

The resolution was agreed to.

*Parliamentarian's Note:* The House continued to hold its sessions in a caucus room in a House office building until the opening of the 77th Congress. Likewise, the Senate provided that its meetings should be held in the Capitol Chamber formerly occupied by the Supreme Court. These actions were necessary because of the precarious condition of the roofs in the two Chambers.<sup>(2)</sup> The Majority Leader inserted in the *Congressional Record* a letter from the Architect of the Capitol explaining the urgency of the roof construction in detail.

### § 3. When in Order; Precedence and Privilege of Motion

When the House has fixed the daily hour of meeting (as it normally does on the first day of each session by standing order), the motion to adjourn, authorized by clause 4 of Rule XVI,<sup>(1)</sup> is in order in simple form only (that the House do now adjourn), and may not direct an immediate adjournment to a day or time certain, or to a day beyond three days and

2. *Ibid.*

1. *House Rules and Manual* §911 (2007).

beyond the constitutional term of that Congress.<sup>(2)</sup>

Only in a case in which the hour of daily meeting has not been fixed may the simple motion to adjourn fix the hour of meeting.<sup>(3)</sup>

The motion to fix the day to which the House should adjourn was included within the rule as to the precedence of motions but was dropped in 1890 and again in 1895 until 1973, because of its use in obstructive tactics.<sup>(4)</sup> In 1973, clause 4 of Rule XVI was revised to restore to the highest privileged status, equal with the simple motion to adjourn, the nondebatable motion that when the House adjourns on that day it stand adjourned to a day and time certain (within three days) but only if the Speaker, in the Speaker's discretion, recognized a Member for that purpose.

In the interim between 1895<sup>(5)</sup> until 1973, the motion that the adjournment on that day be one to a day and time certain was not privileged against the demand for the regular order.<sup>(6)</sup>

2. *Ibid.* See also *House Rules and Manual* §912; and §3.27, *infra*.

3. *House Rules and Manual* §912 (2007).

4. *Ibid.* See also 5 Hinds' Precedents §6740.

5. See 5 Hinds' Precedents §5301.

6. See §3.2, *infra*.

The Chair cannot refuse to recognize a Member having the floor for a simple motion to adjourn.<sup>(7)</sup>

The motion to adjourn may be withdrawn.<sup>(8)</sup>

The motion to adjourn not only has the highest precedence when a question is under debate, but with certain restrictions, under all other conditions as well.<sup>(9)</sup> The entry of the motion to reconsider, while highly privileged, is not preferential to the motion to adjourn.<sup>(10)</sup>

The House may adjourn before the Journal is approved.<sup>(11)</sup>

The motion to adjourn may be made during the consideration of a rule reported from the Committee on Rules, as long as the motion be not made when another Member has the floor, and must be in writing on demand of any Member.<sup>(12)</sup>

The motion to adjourn may not interrupt a Member who has the floor.<sup>(13)</sup> The motion is not in

order during time yielded for a parliamentary inquiry.<sup>(14)</sup> The motion may not be repeated in the absence of intervening business.<sup>(15)</sup>

The motion to adjourn takes precedence over a motion to suspend the rules,<sup>(16)</sup> but only one motion to adjourn is in order pending a motion to suspend the rules.<sup>(17)</sup>

The motion to adjourn is in order pending a point of order that a quorum is not present.<sup>(18)</sup>

The motion to adjourn has precedence over a motion for a call of the House, but not after a call of the House has been ordered and the Clerk directed to call the roll.<sup>(19)</sup>

The motion to adjourn takes precedence over questions of privilege.<sup>(20)</sup>

The motion to adjourn may not be made prior to a vote on final passage when the previous question is ordered by operation of a special rule to final passage without intervening motion.<sup>(21)</sup>

7. See § 3.3, *infra*.

8. See §§ 3.31, 3.32, *infra*.

9. See §§ 3.4–3.16, 3.26 *infra*.

10. See Rule XIX clause 3, *House Rules and Manual* § 1003 (2007).

11. See § 3.8, *infra*.

12. See § 3.6, *infra*. Under clause 1 of Rule XVI, *House Rules and Manual* § 902 (2007), a motion must be reduced to writing on the demand of any Member, including the motion to adjourn, see § 3.13, *infra*.

13. See also §§ 3.15–3.17, *infra*.

14. See § 3.18, *infra*.

15. See § 3.19, *infra*.

16. See § 3.7, *infra*.

17. Rule XV clause 1(b), *House Rules and Manual* § 890 (2007). See also § 3.14, *infra*.

18. See §§ 3.20, 3.25, *infra*.

19. See §§ 3.21–3.24, *infra*.

20. Rule IX clause 2(a), clause 2(b), *House Rules and Manual* §§ 699, 700 (2007). See also § 3.26, *infra*.

21. See § 3.12, *infra*.

On Sept. 19, 1979,<sup>(22)</sup> the House rejected a joint resolution on final passage, after having by ordinary motion under clause 4 of Rule XVI ordered the previous question to “final passage”, and not pursuant to any special rule ordering the previous question to final passage without intervening motion except one motion to recommit. The House did not dispose of the motion to reconsider on that day but later adjourned until the next day. On Sept. 20, 1979,<sup>(23)</sup> a Member moved to reconsider the vote of the previous day and the House voted to reconsider the vote on final passage. Pending the question on final passage, the Speaker entertained a motion to adjourn “as preferential and in order” pending the putting of the question on final passage for the second time. Thus, the motion to adjourn was held in order pending final passage where the previous question has been ordered by motion “to final passage”.

The motion to adjourn may be made by any Member, including a minority Member.<sup>(24)</sup>

The Chair may declare the House adjourned by unanimous consent when no Member is available to offer the motion.<sup>(25)</sup>

22. 125 CONG. REC. 25345, 25353, 96th Cong. 1st Sess. (H.J. Res. 399).

23. See § 3.12, *infra*.

24. See § 3.30, *infra*.

25. See §§ 3.28, 3.29, *infra*.

In at least one instance, the House adjourned out of respect for a Member’s death without adopting a resolution marking the day’s adjournment.<sup>(26)</sup>

**§ 3.1 In response to a parliamentary inquiry, the Speaker pro tempore indicated that an amendment in the nature of a substitute in the form of a concurrent resolution providing for the *sine die* adjournment of a session of Congress would not be germane to a simple motion to adjourn.**

On Dec. 30, 1970,<sup>(1)</sup> during a vote on adjournment, a Member attempted to interrupt with a parliamentary inquiry. As soon as the result of the vote had been announced, the Speaker permitted the Member to make his inquiry, which had to do with amending a simple motion to adjourn.

#### ADJOURNMENT

Mr. [W. C.] DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. MILLS).<sup>(2)</sup> The question is on the motion to adjourn.

26. See § 3.33, *infra*.

1. 116 CONG. REC. 44190, 91st Cong. 2d Sess.

2. Wilbur D. Mills (AR).

Mr. [Durwood G.] HALL of Missouri. Mr. Speaker—

The SPEAKER pro tempore. The Chair would request that the gentleman from Missouri permit the Chair to put the question.

The question was taken; and the Speaker pro tempore announced that the ayes had it.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, is a privileged amendment in the form of a substitute as a concurrent resolution in order on a motion to adjourn?

The SPEAKER pro tempore. The Chair will advise the gentleman from Missouri that it is not in order on a simple motion to adjourn.

