§ 15. When in Order

Parliamentary inquiries are generally in order at any time, subject to the Chair's discretionary power of recognition. However, a Member who has the floor may not be interrupted by a parliamentary inquiry without his consent.[14]

If a Member does yield for a parliamentary inquiry while he has the floor, the time consumed by the inquiry and reply is taken out of his time.[15] And there are times when the Chair will not entertain an inquiry because of the occasion, as during the reading of the President's message on the state of the Union.[16] The Chair has also declined to accept parliamentary inquiries when a point of no quorum is pending,[17] during a roll call,[18] or during a teller[19] or division vote,[20] although there are exceptions permitting the asking of a parliamentary inquiry at such times as, for example, when the roll has been called but no Member has as yet responded to his name,[1] or inquiries relating to the conduct of the vote itself.

Interruption of Members in Debate

§ 15.1 A Member may not be taken from the floor by a parliamentary inquiry.

On July 22, 1965,[2] Chairman John J. Rooney, of New York, advised Mr. John H. Dent, of Pennsylvania, that he could not ask a parliamentary inquiry while another Member had the floor.

> MR. DENT: Mr. Chairman, a parliamentary inquiry.
>
> MR. [WILLIAM H.] AYRES [of Ohio]: Mr. Chairman, I do not yield for that purpose.
>
> MR. DENT: Mr. Chairman, under the rules I demand recognition for a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman [Mr. Ayres, of Ohio] declines to yield.
>
> The gentleman will proceed.

§ 15.2 One Member may not submit a parliamentary inquiry while another Member

14. See §§ 15.1–15.3, infra, and 8 Cannon's Precedents § 2455.
15. See §§ 15.4, 15.5, infra, and Ch. 29, supra.
16. See § 15.10, infra.
17. See § 15.12, infra.
18. See § 15.13, infra, and 8 Cannon's Precedents § 3132.
19. See § 15.17, infra.
20. See § 15.19, infra.

1. See § 15.16, infra.
2. 111 CONG. REC. 17931, 89th Cong. 1st Sess. Under consideration was H.R. 8283, amendments to the Economic Opportunity Act of 1965. See also106 CONG. REC. 11267, 86th Cong. 2d Sess., May 26, 1960.

has the floor without his consent.

On July 25, 1935,[3] Speaker Joseph W. Byrns, of Tennessee, during an acrimonious exchange between Mr. Thomas L. Blanton, of Texas, and Mr. Samuel Dickstein, of New York, found it necessary to remind the Members that a parliamentary inquiry may not interrupt a Member without his consent.

MR. BLANTON: . . . Oh, there is plenty for the gentleman to do if the gentleman would only do it. There is plenty here at home for him to look after, if he would protect our home folks and would attend to his own business, and let foreign governments attend to their own business.

MR. DICKSTEIN (from his seat): Why do you not attend to your own business?

MR. BLANTON: I am attending to mine and am performing a good job.

THE SPEAKER: The gentleman from Texas will suspend. It is distinctly against the rules for a gentleman in his seat to interrupt a Member who is speaking. . . .

The rules provide that a Member must rise and address the Chair. . . .

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

MR. BLANTON: Mr. Speaker, I do not yield for a parliamentary inquiry.

THE SPEAKER: The gentleman from New York cannot take the gentleman from Texas off his feet by a parliamentary inquiry without his consent.

3. 79 CONG. REC. 11864, 74th Cong. 1st Sess.

Similarly on Mar. 13, 1936,[4] Speaker Joseph W. Byrns, of Tennessee, reiterated the right of a Member to speak without interruption.

THE SPEAKER: The Chair will state to the gentleman from Washington that the Chair is now entertaining a point of order made by the gentleman from Montana, and cannot recognize the gentleman from Washington to submit another point of order.

MR. [MARION A.] ZIONCHECK [of Washington]: I rise to a question of personal privilege then.

THE SPEAKER: The Chair declines to recognize the gentleman for that purpose while the gentleman from Montana has the floor.

The gentleman from Montana will proceed.

MR. [THOMAS] O'MALLEY [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman from Wisconsin cannot take the gentleman from Montana off the floor by a parliamentary inquiry. If the gentleman from Wisconsin will permit the gentleman from Montana to proceed in order, perhaps this matter can be disposed of in a very few minutes.

§ 15.3 A Member recognized by the Chair may be interrupted by a demand that his words be taken down, but he may decline to yield for a par-

4. 80 CONG. REC. 3720, 74th Cong. 2d Sess. Under consideration was H. Res. 447, entitled investigation of old age pension schemes.

liamentary inquiry about his words.

