

ferred 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.

question. The Speaker⁽⁹⁾ having honored this request, the question before the House was whether or not to recede.

The question was taken; and on a division demanded by Mr. Robert F. Rich, of Pennsylvania, there were-ayes 58, noes 58. The Chair then immediately voted "aye," breaking the tie.

The Speaker's vote notwithstanding, the House subsequently decided not to recede by a vote by the yeas and nays.

§ 15.2 The Chairman has voted in the affirmative, on a division vote, to break a tie.

On Mar. 8, 1961,⁽¹⁰⁾ the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 4510) to provide a special program for feed grains for 1961.

In the course of the bill's consideration, Mr. Ralph Harvey, of Indiana, offered an amendment authorizing the Secretary of Agriculture to fix price supports for corn up to 75 percent of parity.

Following some discussion of this amendment, Mr. Harold D. Cooley, of North Carolina, moved that all debate on the Harvey amendment close in five minutes.

9. William B. Bankhead (Ala.).

10. 107 CONG. REC. 3491, 3508, 3511, 87th Cong. 1st Sess.

The Chairman⁽¹¹⁾ put the question; it was taken; and on a division demanded by Mr. Leslie C. Arends, of Illinois, there were-ayes 121, noes 121.

At this point, the Chair immediately voted "aye."⁽¹²⁾ And, while a teller vote remained to be held,⁽¹³⁾ the outcome did not change.

§ 15.3 Where the Chair had voted in the affirmative on a division vote—thereby breaking a tie on a motion to terminate debate, tellers were demanded, and the motion was agreed to.

The House having resolved into the Committee of the Whole for the further consideration of a bill (H.R. 4510)⁽¹⁴⁾ pertaining to feed grain programs,⁽¹⁵⁾ discussion ensued, and a motion was ultimately proposed to close debate within five minutes.

The question was taken; a division was demanded by Mr. Leslie C. Arends, of Illinois; and there were—ayes 121, noes 121. The

11. Frank N. Ikard (Tex.).

12. For a similar instance, see 101 CONG. REC. 6244, 84th Cong. 1st Sess., May 12, 1955.

13. See § 15.3, *infra*.

14. See § 15.2, *supra*.

15. 107 CONG. REC. 3491, 3511, 87th Cong. 1st Sess., Mar. 8, 1961.

Chairman voted “aye,” immediately thereafter, whereupon Mr. Arends demanded tellers.

Tellers having been ordered, the Committee again divided, and the tellers reported that there were ayes 149, noes 123. Accordingly, the motion to close debate was agreed to.

Negative Tie-breaking Votes

§ 15.4 The Chairman has voted in the negative, on a division vote, to break a tie.

On Feb. 26, 1964,⁽¹⁶⁾ the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 9022) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

Following considerable discussion of the bill, Mr. Frank T. Bow, of Ohio, offered a preferential motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

When the question was taken, on a division demanded by Mr. Bow, there were—ayes 94, noes 94. The Chair⁽¹⁷⁾ then imme-

16. 110 CONG. REC. 3628, 3648, 3649, 88th Cong. 2d Sess.

17. John J. Flynt, Jr. (Ga.).

diately voted “no,” thereby breaking the tie, although the Chair’s vote was not decisive.⁽¹⁸⁾

§ 15.5 Where the Chair had voted in the negative on a division vote—thereby breaking a tie on a preferential motion—tellers were demanded and the motion was defeated.

The House having resolved itself into the Committee of the Whole in order to consider a bill (H.R. 9022)⁽¹⁹⁾ pertaining to the International Development Association,⁽²⁰⁾ Mr. Frank T. Bow, of Ohio, ultimately offered a preferential motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The question was put and, a division having been demanded by Mr. Bow, there were—ayes 93, noes 94. Chairman John J. Flynt, Jr., of Georgia, then announced that he was voting in the negative, although his vote was not decisive, whereupon Mr. Bow demanded tellers.

18. While a teller vote followed, the motion was still rejected; see § 15.5, *infra*. For a comparable instance in which the teller vote altered the outcome, however, see § 15.8, *infra*.

19. See also § 15.4, *supra*.

20. 110 CONG. REC. 3628, 3648, 3649, 88th Cong. 2d Sess., Feb. 26, 1964.

Tellers having been ordered, the Committee again divided; and the tellers reported that there were—ayes 120, noes 128. Accordingly, the motion was rejected.⁽¹⁾

Tie-creating Vote

§ 15.6 The Chairman of the Committee of the Whole has voted by division to make a tie and thus defeat an amendment.

On June 16, 1966,⁽²⁾ the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 14025) to extend the Defense Production Act of 1950, and for other purposes.

In the course of the bill's consideration, Mr. H. R. Gross, of Iowa, offered an amendment and, following brief debate, the Chairman⁽³⁾ put the question before the Committee.

The question was taken and, on a division demanded by Mr. Gross, there were—ayes 30, noes

1. For a comparable instance in which the Chairman also cast a negative division vote to break a tie, see 106 CONG. REC. 11301, 86th Cong. 2d Sess., May 26, 1960, where a subsequent teller vote reversed the outcome, thereby resulting in the adoption of the amendment.
2. 112 CONG. REC. 13351, 13366, 13367, 89th Cong. 2d Sess.
3. Richard Bolling (Mo.).

