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MR. GRANGER: On yesterday or the day before there appeared in the Washington Post what was purported to be a poll of certain Members who passed through the aisle on a teller vote. Included was the name of the gentleman from Arizona [Mr. Murdock], who only a few moments before had vigorously supported the premium payments in the housing bill, the very matter which was stricken out as a result of the teller vote. The printing of his name in this account in the newspaper made him appear to speak one way and vote another.

The query is: What is the rule of the House in respect to that matter, and what protection has a Member other than having it denied in the press, which would mean that the gentleman from Arizona might have to explain that inconsistency for the next 10 years?

THE SPEAKER: There is no rule of the House with reference to it.

The only remedy a Member has when something is published in the newspaper that affects him improperly, is to reply to it.

§ 17. Demand for Tellers

Generally

§ 17.1 A demand for tellers was in order following the announcement of a division vote.

On Sept. 20, 1967,[10] the House having resolved itself into the Committee of the Whole in order to further consider a bill (H.R. 6418) to amend the Public Health Service Act, a perfecting amendment was proposed by Mr. John Jarman, of Oklahoma, and, following debate, the question was taken on a division vote. Mr. Richard L. Ottinger, of New York, who was seeking recognition at the time the division was announced, demanded tellers following the announcement of the vote and the Chair's[11] response to his parliamentary inquiry. The point of order having been raised that the demand for tellers was untimely, the Chairman overruled the point of order.

§ 17.2 Tellers could be demanded and ordered following a refusal to order the yeas and nays, a division vote, an objection to the vote on the ground of no quorum, and the Chair's announcement that the bill had passed—providing the Member demanding tellers was on his feet seeking recognition prior to the announcement.

On June 5, 1940,[12] Mr. Samuel Dickstein, of New York, called up a bill (H.R. 6381) for the admis-

10. 113 CONG. REC. 26119, 26120, 26130, 90th Cong. 1st Sess.

11. Jack Brooks (Tex.).

12. 86 CONG. REC. 7623, 7626, 76th Cong. 3d Sess.

sion to citizenship of aliens who came into the United States prior to Feb. 5, 1917, and asked unanimous consent that the bill be considered in the House as in Committee of the Whole.

Following debate, Mr. Dickstein moved the previous question and it was ordered. A request for the yeas and nays on final passage having been refused, a division was demanded by Mr. John J. Cochran, of Missouri, and there were—ayes 94, noes 87.

Immediately following this vote, Mr. Cochran objected on the ground that a quorum was not present. In response thereto, the Chair [13] commenced to count, and the following exchange took place:

> THE SPEAKER PRO TEMPORE: . . . [After counting.] Two hundred and twenty-five Members are present, a quorum. The bill is passed.
>
> MR. COCHRAN: Mr. Speaker, I ask for tellers.
>
> MR. DICKSTEIN: Mr. Speaker, I think the gentleman's request comes too late.
>
> THE SPEAKER PRO TEMPORE: The Chair does not think so.
>
> MR. DICKSTEIN: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. DICKSTEIN: Do I understand that after the Speaker announces the passage of the bill they can go back and ask for tellers?
>
> THE SPEAKER PRO TEMPORE: . . . yes.
>
> MR. DICKSTEIN: That is news to me, and I think it is going a little too far.
>
> THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Dickstein] is out of order and he will take his seat. The Chair thinks the gentleman from Missouri [Mr. Cochran] was endeavoring to ask for a division [Tellers].

Tellers were then ordered, and the Chair appointed Mr. Dickstein and Mr. Cochran to act as tellers.

Parliamentarian's Note: It would appear that Mr. Dickstein momentarily misinterpreted the ruling of the Speaker Pro Tempore when he assumed the Chair had permitted a demand for tellers following announcement of the bill's passage. The Chair's subsequent statement, i.e., the point that Mr. Cochran was on his feet seeking recognition prior to the announcement, clarified the ruling, however.

§ 17.3 A demand for a teller vote in the Committee of the Whole having been refused, a second demand for such a vote following a division vote on the pending question was not in order (an appeal of the ruling sustained the Chair's decision).

On June 13, 1957,[14] the House resolved itself into the Committee

13. Sam Rayburn (Tex.), Speaker Pro Tempore.

14. 103 CONG. REC. 9018, 9030, 9034, 9035, 85th Cong. 1st Sess.

of the Whole for the further consideration of a bill (H.R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

In the course of the bill's consideration, Mr. William M. Tuck, of Virginia, offered an amendment and, following debate, the Chair [15] put the question.