Chairman Barney Frank, of Massachusetts, clarified the rights of a Member holding the floor in debate when another Member attempted to be recognized for a parliamentary inquiry. The proceedings of July 13, 1989,[5] were as follows:

MR. [DON] YOUNG of Alaska: Mr. Chairman, will the gentleman yield?

MR. [ROBERT J.] MRAZEK [of New York]: No, I will not yield. I only have an additional minute.

MR. YOUNG of Alaska: Mr. Chairman, will the gentleman yield?

MR. MRAZEK: I will not yield.

MR. YOUNG of Alaska: Mr. Chairman, the gentleman used my name.

THE CHAIRMAN: The gentleman says that he will not yield.

MR. MRAZEK: I will not yield, Mr. Chairman.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman has stated he will not yield, and the gentleman does not yield for that purpose.

MR. YOUNG of Alaska: But I have a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman has not yielded to the gentleman from Alaska for the purpose of making a parliamentary inquiry. The gentleman from New York will proceed.

MR. YOUNG of Alaska: Mr. Chairman, do I understand that I have to have permission from a Member on the floor before I can make a parliamentary inquiry of the Chairman?

THE CHAIRMAN: Yes, if that Member has the floor.

MR. YOUNG of Alaska: That is a new rule, Mr. Chairman.

THE CHAIRMAN: For the information of the Members of the House, the Chair will point out that one Member cannot make a parliamentary inquiry when another Member is speaking without that Member's yielding. When the floor is not occupied, one may make a parliamentary inquiry of the Chair's discretion. The Chair wishes to point that out for the benefit of the gentleman from Alaska.

PARLIAMENTARY INQUIRY

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Alaska: Mr. Chairman, when the gentleman refers to another gentleman, is it not true that he can ask the Chair for a point of order or a parliamentary inquiry?

THE CHAIRMAN: No. The Chair will state that at that point, if the gentleman wishes to have the gentleman's words taken down, he does not need the gentleman's permission.

MR. YOUNG of Alaska: I would not do that, Mr. Chairman.

THE CHAIRMAN: The gentleman has confused two points. A parliamentary inquiry requires the permission of the Member occupying the floor. An objection to his words and a request that they be taken down does not require his permission.

Time Used in Making Parliamentary Inquiry

§ 15.4 Although a Member may not be interrupted by an-

5. 135 CONG. REC. 14633, 14634, 101st Cong. 1st Sess.

other for a parliamentary inquiry without his consent, if he does yield for a parliamentary inquiry, the time consumed by the inquiry and reply is taken out of his time.

On May 26, 1960,[6] Mr. Donald R. Matthews, of Florida, declined to yield for a parliamentary inquiry while he had the floor.

MR. MATTHEWS: Mr. Chairman, the poet, Robert Frost, in his poem, "Road Not Taken," starts out with these lines——

MR. [CLEVELAND M.] BAILEY [of West Virginia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[7] Does the gentleman from Florida yield for a parliamentary inquiry?

MR. MATTHEWS: Will it be taken out of my time?

THE CHAIRMAN: It will be taken out of the gentleman's time.

MR. MATTHEWS: I regret I cannot yield to my beloved colleague.[8]

§ 15.5 Where a Member to whom time has been yielded for a portion of general debate yields for a parliamentary inquiry, the time consumed in answering the inquiry comes out of the time for debate.

On Sept. 25, 1975,[9] Mr. Edward J. Derwinski, of Illinois, who was controlling part of the time allotted for general debate on a measure under consideration in Committee of the Whole, yielded time for debate. The following inquiry then was directed to the Chair:

MR. DERWINSKI: Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Buchanan).

(Mr. Buchanan asked and was given permission to revise and extend his remarks.)

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[10] The gentleman will state his parliamentary inquiry.

MR. BUCHANAN: May I ask whether the making of this parliamentary inquiry is taken out of my time?

THE CHAIRMAN: The Chair will state that it will be taken out of the gentleman's time.

Time Used in Parliamentary Inquiry

§ 15.6 Time consumed on a parliamentary inquiry is

6. 106 CONG. REC. 11267, 11268, 86th Cong. 2d Sess. See also 110 CONG. REC. 1998, 88th Cong. 2d Sess., Feb. 5, 1964 [under consideration was H.R. 7152, the Civil Rights Act of 1963]; 81 CONG. REC. 3283–90, 75th Cong. 1st Sess., Apr. 8, 1937 [under consideration was H. Res. 83, involving an investigation of un-American activities].
7. Aime J. Forand (R.I.).
8. For further discussion of charging time in debate, see Ch. 29, supra.
9. 121 CONG. REC. 30196, 94th Cong. 1st Sess.
10. J. Edward Roush (Ind.).

counted against that of the Member controlling the floor who yields for that purpose.

