

vided, however, That proceedings shall not resume on said question if the conferees have filed a report in the House;

(D) the question of agreeing to a conference report;

(E) the question of agreeing to a motion to recommit a bill considered pursuant to clause 4 of rule XIII;⁽¹⁴⁾

(F) the question of ordering the previous question on a question described in subdivision (A), (B), (C), (D), or (E);

(G) the question of agreeing to an amendment to a bill considered pursuant to clause 4 of rule XIII; and

(H) the question of agreeing to a motion to suspend the rules.

§ 54. Postponing Votes

Postponement of Votes to Next Legislative Day

§ 54.1 An announcement by the Chair, after midnight on one legislative day, that votes will be taken “tomorrow” results in their postponement until the next legislative day. Under Rule I clause 5(b), the period for postponement of votes is measured in legislative, not calendar, days.

On Oct. 15, 1990,⁽¹⁵⁾ the House remained in session until after

14. Clause 4 of Rule XIII provides for the “Corrections Calendar.” See *House Rules and Manual* §745a (1995).

15. 136 CONG. REC. 29286, 101st Cong. 2d Sess.

midnight and considered several motions to suspend the rules. When the Speaker Pro Tempore, Romano L. Mazzoli, of Kentucky, announced that he would postpone recorded votes ordered on the series of motions until “tomorrow,” a parliamentary inquiry was directed to the Chair as follows:

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FRANK: Mr. Speaker, what day is tomorrow?

THE SPEAKER PRO TEMPORE: The Chair would answer the gentleman’s question by stating that it is on the next legislative day.

By Speaker’s Authority—Postponement of Suspension Votes; Chair’s Discretion

§ 54.2 Clause 5(b) does not require the Speaker to announce at the beginning of consideration of a motion to suspend the rules his intention to postpone proceedings if roll call votes are demanded.

Under Rule I clause 5(b), the Speaker may postpone further proceedings after a record vote is ordered or a point of no quorum raised under Rule XV clause 4.

While the Chair, as a courtesy to all Members, normally an-

nounces his intention with respect to the postponing of votes before exercising his authority under Rule I clause 5(b), the rule does not require such prior notification. The proceedings of Feb. 23, 1993,⁽¹⁶⁾ are illustrative:

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ The question is on the motion offered by the gentleman from Missouri [Mr. Clay] that the House suspend the rules and pass the bill, H.R. 20, as amended.

The question was taken; and on a division (demanded by Mr. Wolf) there were—ayes 10, noes 16.

MR. [WILLIAM (BILL)] CLAY [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 PRO TEMPORE: The Chair announces that pursuant to clause 5 of rule I, further proceedings on this motion will be postponed until tomorrow.

The point of no quorum is withdrawn.

MR. [FRANK R.] WOLF [of Virginia]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. WOLF: I would ask the Chair if he could tell me why the vote was postponed.

THE SPEAKER PRO TEMPORE: The Chair reserves the right to postpone the vote and has made a determination to do so.

MR. WOLF: I thank the Chair.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I offer a privileged motion. . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded. . . .

MR. [ALBERT R.] WYNN [of Maryland]: Mr. Speaker, I ask unanimous consent that the following Members be permitted to extend their remarks and to include extraneous material in that section of the Record entitled "Extensions of Remarks": . . .

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

MR. WALKER: Mr. Speaker, reserving the right to object, I do so in order to make an inquiry of the Chair.

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

MR. WALKER: Mr. Speaker, my understanding of the rule that was used to postpone the vote on the bill previous was that that particular announcement is to be made prior to the consideration of the bill and is not to come later rather than earlier.

In this particular case, the minority was not informed of that particular decision until just before the Chair ruled.

Is it not true that the normal process in the House is to announce when votes are going to be rolled at the beginning of the suspension day rather than just prior to the vote?

THE SPEAKER PRO TEMPORE: The gentleman will be advised that advance announcement is only a courtesy by the Chair, but that the Chair reserves the right under the rule to

16. 139 CONG. REC. 3281, 3282, 103d Cong. 1st Sess.

17. Kweisi Mfume (Md.).

make that ruling on the motion at any time once the question is put.

MR. WALKER: The question here is one of courtesy, not of rules?

THE SPEAKER PRO TEMPORE: The gentleman is correct in part. It has been, and will continue to be at times, a courtesy of the Chair to do that, but the courtesy is not mandatory. The Chair reserves the right under the rule to make that ruling.