The question was taken; and the Chairman announced that the ayes appeared to have it. Mr. John D. Dingell, Jr., of Michigan, was recognized immediately thereafter, and demanded tellers. This request having been refused, Mr. Kenneth B. Keating, of New York, then rose to ask for a division.

Following a brief discussion between the Chair and two Members as to whether a division was permissible, the Chair held that Mr. Keating was within his rights. Accordingly, the Committee divided; and there were—ayes 106, noes 114. This prompted the following inquiry and resultant discussion:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman, a parliamentary inquiry. . . .

Would it be in order to have tellers?

THE CHAIRMAN: Tellers have been refused.

MR. [ROSS] BASS of Tennessee: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. BASS of Tennessee: Mr. Chairman, the tellers were refused after the Chair had ruled and said that the amendment was agreed to. Then tellers were demanded, and those people who now want tellers felt that the amendment was agreed to, so they did not rise to ask for tellers; and I can get the House to agree with me. I make that point of order and ask the Chair to rule on it.

THE CHAIRMAN: The Chair will rule that on the demand for tellers an insufficient number of Members rose to their feet.

MR. BASS of Tennessee: I disagree with the ruling of the Chair and ask for a vote on the ruling of the Chair. I say that he had already ruled on the vote.

THE CHAIRMAN: Does the gentleman appeal from the ruling of the Chair?

MR. BASS of Tennessee: I appeal from the ruling of the Chair.

MR. [WILLIAM J.] GREEN [Jr.] of Pennsylvania: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. GREEN of Pennsylvania: Mr. Chairman, it is too late for the gentleman to appeal from the ruling of the Chair.

THE CHAIRMAN: The gentleman has appealed from the ruling of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken, and the Chairman announced that the ayes apparently had it.

MR. BASS of Tennessee: Mr. Chairman, I demand a division.

15. Aime J. Forand (R.I.).

The Committee divided; and there were—ayes 222, noes 4.

So the decision of the Chair stands as the judgment of the Committee.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, is it now in order to ask for tellers after the rising vote?

THE CHAIRMAN: It is not in order. The question was taken on the amendment and the question was decided.

Accordingly, the amendment was rejected.

Effect of Competing Demands, Motions, and Objections

§ 17.4 When a request was made for tellers and almost simultaneously a demand for the yeas and nays was made, the demand for the yeas and nays, being a constitutional right, superseded the request for tellers.

On Dec. 10, 1963,[16] the House having agreed to the conference report on a bill (H.R. 8747) making appropriations for various independent executive offices, those amendments remaining in disagreement between the two bodies were then considered.

Among these was Senate amendment No. 92, which provided that $1,722,000 be used for the sites and planning expenses involved in the construction of a Veterans' Administration hospital at Bay Pines, Florida. A motion having been offered that the House insist on its disagreement to this amendment, Mr. Harold C. Ostertag, of New York, then offered a preferential motion that the House recede from its disagreement to the Senate amendment and concur therein.

Following brief discussion of the preferential motion, the previous question was ordered, and the following events transpired:

THE SPEAKER:[17] The question is on the preferential motion offered by the gentleman from New York [Mr. Ostertag].

The question was taken; and on a division (demanded by Mr. Ostertag) there were—ayes 102, noes 102.

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Speaker, I ask for tellers.

MR. [ALBERT] THOMAS [of Texas]: Mr. Speaker, I ask for the yeas and nays.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. HALLECK: Mr. Speaker, we were standing for a teller vote. Can we not insist on the teller vote?

THE SPEAKER: The demand for the yeas and nays is a constitutional right and, therefore, would supersede the request for tellers.

16. 109 CONG. REC. 23949, 23950, 23952, 88th Cong. 1st Sess.

17. John W. McCormack (Mass.).

The gentleman from Texas has demanded the yeas and nays.

The yeas and nays were ordered.

§ 17.5 A demand for tellers gave way to a timely objection to a division vote on the ground that a quorum was not present.

On June 18, 1953,[18] Mr. Robert B. Chiperfield, of Illinois, moved that the House resolve itself into the Committee of the Whole for the consideration of a bill (H.R. 5710) to amend further the Mutual Security Act of 1951, as amended. The question was taken; and Mr. H. R. Gross, of Iowa, having demanded a division, there were—ayes 122, noes 10. Immediately following the announcement of this result, Mr. Gross objected to the vote on the ground that a quorum was not present. Mr. Charles A. Halleck, of Indiana, then rose and demanded tellers.

The Speaker[19] stated that the point of order of Mr. Gross took precedence over Mr. Halleck's demand for tellers. The Chair then counted, and, a quorum having been determined, the motion was agreed to,[20] and the House immediately resolved itself into the Committee of the Whole.