**§ 3.2 Between 1895 and 1973,<sup>(1)</sup> a motion that the adjournment on that day be one to a day and time certain was not in order against a demand for the regular order.**

In the early morning hours of the legislative day of Wednesday, Feb. 22, 1950,<sup>(2)</sup> a Member moved that the House adjourn to a day certain, the calendar day of Fri-

1. For the current practice, see Rule XVI clause 4(c), *House Rules and Manual* §§ 911, 912 (2007).

2. 96 CONG. REC. 2254, 81st Cong. 2d Sess., Feb. 23, 1950 (calendar day).

day, Feb. 24. The subsequent objection of another Member served in effect as a demand for the regular order.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock noon.

Mr. [Joseph W.] MARTIN [Jr.] of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER.<sup>(3)</sup> The gentleman will state it.

Mr. MARTIN of Massachusetts. The gentleman cannot do that. As I understand it, we must come in at noon today for the Thursday session unless unanimous consent is secured to go over until Friday. Is that the proper parliamentary situation?

The SPEAKER. If the gentleman makes that point.

Mr. MARTIN of Massachusetts. I think the gentleman ought to proceed in the regular way.

Mr. McCORMACK. Of course, the gentleman is absolutely correct. I was trying to have an adjournment to a definite time.

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock.

Mr. [John F.] KENNEDY [of Massachusetts]. Mr. Speaker, I object.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn until 12 o'clock today.

3. Sam Rayburn (TX).

The motion was agreed to; accordingly (at 3 o'clock and 19 minutes a. m.), the House adjourned until 12 o'clock noon of Thursday, February 23, 1950.

**§ 3.3 The Chair cannot refuse to recognize a Member having the floor for a simple motion to adjourn.**

On Mar. 16, 1945,<sup>(1)</sup> at the culmination of a series of exchanges pertaining to the parliamentary situation at the time, the Speaker indicated that the motion to adjourn is always in order, and that a Member with the floor is entitled to recognition to so move.

Mr. [Clare E.] HOFFMAN [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HOFFMAN. What is the regular order now?

The SPEAKER. The regular order is to see if a quorum develops.

Mr. HOFFMAN. Is it in order to adjourn?

The SPEAKER. That motion is always in order in the House.

Mr. HOFFMAN. If there is not a quorum, Mr. Speaker, I move we adjourn.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. HOFFMAN. If the Chair is refusing recognition, I will.

1. 91 CONG. REC. 2380, 79th Cong. 1st Sess.
2. Sam Rayburn (TX).

The SPEAKER. The Chair cannot do that.

***Precedence***

**§ 3.4 The motion to adjourn, though most preferential under clause 4 of Rule XVI,<sup>(1)</sup> is not available when the previous question has been ordered (by special rule) to final passage without intervening motion.**

On June 14, 2001,<sup>(2)</sup> during debate in the House on an amendment to a bill on which the previous question had been ordered, the following proceedings occurred:

Mr. [John J.] LAFALCE [of New York]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. Cooksey).<sup>(3)</sup> The Chair is unable to entertain the gentleman's point of order until the Chair has put the question on the amendment.

Mr. LAFALCE. Would the Chair restate that position? I thought that I would be able at any point that I was recognized to get up and made a point of order that a quorum was not present.

The SPEAKER pro tempore. Under the rules of the House, the Chair may

1. *House Rules and Manual* §§ 911, 912 (2007).
2. 147 CONG. REC. 10725, 107th Cong. 1st Sess.
3. John Cooksey (PA).

not recognize the absence of a quorum during debate. The only time the point of order may be entertained is when the Chair puts the question to the House on the gentleman's amendment.

Mr. LAFALCE. So you could debate within the House of Representatives without a quorum?

The SPEAKER pro tempore. A point of order of no quorum is not permitted during the debate, no.

Mr. LAFALCE. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The Chair is unable to recognize the motion.

The previous question is ordered under the rule without such intervening motion.

Mr. [Michael G.] OXLEY [of Ohio]. Point of inquiry. Does the request have to be in writing?

The SPEAKER pro tempore. On demand, the motion needs to be in writing.

Mr. OXLEY. The gentleman from New York was recognized for what particular purpose?

The SPEAKER pro tempore. With the previous question having been ordered to passage without intervening motion pending is the debate on the amendment controlled by the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE). Under the special rule, no other motions are permissible.

Mr. LAFALCE. A motion to adjourn is not permissible at this time?

The SPEAKER pro tempore. The gentleman is correct.

#### PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Speaker, I have a parliamentary inquiry. When is a motion to adjourn permissible?

The SPEAKER pro tempore. With the previous question being ordered to final passage without intervening motion under the rule that motion can be entertained after the question of passage of the bill.

Mr. LAFALCE. Not before passage of the bill?

The SPEAKER pro tempore. That is the ruling of the Chair.

### § 3.5 Although a motion to instruct conferees is privileged under clause 1(c) of Rule XXVIII<sup>(1)</sup> a motion to adjourn remains preferential even after the motion to instruct has been read.

On Sept. 30, 1997,<sup>(2)</sup> the following proceedings occurred in the House:

MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. [Lloyd A.] DOGGETT [of Texas]. Mr. Speaker, I offer a privileged motion.

The SPEAKER.<sup>(3)</sup> The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes

1. Now Rule XXII clause 7(c)(1), *House Rules and Manual* § 1079 (2007).
2. 143 CONG. REC. 20886, 20887, 105th Cong. 1st Sess.
3. Newt Gingrich (GA).

of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

MOTION TO ADJOURN

Mr. [C. Joseph] SCARBOROUGH [of Florida]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. A motion to adjourn is in order.

Mr. SCARBOROUGH. Mr. Speaker, I had asked earlier for a question. We can do a motion to adjourn, if I can ask the gentleman from Texas a question?

The SPEAKER. A motion to adjourn is not debatable, and the gentleman was not recognized prior to this time.

□ 0015

Does the gentleman from Florida insist on his motion to adjourn?

Mr. SCARBOROUGH. Yes, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, has the motion been reduced to writing?

The SPEAKER. Yes. The question is on the motion to adjourn offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 183, not voting 44, as follows:

[Roll No. 479] . . .

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 34 minutes a.m.) the House adjourned until today, Wednesday, October 1, 1997, at 10 a.m.

§ 3.6 The motion to adjourn may be made during the consideration of a rule reported from the Committee on Rules pursuant to clause 4(b) of Rule XI,<sup>(1)</sup> as long as the motion is not made when another Member has the floor and is reduced to writing on demand of any Member.

On Sept. 27, 1993,<sup>(2)</sup> where the House adjourned during the consideration of a special order reported from the Committee on Rules, further consideration of the rule would become the unfinished business when the House next reconvened; and when the consideration of unfinished business resumed in the House, debate did not begin anew but recommenced from the point at which it was interrupted.<sup>(3)</sup> The following occurred.

1. Now Rule XIII, clause 6, see *House Rules and Manual* § 857 (2007).
2. 139 CONG. REC. 22608, 22609, 103d Cong. 1st Sess.
3. 139 CONG. REC. 22719, 103d Cong. 1st Sess.

## MOTION TO ADJOURN

Mr. [Dan] BURTON of Indiana. For that reason, and because of this rule and because I cannot bring it to the floor to debate it, Madam Speaker, I move the House do now adjourn, with apologies to my colleague, the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mrs. Meek).<sup>(4)</sup> Will the gentleman from Indiana withhold that motion momentarily?