—Flexibility in Use of Speaker's Postponement Authority

§ 54.3 The Speaker's authority to postpone recorded votes (see Rule I clause 5) has been interpreted to provide flexibility in the manner of its execution. The Speaker, for example, has announced that suspension votes on which the yeas and nays have been ordered would be postponed until later that same day. When, by unanimous consent, the ordering of the yeas and nays were later vacated, the Speaker announced that postponed votes would be taken, de novo, on the following day.

The proceedings of July 30, 1990,⁽¹⁸⁾ were as follows:

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ Pursuant to the provisions of clause 5 of

18. 136 CONG. REC. 20370, 20433, 20434, 20458, 20459, 101st Cong. 2d Sess.

19. Romano L. Mazzoli (Ky.).

rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after consideration of H.R. 5313, the military construction appropriations bill. . . .

MR. [G. V. (SONNY)] MONTGOMERY [of Mississippi]: Mr. Speaker, I ask unanimous consent to vacate the ordering of yeas and nays on all of the 11 motions to suspend the rules, and that the Chair be authorized to put the question de novo on each motion.

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

MR. [ROBERT S.] WALKER [of Pennsylvania]: Reserving the right to object, I would take this time to allow the gentleman from Mississippi to explain his request.

MR. MONTGOMERY: Mr. Speaker, if the gentleman will yield, basically what that means is that it would put all the suspensions off until tomorrow. We would start all over again. The Chair would put the question on each bill, and if a Member wanted to vote on that suspension, that Member could ask for a vote. . . .

MR. WALKER: Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

THE SPEAKER PRO TEMPORE: The Chair will state that the questions will be put on each suspension on tomorrow de novo to a voice vote. . . .

THE SPEAKER PRO TEMPORE: Earlier today, following unanimous consent to vacate the ordering of the yeas and nays on the Suspension Calendar, the Chair announced that he would on tomorrow put the question de novo on the 11 postponed motions to suspend the rules. The Chair wishes to clarify that announcement. Without objection, the Chair will put the question de novo at this point.

There was no objection.

THE SPEAKER PRO TEMPORE: Pursuant to clause 5, rule I, further proceedings on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4, rule XV, will be postponed until tomorrow, July 31, 1990.

Pursuant to the unanimous-consent agreement of earlier today, the pending business is the question of suspending the rules and passing the bill, H.R. 3493, as amended.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 3493, 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.

§ 54.4 Another interpretation of the rule which has allowed flexibility in scheduling is to postpone votes until a time to be announced later.

The proceedings of Nov. 15, 1983,⁽²⁰⁾ are illustrative:

THE SPEAKER PRO TEMPORE:⁽¹⁾ Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow after debate has been concluded on all motions to suspend the rules, or at such other time as subsequently announced by the Chair pursuant to clause 5 of rule I.

MR. [WALTER B.] JONES [of North Carolina]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3969) to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

The Clerk read as follows: . . .

Under his postponement authority, now consolidated in Rule I, the Speaker may postpone further proceedings on one motion to suspend the rules until designated time later in the current day while postponing further proceedings on other such motions until the following day. An example of the exercise of such authority is found in the proceedings of Sept. 17, 1990,⁽²⁾ when the House

20. 129 CONG. REC. 32705, 98th Cong. 1st Sess.

1. Ronald Coleman (Tex.).

2. 136 CONG. REC. 24695, 24739-41, 24747, 24748, 101st Cong. 2d Sess.

considered suspensions before and after the consideration of unfinished business from a previous day.

THE SPEAKER PRO TEMPORE:⁽³⁾ Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

The vote on S. 3033, if postponed, will occur at the end of debate on all suspensions, but no earlier than 4 p.m. The vote on the remaining suspension bills will be postponed until tomorrow. . . .

MR. [CHARLES A.] HAYES of Illinois: Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3033) to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

The Clerk read as follows:

S. 3033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3401(a)(1)(A) of title 39, United States Code, is amended in inserting "engaged in temporary military operations under arduous circumstances," before "or serving."

THE SPEAKER PRO TEMPORE: Is a second demanded?

MR. [JOHN T.] MYERS of Indiana: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Hayes] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. Myers] will be recognized for 20 minutes. . . .