On May 5, 1988,[11] during consideration of an amendment to the Defense authorization bill, fiscal 1988, the ranking minority member of the Committee on Armed Services was controlling time on a pending amendment. Another Member asked that he yield for a parliamentary inquiry.

> MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I make a parliamentary inquiry.
>
> THE CHAIRMAN PRO TEMPORE:[12] Does the gentleman from Alabama yield for the purpose of a parliamentary inquiry?
>
> MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, if it does not come out of my time.
>
> THE CHAIRMAN PRO TEMPORE: It does come out of the time of the gentleman from Alabama.
>
> MR. DICKINSON: Mr. Chairman, then I will not yield.
>
> THE CHAIRMAN PRO TEMPORE: The gentleman from Alabama declines to yield.

§ 15.7 The time used by a Member in posing a rhetorical question and waiting for an answer comes out of the time he has been allotted for debate.

A rhetorical question addressed to those present in the Chamber, like a parliamentary inquiry addressed to the Chair, comes out of the time of the Member holding the floor. The proceedings of June 27, 1990,[13] are illustrative:

> MR. [JAMES A.] TRAFICANT [of Ohio]: . . . Mr. Chairman, I ask unanimous consent that the House agree that my question be posed to anyone who can answer it, and I have 10 calendar days to receive such an answer.
>
> THE CHAIRMAN:[14] That is not a proper question to be made in the Committee of the Whole at this time. The gentleman is still recognized under the rule.
>
> MR. TRAFICANT: Mr. Chairman, I ask unanimous consent that because no one would answer my question that that time not be subtracted from my 10 minutes.
>
> THE CHAIRMAN: The Chair will advise the gentleman from Ohio, in propounding the question it is a procedure that he is entitled to make, and therefore is, in fact, deducted from his time. The gentleman is still recognized in support of his amendment under the rule.

Time Consumed by Parliamentary Inquiry Prior to Recognition

§ 15.8 When the Chair entertains a parliamentary in-

11. 134 CONG. REC. 9935, 100th Cong. 2d Sess.
12. Kenneth J. Gray (Ill.).
13. 136 CONG. REC. 15821, 101st Cong. 2d Sess.
14. Dennis E. Eckart (Ohio).

quiry before a Member who has called up a measure in the House has been recognized for debate, the time consumed by the inquiry is not deducted from the time to be allocated to the manager of the measure.

On Oct. 8, 1986,[15] it was demonstrated that where both the majority and minority managers of a conference report are in favor of the report, a Member opposed to the report may claim one-third of the time. An inquiry concerning the application of Rule XXVIII clause 2, intervened between the calling up of the report and the beginning of debate. The proceedings were as follows:

CONFERENCE REPORT ON H.R. 2005, SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of House Joint Resolution 577, I call up the conference report on the bill (H.R. 2005) to amend title II of the Social Security Act and related provisions of law to make minor improvements and necessary technical changes.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE:[16] Pursuant to the rule, the conference report is considered as having been read. (For conference report, see proceedings of the House of Friday, October 3, 1986.)

THE SPEAKER PRO TEMPORE: Pursuant to House Resolution 577, the gentleman from Michigan (Mr. Dingell) will be recognized for 1 hour and 45 minutes and the gentleman from New York (Mr. Lent) will be recognized for 1 hour and 45 minutes.

PARLIAMENTARY INQUIRIES

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, may I be recognized?

MR. DINGELL: Mr. Speaker, I have a parliamentary inquiry.

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

MR. DINGELL: Mr. Speaker, is the time that is now being used being taken out of the time that is fixed under the rule?

THE SPEAKER PRO TEMPORE: The gentleman has not been recognized yet, so this time is not being taken out of the gentleman's time.

MR. CRANE: Mr. Speaker, may I inquire as to whether the majority or minority managers of this conference report are opposed to it?

THE SPEAKER PRO TEMPORE: Is the gentleman from New York (Mr. Lent) opposed?

MR. [NORMAN F.] LENT [of New York]: Mr. Speaker, the gentleman from New York is supportive of the conference report.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Crane) would be entitled to one-third of the time if he opposes.

MR. CRANE: Mr. Speaker, I do oppose, and under clause 2, rule XXVIII, as leader of the opposition, I will be reserved 1 hour and 10 minutes?