Mr. BURTON of Indiana. As long as it is not going to be overlooked, Madam Speaker.

The SPEAKER pro tempore. The gentleman's debate time has expired. Does the gentleman from Indiana still insist on that motion?

Mr. BURTON of Indiana. I do insist, Madam Speaker.

## PARLIAMENTARY INQUIRY

Mr. [Gerald B. H.] SOLOMON [of New York]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his inquiry.

Mr. SOLOMON. Madam Speaker, I do not believe that the motion is in writing.

I would like to continue the debate, if we could, and let the gentleman make it in a timely manner, if that is all right with the gentleman.

Mr. BURTON of Indiana. No, Madam Speaker, I do insist on my motion, with apologies to my colleague.

The SPEAKER pro tempore. The motion must be in writing.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. BURTON of Indiana. Madam Speaker, there is a pending motion on the floor.

The SPEAKER pro tempore. The gentleman from New York has insisted that the motion be in writing. Meanwhile, the gentleman from Florida [Mr. MICA] is recognized for 2 minutes. . . .

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

## POINT OF ORDER

Mr. BURTON of Indiana. Madam Speaker, I have a point of order.

The SPEAKER pro tempore (Mrs. MEEK). The gentleman will state his point of order.

Mr. BURTON of Indiana. The Speaker in the chair a few moments ago asked if I would defer for a few moments while she talked to somebody up there at the desk. I did defer. Now I want my motion to be voted upon. The gentlewoman in the Chair, the gentlewoman from Florida [Mrs. MEEK], has it in writing. She asked me to wait. I did wait. Now I would like the motion to be heard.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

## PARLIAMENTARY INQUIRIES

Mr. [George W.] GEKAS [of Pennsylvania]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

4. Carrie P. Meek (FL).

Mr. GEKAS. Madam Speaker, I assume that if the gentleman's motion is considered by the Chair and put to the House, there would be an immediate vote on it. My parliamentary inquiry then would be:

If it should be defeated, would we go on with the regular order of business?

We should. I assume that we would go on with the regular order of business.

My parliamentary inquiry is:

In the event that it should not fail, that it should prevail, and this House do adjourn, is it in order to ask prior to the vote being taken that the adjournment be held over until special orders are completed?

The SPEAKER pro tempore. The Chair will not entertain that request.

Mr. [Martin] FROST [of Texas]. Regular order, Madam Speaker.

Mr. GEKAS. Could I ask the gentleman from Indiana [Mr. BURTON], in a colloquy pursuant to my parliamentary inquiry—

Mr. FROST. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The Chair must put the question on the motion to adjourn.

Mr. GEKAS. Madam Speaker, I have a point of parliamentary inquiry as to that.

The SPEAKER pro tempore. Will the gentleman from Pennsylvania please state his parliamentary inquiry?

Mr. GEKAS. Is it proper, is it within regular order, to ask the sponsor of the motion to adjourn to defer adjournment, even if his motion prevails, until after special orders? Would the gentleman agree to that condition?

The SPEAKER pro tempore. Once that motion is agreed to, the House must adjourn immediately.

Mr. GEKAS. Madam Speaker, I am trying to get across that we have special orders we would like to get to.

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Madam Speaker, is it now true that, if the motion to adjourn is forced on the body, we would have to start this debate on this rule all over, and that we have just 5 minutes left on the debate today, and we could do that without further inconveniencing any of the Members if the gentleman would just withhold for 5 minutes?

Madam Speaker, we have a lot of very, very important business to take care of on this floor tomorrow, and I would plead with the gentleman from Indiana [Mr. BURTON] to withhold his motion for 5 minutes.

The SPEAKER pro tempore. If the House adjourns now, the resolution will be unfinished business tomorrow.

Mr. SOLOMON. And we would be starting all over again, Madam Speaker?

The SPEAKER pro tempore. Not necessarily.

Mr. [Robert L.] LIVINGSTON [of Louisiana]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LIVINGSTON. Might I inquire of the Chair if it is possible to vote on a motion to adjourn by voice vote?

The SPEAKER pro tempore. Yes. If the ayes have it, then the House could adjourn.

Mr. FROST. Madam Speaker, once again I must ask for regular order.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Indiana [Mr. BURTON].

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 28, 1993, at 10 a.m.

**§ 3.7 The motion to adjourn is of the highest privilege under Rule XVI clause 4,<sup>(1)</sup> and thus takes precedence over the motion to suspend the rules.**

On Aug. 11, 1992,<sup>(2)</sup> the Speaker entertained parliamentary inquiries while counting for a quorum on a negative vote on a motion to adjourn:

The SPEAKER pro tempore (Mr. McNULTY).<sup>(3)</sup> The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 2144, as amended.

The question was taken.

Mr. [Ron] MARLENEE [of Pennsylvania]. Mr. Speaker, on that I demand the yeas and nays.

The question was taken.

1. *House Rules and Manual* §§ 911, 912 (2007).
2. 138 CONG. REC. 23085, 23086, 102d Cong. 2d Sess. See also 117 CONG. REC. 38536, 38537, 92d Cong. 1st Sess., Nov. 1, 1971.
3. Michael R. McNulty (NY).

Mr. MARLENEE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, at this time is a motion to adjourn in order? Is it a privileged motion?

The SPEAKER pro tempore. A motion to adjourn is a privileged motion.

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FALSE CLAIMS AMENDMENTS  
ACT

Mr. [Barney] FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 4563, with an amendment.

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PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I had a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARLENEE. Mr. Speaker, I did not receive a response on my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman did receive a response. The motion is a privileged motion.

#### MOTION TO ADJOURN

Mr. MARLENEE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARLENEE. Mr. Speaker, I object to the vote on the ground that a quorum is no present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count for a quorum.

#### PARLIAMENTARY INQUIRIES

Mr. [George W.] GEKAS [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Mr. Speaker, is the Chair empowered to declare a recess?

The SPEAKER pro tempore. No; he is not. The Chair is counting for a quorum.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, in light of the fact that the gentleman who is objecting was upset that bills cost money, is it relevant that the next bill is a saving to the taxpayer, according to OMB and CBO, since it is a False Claims Amendment Act? Maybe the gentleman would like to let us save a few million dollars.

The SPEAKER pro tempore. The Chair cannot entertain that inquiry, which is not a parliamentary inquiry, when he is counting for a quorum.

Mr. FRANK of Massachusetts. I knew that, Mr. Speaker, but the gentleman was listening.

□ 1930

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. McNulty). The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Mr. Speaker, what would be the effect of my withdrawing the point of order?

The SPEAKER pro tempore. If the gentleman withdrew his point of order, the Chair would rely on his earlier declaration that the noes had it on the voice vote and the motion would not be agreed to.

Mr. MARLENEE. . . .

Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order of no quorum.

So the motion to adjourn was rejected.

**§ 3.8 The motion to adjourn takes precedence over the Chair's putting the question on the Speaker's approval of the Journal. Where less than a quorum rejects a motion to adjourn, the House may not consider business but may dispose of motions to secure the attendance of absent Members.**

On Nov. 2, 1987,<sup>(1)</sup> the following proceedings occurred in the House:

#### THE JOURNAL

The SPEAKER.<sup>(2)</sup> The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on approval of that Journal.