18. 99 CONG. REC. 6840, 83d Cong. 1st Sess.

19. Joseph W. Martin, Jr. (Mass.).

20. For a comparable instance, see 112 CONG. REC. 9839, 89th Cong. 2d Sess., May 4, 1966.

§ 17.6 An amendment having been defeated on a division vote, it was not too late to demand tellers even though a motion that the Committee rise had been made without recognition from the Chair.

On Apr. 16, 1943,[1] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 2481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944.

In the course of the bill's consideration, Mr. John Taber, of New York, offered an amendment designed to reduce certain portions of the appropriations. Following discussion of the proposal, the Chairman[2] announced the expiration of the time allotted for debate, and the following exchange took place:

THE CHAIRMAN: The question recurs on the amendment offered by the gentleman from New York [Mr. Taber]. The question was taken; and on a division (demanded by Mr. Taber) there were ayes 83 and noes 111.

THE CHAIRMAN: The amendment is rejected.

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

1. 89 CONG. REC. 3473, 3495, 3502, 78th Cong. 1st Sess.

2. William M. Whittington (Miss.).

MR. TABER: Mr. Chairman, I ask for tellers.

MR. TARVER: Mr. Chairman, I raise the point of order that it is too late to demand tellers.

MR. TABER: I was on my feet, Mr. Chairman.

MR. TARVER: The Chair had announced the result of the vote, and a motion had been made that the Committee rise.

MR. TABER: The gentleman from Georgia had not been recognized by the Chair.

MR. TARVER: The Chair had announced the vote.

THE CHAIRMAN: The gentleman from New York demands tellers.

The gentleman from Georgia makes the point of order that the request comes too late. The Chair would say in deference to the gentleman from New York and the gentleman from Georgia that there had not been formal recognition of the gentleman from Georgia.

Accordingly, tellers were ordered, and the Chair appointed Mr. Tarver and Mr. Taber to act as tellers.

§ 17.7 Where a Member demanded tellers on an amendment in Committee of the Whole and then made a point of order that a quorum was not present, the demand for tellers was held in abeyance pending the establishment of a quorum; and when the Committee of the Whole resumed its sitting upon the establishment of a quorum, the pending question was the ordering of tellers which were demanded immediately prior to the point of no quorum.

On May 20, 1970,[3] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

In the course of the bill's consideration, Mr. Otis G. Pike, of New York, offered an amendment to strike out the $322 million allocated for the Safeguard ABM system. Mr. Pike's proposal was discussed briefly after which the Chair[4] put the question, it was taken; and on a division demanded by Mr. Pike, there were—ayes 11, noes 42.

Immediately thereafter, Mr. Lucien N. Nedzi, of Michigan, demanded tellers, and pending that, made the point of order that a quorum was not present. The Chair proceeded to count and finding only 56 Members present, he directed the Clerk to call the roll. Three hundred fifty-nine Members having responded to their names, the Committee rose; the Speaker Pro Tempore[5] re-

3. 116 CONG. REC. 16244, 16256, 16258, 91st Cong. 2d Sess.
4. Thomas J. Steed (Okla.).
5. Carl Albert (Okla.).

sumed the Chair, and the Chairman of the Committee reported the preceding events in addition to spreading the names of the absentees on the Journal.

The Committee having resumed its sitting, the Chairman stated:

> When the point of order of no quorum was made there was pending a demand for tellers on the amendment offered by the gentleman from New York (Mr. Pike).

A sufficient number of Members supported the demand, and tellers were ordered.[6]

§ 17.8 A demand for a teller vote in the Committee of the Whole being displaced by a motion to rise before the demand for tellers was seconded, the question of ordering tellers was regarded as pending and was first disposed of when the Committee resumed its sitting if the motion to rise was agreed to.

On Mar. 9, 1935,[7] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 6021) to provide additional home mortgage relief, to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and the National Housing Act. In the course of the bill's consideration, Mr. Jesse P. Wolcott, of Michigan, offered an amendment to increase the amount of insurance provided by the government on improved property. A brief discussion ensued.

Shortly thereafter, the Chairman[8] put the question and the following proceedings occurred:

> THE CHAIRMAN: The question is on the amendment offered by the gentleman from Michigan [Mr. Wolcott], which the Clerk will again report.
>
> The Clerk read the Wolcott amendment.
>
> The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 118, noes 89.
>
> MR. [FRANKLIN W.] HANCOCK [Jr.] of North Carolina: Mr. Chairman, I demand tellers.
>
> MR. [JOHN J.] O'CONNOR [of New York]: Mr. Chairman, I move that the Committee do now rise.
>
> MR. [THOMAS L.] BLANTON [of Texas]: Mr. Chairman, if the Committee determines to rise, the request for tellers will be considered as pending?
>
> THE CHAIRMAN: The gentleman is correct.
>
> The question is on the motion of the gentleman from New York that the Committee do now rise.

