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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.

§ 13.8 Where the Chair had announced the result of a division vote on an amendment but was precluded from announcing the adoption of the amendment by a point of order of no quorum, it was in order to demand tellers on the amendment upon the resumption of proceedings in the Committee of the Whole.

On Sept. 24, 1970,[16] the House having 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, an amendment was offered and, subsequently, put to a vote by the Chairman.[17]

A division having been demanded, there were—ayes 35, noes 22. Before the Chair could announce the adoption of the amendment, however, a point of order of no quorum was raised whereupon the Chair was obliged to count.

The count revealing the absence of a quorum, the Clerk was directed to call the roll, and 335 Members responded to their names. The Committee rose; the Chairman informed the Speaker[18] of the preceding events—entering the names of absentees on the Journal—and, in accordance with the rules,[19] the Committee resumed its sitting.

Immediately thereafter, Mr. Robert C. Eckhardt, of Texas, demanded tellers which were ordered as requested.

§ 14. Division Vote as Related to Demand for Yeas and Nays

In General

§ 14.1 A demand for the yeas and nays in the House takes precedence of a request for a division.

Where the vote on the approval of the Journal was postponed to follow debate on certain motions to suspend the rules, the yeas and nays were demanded when the Chair eventually put the question. The proceedings of Mar. 29, 1993,[20] were as follows:

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16. 116 CONG. REC. 33634, 91st Cong. 2d Sess.

17. William S. Moorhead (Pa.).

18. John W. McCormack (Mass.).

19. See Rule XXIII clause 2, *House Rules and Manual* § 863 (1973).

20. 139 CONG. REC. 6666, 103d Cong. 1st Sess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER PRO TEMPORE:[1] Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on agreeing to the approval of the Journal and on each of the first two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which each arose.

Votes, therefore, will be taken in the following order:

On agreeing to the Journal, de novo:

H.R. 175, by the yeas and nays; and H.R. 829, as amended, by the yeas and nays.

THE JOURNAL

THE SPEAKER PRO TEMPORE: Pursuant to clause 5 of rule I, the pending business is the question of the Chair's approval of the Journal.

The question was taken.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I demand a division.

MR. [JOHN] LEWIS of Georgia: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER PRO TEMPORE: The Chair will announce that this will be a 15-minute vote, and subsequent votes on the two motions to suspend the rules upon which proceedings were postponed will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 231, nays 137, not voting 62, as follows: . . .

1. Romano L. Mazzoli (Ky.).

§ 14.2 The House, first by division vote resulting in a tie, and then by the yeas and nays, rejected a preferential motion to recede and concur in a Senate amendment.

On Dec. 10, 1963,[2] the House agreed to the conference report on a bill (H.R. 8747) making appropriations for various executive bureaus and offices for the fiscal year ending June 30, 1964.

Thereafter, the House entertained discussion as to those Senate amendments remaining in disagreement. One of these was Senate amendment No. 92. Mr. Harold C. Ostertag, of New York, offered a preferential motion that the House recede from its disagreement to the Senate amendment and concur therein.

Following debate, the Speaker[3] put the question on the preferential motion; it was taken; and on a division demanded by Mr. Ostertag, there were—ayes 102, noes 102.

Mr. Albert Thomas, of Texas, then sought the yeas and nays, and a sufficient number having seconded his demand, they were ordered. The question was taken; and there were—yeas 171, nays 204, not voting 59. Accordingly,

2. 109 CONG. REC. 23949–53, 88th Cong. 1st Sess.

3. John W. McCormack (Mass.).

the motion to recede and concur was rejected.

Where Demand Is Refused

§ 14.3 The Chair having abstained from a division vote to adjourn, a demand for the yeas and nays was seconded by 20 percent of those participating in the vote—but refused when the Chair noted that, counting himself, less than the minimum number of Members present had seconded the demand.