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#### ADJOURNMENT

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion. The Clerk read as follows:

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [F. James] SENSENBRENNER [Jr., of Wisconsin]. Mr. Speaker, I ask for a division.

The SPEAKER. A division is requested.

A division was taken; and the Speaker announced that ayes were 12 and noes were 15.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

Mr. SENSENBRENNER. Mr. Speaker, I have a point of order.

Mr. Speaker, that is not a proper motion to make. The House can adjourn without a quorum.

The SPEAKER. That is true, but when the vote is a negative vote the House is not adjourned unless the vote were established to be an affirmative vote. The Chair counted 12 ayes and 15 noes.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman can object to the negative division vote on the ground that a quorum is not present, and evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 92, nays 100, not voting 241, as follows:

[Roll No. 396] . . .

#### PARLIAMENTARY INQUIRY

Mr. FOLEY (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOLEY. Mr. Speaker, is it the case that until a majority appears to adjourn the House may not adjourn? Is that correct.

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And, Mr. Speaker, is it also true that the House may not do any other business?

Mr. SENSENBRENNER. Mr. Speaker, the House is not in order.

1. 133 CONG. REC. 30386-90, 100th Cong. 1st Sess.

2. James C. Wright, Jr. (TX).

The SPEAKER. The House is not in order.

Will all Members of the House please kindly desist from private conversations?

Mr. FOLEY. Mr. Speaker, is it also correct that the House may not take up any other business pending their conclusion of this vote by rollcall on adjournment?

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And the House must remain in session pending an affirmative vote to adjourn, a quorum appearing in support, or a quorum appearing?

The SPEAKER. The gentleman is correct.

#### POINT OF ORDER

Mr. [Robert S.] WALKER [of Pennsylvania] (during the voting). Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WALKER. Under what rule are we holding discussion while a vote is still open?

The SPEAKER. Parliamentary inquiries have been propounded to the Chair. Under the precedents, the Chair is responding to parliamentary inquiries relating to the pending situation.

Mr. WALKER. While the vote is being taken and that is an appropriate procedure during the course of a vote, is that correct, Mr. Speaker?

Mr. FOLEY. Point of order, Mr. Speaker. If the parliamentary inquiry is not in order, then the gentleman's point of order is not in order.

Mr. SENSENBRENNER. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair will respond to the gentleman's inquiry.

The precedents hold that it is in order for the Chair to recognize Members for points of parliamentary inquiry if those points of parliamentary inquiry apply to the business at hand.

#### PARLIAMENTARY INQUIRY

Mr. WALKER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, should this vote fail, there is a process by which the House could ask the Sergeant at Arms to round up the absent Members, is that not correct?

The SPEAKER. The gentleman is correct.

Mr. WALKER. And that motion would be in order immediately following this vote?

The SPEAKER. After the Chair has announced the vote, that motion would be in order.

#### PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, when would that announcement take place?

The SPEAKER. The announcement will take place when the Chair announces it, which the Chair is about to do.

The Chair is advised that there are Members on the way to the Chamber.

On this vote, the yeas are 92, the nays are 100, and the motion is not agreed to.

So the motion was rejected.

The result of the vote was announced as above recorded.

□ 1230

MOTION OFFERED BY MR.  
SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves, pursuant to rule XV, clause 2(a), that the Sergeant at Arms be directed to arrest the absent Members.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 65, nays 130, not voting 238, as follows:

[Roll No. 397] . . .

MOTION TO ADJOURN

Mr. FOLEY. Mr. Speaker, I offer a highly privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 95, nays 102, not voting 236, as follows:

[Roll No. 398] . . .

The SPEAKER. Are there other Members in the Chamber who desire to vote?

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that in the event the Sergeant at Arms were instructed to go and to find and arrest absent Members, the Sergeant at Arms has informed the Chair that he already has enough volunteers to find and arrest Members from Hawaii.

Are there other Members in the Chamber who desire to vote?

Are there Members who desire to change their votes?

Mr. DE LA GARZA changed his vote from “nay” to “yea.”

The SPEAKER. Are there in the Chamber those who just have not realized that a vote is being taken?

Are there other Members who are on the way from their offices?

Have we received urgent requests from Members to hold the vote open?

Are there Members in the elevators?

If there are no other Members who desire to vote or to change their votes, all time has expired.

So the motion was rejected.

The result of the vote was announced as above recorded.

PRIVILEGED MOTION OFFERED BY MR.  
WALKER

Mr. WALKER. Mr. Speaker, I offer a privileged motion that I send to the desk.

Mr. [Henry B.] GONZALEZ [of Texas]. Mr. Speaker, I have a parliamentary inquiry.

Mr. WALKER. I have a privileged motion, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

Mr. WALKER moves pursuant to clause 2, rule XV that the Speaker be authorized to compel the attendance of absent Members.

Mr. GONZALEZ. Mr. Speaker, I did not hear the reading of that motion.

The SPEAKER. The Clerk will read the motion again slowly and in a clear voice.

The Clerk reread the motion.

Mr. GONZALEZ. I move to table that motion.

The SPEAKER. A motion to table is not in order.

Mr. WALKER. Is that motion at the desk, Mr. Speaker?

If the motion is not at the desk, Mr. Speaker, it is not in order.

The SPEAKER. The Chair is of the opinion that since this is neither a debatable nor an amendable motion that a motion to table is not in order under the circumstances.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the Chair be instructed to compel the attendance of absent Members.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 102, nays 96, not voting 235, as follows:

[Roll No. 399] . . .

Mr. SHUSTER changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the motion, the Chair directs that the Sergeant at Arms proceed with such steps as may be necessary and efficacious to compel the attendance of absent Members.

Members who have not been heretofore recorded will give their names to the Clerk upon arriving, and until the establishment of a quorum no other business can be conducted.

□ 1330

#### PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, would it be in order to grant the Speaker authority to declare a recess today to a time certain at this point?

The SPEAKER. The Chair is advised that in the absence of a quorum no motion which requires unanimous consent may be entertained, and that would be such a motion.

Therefore, the Chair regrets that the motion would not be in order.

Members will observe and stand by.

#### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, will the House be given notice when sufficient Members have arrived to do business?

Mr. [Larry J.] HOPKINS [of Kentucky]. Mr. Speaker, do we get a 15-minute notice?

The SPEAKER. When a quorum arrives, we will move to dispense with further proceedings under this motion, and at that point additional business may be considered. That is all that can be done under the present circumstances.

Members will stand by and enjoy one another's conviviality.

□ 1510

The SPEAKER. Pursuant to clause 2 of rule XV, the names of those Members who have voluntarily appeared subsequent to rollcall No. 399 shall be spread upon the Journal.

The list of names referred to is as follows:

Messrs. Shaw; Leath of Texas; Williams; Neal; Walgren; Sabo; Mfume; Traxler; Dixon; St Germain; Bonior of Michigan; Volkmer; Jeffords; Andrews; Edwards of California; Roe; Porter; Dymally; Stenholm; Hatcher; Cheney; and Harris; Mrs. Morella; and Messrs. Yates; Nagle; and Cardin.

The SPEAKER. Are there other Members who desire to be recorded?

If not, the Chair recognizes the gentleman from Michigan [Mr. BONIOR].