MR. [BENJAMIN A.] GILMAN [of New York]: . . . S. 3033 is similar to the measure we debated last Thursday, H.R. 5611 and to which a vote on a motion to recommit is pending in the House. This motion contains instructions for our committee to bring H.R. 5611 back to the floor with an amendment authorizing the payment of the postage due portion of the cost of providing this service to be extracted from our franking budget, as contained in the legislative appropriations bill. Existing statutes provide that the Department of Defense shall reimburse the U.S. Postal Service for all expenses, postage due and transportation, that are incurred by the Postal Service in providing this service. . . .

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Illinois [Mr. Hayes] that the House suspend the rules and pass the Senate bill, S. 3033.

The question was taken.

MR. HAYES of Illinois: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed. . . .

3. Romano L. Mazzoli (Ky.).

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. Hoyer] at 5 p.m.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ Pursuant to the provisions of clause 5, rule I, the pending business is the question of suspending the rules and passing the Senate bill, S. 3033, on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Illinois [Mr. Hayes] that the House suspend the rules and pass the Senate bill, S. 3033, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 64. . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table. . . .

THE SPEAKER PRO TEMPORE: Pursuant to the order of the House of Thursday, September 13, 1990, the unfinished business is the question de novo on the motion to recommit the bill H.R. 5611 with instructions, on which further proceedings were postponed on Thursday, September 13, 1990.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: The question is on the motion to recommit offered by the gentleman from Pennsylvania [Mr. Ridge].

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

MR. [THOMAS J.] RIDGE [of Pennsylvania]: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 142, not voting 63. . . .

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

MR. HAYES of Illinois: Mr. Speaker, in accordance with the instructions of the House, and on behalf of the Committee on Post Office and Civil Service, I report the bill, H.R. 5611, back to the House with an amendment.

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment.

Authority of Speaker To Postpone as it Pertains to Approval of Journal—Where Journal Vote Is Postponed; Use of Privileged Motion To Adjourn To Get Roll Call at Beginning of Day

§ 54.5 Where, pursuant to clause 5(b) of Rule I, the Chair postpones further proceedings on the question of agreeing to the Speaker's approval of the Journal until later on a legislative day, a Member may immediately offer a privileged motion to adjourn and provoke an "automatic" roll call vote fol-

4. Steny H. Hoyer (Md.).

lowing the Chair's announcement of a negative result thereon.

On July 30, 1992,⁽⁵⁾ Speaker Thomas S. Foley, of Washington, postponed the vote on the approval of the Journal until the end of the legislative day. The sequence of events was as follows:

THE SPEAKER: The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MR. [CURT] WELDON [of Pennsylvania]: Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

THE SPEAKER: The question is on the Chair's approval of the Journal.

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

MR. WELDON: 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 Pennsylvania [Mr. Weldon] demands a vote on the Speaker's approval of the Journal.

Accordingly, the Chair will postpone the vote on the approval of the Journal in accordance with rule I. The vote on the Journal will occur at the end of the legislative day.

MR. WELDON: Mr. Speaker, I offer a privileged motion.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

Mr. Weldon moves that the House do now adjourn.

THE SPEAKER: The question is on the motion offered by the gentleman from Pennsylvania [Mr. Weldon].

MR. WELDON: 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 Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 11, nays 368, not voting 57.

—Postponing Vote on Speaker's Announced Approval of Journal

§ 54.6 The authority of the Speaker to postpone the vote on agreeing to his announced approval of the Journal was added to the rules at the beginning of the 98th Congress. It was first utilized in November of 1983 to postpone the vote on approval so that a newly elected Member could be sworn before the question was put.

5. 138 CONG. REC. 20320, 102d Cong. 2d Sess.

House Resolution 5, adopted on Jan. 3, 1983,⁽⁶⁾ introduced into the rules the authority of the Speaker to postpone a record vote on the question of his approval of the Journal until a later time on the same legislative day. Rule I clause (b)(1), which had earlier listed those votes which could be postponed at the discretion of the Speaker, was at that time amended to read as follows:⁽⁷⁾

H. RES. 5

Resolved, That the Rules of the House of Representatives of the Ninety-seventh Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the Rules of the House at the end of the Ninety-seventh Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-eighth Congress, with the following amendments included therein as part thereof, to wit:

(1) In rule I, clause 5(b)(1) is amended to read as follows:

“(b)(1) On any legislative day whenever a recorded vote is ordered or the yeas and nays are ordered, or a vote is objected to under clause 4 of rule XV on any of the following questions, the Speaker may, in his discretion, postpone further proceedings on each such question to a designated time or place

in the legislative schedule on that legislative day, in the case of the question of agreeing to the Speaker’s approval of the Journal, or within two legislative days, in the case of the other questions listed herein:

“(A) the question of passing bills;

“(B) the question of adopting resolutions;

“(C) the question of ordering the previous question on privileged resolutions reported from the Committee on Rules;

“(D) the question of agreeing to conference reports; and

“(E) the question of agreeing to motions to suspend the Rules.”.