15. 132 CONG. REC. 29714, 99th Cong. 2d Sess.

16. Leon E. Panetta (Calif.).

THE SPEAKER PRO TEMPORE: The gentleman from Illinois will be entitled to that time.

MR. CRANE: I thank the Chair.

MR. DINGELL: Mr. Speaker, I have a parliamentary inquiry.

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

MR. DINGELL: I understand, under the ruling of the Chair, that the time is apportioned, one-third to the gentleman from Illinois (Mr. Crane), or some Member in opposition to the legislation; one-third to the gentleman from New York (Mr. Lent); and one-third to myself for subsequent apportionment.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Before Approval of Journal

§ 15.9 The Speaker has entertained a parliamentary inquiry relating to the order of business before the approval of the Journal.

On Feb. 28, 1979,[17] Speaker Thomas P. O'Neill, Jr., of Massachusetts, was about to announce his approval of the Journal when the following inquiry intervened:

Mr. [Robert E.] Bauman [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman from Maryland will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, before the gentleman from Maryland decides whether, under clause 1, rule I, he would like to ask for a vote on the approval of the Journal, as that rule provides, could the Chair tell us whether or not he will entertain a motion for a call of the House and at what point he might entertain such a motion today?

MR. [JOHN] BRADEMAS [of Indiana]: Mr. Speaker, will the gentleman yield?

THE SPEAKER: The Chair will state it is his understanding the gentleman from Indiana (Mr. Brademas) intends to move a call of the House.

MR. BAUMAN: So, Mr. Speaker, there will be a call after the 1-minute speeches?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: I thank the Chair.

THE JOURNAL

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.

During Reading of Presidential Message

§ 15.10 Parliamentary inquiries are not necessarily entertained during the reading of the President's message on the state of the Union.

On Jan. 21, 1946,[18] the Chair declined to entertain a parliamen-

17. 125 CONG. REC. 3465, 3466, 96th Cong. 1st Sess.

18. 92 CONG. REC. 164, 79th Cong. 2d Sess.

tary inquiry during the reading of the message of the President on the state of the Union and the budget.

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

THE SPEAKER PRO TEMPORE:[19] The Clerk read a message from the President of the United States, and the Chair feels that an inquiry at this time should not be entertained.[20]

Time for Inquiries on Amendments

§ 15.11 The Chair does not respond to a parliamentary inquiry concerning the propriety of an amendment until the amendment is offered.

On June 28, 1967,[1] Chairman John J. Flynt, Jr., of Georgia, declined to pass upon the propriety of an amendment to an appropriation bill until the amendment was offered.

MR. [JOSEPH E.] KARTH [of Minnesota]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KARTH: Mr. Chairman, if that figure cannot be further amended, and the gentleman chooses to pursue his amendment, and change the figure on page 2, would it then be a proper amendment?

THE CHAIRMAN: The Chair does not pass on that until an amendment described by the gentleman from Minnesota is offered.

Inquiries Following Point of No Quorum

§ 15.12 The Chair need not recognize a Member to propound a parliamentary inquiry while a point of no quorum is pending.

On July 23, 1942,[2] it was indicated that the Chair should decline to hear a parliamentary inquiry when a point of order of no quorum is pending.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I make the point of order that a quorum is not present.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, may I ask unanimous consent that we call up a resolution?

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

---

19. John W. McCormack (Mass.).

20. *Parliamentarian's Note:* The President's message contained approximately 25,000 words and took about three hours to read. Under the modern practice, the reading of a Presidential message of such length would be done "*scientifically*"—in abbreviated form-to shorten the time.

1. 113 CONG. REC. 17754, 90th Cong. 1st Sess. Under consideration was H.R. 10340, authorizing appropriations for the National Aeronautics and Space Administration.

2. 88 CONG. REC. 6540, 77th Cong. 2d Sess.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[3] The Chair doubts the authority of the Chair to recognize the gentleman to propound a parliamentary inquiry when a point of order is made unless the gentleman from Texas withholds it.

Inquiries During Roll Calls and Votes

§ 15.13 The Speaker may in his discretion decline to permit a parliamentary inquiry during a roll call.

On Sept. 6, 1961,[4] Speaker Pro Tempore John W. McCormack, of Massachusetts, refused to recognize for a parliamentary inquiry during a roll call.

MR. [PETER F.] MACK [Jr., of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize the gentleman for a parliamentary inquiry during a rollcall.

§ 15.14 A roll call may be interrupted for a parliamentary inquiry under the proper circumstances and at the discretion of the Chair.

