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the gentleman from California [Mr. Cunningham].

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

So the . . . amendment to strike was rejected.

THE CHAIRMAN: Are there further amendments?

MR. CUNNINGHAM: Mr. Chairman, I have a parliamentary inquiry. No Member said, "no." There was not a single "no." How could the "noes" have it?

THE CHAIRMAN: The Chair announced that the "noes" had it.

MR. [BRUCE F.] VENTO [of Minnesota]: Mr. Chairman, I could not hear.

THE CHAIRMAN: The Chair put the question to a vote on the amendment to strike as submitted by the gentleman from California [Mr. Cunningham]. In the vote, as voice voted, the Chair recognized that the "noes" had it.

MR. CUNNINGHAM: Mr. Chairman, I have a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CUNNINGHAM: If there were "ayes" and there were absolutely no recorded "noes," how does the Chair say that the "noes" have it?

THE CHAIRMAN: The Chair recognized the "noes," and the Chair himself votes "no."

§ 8. Voting by Division

While the House has "modernized" its voting practices by the installation of the electronic voting system,(15) which is used for taking yea and nay and recorded votes, the process of voting by division has remained largely unchanged since the First Congress convened.(16) Should the Speaker be uncertain as to the outcome of a voice vote or should any Member so request,

> . . . the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative. . . .(17)

Since the Chair's count usually can be verified by a demand for a record vote, there are few instances where the integrity of the Chair's count have arisen.(18)

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15. See 118 CONG. REC. 36005–12, 92d Cong. 2d Sess., Oct. 13, 1972.

16. For the sake of historical accuracy, however, the reader should note that for several months in the First Congress, divisions were accomplished in a teller-like fashion. Those Members voting in the affirmative passed to the right of the Chair while those voting in the negative passed to the Chair's left. See 2 Hinds' Precedents § 1311.

17. Rule I clause 5, *House Rules and Manual* § 629 (1995).

18. See 5 Hinds' Precedents § 6002, and, for comparison, 8 Cannon's Precedents § 3115. For an instance where complaints were made about the accuracy of the Chair's count of the House and on demands for recorded votes, see the remarks made under a

The intervention of a parliamentary inquiry does not preclude a demand for a division vote on an amendment after a voice vote has been taken.[19]

§ 8.1 Where a demand for a division vote on an amendment is immediately followed by a motion that the Committee of the Whole do now rise, the division vote is not commenced until and unless the preferential motion to rise has been rejected.

On June 13, 1947,[20] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 3342) pertaining to the cultural relations program of the State Department.

In the course of the bill's consideration, Mr. Frank B. Keefe, of Wisconsin, offered an amendment to strike out three sections of the bill. Following brief debate on this proposal, Mr. Keefe modified his amendment and the Chair commenced to put the question on the amendment as so modified.

> THE CHAIRMAN:[1] . . . The question is on the amendment offered by the gentleman from Wisconsin [Mr. Keefe].
>
> The question was taken; and Mr. Angell demanded a division.
>
> MR. [DANIEL A.] REED of New York: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> Mr. Reed of New York moves that the Committee do now rise.
>
> THE CHAIRMAN: The question is on the motion offered by the gentleman from New York.
>
> The question was taken; and on a division (demanded by Mr. Rayburn) there were—ayes 93, noes 95.

Immediately thereafter, Mr. Reed demanded tellers. Tellers were ordered; the Committee again divided; and the tellers reported that there were—ayes 101, noes 110. Thus, the motion to rise was rejected.

The Chair then felt obliged to review the parliamentary situation, prompting a resultant inquiry as follows:

> THE CHAIRMAN: The Chair will state that before the motion was made that the Committee do now rise the ques-

special order on June 27, 1985. 131 CONG. REC. 17893–901, 99th Cong. 1st Sess. See also the dispute surrounding the Chair's count of the number standing to second a demand for a recorded vote on a motion to recommit on that date. 131 CONG. REC. 18550, 99th Cong. 1st Sess., July 11, 1985.

19. See 121 CONG. REC. 7953, 94th Cong. 1st Sess., Mar. 21, 1975. See § 9.7, infra.

20. 93 CONG. REC. 6963, 6996–98, 80th Cong. 1st Sess.

