DILATORY MOTIONS

See also "Cloture Procedure," pp. 282–334.

In 1928, the Chair, during a filibuster on a Boulder Dam bill (S. 728), overruled a point of order that a motion to take up a bill was dilatory,[1] and on November 13, 1942, during consideration of the so-called anti-poll tax bill, a call for a quorum, after a long lapse of time but without transaction of business since the last quorum call, was held to be not dilatory "since a considerable period of time has elapsed since the last quorum call, and the precedents permit at least two or three quorum calls before a call can be held to be dilatory." [2]

The Chair may rule to sustain or not sustain a point of order that a motion is out of order according to the Senate rules but not solely on the ground that it's a dilatory motion, unless the Senate is operating under the cloture rule. Except in the case of the cloture rule, the rules do not specifically prohibit dilatory motions as such.[3]

It is not in order for a Senator to demand a quorum call if no business has intervened since the last call, since business must intervene before a second quorum call or between calls.[4]

In 1927, points of order made on two successive occasions, during a filibuster on the Boulder Dam bill (S. 3331), against motions to recess, pursuant to a previous order, were sustained on the ground that such motions had been voted down and that no business had been subsequently transacted.[5]

Again on May 25,1928, during a filibuster on the Muscle Shoals bill, a suggestion of the absence of a quorum was held dilatory inasmuch as no business had been transacted since the last quorum call.[6] In 1922, a suggestion of the absence of a quorum, following the rejection of certain motions succeeded by quorum calls, and no business

---

[1] May 29, 1928, 70–1, *Journal*, p. 565.
[2] Nov. 13, 1942, 77–2, *Record*, p. 8828.
[3] Mar. 14, 1972, 92–2, *Record*, pp. 8304–05.
[4] *See* "Quorum," "Dilatory," pp. 1053–1054.
[5] Feb. 22, 1927, 69–2, *Journal*, p. 206; May 25, 1928, 70–1, *Journal*, p. 537.
[6] May 25, 1928, 70–1, *Journal*, p. 537.

having been transacted since the last quorum call, was decided by the Senate to be out of order.[7]

On February 5, 1987, the Senate decided that a quorum call that delayed a vote on the motion to approve the *Journal* when a quorum had been established, was dilatory and therefore out of order.[8] Later that year, the Senate voted on appeal (and overturned the Chair in so doing) that a point of order was in order during a roll call vote on or subsumed by a vote on a motion to approve the *Journal*. The point of order contended that repeated requests by Senators to be excused from voting on any such vote were dilatory. The Chair then held that such repeated requests by Senators to be excused from voting on such a vote, when they are obviously done for the purpose of delaying the announcement of the vote on the motion to approve the *Journal*, were out of order as dilatory.[9]

DISAGREE TO HOUSE AMENDMENTS

See "Amendments Between Houses," pp. 126–143; "Conferences and Conference Reports," pp. 449–493.

[7] Apr. 5, 1922, 67–2, *Journal*, p. 172, *Record*, pp. 5066–67.
[8] Feb. 5, 1987, 100–1, *Record*, pp. S 1835–37.
[9] May 13, 1987, 100–1, *Record*, pp. S 6346–50.