted since the quorum was announced by the Chair.

MR. EBERHARTER: Mr. Speaker, I renew my point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: The Chair will count. [After counting.] One hundred and forty-one Members are present, not a quorum.

MR. [MIKE] MANSFIELD [of Montana]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Preceded by Parliamentary Inquiry

§ 13.18 Even though the Chair entertains a parliamentary inquiry following announcement of a vote by division, an objection to a vote on the grounds that a quorum was not present and voting does not come too late and is in order.

On Mar. 7, 1956,⁽³⁾ during consideration of amendments to H.R. 9739, making appropriations for executive bureaus and agencies

3. 102 CONG. REC. 4215, 4216, 84th Cong. 2d Sess.

for the fiscal year ending June 30, 1957, Speaker pro tempore John W. McCormack, of Massachusetts, ruled on the timeliness of a point of no quorum.

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 18, strike out lines 14 through 20.

THE SPEAKER PRO TEMPORE: The question is on the amendment.

The question was taken; and the Chair being in doubt, the Committee divided and there were ayes 17, noes 31.

MR. [GORDON] CANFIELD [of New Jersey]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CANFIELD: Is it too late to request that that amendment be read to the House?

THE SPEAKER PRO TEMPORE: The Chair will state that the amendment was read to the House.

MR. CANFIELD: Mr. Speaker, in all frankness, I do not believe that many Members knew what they were voting on.

THE SPEAKER PRO TEMPORE: The amendment was read. The Chair assumes every Member present was aware of the content of the amendment.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

MR. [JOHN] TABER [of New York]: Mr. Speaker, I make the point of order that the gentleman's point comes too late. There was a parliamentary inquiry submitted since the division.

THE SPEAKER PRO TEMPORE: The gentleman from New Jersey [Mr. Canfield] addressed the Chair on a point of order. The gentleman from Iowa [Mr. Gross] was justified in waiting until that point of order had been determined by the Chair. Immediately upon that determination the gentleman from Iowa made the point of order that a quorum was not present and objected to the vote on the ground that a quorum was not present. The Chair feels that the gentleman from Iowa exercised his rights under the rules in such manner that a point of order against his point of order would not lie.

Evidently a quorum is not present.

After Division Vote and Rejection of Yeas and Nays

§ 13.19 Less than a quorum having voted on a division, and a yea and nay vote having been refused, it is not too late to object to the division vote on the ground that a quorum is not present.

On June 1, 1942,⁽⁴⁾ Speaker Sam Rayburn, of Texas, ruled on the timeliness of a point of no quorum.

THE SPEAKER: The gentleman's time has expired. All time has expired. The

4. 88 CONG. REC. 4767, 4774, 77th Cong. 2d Sess.

question is, Will the rules be suspended and the bill passed?

The question was taken; and on a division (demanded by Mr. Dingell) there were yeas 85 and noes 121.

MR. [MIKE] MANSFIELD [of Montana]: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER (after counting): Eighteen Members have arisen; not a sufficient number.

The yeas and nays were refused.

MR. [HERMAN P.] KOPPLEMANN [of Connecticut]: Mr. Speaker, I raise the point of order that there is no quorum present, and I object to the vote on that ground.

THE SPEAKER: The Chair will count.

MR. [ALBERT E.] CARTER [of California]: Mr. Speaker, I make the point of order that the gentleman's point of order comes too late.

THE SPEAKER: The Chair will hold that it does not come too late. The Chair will count. [After counting.] More than 218 Members are present, a quorum.

So, two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill was rejected.

After Division Vote

§ 13.20 Objection to a voice vote for lack of a quorum having been withdrawn and demand then being made for a division, an objection to the division vote for lack of a quorum is in order and, if a quorum is not present, the roll call is automatic.

On Feb. 5, 1957,⁽⁵⁾ during consideration of H.R. 4249, to make appropriations for the fiscal year ending June 30, 1957, an automatic roll call took place.

THE SPEAKER:⁽⁶⁾ The Clerk will report the amendment on which a separate vote is demanded. . . .

THE SPEAKER: The question is on the amendment.

The question was taken and the Speaker announced that the "ayes" had it.

MRS. [EDITH S.] GREEN of Oregon: Mr. Speaker, I object to the vote on the ground a quorum is not present.

THE SPEAKER: The Chair will count.

MRS. GREEN of Oregon: Mr. Speaker, I withdraw the point of order and ask for a division.

The question was taken; and on a division (demanded by Mrs. Green of Oregon) there were—ayes 118, noes 46.

MRS. GREEN of Oregon: Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. H. CARL ANDERSEN: The point of order is that that request has already been made in reference to this vote, and the gentlewoman withdrew it.

THE SPEAKER: The objection to the voice vote on the grounds that a quorum was not present was with-

drawn. The objection to the vote by division, on the grounds that a quorum is not present, is in order.

Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

During Vote on Amendment

§ 13.21 Where a quorum of the House is not present during the consideration of a bill in the House as in Committee of the Whole, any Member may object to the vote on an amendment and invoke an "automatic" roll call.

