MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DAVIS of Georgia: Can the motion for tellers be made after a quorum is present?

THE CHAIRMAN: Yes.

Chair's Count for Quorum; Not Verifiable by Tellers

§ 17.13 The Chair did not recognize a demand for tellers to verify its count of a quorum.

On May 20, 1949,[19] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 4591) to provide pay, allowances, and physical disability retirement for members of the armed forces.

During debate, Mr. Frank B. Keefe, of Wisconsin, rose to address the Chair[20] and initiated the following exchange:

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

THE CHAIRMAN: The Chair will count. [After counting.] One hundred and five Members are present, a quorum.

MR. [CARL] VINSON [of Georgia]: Mr. Chairman, I demand tellers.

THE CHAIRMAN: The gentleman from Georgia has demanded tellers. The gentleman from Wisconsin made the point of order that a quorum was not present. The Chair counted 105 Members present. At this time there is no question before the House on which tellers can be ordered.

The Chairman having so ruled, Mr. Vinson then made the point of order that a quorum was not present. The Chair counted and found 114 Members in attendance. Accordingly, the Committee proceeded to its business.

§ 18. Ordering Tellers

Generally

§ 18.1 Tellers were ordered by one-fifth of a quorum—20 Members in the Committee of the Whole (44 Members in the House).

On Jan. 23, 1968,[1] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 8696) to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies.

In the course of the bill's consideration, Mr. Del M. Clawson, of California, offered an amendment and, following debate on the

19. 95 CONG. REC. 6546, 6556, 81st Cong. 1st Sess.

20. Oren Harris (Ark.).

1. 114 CONG. REC. 694, 705, 706, 90th Cong. 2d Sess.

measure, the Chairman[2] put the question; and on a division demanded by Mr. Wright Patman, of Texas, there were—ayes 18, noes 29.

Immediately thereafter, Mr. Del Clawson demanded tellers which were refused, thereby prompting the following exchange:

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: The Chair stated that there were 18 Members who rose in favor of tellers, and that that was not a sufficient number. I would ask the Chairman, is that not a sufficient number of the Members on the floor?

THE CHAIRMAN: The Chair will state that 20 Members are required in order that tellers be ordered.

MR. GERALD R. FORD: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Chairman, is that 20 Members, regardless of the number of Members on the floor?

THE CHAIRMAN: The Chair will state that the number required is one-fifth of a quorum in the Committee of the Whole. This would then represent 20 Members, since 100 Members constitute a quorum. Therefore, tellers are refused.

§ 18.2 Tellers have been ordered on the question of the passage of a bill where a demand for the yeas and nays had been refused.

On May 8, 1963,[3] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 5555) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes.

Following extensive consideration of the bill, the Committee rose, the Speaker[4] resumed his chair; and the Chairman[5] of the Committee reported the bill back to the House with sundry amendments adopted by the Committee. A motion to recommit having been rejected, the Speaker put the question on the passage of the bill.

Immediately thereafter, the following proceedings occurred:

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

THE SPEAKER: (after counting). The yeas and nays are refused.

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. Rivers of South Carolina and Mr. Curtis.

The House divided, and the tellers reported that there were—ayes 293, noes 10.

2. Peter W. Rodino, Jr. (N.J.).

3. 109 CONG. REC. 8044, 8082, 88th Cong. 1st Sess.

4. John W. McCormack (Mass.).

5. Hale Boggs (La.).

So the bill was passed.

A motion to reconsider was laid on the table.

§ 18.3 Where a point of no quorum was made in the Committee of the Whole and the roll was called as a demand for tellers on an amendment remained pending, the question of ordering tellers was put immediately after the Committee resumed its sitting, and a division vote taken prior to the demand for tellers was not final.

On May 10, 1946,[6] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 6335) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1947.

In the course of the bill's consideration, Mr. Henry C. Dworshak, of Idaho, offered an amendment to an amendment offered by Mr. J. W. Robinson, of Utah. The Chairman[7] subsequently put the question; it was taken; and, on a division demanded by Mr. John J. Rooney, of New York, there were—ayes 41, noes 29.

Immediately thereafter, Mr. Jed Johnson, of Oklahoma, demanded tellers whereupon Mr. Frank B. Keefe, of Wisconsin, made the point of order that a quorum was not present. The Chair then counting only 87 Members present, the Clerk was directed to call the roll.

A quorum having responded to the roll call, the Committee rose; the Chairman submitted the absentees' names to be spread upon the Journal; and, the Speaker[8] directed the Committee to resume its sitting.

At this point, the following exchange took place:

THE CHAIRMAN: The gentleman from Oklahoma [Mr. Johnson] demands tellers on the amendment offered by the gentleman from Idaho [Mr. Dworshak] to the amendment offered by the gentleman from Utah [Mr. Robinson].

MR. [WALTER K.] GRANGER [of Utah]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. GRANGER: As I understood the situation when the quorum was called, the Chair had already announced that the amendment offered by the gentleman from Idaho to the amendment had been agreed to; and the request comes too late.

THE CHAIRMAN: The Chair had announced that on a division the amendment to the amendment had been agreed to. Thereupon, the gentleman from Oklahoma [Mr. Johnson] demanded tellers. At that point a point of

6. 92 CONG. REC. 4827, 4833, 4834, 4837, 4840, 79th Cong. 2d Sess.

7. Jere Cooper (Tenn.).

8. Sam Rayburn (Tex.).

order was made that a quorum was not present.

The gentleman's demand for tellers is now pending.

The Chairman then proceeded to order tellers, and the amendment to the amendment was subsequently rejected.