On Oct. 12, 1962,[5] there were repeated instances in which the Speaker, John W. McCormack, of Massachusetts, permitted parliamentary inquiries to interrupt the roll call.

(After completion of first call of the roll:)

MR. [WILLIAM H.] AVERY [of Kansas]: Mr. Speaker——

THE SPEAKER: For what purpose does the gentleman from Kansas rise?

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

THE SPEAKER: The gentleman will state it.

MR. AVERY: What motion is the House presently voting on?

THE SPEAKER: The Chair will state that the parliamentary inquiry is very pertinent. The Chair will state in response that the House is voting on a motion which was made by the gentleman from Missouri [Mr. Cannon] to recede and concur in a Senate amendment, with an amendment.

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, my motion was for the previous question.

THE SPEAKER: The House is voting on a motion made by the gentleman from Missouri to recede and concur in the Senate amendment, with an amendment.

That is the motion pending at the present time.

The Clerk will proceed to call the roll of those Members who failed to answer on the first rollcall.

---

3. Sam Rayburn (Tex.).

4. 107 CONG. REC. 18256, 87th Cong. 1st Sess. Under consideration was H.R. 9000, the extension of Public Laws 815 and 875 and the National Defense Education Act.

5. 108 CONG. REC. 23433, 23434, 87th Cong. 2d Sess. Under consideration was H.R. 12900, the public works appropriations for fiscal 1963.

(The Clerk resumed calling the roll.)

MR. [WILLIAM C.] CRAMER [of Florida] (interrupting call of the roll): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. CRAMER: Mr. Speaker, do I understand the parliamentary situation to be that the motion now being voted upon is a motion to recede and concur in a Senate amendment with an amendment, and a vote "no" is a vote for $205,000 for the Florida Cross-State Barge Canal planning, and a vote of "aye" is against it?

THE SPEAKER: The Chair has already stated that the parliamentary inquiry is correct in response to the inquiry of the gentleman from Kansas [Mr. Avery]. The Chair is confident that the Members know what they are voting upon.

(The Clerk resumed calling the roll.)

Mr. Hardy, Mr. Abbitt, Mr. Gathings, Mr. Ashbrook, Mr. Byrnes of Wisconsin, and Mr. Gary changed their vote from "nay" to "yea."Mr. Blatnik, Mr. Bow, and Mr. Avery changed their vote from "yea" to "nay."

MR. [H. R.] GROSS [of Iowa] (interrupting the rollcall): Mr. Speaker, I demand the regular order.

THE SPEAKER: The regular order is proceeding.

MR. GROSS (interrupting the rollcall): Mr. Speaker, I demand the well be cleared.

THE SPEAKER: Members will take their places out of the well. . . .

MR. [EDMOND] EDMONDSON [of Oklahoma] (interrupting the rollcall): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. EDMONDSON: Mr. Speaker, is it possible to have a recapitulation of the votes that have been cast in advance of the announced vote?

THE SPEAKER: The Chair will state that there has been no vote announced as yet. Therefore, at this point it is not possible to request a recapitulation.

(The Clerk resumed calling the roll.)

MR. [WILLIAM M.] COLMER [of Mississippi] (interrupting the rollcall): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. COLMER: Mr. Speaker, in the event that a quorum is shown not to be present, what procedure is then left to the House?

THE SPEAKER: The House can wait until a quorum arrives, or a motion to adjourn would be in order.

MR. CANNON: Mr. Speaker, is a quorum present?

THE SPEAKER: The rollcall has not as yet been completed.

MR. CANNON: Mr. Speaker, in the absence of a quorum only one motion is in order, and that is to adjourn. I move that the House now adjourn.

THE SPEAKER: The Chair has not announced the fact that a quorum is not present as yet. At this point that motion is not in order.

(The Clerk resumed calling the roll.)

MR. EDMONDSON (interrupting the rollcall): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. EDMONDSON: May a recess be declared in advance of the completion of the vote?

THE SPEAKER: The Chair will state that [in] the present situation the

Chair may not declare a recess with a rollcall in process.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask that the Chair announce the vote.

THE SPEAKER: On this vote there were 84 yeas and 120 nays.

So a quorum is not present.

Parliamentarian's Note: The leadership had kept the House in session on this date, hoping that the two Houses might reach agreement on certain outstanding issues and adjourn sine die. The roll call on Mr. Cannon's motion was taken very slowly in order that all available Members, and hopefully a quorum of the House, might reach the Chamber. When the call had proceeded for over 50 minutes the Majority Leader asked the Speaker to announce the vote. When it appeared that a quorum was not present, the Majority Leader moved to adjourn.