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#### ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 116, nays 106, not voting 211, as follows:

[Roll No. 400] . . .

Messrs. FRENZEL, HEFLEY, and LOWERY of California changed their votes from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was above recorded.

Accordingly (at 3 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 3, 1987, at 12 noon.

### § 3.9 Under Rule XVI clause 4,<sup>(1)</sup> the motion to adjourn takes precedence over all other motions and questions, including the filing of a privileged report pursuant to clause 4(a) of Rule XI.<sup>(2)</sup>

On Apr. 29, 1985,<sup>(3)</sup> the motion to adjourn took precedence over the filing of a privileged report on a contested election from the

1. *House Rules and Manual* §§ 911, 912 (2007).
2. Now Rule XIII, clause 5, see *Id.* at § 853 (2007).
3. 131 CONG. REC. 9699, 9700, 99th Cong. 1st Sess.

Committee on House Administration:

REQUEST FOR PERMISSION TO  
SUBMIT A PRIVILEGED REPORT

Mr. [Leon E.] PANETTA [of California]. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report.

Mrs. [Lynn] MARTIN [of Illinois]. Mr. Speaker, I have a privileged resolution at the desk.

Mr. Speaker. I have a privileged resolution that I sent to the desk.

Mr. [Charles E.] SCHUMER [of New York]. Mr. Speaker, will the gentleman yield?

Mrs. MARTIN of Illinois. No; the gentleman cannot with a privileged resolution.

Mr. SCHUMER. Did the gentleman ask for a privileged resolution or resolution?

The SPEAKER pro tempore.<sup>(4)</sup> The House will be in order.

Mrs. MARTIN of Illinois. One may lead to the other.

The SPEAKER pro tempore. The House will be in order.

The Chair had recognized the gentleman from California [Mr. PANETTA], who has sent a privileged report to the desk.

Has the gentleman from California quite finished with his request?

Mrs. MARTIN of Illinois. Mr. Speaker, I believe that my motion has the highest privilege.

The SPEAKER pro tempore. The gentleman will be recognized in due course, if the gentleman will—

Mrs. MARTIN of Illinois. But I believe my motion has precedence.

The SPEAKER pro tempore. The gentleman has not—

Mrs. MARTIN of Illinois. Mr. Speaker, I believe that my motion has precedence.

The SPEAKER pro tempore. The gentleman will be recognized.

The gentleman will state her privileged motion.

MOTION TO ADJOURN

Mrs. MARTIN of Illinois. I thank the Chair.

Mr. Speaker, I move that the House do now adjourn.

□ 1230

The SPEAKER pro tempore. The gentleman does state a privileged motion, and the question is on the gentleman's motion.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. [Jim] KOLBE [of Arizona]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 124, nays 168, not voting 141, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded. . . .

4. James C. Wright (TX).

REPORT ON RESOLUTION RELATING TO ELECTION OF A REPRESENTATIVE FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

Mr. PANETTA, from the Committee on House Administration, submitted a privileged report (Rept. No. 99-58) on the resolution (H. Res. 146) relating to election of a Representative from the Eighth Congressional District of Indiana, which was referred to the House Calendar and ordered to be printed.

**§ 3.10 While the motion to adjourn takes precedence over any other motion under Rule XVI clause 4(a),<sup>(1)</sup> the Speaker may, through the power of recognition, recognize the Majority Leader, by unanimous consent, for one minute where no objection is raised to announce the legislative program prior to entertaining the motion to adjourn.**

On Dec. 14, 1982,<sup>(2)</sup> the following proceedings occurred:

The Clerk announced the following pairs:

On this vote:

Mr. Fary for, with Mr. Thomas against.

Mr. John L. Burton for, with Mr. Chappie against.

So the joint resolution was passed.

1. *House Rules and Manual* § 911 (2007).
2. 128 CONG. REC. 30549, 30550, 97th Cong. 2d Sess.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER.<sup>(3)</sup> The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. [Denny] SMITH [of Oregon]. Mr. Speaker, I have a preferential motion to send to the desk.

The SPEAKER. The gentleman will be seated. The Speaker has the right of recognition.

Mr. SMITH of Oregon. Mr. Speaker, I have a preferential motion.

Mr. [Robert S.] WALKER [of Pennsylvania]. Regular order, Mr. Speaker.

□ 2040

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

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LEGISLATIVE PROGRAM

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, and was agreed with the Republican leadership and our leadership last night, but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow. . . .

3. Thomas P. O'Neill, Jr. (MA).

PREFERENTIAL MOTION OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman will state his preferential motion.

Mr. SMITH of Oregon. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Oregon (Mr. SMITH).

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

Mr. SMITH of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 202, not voting 109, as follows:

[Roll No. 452] . . .

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he

should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the membership what the program was for the remainder of the evening.

*Parliamentarian's Note:* The Speaker recognized the Majority Leader to announce the program for the remainder of the day and declined to recognize a Member to offer a motion to adjourn pending that announcement, although the Majority Leader had neglected to obtain unanimous consent to address the House for one minute. The Speaker then suggested that decorum would be maintained by unanimous-consent permission to announce the leadership program pending a motion to adjourn. Any Member can force an immediate vote on a privileged motion to adjourn by objecting to a unanimous-consent request to address the House for one minute to announce the program. The Speaker may entertain a unanimous-consent request pending a privileged motion, but in this instance he merely assumed that the Majority Leader had properly obtained the

floor. Once the floor is obtained for one minute, a motion to adjourn cannot interrupt.

**§ 3.11 The motion to adjourn is highly privileged and may be offered after the House rejects a motion to lay on the table a motion to instruct conferees and before the vote occurs on the motion to instruct.**

On May 29, 1980,<sup>(1)</sup> the House adopted a motion to insist on its disagreement to a Senate amendment and to request a further conference with the Senate, and then adopted a motion to instruct the House conferees, after having rejected a motion to adjourn offered by the manager of the conference report:

MOTION TO INSTRUCT OFFERED BY MR.  
LATTA

Mr. [Delbert L.] LATTA [of Ohio]. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. LATTA moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on House Concurrent Resolution 307, first concurrent resolution on the budget for fiscal year 1981, to agree to the figures in functional category 050, national security, of \$153.7 billion in outlays and \$171.3 billion in budget authority.

1. 126 CONG. REC. 12717-19, 96th Cong. 2d Sess.

MOTION TO TABLE OFFERED BY MR.  
GIAIMO

Mr. [Robert N.] GIAIMO [of Connecticut]. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER.<sup>(2)</sup> The question is on the motion to table offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 123, nays 165, not voting 145, as follows:

[Roll No. 273] . . .

MOTION FOR ADJOURNMENT

Mr. GIAIMO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 141, nays 145, not voting 147, as follows:

[Roll No. 274] . . .

Mr. TAUZIN changed his vote from “yea” to “nay.”

So the motion was rejected.

The result of the vote was announced as above recorded.

2. Thomas P. O'Neill, Jr. (MA).

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. LATTI).

The motion was agreed to.

APPOINTMENT OF CONFEREES ON  
HOUSE CONCURRENT RESOLUTION 307

The SPEAKER. The Chair appoints the following conferees: Messrs. GIAIMO, WRIGHT, ASHLEY, SIMON, MINETA, JONES of Oklahoma, BRODHEAD, WIRTH, PANETTA, GEPHARDT, NELSON, LATTI, CONABLE, Mrs. HOLT, Mr. REGULA, and Mr. RUDD.