In Committee of the Whole; Effect of Motion To Rise

§ 18.4 The Committee of the Whole having ordered tellers on a proposition, a motion to rise remained in order following their appointment providing the tellers had not taken their places and the count had not begun.

On Mar. 12, 1942,[9] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 6709) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943.

In the course of the bill's consideration, Mr. Everett M. Dirksen, of Illinois, offered an amendment to lower one portion of the appropriation by $10 million. Immediately thereafter, Mr. Francis H. Case, of South Dakota, offered a substitute amendment to lower the same portion of the appropriation by $20 million. The following proceedings then occurred:

THE CHAIRMAN:[10] The question is on the substitute offered by the gentleman from South Dakota.

The question was taken; and the Chair being in doubt the Committee divided, and there were—ayes 84, noes 88.

MR. CASE of South Dakota: Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. Case of South Dakota and Mr. Tarver.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, I move that the Committee do now rise.

MR. [JOSEPH W.] MARTIN [JR.] of Massachusetts: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MARTIN of Massachusetts: The gentleman cannot interrupt a vote.

THE CHAIRMAN: The vote has not started.

MR. MARTIN of Massachusetts: We had already started to vote on the substitute and the Chair had announced the vote as 84 to 88.

THE CHAIRMAN: The tellers had not taken their places.

The point of order is overruled.

MR. MARTIN of Massachusetts: Mr. Chairman, we had started the vote when the first voice vote was taken.

THE CHAIRMAN: The point of order is overruled.

The gentleman from Georgia moves that the Committee do now rise.

The question is on the motion.[11]

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9. 88 CONG. REC. 2345, 2374, 77th Cong. 2d Sess.

10. Robert Ramspeck (Ga.).

11. For a similar ruling, see 88 CONG. REC. 5169, 77th Cong. 2d Sess., June 11, 1942.

§ 18.5 Where the Committee of the Whole had ordered tellers on an amendment and then risen, the order for tellers could be vacated and the vote taken de novo only by unanimous consent when the Committee again resumed consideration of the matter.

On July 2, 1947,[12] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 4002) making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948. Immediately after the Committee sat, Mr. George A. Dondero, of Michigan, asked the Chair[13] whether a particular item dealing with flood control had been discussed as yet.

The Chair replied in the negative, and then summarized the situation, as follows:

> When the Committee rose yesterday, the so-called Rankin amendment was pending. A voice vote had been taken. Tellers were demanded and ordered.
>
> Without objection, the Clerk will again read the so-called Rankin amendment.
>
> There was no objection.
>
> MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. RANKIN: Mr. Chairman, is it not in order to vacate or disregard the standing vote and take the standing or voice vote again?
>
> THE CHAIRMAN: Tellers have already been ordered.
>
> MR. RANKIN: I understand that, Mr. Chairman, but I believe that where a vote is not completed on one day it is taken again when the question again comes up for consideration.
>
> THE CHAIRMAN: The gentleman's inquiry is: Can the order for tellers be vacated, and the Committee proceed de novo on the amendment? That can be done by unanimous consent.

§ 18.6 Where the Committee of the Whole refused to rise on a teller vote and the question recurred on the adoption of an amendment which was then agreed to by division vote, the Chair held that after the seconding of a demand for tellers on the amendment (and the ordering of tellers with respect thereto), a motion that the Committee rise was still in order; and, a teller vote on that motion would take precedence over a teller vote on the amendment.

On Mar. 23, 1944,[14] the House resolved itself into the Committee

12. 93 CONG. REC. 8136, 8137, 80th Cong. 1st Sess.

13. Earl C. Michener (Mich.).

14. 90 CONG. REC. 2969, 2999, 3005, 78th Cong. 2d Sess.

of the Whole for the further consideration of a bill (H.R. 4443) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1945.

In the course of the bill's consideration, Mr. Forest A. Harness, of Indiana, offered an amendment prohibiting the use of the appropriated funds for the salaries or expenses of certain persons. Discussion ensued with respect to this proposal until the Chair[15] announced that the time allotted for debate had expired.

At this point, Mr. Malcolm C. Tarver, of Georgia, moved that the Committee rise. The question was taken; and on a division demanded by Mr. Tarver, there were-ayes 58, noes 96.

Mr. Tarver thereupon demanded tellers. Tellers having been ordered and appointed, the Committee again divided; and the tellers reported that there were-ayes 65, noes 88. So, the motion was rejected.

The question then recurred on Mr. Harness' proposed amendment. The question was taken; and on a division demanded by Mr. Tarver, there were-ayes 89, noes 69.

At this point, Mr. Tarver was recognized again, and the following exchange transpired:

MR. TARVER: MR. CHAIRMAN, I DEMAND TELLERS.

Tellers were ordered.

MR. TARVER: Mr. Chairman, I move that the Committee do now rise.

MR. TABER: Mr. Chairman, I make the point of order that the motion is not in order after the direction for the vote.

THE CHAIRMAN: Under the previous ruling of the Chair, the point of order is overruled.

The question is on the motion of the gentleman from Georgia that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. Tarver) there were-ayes 70, noes 88.

MR. TARVER: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Tarver and Mr. Dirksen.

The Committee again divided; and the tellers reported there were-ayes 65, noes 90.

So the motion was rejected.

THE CHAIRMAN: The question is on the amendment proposed by the gentleman from Indiana [Mr. Harness]. Tellers have been ordered.

The Committee again divided; and the tellers reported there were-ayes 93, noes 65.

So the amendment was agreed to.

Parliamentarian's Note: A motion to rise may be repeated after intervening business. Here, the division vote on the amendment was intervening business.

15. William M. Whittington (Miss.).