

In view of that fact, the Clerk will call the roll.

The question was taken; and there were—yeas 349, nays 7, not voting 78.

MR. CHARLES H. WILSON of California: Mr. Speaker, I ask unanimous consent that the House vacate the proceedings whereby the yeas and nays were ordered on House Joint Resolution 578, authorizing the President to proclaim the third week of May of 1978 and 1979 as National Architectural Barrier Awareness Week.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from California?

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Florida (Mr. Lehman) that the House suspend the rules and pass the joint resolution (H.J. Res. 578).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

On Nov. 4, 1971,⁽⁴⁾ a separate vote having been demanded in the House on an amendment to a bill (H.R. 7248) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education, the Speaker⁽⁵⁾ put the question on the amendment and a demand for the yeas and nays was heard. Mrs. Edith S. Green, of Oregon, who had made the demand then inquired of the Chair as to whether it was possible to ask for tellers with clerks. When the Chair replied in the affirmative Mrs. Green withdrew her other request⁽⁶⁾ and demanded tellers; they were ordered and the following proceedings then occurred:

MRS. GREEN of Oregon: Mr. Speaker, I demand tellers with clerks [more than one-fifth of a quorum then seconded Mrs. Green's demand.]

Tellers with clerks were ordered; and the Speaker appointed as tellers Mr. Erlenborn, Mrs. Green of Oregon, Mr. Perkins, and Mr. Quie.

The Committee divided, and the tellers reported that there were—ayes 186, noes 181, not voting 64. . . .

4. 117 CONG. REC. 39352, 39353, 92d Cong. 1st Sess.

5. Carl Albert (Okla.).

6. Unanimous consent is not required in the House to withdraw a demand for the yeas and nays before the demand has been supported by one-fifth of those present. The situation is different, however, where the demand has been supported; see §24.8, supra.

§ 34. Taking the Vote

Ordering a Recorded Vote— The Old "Two-step" Rule

§ 34.1 One-fifth of a quorum in the House orders that a vote be taken by recorded vote.

The Members' names having been recorded in accordance with their positions on the issue, this marked the first instance of a recorded teller vote.

New Single-step Rule

§ 34.2 Pursuant to the rules adopted in the 93d Congress, one-fifth of a quorum in the House may support a single demand for a "recorded vote" (in lieu of the two-step demand for tellers and then for tellers with clerks), and the Chair may, in his discretion, direct that the vote be taken by electronic device.

On Feb. 7, 1973,⁽⁷⁾ during consideration in the Committee of the Whole of a bill (H.R. 2107) to require the Secretary of Agriculture to carry out the rural environmental assistance program, the Chairman⁽⁸⁾ put the question on an amendment in the nature of a substitute, as amended. The question was taken; and the Chair announced that the noes appeared to have it.

Thereafter the following exchange and request took place:

MR. [WILMER] MIZELL [of North Carolina]: Mr. Chairman, I demand tellers.

7. 119 CONG. REC. 3707, 93d Cong. 1st Sess.

8. Robert N. Giaimo (Conn.).

THE CHAIRMAN: Does the gentleman demand a recorded vote?

MR. MIZELL: Yes, Mr. Chairman, I do demand a recorded vote.

THE CHAIRMAN: As the Chair understands, the new procedure in the House is that the demand is for a recorded vote.

One-fifth of a quorum having supported the demand, the recorded vote was ordered.

THE CHAIRMAN: . . . The vote will be taken by electronic device.⁽⁹⁾

§ 34.3 Pursuant to the rules, recorded votes may be conducted by clerks in the discretion of the Chair (when the electronic voting system is inoperative).

On July 11, 1973,⁽¹⁰⁾ the Committee of the Whole had under consideration an amendment to a bill (H.R. 8860) to amend and extend the Agricultural Act of 1970. The question on the amendment was taken; and the Chairman announced that the noes appeared to have it.

Immediately thereafter, Mr. Neal Smith, of Iowa, the proponent of the amendment, demanded a recorded vote, and the following exchange took place:

THE CHAIRMAN:⁽¹¹⁾ A recorded vote has been demanded.

9. See Rule I clause 5, *House Rules and Manual* § 630a (1995).

10. 119 CONG. REC. 23156, 23157, 23161, 93d Cong. 1st Sess.

11. William H. Natcher (Ky.).

The Chair would like first to advise the Members that the electronic device is not working at this time. A recorded vote will require tellers on either side of the aisle, as the gentleman from Iowa (Mr. Smith) knows.⁽¹²⁾

Does the gentleman from Iowa insist upon his request?

Mr. SMITH of Iowa: Mr. Chairman, I demand tellers.

Tellers were refused (less than 20 Members rising to second the request) so the amendment was rejected.

Later during consideration of the same measure, Mr. Silvio O. Conte, of Massachusetts, offered an amendment on which he subsequently demanded a recorded vote. A sufficient number of Members supporting this demand, the vote was taken by clerks pursuant to the Chairman's discretionary authority in light of the inoperative state of the electronic voting system.

§ 35. Time To Respond on a Vote

When the electronic device is utilized to record a vote, Members are allowed a minimum of 15 minutes to respond; unless the Chair has utilized his authority to cluster and reduce votes to five min-

^{12.} See Rule I clause 5, *House Rules and Manual* § 630a (1995).

utes under clause 5(b) of Rule I. It is within the discretion of the Chair, following the expiration of the minimum time, how much longer to leave the voting stations open.⁽¹³⁾

Fifteen-minute Minimum

§ 35.1 The Chair indicated that under the then-existing rules, Members were entitled to a minimum of 12 [now 15]

^{13.} Voting times have been extended by the Chair for a variety of reasons, for instance, where Members are at a meeting at the White House or engaged in some ceremony that has delayed their attendance. In one instance, a recorded vote was left open for over an hour while the leadership on both sides of the aisle were determining the next item to be on the legislative agenda. See Roll Call Number 412, 140 CONG. REC. p. ____, 103d Cong. 2d Sess., Aug. 19, 1994, which remained pending for a total of 73 minutes.

In the 104th Congress, the "customary time" for permitting Members to respond was announced to be "as soon as possible" after the 15 minutes permitted by the rule. Seventeen became accepted as an appropriate maximum time and has since been generally accepted as the norm. The Chair often announces that "this will be a 17-minute vote" when the bells are rung. See 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Feb. 10, 1995.