**§ 3.12 The motion to adjourn takes precedence over a vote on final passage where the House has reconsidered the first vote on final passage and where the previous question has been ordered by motion to final passage.**

On Sept. 20, 1979,<sup>(1)</sup> the following events occurred in the House:

RECONSIDERATION OF VOTE ON  
HOUSE JOINT RESOLUTION  
399, CONTINUING APPROPRIATIONS, 1980

Mr. [Harold A.] VOLKMER [of Missouri]. Mr. Speaker, having voted on the prevailing side, I move to reconsider the vote whereby House Joint Resolution 399 was not passed.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI).<sup>(2)</sup> The Chair will inquire, did the gentleman vote no on final passage?

Mr. VOLKMER. Mr. Speaker, I voted no on final passage.

1. 125 CONG. REC. 25512, 25513, 96th Cong. 1st Sess.
2. Dan Rostenkowski (IL).

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves to reconsider the vote whereby House Joint Resolution 399 was not passed. . . .

Mr. [Gerald B. H.] SOLOMON [of New York]. Mr. Speaker, I move that motion, that House Joint Resolution 399 be laid upon the table.

The SPEAKER pro tempore. The Chair will state that is not in order. It is not the right motion. The joint resolution itself cannot be laid on the table, the previous question having been ordered yesterday.

The question is on the motion to reconsider offered by the gentleman from Missouri (Mr. VOLKMER).

As many as are in favor of the motion will say aye.

Mr. SOLOMON. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER pro tempore. The Chair will state that he has put the question on the motion offered by the gentleman from Missouri and the question is being taken.

The motion offered by the gentleman from New York (Mr. SOLOMON) to lay on the table has come too late.

The question is on the motion to reconsider offered by the gentleman from Missouri (Mr. VOLKMER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 196, not voting 24, as follows:

[Roll No. 490] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. GRASSLEY

Mr. [Charles E.] GRASSLEY [of Iowa]. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GRASSLEY moves to reconsider the vote whereby House Joint Resolution 399 was read a third time and engrossed.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. GRASSLEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GRASSLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PREFERENTIAL MOTION OFFERED BY  
MR. BETHUNE

Mr. [Ed] BETHUNE [of Arkansas]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The motion to adjourn offered by the gentleman from Arkansas (Mr. BETHUNE) is preferential and in order.

The question is on the preferential motion offered by the gentleman from Arkansas (Mr. BETHUNE).

The preferential motion was rejected.

The SPEAKER pro tempore. The pending question is on the passage of the joint resolution.

As many as are in favor will signify by saying “aye”; as many as are opposed will signify by saying “no.”

In the opinion of the Chair, the ayes have it, and the joint resolution is passed.

RECORDED VOTE

Mr. [Kenneth B.] KRAMER [of Colorado]. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. A recorded vote is demanded.

Mr. [George E.] DANIELSON [of California]. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The demand for a recorded vote is in order.

So many as are in favor will stand and remain standing until counted.

Forty-seven Members have arisen. A recorded vote is ordered.

PARLIAMENTARY INQUIRY

Mr. [Mario] BIAGGI [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BIAGGI. Mr. Speaker, we had a voice vote on the previous question,

and then we had intervening business, a motion to adjourn. This is not in order.

The SPEAKER pro tempore. The question on the passage was never disposed of.

Forty-seven Members have arisen, a sufficient number. A recorded vote is ordered.

As many as are in favor of the resolution will vote "aye"; as many as are opposed will vote "no."

The vote was taken by electronic device, and there were—ayes 196, noes 212, not voting 26, as follows:

[Roll No. 491] . . .

So the joint resolution was rejected.

The result of the vote was announced as above recorded.

*Parliamentarian's Note:* In light of this precedent, the question becomes whether the motion to adjourn is in order pending reconsideration after an initial vote on final passage where instead the previous question has been ordered by adoption of a special order governing consideration of the pending measure to final passage without intervening motion (except one motion to recommit) and not by the ordinary motion for the previous question. It has been held that the motion to adjourn is not in order during consideration of a bill where by special order "the previous question shall be considered as ordered . . . and final passage of the bill; and then, without intervening mo-

tion, the vote shall be taken upon the third reading thereof, and upon the final passage of the bill, and, should a motion to reconsider be made, upon a motion to lay the latter motion on the table."<sup>(3)</sup> Similarly, the motion to adjourn was held out of order pending the question of reconsideration of the vote on third reading, under a special rule ordering the previous question on the bill "to its passage whereupon, without intervening motion, votes shall be taken on said bill until the same shall have been fully disposed of."<sup>(4)</sup> These examples address the denial of intervening motions, including motions to adjourn not only "to" but "through" final disposition of the motion to reconsider. A measure is not considered "finally" disposed of until the motion to reconsider is disposed of.<sup>(5)</sup> While clause 3 of Rule XIX specifically gives the motion to adjourn precedence over the entry of a motion to reconsider under the general rules of the House,<sup>(6)</sup> an interpretation of a typical contemporary supervening special order as reversing this priority and foreclosing the motion to adjourn

3. 4 Hinds' Precedents § 3212.

4. *Id.* at § 3213.

5. See Ch. 23 § 33, *infra*.

6. *House Rules and Manual* § 1003 (2007).

until final passage has been finally voted, rather than merely reached, would be appropriate and not governed by the 1979 ruling, consistent with the Hinds' Precedents cited above and the proper meaning of "final passage" without intervening motion. Only where a record vote on a motion to reconsider is postponed pursuant to clause 8 of Rule XX<sup>(7)</sup> may the motion to adjourn then be entertained (since the business of passage of the bill would no longer be pending).<sup>(8)</sup>

**§ 3.13 A motion to adjourn has the highest privilege in the House, regardless of the lack of Senate action on a collateral matter.**

On Friday, July 30, 1971,<sup>(1)</sup> a Member inquired whether a motion to adjourn would be in order, given the parliamentary situation at that time.

PARLIAMENTARY INQUIRY

Mr. [John] CONYERS [Jr., of Michigan]. Mr. Speaker, a parliamentary inquiry.

7. *Id.* at § 1030.

8. See § 6.5, *infra*, for discussion of clause 6(c) of Rule XX (*House Rules and Manual* § 1025 [2007]) on a motion to adjourn pending the result of a yea and nay vote.

1. 117 CONG. REC. 28332, 28333, 92d Cong. 1st Sess.

The SPEAKER.<sup>(2)</sup> The gentleman from Michigan (Mr. CONYERS) will state his parliamentary inquiry.

Mr. CONYERS. Mr. Speaker, in view of the fact that the Senate has put the Lockheed matter over until Monday, would a motion to adjourn be in order?

The SPEAKER. The Chair will state that of course a motion to adjourn is always in order, and the relevance of side or collateral issues is unimportant.

Mr. CONYERS. I thank the Speaker.

**§ 3.14 Only one motion to adjourn is admissible during consideration of a motion to suspend the rules.<sup>(1)</sup>**

On July 21, 1947,<sup>(2)</sup> the following took place in the House after a motion to suspend the rules was moved and seconded:

MOTION TO ADJOURN

Mr. [Tom] PICKETT [of Texas]. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes 42, noes 261.

Mr. PICKETT. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. GAMBLE and Mr. PICKETT.