On May 11, 1970,⁽⁷⁾ Speaker pro tempore John J. Flynt, Jr., of Georgia, entertained a point of no quorum during proceedings of the House as in the Committee of the Whole.

THE SPEAKER PRO TEMPORE: The question is on the committee amendments to the salary schedule found on pages 14 and 15 of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

5. 103 CONG. REC. 1553, 85th Cong. 1st Sess.

6. Sam Rayburn (Tex.).

7. 116 CONG. REC. 14924, 91st Cong. 2d Sess.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. GROSS: Is this bill not being considered in the House as in Committee of the Whole?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. GROSS: Then, we cannot vote on an amendment on a roll-call vote.

THE SPEAKER PRO TEMPORE: The Chair will state that the bill is being considered in the House as in Committee of the Whole and it is in the House. The gentleman's point of order is in order, and the rollcall will be automatic as soon as the Chair announces it.

Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Before Prayer

§ 13.22 A quorum is not required for prayer by the Chaplain opening a session, and the Speaker does not recognize Members for points of no quorum at such time.

On Mar. 19, 1941,⁽⁸⁾ Speaker Sam Rayburn, of Texas, refused to entertain a point of no quorum raised before the opening prayer.⁽⁹⁾

8. For the proceedings of this date, see § 12.1, *supra*.

9. See supplements to this edition for discussion of provisions in Rule XV

After Announcement of Vote Result

§ 13.23 It is too late to object to a vote for lack of a quorum under Rule XV clause 4,⁽¹⁰⁾ after the Speaker has announced the result of the vote and a motion to reconsider has been laid on the table.

On Apr. 17, 1972,⁽¹¹⁾ during consideration of H.R. 13435, the Upper Colorado River basin authorization, Speaker Carl Albert, of Oklahoma, ruled on the timeliness of a point of no quorum.

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Johnson) that the House suspend the rules and pass the bill H.R. 13435, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MR. [MARIO] BIAGGI [of New York]: Mr. Speaker, I object to the vote on the ground that a quorum is not present

clause 6 adopted in the 93d Congress on Apr. 9, 1974, and subsequently, to the effect that a point of no quorum shall not be in order or entertained before or during prayer.

10. See *House Rules and Manual* § 773 (1979).

11. 118 CONG. REC. 12981, 92d Cong. 2d Sess.

and make the point of order that a quorum is not present.

THE SPEAKER: The gentleman's point comes too late. The gentleman should have made that point before the result of the vote was announced.

§ 13.24 Objection to a division vote on the ground that a quorum was not present comes too late after the vote has been announced, the bill passed, and a motion to reconsider laid on the table.

On Sept. 17, 1962,⁽¹²⁾ after a vote on H.R. 12761, to provide relief for occupants of unpatented mining claims, Speaker pro tempore Carl Albert, of Oklahoma, ruled that a point of no quorum was made too late.

THE SPEAKER PRO TEMPORE: The question is, Will the House suspend the rules and pass the bill H.R. 12761?

The question was taken, and on a division (demanded by Mr. Dingell) there were—ayes 49, noes 13.

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, two-thirds having voted in the affirmative, the rules are suspended and the bill is passed, and without objection, a motion to reconsider is laid on the table.

There was no objection.

MR. [JOHN D.] DINGELL [Jr., of Michigan]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I make the point of order that the point of order comes too late. The result of the vote has been announced.

THE SPEAKER PRO TEMPORE: The gentleman is making a point of order.

MR. DINGELL: And I object to the vote.

THE SPEAKER PRO TEMPORE: That objection comes too late.

MR. DINGELL: Very well, Mr. Speaker, I withdraw the point of order.

After Completing Action

§ 13.25 Objection to a vote on the ground that a quorum is not present comes too late after the bill has been passed, a motion to reconsider laid on the table, and further business is under discussion but the Speaker may entertain a unanimous-consent request to vacate the proceedings.

On Oct. 5, 1962,⁽¹³⁾ during consideration of S. 1447, to amend the Teachers' Salary Act for the District of Columbia, Speaker John W. McCormack, of Massachusetts, after indicating that objection to a vote had not been timely made, obtained unanimous consent to vacate the proceedings whereby the bill was passed, after a Member, James G. Fulton, of

12. 108 CONG. REC. 19650, 87th Cong. 2d Sess.

13. 108 CONG. REC. 22649, 22650, 87th Cong. 2d Sess.

Pennsylvania, insisted that he had timely sought recognition to raise a point of no quorum.

THE SPEAKER: The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table. . . .

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I would like to inquire whether or not there are further conference reports or unanimous-consent requests to be considered this evening.

MR. [JOHN L.] McMILLAN [of South Carolina]: I have one more bill I desire to call up from the Committee on the District of Columbia.

MR. FULTON: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The bill has already passed.

MR. FULTON: Mr. Speaker, I was on my feet.