On June 30, 1937,[4] Mr. Sam Rayburn, of Texas, moved that the House adjourn. The Speaker[5] put the question; it was taken and on a division vote demanded by Mr. John E. Rankin, of Mississippi, there were—ayes 41, noes 24.

Immediately thereafter, Mr. Rankin demanded the yeas and nays. The Speaker then proceeded to count those in favor of that demand, and soon announced that:

> . . . Thirteen gentlemen have arisen, not a sufficient number. The rule provides that the yeas and nays may be ordered by one-fifth of the Members present.

Since the Speaker had counted himself in reaching the total number of Members present, the 13 seconding Members—while clearly comprising one-fifth of those who had risen on the division vote—did not comprise one-fifth of those present. Accordingly, the demand was refused.

In the Senate

§ 14.4 In the Senate the Chair does not announce the number of Members voting "aye" and "no" on a division vote, and after a request that such announcement be made, the Chair has held that it was too late to ask for a yea and nay vote.

On Jan. 19, 1944,[6] the Senate entertained consideration of a bill (S. 469) relating to the use of the emblem and name of the Red Cross in the United States and its territorial possessions.

In the course of the bill's consideration, Senator Joseph C. O'Mahoney, of Wyoming, offered an amendment on behalf of Senator Millard E. Tydings, of Maryland, the Presiding Officer[7] put the question, and the following exchange transpired:

> THE PRESIDING OFFICER: The question now recurs on the amendment of-

4. 81 CONG. REC. 6642, 75th Cong. 1st Sess.
5. William B. Bankhead (Ala.).
6. 90 CONG. REC. 387, 390, 398, 78th Cong. 2d Sess.
7. Hattie W. Caraway (Ark.).

fered by the Senator from Wyoming [Mr. O'Mahoney] in behalf of the Senator from Maryland [Mr. Tydings]. [Putting the question.] The "noes" seem to have it.

MR. TYDINGS: Mr. President, I ask for a division.

MR. [CLAUDE] PEPPER [of Florida]: Mr. President, will the Chair restate the question.

THE PRESIDING OFFICER: The question is on agreeing to the amendment offered by the Senator from Wyoming in behalf of the Senator from Maryland. A division has been requested.

MR. PEPPER: Would a vote "aye" be in favor of the amendment.

THE PRESIDING OFFICER: Yes.

On a division, the amendment was rejected.

MR. TYDINGS: Mr. President, for the Record will the Chair please announce the vote?

THE PRESIDING OFFICER: Under the rules the Chair does not announce the result on a division.

MR. TYDINGS: I know that the Chair is not obliged to announce the result. However, I do not wish to ask for a roll call, and if the Chair will accommodate the Senator from Maryland he will try to cooperate with the Chair and get on with the discharge of business. There can be no reason why the result of the vote should be secret.

THE PRESIDING OFFICER: Is there objection to the request of the Senator from Maryland that the Chair announce the result of the vote?

MR. [ROBERT M.] LAFOLLETTE [Jr., of Wisconsin]: I object.

THE PRESIDING OFFICER: Objection is heard.

MR. TYDINGS: Mr. President, I ask for the "yeas" and "nays."

MR. LAFOLLETTE: I make the point of order that the request comes too late.

THE PRESIDING OFFICER: The Chair rules that the request comes too late.

The point of order is sustained.

§ 15. Voting by the Chair on Division Votes

Affirmative Tie-breaking Votes

§ 15.1 The Speaker has voted in the affirmative on a division vote to break a tie.

On July 15, 1937,[8] the House agreed to the conference report on the bill (H.R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes.

In the course of the bill's consideration, Senate amendments remaining in disagreement were discussed in chronological order. Among them was Senate amendment No. 89, which provided funds for a project in Arizona to divert certain waters.

With respect to this amendment, Mr. James G. Scrugham, of Nevada, moved that the House recede and concur in the amendment. Mr. Abe Murdock, of Utah, then demanded a division of the

8. 81 CONG. REC. 7184, 7197, 7198, 75th Cong. 1st Sess.