The House again divided; and the tellers reported that there were—ayes, 51, noes 149.

2. Carl Albert (OK).

1. Rule XV clause 1(b), *House Rules and Manual* § 890 (2007).

2. 93 CONG. REC. 9523, 80th Cong. 1st Sess.

Mr. PICKETT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 299, not voting 46, as follows:

[Roll No. 126]

Subsequently, during debate on the motion to suspend the rules, a second motion to adjourn was made:<sup>(3)</sup>

Mr. [Thomas J.] MURRAY of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(4)</sup> That motion is not in order. Under the precedents, a motion to adjourn is not in order until the final vote upon the motion to suspend the rules and pass the bill.

***When Another Member Has the Floor***

**§ 3.15 While the motion to adjourn is of highest privilege under clause 4 of Rule XVI,<sup>(1)</sup> it may not be made while another Member has the floor in debate.**

On Mar. 25, 1993,<sup>(2)</sup> the following proceedings occurred on the floor of the House:

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

- 3. *Id.* at p. 9529.
- 4. Joseph W. Martin, Jr. (MA).
- 1. *House Rules and Manual* §911 (2007).
- 2. 139 CONG. REC. 6372, 6373, 103d Cong. 1st Sess.

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, I ask for this extended moment to inquire of the distinguished majority leader the program for the next week.

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding. . . .

Mr. [Robert K.] DORNAN [of California]. . . .

What are we doing here? What is this ugliness and rudeness? This is the worst session I have ever seen ever and where is the Speaker, for God's sake? He disappeared a week ago.

The SPEAKER pro tempore (Mr. LEWIS of Georgia).<sup>(3)</sup> The Chair would advise the gentleman from California, the Speaker is in the chair.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I simply want to say to the minority leader that as he knows, we have had a number of conversations that are continuing. We are trading proposals and ideas for how to reasonably deal with special orders that would be an appropriate way for all the Members and that Members could agree to.

We will continue to work as hard and as quickly on that as we can and try to bring back to the membership a set of ideas that we hope can gain support.

- 3. John R. Lewis (GA).

REQUEST FOR MOTION TO  
ADJOURN

Mr. [Gene] TAYLOR [of Mississippi]. Mr. Speaker, there being no further legislative business before this body, I move that we adjourn.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] has the floor.

**§ 3.16 A motion to adjourn, while privileged, cannot be entertained while another Member holds the floor but may be offered as soon as the floor is yielded.**

On June 6, 1968,<sup>(1)</sup> shortly after the House convened at noon, Mr. Richard L. Ottinger, of New York, attempted to call up a motion to adjourn which he had placed at the desk. However, the Minority Leader, Gerald R. Ford, of Michigan, had just been granted the floor by unanimous consent for one minute.

## LEGISLATIVE PROGRAM

Mr. Gerald R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader the program for today.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

1. 114 CONG. REC. 16225, 16226, 90th Cong. 2d Sess. See also 112 CONG. REC. 27727, 89th Cong. 2d Sess., Oct. 19, 1966.
2. John W. McCormack (MA).

There was no objection.

Mr. OTTINGER. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER. The Chair will state that the gentleman from Michigan [Mr. GERALD R. FORD] has the floor at the present time and has been recognized.

When Mr. Ford's time was up, Mr. Ottinger again offered his privileged motion, which was rejected.<sup>(3)</sup>

PRIVILEGED MOTION TO AD-  
JOURN OFFERED BY MR. OT-  
TINGER

Mr. OTTINGER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. OTTINGER moves that the House do now adjourn.

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

Mr. [Benjamin S.] ROSENTHAL [of New York]. Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will protect the gentleman who is making the motion.

Mr. OTTINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

3. 114 CONG. REC. 16225, 90th Cong. 2d Sess., June 6, 1968.

The SPEAKER. The gentleman from New York [Mr. OTTINGER] objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 301, not voting 62. . . .

So the motion was rejected.

*Parliamentarian's Note:* Mr. Ottinger, who offered the motion to adjourn shortly after the House convened, had urged the Speaker to agree to the early adjournment of the House as a tribute to the late Senator Robert F. Kennedy, who had died in the early hours of that morning from bullet wounds inflicted in Los Angeles, California, the previous evening.

The Speaker pointed out to Mr. Ottinger that the Senate was planning to conduct business prior to its adjournment and that precedents of the House indicated that it was customary to proceed with business on such occasions. Mr. Ottinger had nonetheless remained most anxious to offer the motion and so was recognized.

**§ 3.17 A motion to adjourn is not in order while another Member holds the floor unless the Member with the floor yields for such motion.**

On Oct. 18, 1945,<sup>(1)</sup> a Member yielded to another Member, who then moved for adjournment.

Mr. [John Edward] SHERIDAN [of Pennsylvania]. Mr. Speaker, will the gentleman yield?

Mr. [Edward E.] COX [of Georgia]. I yield to the gentleman from Pennsylvania.

Mr. SHERIDAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(2)</sup> Does the gentleman from Georgia yield for that purpose?

Mr. COX. Mr. Speaker, I do not yield for that purpose, and the gentleman should not have taken advantage of the courtesy I extended to him.

### *During Parliamentary Inquiries*

**§ 3.18 The motion to adjourn is not in order when offered during time yielded for a parliamentary inquiry.**

On June 3, 1964,<sup>(1)</sup> a Member who had the floor for debate and who yielded for a parliamentary inquiry could not then be deprived of the floor by a motion to adjourn:

Mr. [Alphonzo] BELL [of California]. Mr. Speaker, it is my feeling that the

1. 91 CONG. REC. 9814, 79th Cong. 1st Sess. See also 109 CONG. REC. 10152, 88th Cong. 1st Sess., June 4, 1963.
2. Sam Rayburn (TX).
1. 110 CONG. REC. 12522, 88th Cong. 2d Sess.

Job Corps proposal does not provide the specialized instruction to meet this need.

Such retraining must be carried out where the facilities, the equipment, and the trained personnel are available.

Mr. [Paul C.] JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(2)</sup> Does the gentleman yield for a parliamentary inquiry?

Mr. BELL. Mr. Speaker, I yield.

Mr. JONES of Missouri. Mr. Speaker, is a motion to adjourn now in order?

The SPEAKER pro tempore. If the gentleman yields for that purpose.

Mr. JONES of Missouri. This is a parliamentary inquiry. I tried to propound a parliamentary inquiry a minute ago, but I could not get any response.

Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman's motion is out of order.

Mr. JONES of Missouri. It is out of order?

The SPEAKER pro tempore. Unless the gentleman yields for that purpose.

Mr. BELL. Mr. Speaker, I do not yield.

### ***May Not Be Repeated in Absence of Intervening Business***

#### **§ 3.19 While the motion to adjourn has the highest privilege in the House under clause 4 of Rule XVI,<sup>(1)</sup> it may**

2. Carl Albert (OK).

1. *House Rules and Manual* §911 (2007).

### **not be repeated in the absence of intervening business.**

On July 31, 1975,<sup>(2)</sup> the following proceedings occurred in the House:

Mr. [Charles J.] GARNEY [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(3)</sup> The gentleman from Ohio moves that the House do now adjourn.

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 195, answered “present” 1, not voting 54, as follows:

[Roll No. 474] . . .

So the motion was rejected.

The Clerk announced the following pair:

On this vote:

Mr. O'Hara for, with Mr. Ruppe, against.