THE SPEAKER: The Chair will state that if a Member is on his feet, that is insufficient. The gentleman did not address the Chair.

MR. FULTON: I was saying "Mr. Speaker," and was not heard. I was on my feet.

THE SPEAKER: If the gentleman asks unanimous consent to vacate the action, the Chair will entertain a request. But the passage of the bill had been completed.

MR. FULTON: Mr. Speaker, I was on my feet addressing the Speaker, but I was not recognized.

THE SPEAKER: The Chair does not know what is in the gentleman's mind when the gentleman is on his feet.

MR. FULTON: I was saying "Mr. Speaker," right straight through. I am sure it is the custom of the House to be recognized when a point of order is being made.

THE SPEAKER: Without objection, the action whereby the bill was passed will be vacated.

There was no objection.

THE SPEAKER: The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

§ 13.26 An action having been completed, the Speaker declined to recognize a Member to object to the vote where the Member had not shown the proper diligence in seeking recognition.

On June 29, 1959,⁽¹⁾ after a vote on the conference report on H.R. 7523, to provide a one-year extension of existing corporate and excise tax rates (H. Rept. No. 587), Speaker Sam Rayburn, of Texas, declined to recognize for an objection to the vote on the ground that a quorum was not present.

THE SPEAKER: Without objection, the previous question is considered as ordered.

There was no objection.

1. 105 CONG. REC. 12110, 86th Cong. 1st Sess.

The previous question was ordered.

THE SPEAKER: The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MR. [LEONARD G.] WOLF [of Iowa]: Mr. Speaker, I object on the ground that a quorum was not present on that vote.

THE SPEAKER: The gentleman is somewhat late. The Chair would not hold that the gentleman's point comes too late, if the gentleman insists on it, but the Chair had already declared the result of the vote and the motion to reconsider the vote was laid on the table.

Between Establishment of Quorum and Reading Message

§ 13.27 Where a quorum had been established on a call of the House, the Speaker has held that the act of laying a message before the House is not such transaction of business so as to permit another point of no quorum.

On Apr. 21, 1971,⁽²⁾ Speaker Carl Albert, of Oklahoma, ruled untimely a point of no quorum raised after a message was received but before it was read.⁽³⁾

2. For the proceedings of this date, see § 14.17, *infra*.

3. See supplements to this edition for discussion of provisions in Rule XV clause 6 adopted on Apr. 9, 1974, to the effect that a point of no quorum

During Reading of Resolution After Establishment of Quorum

§ 13.28 While a point of order of no quorum may ordinarily interrupt the reading of a resolution (see § 13.11, *supra*), the Chair has refused to permit a point of no quorum during the reading of a resolution called up immediately following the establishment of a quorum by a call of the House.

On Apr. 21, 1971,⁽⁴⁾ Speaker Carl Albert, of Oklahoma, refused to allow interruption of reading of a resolution for a point of no quorum.

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The Chair will count. One hundred twenty-three Members are present, not a quorum.

MR. [JOHN J.] MCFALL [of California]: 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: On this rollcall 352 Members have answered to their names, a quorum.

may not be made or entertained during the reception of any message from the President or the Senate.

4. 117 CONG. REC. 11101, 11102, 92d Cong. 1st Sess.

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

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 373 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 373

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole. . . .

MR. JACOBS: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The Chair will state to the gentleman from Indiana that there has been no completed business at all since the Chair has just announced the presence of a quorum.

The Clerk will continue reading the resolution

During Receipt of Report From Committee of the Whole

§ 13.29 The Speaker pro tempore having received the report of the Chairman of the Committee of the Whole that a quorum of the Committee appeared on a call of the roll under Rule XXIII clause 2,⁽⁵⁾

5. See *House Rules and Manual* § 863 (1979). See supplements to this edition for discussion of provisions in Rule XXIII clause 2 adopted in the 93d Congress on Apr. 9, 1974, to the

he immediately directs the Committee to resume its sitting and does not recognize Members in the House with a point of order that a quorum is not present.

On Aug. 2, 1967,⁽⁶⁾ Speaker pro tempore Carl Albert, of Oklahoma, refused to recognize a point of no quorum.⁽⁷⁾

§ 14. Dilatoriness; Effect of Prior Count

Rule XVI clause 10,⁽⁸⁾ provides that no dilatory motion shall be entertained by the Speaker. Although the question of the presence of a quorum is a constitutional one⁽⁹⁾ which is always in order where the House is conducting business⁽¹⁰⁾ and has the

effect that the Chairman of the Committee is empowered to declare that a quorum is constituted when he determines that a quorum has appeared; and that, following such a declaration, proceedings are considered vacated and the committee does not rise but continues its sitting and resumes business.

6. 113 CONG. REC. 21095, 90th Cong. 1st Sess.
7. For the House proceedings on this date, see § 7.17, *supra*.
8. *House Rules and Manual* § 803 (1979).
9. § 14.2, *infra*.
10. § 14.3, *infra*.