The first use of the Speaker’s authority to postpone a vote on his announced approval of the Journal occurred some nine months following its inclusion in Rule I clause 5. The proceedings were as indicated:⁽⁸⁾

THE SPEAKER:⁽⁹⁾ The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MR. [HOWARD C.] NIELSON of Utah: Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

THE SPEAKER: The question is on the Chair’s approval of the Journal.

MR. NIELSON of Utah: Mr. Speaker, I object to the vote on the ground that

6. 129 CONG. REC. 51, 98th Cong. 1st Sess.

7. *Id.* at p. 34. Rule I clause 5(b)(1), *House Rules and Manual* §631 (1995).

8. 129 CONG. REC. 32097, 98th Cong. 1st Sess., Nov. 10, 1983.

9. Thomas P. O’Neill, Jr. (Mass.).

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

THE SPEAKER: The Chair will postpone the vote until after we have sworn in the new Member from Georgia.

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

WASHINGTON, D.C.
November 10, 1983.

HON. THOMAS P. O'NEILL, JR.
*The Speaker, House of Representatives,
Washington, D.C.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable Joe Frank Harris, Governor of the State of Georgia, indicating that the Honorable George (Buddy) Darden was elected to the Office of Representative in Congress from the Seventh District of Georgia in a Special Election held on November 8, 1983.

With kind regards I am,

Sincerely,
BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

THE SPEAKER: Will the Member-elect kindly step forward with the dean of the Georgia delegation and the members of the Georgia delegation?

Mr. Darden appeared at the bar of the House and took the oath of office.

THE SPEAKER: The gentleman is now a Member of the Congress of the United States and we welcome you.

THE JOURNAL

THE SPEAKER: The question now is on the approval of the Journal.

Those in favor will vote "aye"; those opposed will vote "no." Voting will be

by electronic device, and the gentleman from Georgia (Mr. Darden) is entitled to vote.

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: The Chair will announce that following the vote we will go directly to consideration of the continuing resolution. Following the completion of the continuing resolution, we will then take the 1-minute addresses for the day.

By Unanimous Consent

§ 54.7 The House has postponed all roll call votes on legislation or amendments for five days by unanimous consent.

On Apr. 11, 1957,⁽¹⁰⁾ Mr. John W. McCormack, of Massachusetts, made the following request:

MR. McCORMACK: Mr. Speaker, I ask unanimous consent that in connection with the consideration of any legislation on Monday [April 15, 1957] and Tuesday [April 16, 1957] of next week, if there should be occasion for any roll-calls on such legislation, or any amendments thereto, further consideration of such legislation be postponed until the following Wednesday [April 17, 1957].

THE SPEAKER:⁽¹¹⁾ Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

10. 103 CONG. REC. 5541, 85th Cong. 1st Sess.

11. Sam Rayburn (Tex.).

§ 54.8 The House has agreed, by unanimous consent, that a prospective vote on the final passage of a bill would be taken by the yeas and nays on the following day.

On Mar. 31, 1941,⁽¹²⁾ after debate on a bill (H.R. 968) pertaining to net weights in interstate and foreign commerce transactions in cotton, the Speaker⁽¹³⁾ made the following statement:

Permit the Chair to make a statement. The Chair has told 20 or 30 Members, both on the Republican side and on the Democratic side, that if he could prevent it there would not be a roll call today on any bill, so may the Chair suggest that the request be made that when the House meets tomorrow and this vote is taken it be taken by the yeas and nays.

A brief discussion ensued, after which Mr. John W. McCormack, of Massachusetts, offered a unanimous-consent request that the vote be postponed until the next day and that when the vote came on the final passage of the bill, such vote be taken by the yeas and nays. No objection was heard.

Accordingly, the next day, Apr. 1, 1941,⁽¹⁴⁾ the Speaker stated:

The unfinished business of the day is the vote on the bill H.R. 968. Before

12. 87 CONG. REC. 2754, 77th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

14. 87 CONG. REC. 2799, 77th Cong. 1st Sess.

the House adjourned yesterday unanimous consent was granted for a yeas-and-nays vote on the bill.