Parliamentary Inquiry During a Roll Call

§ 15.15 Although the Chair ordinarily refuses to recognize for a parliamentary inquiry during a roll call vote, the Chair may, in his discretion, entertain an inquiry relating to the conduct of the call.

On Mar. 14, 1978,[6] a roll call vote was being taken by electronic device in the House on the approval of the Journal. Members were late in reaching the Chamber to record their votes, and the Speaker determined to allow voting stations to remain open a bit longer than was customary.

THE SPEAKER PRO TEMPORE:[7] Are there Members in the Chamber who have failed to cast their votes?

The Chair will advise Members that the electronic voting stations are still open, and they will remain open for 5 minutes.

MR. [ROBERT E.] BADHAM [of California]: My card did not work, Mr. Speaker.

THE SPEAKER PRO TEMPORE: If there are Members who do not have cards, the Chair will certainly take the word of those Members and they may vote in the well.

MR. [GARRY] BROWN of Michigan: Mr. Speaker, I do not recall that the rules provide for qualification.

THE SPEAKER PRO TEMPORE: Members who desire to vote may do so. The voting stations will remain open for 5 minutes.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The Chair will take the parliamentary inquiry, although he is not required to do so during the vote.

MR. BAUMAN: The gentleman from Maryland thanks the Chair for his indulgence.

The gentleman from Maryland was aware that the Speaker of the House of

6. 124 CONG. REC. 6840, 6841, 95th Cong. 2d Sess.

7. Lloyd Meeds (Wash.).

Representatives had previously announced rules governing the operation of the electronic voting device. Is the Chair now announcing that those rules have been permanently changed, and that there will be no 5-minute closed period at the end of all 15-minute rollcalls?

THE SPEAKER PRO TEMPORE: The Chair will state that he is not making a change. He is just adapting the procedure to fit the situation.

MR. BAUMAN: I thank the Chair.

MR. [JAMES G.] MARTIN [of North Carolina]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MARTIN: Mr. Speaker, the Speaker has announced that the electronic recording devices are open. They are, but they have neglected to throw the switch which will allow us to change our vote, which is what I have been trying unsuccessfully to do.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the voting stations remain open for those Members who have not yet recorded their votes. Pursuant to the announcement of the Speaker on March 22, 1976, changes in votes already recorded may not be made from the voting stations during the last 5 minutes of a vote taken by electronic device, but must be made by card from the well.

MR. MARTIN: That is right, Mr. Speaker, because I have not been able to change my vote.

THE SPEAKER PRO TEMPORE: Will the gentleman from North Carolina (Mr. Martin) bring his card to the well?

The gentleman will not be able to change his vote at this time; he will be able to vote for the first time. If the gentleman desires to change his vote, he should come to the well when we take changes at the end of the 5 minutes.

THE SPEAKER PRO TEMPORE: Five minutes has expired. The Chair will accept changes for an additional 5 minutes.

Messrs. Johnson of Colorado, Schulze, Hagedorn, Ketchum, Wampler, Coughlin, O'Brien, Walker, Collins of Texas, Crane, Del Clawson and Treen changed their vote from "nay" to "yea."

Messrs. Kindness, Dickinson, Livingston, Martin, and Steers changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Edwards of Oklahoma moves to reconsider the vote whereby the Journal was approved.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I move to lay the motion to reconsider on the table.

THE SPEAKER PRO TEMPORE: The question is on the motion to table the motion to reconsider.

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

MR. EDWARDS of Oklahoma: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 308, nays 91, not voting 35, as follows: . . .

Mr. McEwen changed his vote from "present" to "yea."

Mr. Beard of Tennessee changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

§ 15.16 Where no Member has as yet responded to his name during the roll call, an interruption of the call for a parliamentary inquiry may be permitted.

On June 27, 1935,[8] Speaker Joseph W. Byrns, of Tennessee, allowed a parliamentary inquiry after the Clerk had commenced calling the names on a roll call, although no Member had as yet responded.

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

The question was taken; and on a division (demanded by Mr. McFarlane and Mr. O'Malley) there were—ayes 145, noes 131.

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

MR. [RALPH O.] BREWSTER [of Maine]: Mr. Speaker——

THE SPEAKER: For what purpose does the gentleman from Maine rise?

MR. BREWSTER: To propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BREWSTER: Mr. Speaker, it was my intention to offer a motion to recommit.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I rise to a point of order. The Clerk had already begun the calling of the roll and had called the first name, "Allen." I make the point of order the gentleman from Maine cannot interrupt the roll call.