6. For a similar instance, see 116 CONG. REC. 8563, 91st Cong. 2d Sess., Mar. 23, 1970.

7. 79 CONG. REC. 3289, 3312, 3315, 3316, 74th Cong. 1st Sess.

8. Emanuel Celler (N.Y.).

Point of No Quorum as Affecting Demand

§ 17.9 The right to demand tellers was not prejudiced by the fact that a point of no quorum and a quorum call intervened following a division vote on the question on which tellers were requested.

On Sept. 25, 1969,[9] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to inquiries of the Bureau of the Census.

In the course of the bill's consideration, Mr. Jackson E. Betts, of Ohio, offered an amendment limiting the categories of information to be required under penalty of law. When the Chair[10] put the question, Mr. Betts demanded a division, and there were—ayes 32, noes 22. Mr. Thaddeus J. Dulski, of New York, then raised a point of no quorum. The Chair's count revealing only 75 Members present, the Clerk was directed to call the roll; the Committee rose, and the Speaker[11] resumed the chair. A quorum having responded to the call, the Chairman so informed the Speaker and spread the names of absentees on the Journal.

The Committee then resumed its sitting, and the following discussion ensued:

> MR. CHARLES H. WILSON [of California]: Mr. Chairman——
>
> THE CHAIRMAN: The Committee will be in order.
>
> MR. CHARLES H. WILSON: Mr. Chairman——
>
> THE CHAIRMAN: For what purpose does the gentleman from California rise?
>
> MR. CHARLES H. WILSON: Mr. Chairman, on the Betts amendment I demand tellers.
>
> MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, I make a point of order that the demand for tellers is out of order. The time is past for that. The Chair asked for a division vote and the vote was 32 to 22, and the amendment was agreed to. The Chairman announced that the amendment was agreed to. Then the chairman of the full Committee on Post Office and Civil Service made the point of order that a quorum was not present and there was a call of the House.
>
> My point of order is that when the chairman of the Committee on Post Office and Civil Service made the point of order that a quorum was not present, that that cut off the teller vote.
>
> Therefore, Mr. Chairman, I insist upon my point of order.
>
> THE CHAIRMAN: Does the gentleman from California desire to be heard on the point of order?

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9. 115 CONG. REC. 27018, 27042, 91st Cong. 1st Sess.

10. George W. Andrews (Ala.).

11. John W. McCormack (Mass.).

MR. CHARLES H. WILSON: Mr. Chairman, I just ask for tellers and I assume I am following the correct procedure in asking for tellers. There has been no intervening business, and it is my understanding that——

MR. MONTGOMERY: There was intervening business. There was a 20-minute delay.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, may I be heard on this point of order?

MR. GERALD R. FORD [of Michigan]: Mr. Chairman——

THE CHAIRMAN: Does the gentleman from Michigan desire to be heard on the point of order?

MR. GERALD R. FORD: May I be heard on the point of order?

THE CHAIRMAN: The gentleman from Michigan is recognized on the point of order.

MR. GERALD R. FORD: There was no intervening business between the division vote and the point of order being made that a quorum was not present. We went through the quorum call immediately, and subsequently the gentleman from California asked for tellers.

THE CHAIRMAN: The Chair will state that is the way the Chair recalls the procedure.

MR. HALL: Mr. Chairman, may I be heard on the point of order?

THE CHAIRMAN: The Chair will recognize the gentleman from Missouri to be heard on the point of order.

MR. HALL: Mr. Chairman, I submit that the point of order should not be sustained inasmuch as the record will indicate that the Chair had announced the division vote, but it had not said that the amendment was agreed to. The Chair had not made the final decision. The right of any Member of the House to ask for a teller vote, to ask for a reconsideration, or to ask for any other privileged motion had not inured; therefore the request, because the quorum call could not be interrupted, to ask for tellers is quite in order.

MR. GERALD R. FORD: Mr. Chairman, would the Chair again recognize me for one other observation?

THE CHAIRMAN: The Chair recognizes the gentleman from Michigan on the point of order.

MR. GERALD R. FORD: Mr. Chairman, I was on my feet awaiting the opportunity to ask for tellers at the time the gentleman from New York made the point of order that a quorum was not present.

THE CHAIRMAN: The Chair is prepared to rule on the point of order.