The question is on the passage of the bill.

The question was then taken; and there were—yeas 145, nays 168, not voting 116. So, the bill was not passed.

§ 54.9 A unanimous-consent agreement providing that yeas and nays votes on scheduled bills should be postponed until a day certain was interpreted not to apply to procedural matters such as resolutions reported from the Committee on Rules providing for the consideration of a bill.

On Mar. 3, 1960,⁽¹⁵⁾ Mr. John W. McCormack, of Massachusetts, rose to address the Speaker Pro Tempore⁽¹⁶⁾ as follows:

Mr. Speaker, I ask unanimous consent that in the event of any rollcall being ordered on Monday [Mar. 7, 1960] or Tuesday [Mar. 8, 1960] that further proceedings on the bill on which such call is ordered be postponed to Wednesday [Mar. 9, 1960] of next week.

Following a brief statement by Mr. H. R. Gross, of Iowa, with respect to another matter, the

15. 106 CONG. REC. 4389, 86th Cong. 2d Sess.

16. Carl Albert (Okla.).

Speaker Pro Tempore asked if there was any objection to the McCormack request, and none was heard.

Four days later,⁽¹⁷⁾ the question was put on a resolution (H. Res. 467) providing that upon adoption of the resolution, the House would resolve itself into the Committee of the Whole for the purpose of considering a bill (H.R. 10777) to authorize certain construction at military installations, and for other purposes. The question was taken; and the Speaker Pro Tempore announced that the yeas appeared to have it.

Immediately thereafter, the following proceedings occurred:

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

The Speaker Pro Tempore: The Chair will count. [After counting.] One hundred sixty-eight Members are present, not a quorum.

A rollcall is automatic.

MR. WILLIAMS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WILLIAMS: Mr. Speaker, is it not a fact that under an order of this House by unanimous consent all yeas and nay votes have been ordered to be put over?

THE SPEAKER PRO TEMPORE: Only votes on the passage of bills. This is a procedural matter on a resolution and does not come within the order of the House of Thursday last.

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

By Special Order

§ 54.10 A special order providing for the consideration of a bill in Committee of the Whole may specify the order in which amendments are to be considered, determine the debate time on any or all amendments, and provide the Chairman of the Committee of the Whole with authority to postpone any request for a recorded vote and cluster such requests so that votes will occur back-to-back at a later time during the consideration of the bill in Committee.

An example of such a grant of authority is shown below:⁽¹⁸⁾

MR. [TONY P.] HALL of Ohio: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration. [The portion of the special order delineating the amendment process is italicized.]

17. 106 CONG. REC. 4787, 86th Cong. 2d Sess., Mar. 7, 1960.

18. 139 CONG. REC. p. _____, 103d Cong. 1st Sess., June 16, 1993.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. *It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in this resolution. Amendments printed in part 2 of the report may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be*

subject to a demand for division of the question in the House or in the Committee of the Whole. . . .

SEC. 3. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided*, That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes.

—Postponement and Clustering Authority in Committee of the Whole

§ 54.11 Where a special order permitted the Chairman of the Committee of the Whole to postpone recorded votes, if ordered, on certain first degree amendments offered in an “issue cluster” until the consideration of the last such amendment, the Chair announced his intention to use the postponement authority and to reduce voting time to five minutes on the second and subsequent ordered recorded votes.

The first example in the House where postponement of votes on a series of amendments was per-

mitted in Committee of the Whole occurred on May 20, 1987.⁽¹⁹⁾ Before exercising the authority, the Chair stated the provisions of the special order previously adopted by the House which bestowed this authority:

. . . It is in order for the Chairman of the Committee of the Whole to postpone recorded votes, if ordered, on any said first degree amendment, and the Chair may reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all additional amendments following the first vote in the series. The Chair announces that he will postpone said recorded votes, if ordered, until completion of consideration of the amendment offered by Representative Davis of Illinois. . . .

THE CHAIRMAN PRO TEMPORE:⁽²⁰⁾ The question is on the amendment offered by the gentleman from Illinois [Mr. Davis].

MR. [DAN] BURTON of Indiana: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

THE CHAIRMAN PRO TEMPORE: Pursuant to House Resolution 160, and the Chair's prior announcement, further proceedings on this vote will be postponed.

MR. [LES] ASPIN [of Wisconsin]: Mr. Chairman, I think it would be useful to all of us if the Chair would delineate the order of voting and how much time and what the sequence is on these cluster votes coming up.