THE SPEAKER: The Chair overrules the point of order. The gentleman from Maine is entitled to propound a legitimate parliamentary inquiry, and the Chair presumes that the inquiry propounded is a proper one. The gentleman from Maine will state his parliamentary inquiry.

MR. BREWSTER: Mr. Speaker, do I understand that a motion to recommit cannot be submitted at this stage?

THE SPEAKER: Such a motion is not in order at this time.

§ 15.17 The Chair has refused to entertain a parliamentary inquiry during a teller vote.

On June 28, 1967,[9] Chairman John J. Flynt, Jr., of Georgia, informed Mr. Joe D. Waggonner, of Louisiana, that a parliamentary

8. 79 CONG. REC. 10288, 10289, 74th Cong. 1st Sess. Under consideration was H.R. 8555, the Merchant Marine bill.

9. 113 CONG. REC. 17748, 90th Cong. 1st Sess. Under consideration was H.R. 10340, authorizing appropriations for the National Aeronautics and Space Administration.

inquiry would not be heard during a teller vote.

MR. [GEORGE P.] MILLER of California: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Roudebush and Mr. Miller of California.

THE CHAIRMAN: Those in favor of the amendment offered by the gentleman from Indiana [Mr. Roudebush] to the amendment offered by the gentleman from Pennsylvania [Mr. Fulton] will pass through the tellers.

MR. WAGGONNER: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The Committee is in the process of voting, and no parliamentary inquiry can be made at this time.

§ 15.18 The Speaker may entertain a parliamentary inquiry after the yeas and nays are ordered, but debate on the pending question is not in order.

On Oct. 25, 1967,[10] Speaker John W. McCormack, of Massachusetts, entertained an inquiry after the yeas and nays were ordered, but he did not allow Mr. Robert N. Giaimo, of Connecticut, to debate.

THE SPEAKER: The question is on the motion offered by the gentleman from Ohio [Mr. Kirwan] that the House recede from its disagreement to Senate amendment No. 2 and concur therein with an amendment.

MR. [JOHN J.] RHODES of Arizona: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GIAIMO: Mr. Speaker, is it the parliamentary situation at the present time in regard to the amendment No. 2 such that it would provide almost $1 billion for construction by the Corps of Engineers, and that we are voting on these funds without the $875,000 for Dickey-Lincoln?

THE SPEAKER: The Chair will state that the House has before it the motion by the gentleman from Ohio that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$967,599,000".

MR. GIAIMO: In other words, Mr. Speaker, this takes out the $875,000 for Dickey-Lincoln?

THE SPEAKER: That is not within the prerogative of the Chair to state.

MR. GIAIMO: Mr. Speaker, can we get an explanation from the committee?

THE SPEAKER: The Chair will state that it is too late for that. However, it is the understanding of the Chair that would be the result.

§ 15.19 A Member may not interrupt a division vote with a parliamentary inquiry.

10. 113 CONG. REC. 29943, 90th Cong. 1st Sess. Under consideration was H.R. 11641, a public works appropriation for fiscal 1968.

On Feb. 13, 1946,[11] Mr. Howard W. Smith, of Virginia, offered a resolution raising a question of privilege of the House to correct the *Congressional Record* after another Member, Charles R. Savage, of Washington, had allegedly inserted something unauthorized therein. During the division vote demanded by Mr. Smith, Mr. Hugh De Lacy, of Washington, attempted to interpose a parliamentary inquiry, which Speaker Sam Rayburn, of Texas, held out of order.

MR. SMITH of Virginia: Mr. Speaker, I demand a division.

The House proceeded to divide.

MR. DE LACY (interrupting the division): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The House is dividing now. Nothing else is in order now.

§ 15.20 A parliamentary inquiry may not interrupt a division; but such inquiries are entertained until the Chair asks those in favor of the proposition to rise.

On Sept. 29, 1966,[12] after the request of Mr. John N. Erlenborn, of Illinois, for a division vote, but before the Chair called for the Members to rise, Mr. William D. Ford, of Michigan, interposed a parliamentary inquiry.

THE CHAIRMAN:[13] The question is on the amendment offered by the gentleman from Illinois [Mr. Erlenborn] to the amendment offered by the gentlewoman from Oregon [Mrs. Green].

The question was taken and the Chairman announced the Chair was in doubt.

MR. ERLENBORN: Mr. Chairman, I ask for a division.