The Chair will state that the gentleman from Missouri is correct in his recollection. The Chair had not said that the amendment was agreed to, therefore no intervening business had taken place when the point of order of no quorum was made.

The Chair will read from Cannon's Precedents of the House of Representatives, volume 8, page 646, section 3104:

> The right to demand tellers is not prejudiced by the fact that a point of no quorum has been made against a division of the question on which tellers are requested.

That precedent was established on December 13, 1817.

The Chair therefore overrules the point of order.

Parliamentarian's Note: It should also be noted that where a

division vote has been followed by a point of no quorum which, in turn, is followed by agreement to a privileged motion that the Committee rise, neither of the foregoing constitutes "intervening business" which would preclude a demand for tellers on the pending question immediately following the resumption of business in the Committee.

§ 17.10 Where a point of no quorum was made and withdrawn immediately after a division vote, it was not then too late to demand a teller vote on the pending proposition.

On Mar. 8, 1946,[12] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947.

In the course of the bill's consideration, Mr. John W. Heselton, of Massachusetts, offered an amendment which was debated, and subsequently put before the Committee for a vote. The question was taken; and on a division demanded by Mr. Heselton, there were—ayes 42, noes 28.

Mr. Reid F. Murray, of Wisconsin, then rose to make the point of order that a quorum was not present. As the Chairman[13] announced his intent to count, Mr. Murray rose again to withdraw his point of no quorum.

Mr. George H. Mahon, of Texas, then made the following parliamentary inquiry:

> MR. MAHON: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. MAHON: Mr. Chairman, is it too late to ask for tellers on this vote?
>
> THE CHAIRMAN: No; it is not too late to ask for tellers.
>
> MR. MAHON: Mr. Chairman, I ask for tellers.

§ 17.11 The demand for tellers on an amendment did not come too late where the absence of a quorum had prevented the Chair from announcing the adoption of the amendment by division vote.

On Sept. 24, 1970,[14] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 18583) to amend the Public Health Service Act and other laws in order to deal more comprehensively with the problems attendant upon drug abuse prevention and control.

In the course of the bill's consideration, Mr. Richard H. Poff, of

12. 92 CONG. REC. 2061, 2081, 2084, 79th Cong. 2d Sess.

13. William M. Whittington (Miss.).

14. 116 CONG. REC. 33603, 33628, 33634, 91st Cong. 2d Sess.

Virginia, offered an amendment. An amendment to the Poff amendment having been rejected, the Chairman[15] put the question on the Poff amendment.

The question was taken; and on a division demanded by Mr. Robert C. Eckhardt, of Texas, there were—ayes 35, noes 22. Mr. James C. Corman, of California, raised the point of order that a quorum was not present. The Chair then counting only 71 Members, a quorum call was ordered.

A quorum having responded, the Committee rose; the Chairman reported the results to the Speaker,[16] and the Committee resumed its sitting. Thereafter, a subsequent demand for tellers was honored as follows:

> THE CHAIRMAN: When the point of order was made on the absence of a quorum, the Chair had just announced the vote by division on the amendment offered by the gentleman from Virginia (Mr. Poff)—35 ayes, 22 noes.
>
> MR. ECKHARDT: Mr. Chairman, I demand tellers.
>
> Tellers were ordered, and the Chairman appointed as tellers Mr. Poff and Mr. Eckhardt.
>
> The Committee again divided, and the tellers reported that there were—ayes 147, noes 61.
>
> So the amendment was agreed to.

15. William S. Moorhead (Pa.).
16. John W. McCormack (Mass.).

Refusal To Entertain During Count for Quorum

§ 17.12 The Chair did not entertain a demand for a teller vote in the Committee of the Whole pending his count of a quorum.

On Aug. 21, 1950,[17] the Committee of the Whole having under consideration a bill (H.R. 9313) to amend the Agricultural Act of 1949, Mr. James C. Davis, of Georgia, offered an amendment. A division vote was taken and, with 49 Members voting, Mr. Davis made the point of order that a quorum was not present, whereupon the Chair[18] indicated it would count.

The following proceedings then occurred:

> MR. DAVIS of Georgia: Mr. Chairman, I demand tellers.
>
> THE CHAIRMAN: The gentleman withdraws his point of order that a quorum is not present?
>
> MR. DAVIS of Georgia: I do not withdraw it. A parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. DAVIS of Georgia: Was my point of order that a quorum is not present in order?
>
> THE CHAIRMAN: The gentleman can make the point of order that a quorum is not present. . . .

17. 96 CONG. REC. 12960, 12961, 81st Cong. 2d Sess.
18. Carl T. Durham (N.C.).

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.