29. The Chair voted “no,” thereby forcing a tie, and preventing adoption. A subsequent teller vote obtained similar results, and the amendment was rejected.

§ 15.7 A division vote on a motion to recede and concur having resulted in a tie, the Speaker Pro Tempore abstained from voting, and the motion was rejected.

On Sept. 18, 1962,⁽⁴⁾ the House had under consideration the conference report on a bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

During these proceedings, the Senate amendments in disagreement were taken up, one of which was Senate amendment No. 2 which mandated an increase in the funding of research on agricultural production and product utilization. Mr. Jamie L. Whitten, of Mississippi, who opposed the amendment, offered a motion to insist upon disagreement. Mr. James F. Battin, of Montana, then offered a preferential motion that the House recede and concur in the amendment and that motion was put to a vote.

4. 108 CONG. REC. 19708, 19714, 19715, 87th Cong. 2d Sess.

On a division demanded by Mr. Battin, there were—ayes 37, noes 37. The Speaker Pro Tempore⁽⁵⁾ chose not to vote and the motion to recede and concur was therefore rejected.

Parliamentarian's Note: It is apparent from the rule⁽⁶⁾ that the Speaker, as Presiding Officer of the House, would be required to vote to break a tie if his vote were intended to result in the question being agreed to, and to make a tie if his vote were intended to result in the question being lost. In other words, the Speaker's vote is "decisive" only if the result would be different were he to refrain from voting. The language of the rule is intended to reach all situations where the Speaker's vote would change the result. Similarly, a Chairman of the Committee of the Whole House on the State of the Union, appointed by the Speaker to preside over the consideration of a bill, must vote to make or break a tie where his vote would be decisive. But, although both the Speaker and the Chairman of the Committee of the Whole may exercise their prerogatives as constitutional Members of the House to vote on any question, the traditional approach was to

5. Carl Albert (Okla.).

6. Rule I clause 6, *House Rules and Manual* §632 (1995).

refrain. Since the advent of electronic voting in the House and recorded votes in Committee of the Whole, Members serving in the chair routinely exercise the right to vote.

Nondecisive Votes

§ 15.8 The Chairman of the Committee of the Whole has voted by division even though his vote was not decisive.

On Nov. 16, 1967,⁽⁷⁾ the House resolved itself into the Committee of the Whole for the further consideration of a bill (S. 2388) to amend the Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, and to authorize emergency employment legislation.

In the course of the bill's consideration, Mr. John M. Ashbrook, of Ohio, offered an amendment to limit the number of "supergrades," i.e., GS-16, 17, and 18 positions to be approved for the Office of Economic Opportunity. Following debate, on a division vote demanded by Mr. Ashbrook, there were—ayes 74, noes 74. The Chairman⁽⁸⁾ then voted "no,"⁽⁹⁾ and Mr. Ashbrook

7. 113 CONG. REC. 32636, 32687-89, 90th Cong. 1st Sess.

8. John J. Rooney (N.Y.).

9. While the Chair's action broke a tie on the issue, since his vote was cast

immediately demanded a teller vote.

Tellers having been ordered, the Committee again divided, and the tellers reported that there were ayes 118, noes 110. Accordingly, the amendment was agreed to, and the Chairman's division vote did not prove to be dispositive of the issue.

§ 16. Voting by Tellers; In General

Counting votes by the use of tellers was a more precise system than voice or division votes for determining the sentiment of the House. Teller votes served as an essential voting procedure in the House until the 103d Congress.⁽¹⁰⁾ Teller votes could be taken by direction of the Chair if he remained uncertain as to the outcome of a division or at the behest of the Members if one-fifth of a quorum⁽¹¹⁾ so desired. The proce-

in the negative, its practical effect on the amendment's adoption, of course, was no different from a decision to abstain.

10. See Rule I clause 5, *House Rules and Manual* §630 (1991). The rule permitting teller votes was deleted from the rules at the beginning of the 103d Congress. See H. Res. 5, 139 CONG. REC. 49, 99, 100, 103d Cong. 1st Sess., Jan. 5, 1993.
11. Assuming there were no vacancies in the full House, this would require 44

Members; in the Committee of the Whole the requisite number would be 20.

dure entailed the appointment by the Chair of "one or more Members from each side of the question" who proceeded to station themselves along the center aisle of the Chamber. Members voting in the affirmative then passed through the center aisle where their votes were tallied, though not recorded, by the Member-teller or tellers. Immediately thereafter, Members voting in the negative proceeded up the center aisle, their votes being similarly tallied by the designated Member-teller or tellers. Where the Chair chose to vote, he did not need to pass through the tellers, but merely announced his position. When the tellers completed their respective counts, the tallies were reported to the Chair who then announced the result.

Historically, teller votes never revealed the position particular Members took on a given issue. In 1971,⁽¹²⁾ however, the "recorded teller vote" came into being as the result of a rules change⁽¹³⁾ promulgated by the Legislative Reorganization Act of 1970.⁽¹⁴⁾ The re-

12. 117 CONG. REC. 144, 92d Cong. 1st Sess., Jan. 22, 1971.
13. Rule I clause 5, *House Rules and Manual* §631 (1971).
14. 84 Stat. 1140.