MR. WILLIAM D. FORD: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WILLIAM D. FORD: In the event that the amendment offered by the gentleman from Illinois [Mr. Erlenborn] which is offered to the amendment offered by the gentlewoman from Oregon [Mrs. Green] is defeated at this time and the amendment offered by the gentlewoman from Oregon [Mrs. Green] is also defeated, would the Erlenborn amendment then be in order if offered separately?

MR. [HAROLD R.] COLLIER [of Illinois]: Mr. Chairman, a point of order. Is a parliamentary inquiry in order at this time during the vote?

THE CHAIRMAN: The parliamentary inquiry was made before the Chair put the question pursuant to the demand of the gentleman from Illinois [Mr. Erlenborn] for a division.

In response to the parliamentary inquiry by the gentleman from Michigan,

11. 92 CONG. REC. 1274, 1275, 79th Cong. 2d Sess. Under consideration was H. Res. 523.

12. 112 CONG. REC. 24457, 89th Cong. 2d Sess. Under consideration was H.R. 15111, economic opportunity amendments of 1966.

13. Daniel J. Flood (Pa.).

the Chair will state that the amendment may be offered later as a separate amendment.

Parliamentary Inquiry Is Not "Intervening Business" Precluding Demand for a Division Vote on a Pending Amendment

§ 15.21 A parliamentary inquiry as to the status of the Chair's announcement of the result of a voice vote and the effect of the adoption of an amendment on subsequent amendments which might be offered is not such "intervening business" as to prevent a demand for a division vote.

During consideration of a bill for amendment under the five-minute rule in Committee of the Whole on Mar. 21, 1975,[14] some confusion was apparent about the status of pending amendments and the order of voting. A motion to strike out a paragraph in the section which was open for amendment and insert new language had been first offered, followed by a "perfecting amendment" which could have been construed as a substitute or as a perfecting amendment to the underlying text. The Chair treated the latter amendment as perfecting and it was adopted by a voice vote. The Chair then announced that the pending question was on the underlying motion to strike out and insert which had been offered by Mrs. Millicent Fenwick, of New Jersey. The Chair declared that the ayes had prevailed on a voice vote when a parliamentary inquiry intervened.

MRS. FENWICK: Mr. Chairman, I am not sure but that I have let the time go by, but I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:

"(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,000." . . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out "25" and insert in lieu thereof "30".

On page 11, line 3, insert "with respect to existing units and" immediately after "use".

14. 121 CONG. REC. 7950, 7952, 7953, 94th Cong. 1st Sess.

THE CHAIRMAN:[15] The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first. . . .

THE CHAIRMAN: The question is on the perfecting amendment offered by the gentleman from Oregon (Mr. AuCoin).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentlewoman from New Jersey.

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

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, a parliamentary inquiry.

Does the Chairman mean the amendment, as amended?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment offered by the gentleman from Oregon (Mr. AuCoin) was a perfecting amendment to section 9(d) on page 11, line 1 through line 8. The amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is an amendment which would strike all of the language in the paragraph of the bill and substitute her language.

The Chair will now preserve the rights of Members who were standing at the time of the vote when the Chair put the question and stated that the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) had carried.

Does the gentleman from Ohio (Mr. Ashley) seek recognition?

MR. ASHLEY: Yes, I do, Mr. Chairman.

Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHLEY: It is on this basis, Mr. Chairman, that I misunderstood the parliamentary situation. I had thought that the gentleman's amendment was in the nature of a substitute. Inasmuch as the gentleman's amendment was adopted, is it also the fact that the amendment of the gentlewoman from New Jersey (Mrs. Fenwick) was adopted?

THE CHAIRMAN: Yes, thereby deleting the language which contained the perfecting amendment of the gentleman from Oregon.

MR. ASHLEY: In that case, Mr. Chairman, I would ask for a division on the vote.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order.

THE CHAIRMAN: The gentleman from Maryland will state his point of order.

MR. BAUMAN: It is too late. Other business had intervened.

THE CHAIRMAN: The Chair will rule that no further business had intervened, that at the instant when the Chair was ready to declare the vote on the amendment of the gentlewoman from New Jersey, the gentleman from Ohio (Mr. Ashley) was on his feet seeking recognition with respect to whether to ask for a division vote on that amendment. The Chair has stated that he would protect the rights of the gentleman from Ohio.

The question is on the amendment of the gentlewoman from New Jersey (Mrs. Fenwick).

The question was taken; and on a division (demanded by Mr. Ashley) there were—ayes 34, noes 60.

15. Robert N. Giaimo (Conn.).