1. Thomas A. Jenkins (Ohio).

tion was being taken on the amendment offered by the gentleman from Wisconsin [Mr. Keefe]. There was a voice vote and then a division was requested.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: The Chair had stated that a standing vote had been requested, but I think the Chair failed to state that the Chair announced the "ayes" had it on the voice vote.

THE CHAIRMAN: No. No announcement was made on the division. The preferential motion intervened.[2]

On Presidential Reorganization Plan

§ 8.2 Providing that a majority of the authorized membership votes in the affirmative, the House may adopt a resolution disapproving a reorganization plan of the President by a voice, division, or "yea and nay" vote.

On Aug. 11, 1949,[3] the House resolved itself into the Committee of the Whole for the purpose of considering a resolution (H. Res. 301) disapproving of Reorganization Plan No. 2 of 1949.

After some debate, the Committee rose,[4] and the following exchange took place between Mr. Charles H. Halleck, of Indiana, and the Speaker:

MR. HALLECK: . . . Mr. Speaker, do I understand correctly that under the terms of the Reorganization Act under which we are operating the proponents of the resolution who by that resolution would seek to disapprove Reorganization Plan No. 2 would have to have 218 votes actually present and voting in order to carry the resolution?

THE SPEAKER:[5] That is correct; that is the law, and the Chair will take this opportunity to read the law:

> Sec. 6. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such 60-day period there has not been passed by either of the two Houses, by the affirmative vote of a majority of the authorized membership of that House, a resolution stating in substance that that House does not favor the reorganization plan.

Immediately thereafter, Mr. Clarence J. Brown, of Ohio, posed a parliamentary inquiry, as follows:

2. While there would appear to be some confusion as to whether the Chair did, indeed, announce the voice vote, this would have no effect on the priority accorded the motion to rise over the commencement of the division count.

3. 95 CONG. REC. 11296, 81st Cong. 1st Sess.

4. *Id.* at p. 11314.

5. Sam Rayburn (Tex.).

MR. BROWN of Ohio: How will the Chair determine whether there are 218 votes cast in favor of the resolution?

THE SPEAKER: By the usual method: Either by a viva voce vote [*sic*], division vote, or a vote by the yeas and nays.

The question is on the resolution.

The question was taken.

THE SPEAKER: In the opinion of the Chair the resolution not having received the affirmative vote of a majority of the authorized membership of the House, the resolution is not agreed to.

So the resolution was rejected.

§ 9. Demand for Division Vote

By Speaker

§ 9.1 The Speaker may himself order a division vote, without waiting for such a demand to be made from the floor.

On July 9, 1940,[6] Mr. Sol Bloom, of New York, requested unanimous consent for the immediate consideration of House Resolution 547.

The Clerk read as follows:

Whereas there have long existed historical ties of friendship between the United States of America and Argentina; and

Whereas these ties, based on the respect and admiration of two free and independent nations, happily grow firmer day by day; and

Whereas on July 4, 1940, the Chamber of Deputies of the Argentine Congress graciously paid tribute to the anniversary of the independence of the United States of America and to this House of Representatives of the Congress of the United States of America; and

Whereas today, July 9, 1940, marks the anniversary of the Declaration of Independence of the Argentine Republic, a memorable day in the progress of democratic institutions; therefore be it

Resolved, That this House pay tribute to the Chamber of Deputies of Argentina and to the great Argentine Nation on this their anniversary of the signature by a group of 28 patriots in the city of Tucuman on July 8, 1816, of the Declaration of Independence of the United Provinces of the Rio de la Plata; and be it further

Resolved, That a copy of this resolution be forwarded through the Secretary of State to His Excellency the Ambassador of Argentina at Washington for transmission to the Chamber of Deputies of the Argentine Republic.

After some brief remarks by Mr. Bloom and Mr. Hamilton Fish, Jr., of New York, the Speaker[7] put the question on agreeing to the resolution and simultaneously demanded a division.

The House divided, and the resolution passed by a vote of 350 yeas and no nays.[8]

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6. 86 CONG. REC. 9359, 9360, 76th Cong. 3d Sess.

7. William B. Bankhead (Ala.).

8. It should be noted, parenthetically, that in the Senate the Chair does not announce the number of Members voting "aye" or "nay." See 90 CONG. REC. 398, 78th Cong. 2d Sess., Jan. 19, 1944.