19. 133 CONG. REC. 13042, 13071, 100th Cong. 1st Sess.

20. Marty Russo (Ill.).

THE CHAIRMAN PRO TEMPORE: The Chair was in the process of doing that.

Debate has been concluded on the amendments printed in section 1 of House Report 100-84, relating to Central America.

Pursuant to House Resolution 160, and the Chair's prior announcement, the Chair will now put the question on the adoption of each amendment on which further proceedings were postponed, in the order designated in paragraph (5) of section 2 of House Resolution 160.

Votes will be taken in the following order:

The amendment offered by the gentleman from New York [Mr. Mrazek], a 15-minute vote; the amendment offered by the gentlewoman from California [Mrs. Boxer], a 5-minute vote; the amendment offered by the gentleman from Pennsylvania [Mr. Foglietta], a 5-minute vote; and

The amendment offered by the gentleman from Illinois [Mr. Davis], a 5-minute vote.

The first order of business is the recorded vote on the amendment offered by the gentleman from New York [Mr. Mrazek].

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 10. . . .

—Distinction Between Postponing a Request for a Recorded Vote and Postponing the Vote Itself

§ 54.12 Where a special order permits the postponement of the request (or demand) for a

recorded vote, the ordering of a second to the request (support of 25 Members in Committee of the Whole) is deferred until the postponed proceedings are again before the Committee as unfinished business.

The Chairman of the Committee of the Whole explained that under the special order governing the consideration of the bill H.R. 4, the Personal Responsibility Act of 1996, in Committee of the Whole, he would be postponing requests for recorded votes but not entertaining seconds to such demands until the Chair puts the question after the postponement. The pertinent part of the very complex rule governing the consideration of the bill was as follows:⁽¹⁾

SEC. 4. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of

questions shall be not less than fifteen minutes. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Ways and Means or a designee announces from the floor a request to that effect.

The Chair's explanation of the procedure was as indicated:⁽²⁾

THE CHAIRMAN:⁽³⁾ All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Missouri [Mr. Talent].

The question was taken; and the Chairman announced that the "noes" appeared to have it.

MR. [JAMES M.] TALENT [of Missouri]: Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

THE CHAIRMAN: Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Missouri [Mr. Talent] will be postponed.

The point of order no quorum is considered withdrawn.

The Chair would like to take this opportunity to remind Members that under the rule, the authority granted under the rule for this bill, the Chair is merely postponing requests for recorded votes until after consideration of amendment No. 8.

1. 141 CONG. REC. p. _____, 104th Cong. 1st Sess., Mar. 22, 1995.

2. *Id.*

3. John Linder (Ga.).

At that time the request for a recorded vote on amendment No. 1 will be the unfinished business of the House. Twenty-five Members will need to stand at that time in order to obtain a recorded vote on that amendment as well as the other postponed questions in turn. There is no need for a Member making a request for a recorded vote to renew the request.

The Chair would also like to remind the Members that the first vote taken on the first amendment will be a 15-minute vote, and subsequent votes may be reduced to 5 minutes, if no business interferes between the votes.

It is now in order to consider amendment No. 5 printed in House Report 104-85. . . .

THE CHAIRMAN: All time has expired on this amendment.

The question is on the amendment offered by the gentleman from New Jersey [Mr. Smith].

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. [CHRISTOPHER H.] SMITH of New Jersey: Mr. Chairman, I demand a recorded vote.

THE CHAIRMAN: Pursuant to the rule, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. Smith] will be postponed.

Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 1 offered by the gentleman from Texas [Mr. Archer]; amendments en bloc offered by the gentleman from Texas [Mr. Archer]; amendment No. 3 offered by the gen-

tleman from Missouri [Mr. Talent]; amendment No. 7 offered by the gentleman from Oregon [Mr. Bunn]; and amendment No. 8 offered by the gentleman from New Jersey [Mr. Smith]. . . .

THE CHAIRMAN: The pending business is the demand for a recorded vote on amendment No. 1 printed in House Report No. 104-85 offered by the gentleman from Texas [Mr. Archer] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

THE CHAIRMAN: A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 203, not voting 3. . . .

§ 55. Procedures During Postponed Proceedings

Precedence of Questions—Interruption of Series of Suspensions by Question of Privilege

§ 55.1 A resolution raising a question of the privileges of the House takes precedence over a motion to suspend the rules and may be offered and voted on between consideration of motions to suspend the rules on which the