Mr. [Philip E.] RUPPE [of Michigan]. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. O'HARA). If he were present he would have voted “yea.” I voted “nay.” I withdraw my vote and vote “present.”

The result of the vote was announced as above recorded.

Mr. John L. BURTON [of California]. Mr. Speaker, I move that the House do now adjourn.

2. 121 CONG. REC. 26243, 94th Cong. 1st Sess.

3. Carl Albert (OK).

The SPEAKER. The motion is not in order since we just had a vote on a similar motion and there has been no intervening business or debate.

Mr. John L. BURTON. Mr. Speaker, I thought a motion to adjourn is always in order.

The SPEAKER. The Chair will take unanimous-consent requests.

### *Calls of the House*

#### **§ 3.20 A motion to adjourn is in order following a call of the House, and it is not necessary that the Chair announce that a quorum has failed to respond before entertaining the motion to adjourn.**

On Oct. 14, 1969,<sup>(1)</sup> a quorum not being present, a motion to adjourn was made following a call of the House.

Mr. [Gillespie V.] MONTGOMERY [of Mississippi]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER.<sup>(2)</sup> Evidently a quorum is not present.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

1. 115 CONG. REC. 30054, 30055, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

[Roll No. 223] . . .

Mr. [Donald M.] FRASER [of Minnesota]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. I would like to ask, if I may, where the matter stands now of the call of the House which was made by the majority leader. As I understand it, there is not yet a quorum recorded at the desk.

The SPEAKER. The gentleman is correct.

Mr. FRASER. Now, Mr. Speaker, what are the options open to the House at this point?

The SPEAKER. The Chair is patiently waiting to see. Regular order is the establishment of a quorum. If a quorum is not established, then a motion to adjourn would be in order.

Mr. FRASER. Mr. Speaker, am I correct that if a quorum is not established, there are only two choices open to the House—either a motion to adjourn or a motion to instruct the Sergeant at Arms to produce the missing Members?

The SPEAKER. The gentleman is correct.

Mr. FRASER. Mr. Speaker, so long as a quorum is not produced and in the event the House should instruct the Sergeant at Arms, would it be possible for the House to proceed, or would the House have to stand in abeyance with no further proceedings?

The SPEAKER. The Chair will state that the House cannot do business without a quorum.

Mr. FRASER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. Mr. Speaker, in order to see if I have that point clearly in mind, if there were an instruction to bring in absent Members and it did not succeed during the period of time, during that period of time the House could proceed with no other business; is that correct?

The SPEAKER. The House cannot proceed at all until a quorum is established.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. QUILLEN. Mr. Speaker, due to the lack of a quorum, I move that the House do now adjourn.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, on that I ask for the yeas and nays.

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. BOGGS. Mr. Speaker, does it require a quorum to adjourn?

The SPEAKER. The Chair will state to the gentleman from Louisiana that it does not require a quorum.

**§ 3.21 A quorum not being present, no motion is in order but for a call of the House or a motion to adjourn, and the motion to adjourn takes precedence over a motion for a call of the House.**

On June 12, 1963,<sup>(1)</sup> when a motion for a call of the House and a motion to adjourn were both before the House, the Speaker announced that the question was on the motion to adjourn.

Mr. [Frank. J.] BECKER [of New York]. Mr. Speaker, I make the point of order a quorum is not present.

Mr. [Donald C.] BRUCE [of Indiana]. Mr. Speaker, I move a call of the House.

Mr. [Wayne L.] HAYS [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. Bruce) there were—ayes 23, noes 34.

So the motion was rejected.

**§ 3.22 A motion to adjourn in the absence of a quorum is**

1. 109 CONG. REC. 10739, 88th Cong. 1st Sess.

*Parliamentarian's Note:* Following a point of order that a quorum was not present and prior to the ascertainment thereof by the Chair, a Member moved a call of the House. Another Member immediately moved to adjourn. The Chair recognized the latter and put the question on the higher privileged motion to adjourn. On a division vote, the House refused to adjourn. In response to a parliamentary inquiry, the Chair stated that the point of order that a quorum was not present had not been renewed after the House had refused to adjourn.

2. W. Homer Thornberry (TX).

**not entertained after a call of the House has been ordered by motion.**

On June 4, 1963,<sup>(1)</sup> time allotted to two Members of the minority under previous order of the House was interrupted by seven quorum calls, seven division votes, a yea and nay vote, and various motions, including a motion to adjourn. The motion to adjourn was not entertained because the absence of a quorum had been noted and a quorum call had already been ordered.

Mr. [John Bell] WILLIAMS [of Mississippi]. Mr. Speaker, since 45 or 50 Members have left the floor, I make the point of order a quorum is not present.

The SPEAKER.<sup>(2)</sup> Evidently a quorum now is not present.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair will state that a call of the House has been ordered.

The Clerk will call the roll.

**§ 3.23 A motion to adjourn is in order pending a point of**

1. 109 CONG. REC. 10152, 88th Cong. 1st Sess.
2. John W. McCormack (MA).

**order that a quorum is not present, but is not entertained after the Clerk has commenced to call the roll after a call of the House is ordered and a Member has responded to his name.**

On June 3, 1960,<sup>(1)</sup> the following took place in the House with regard to the timing of a motion to adjourn:

CALL OF THE HOUSE

Mr. [Silvio O.] CONTE [of Massachusetts]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT).<sup>(2)</sup> Obviously a quorum is not present.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is a motion to adjourn in order?

The SPEAKER pro tempore. Not now. The Chair will advise that a call of the House has been ordered.

Mr. HOFFMAN of Michigan. Can a member of the minority—

The regular order was demanded.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will call the roll.

1. 106 CONG. REC 11828, 11829, 86th Cong. 2d Sess.
2. Carl Albert (OK).

**§ 3.24 The motion to adjourn takes precedence of a motion for a call of the House.**

On Apr. 24, 1956,<sup>(1)</sup> a point of order was made that a quorum was not present and, prior to ascertainment thereof by the Chair, a Member moved a call of the House, and another Member immediately moved to adjourn; the Chair recognized the latter and put the question on the higher privileged motion to adjourn. The following took place in the House:

Mr. [Wayne L.] HAYS of Ohio. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(2)</sup> If the gentleman from Georgia retains the floor, that motion is not in order.

Mr. [Carl] VINSON [of Georgia]. I retain it, Mr. Speaker. I am just moving around to get a little exercise.

The SPEAKER. Does the gentleman from Mississippi insist upon his point of no quorum?

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I insist upon the point of no quorum.

The SPEAKER. The Chair will count. Evidently there is no quorum present.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move a call of the House.

Mr. HAYS of Ohio. Mr. Speaker, I move that the House do now adjourn.

1. 102 CONG. REC. 6891, 84th Cong. 2d Sess.
2. Sam Rayburn (TX).

The SPEAKER. The motion to adjourn is a privileged motion. The question is on the motion.

The motion was rejected.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

A call of the House was ordered.

**§ 3.25 A motion to adjourn is in order pending a point of order that a quorum is not present.**

On Aug. 24, 1949,<sup>(1)</sup> after a point of order was made that a quorum was not in attendance, but before any action had been taken on the point of order, a motion to adjourn was entertained, voted on, and agreed to:

ADJOURNMENT

Mr. [Frank B.] KEEFFE [of Wisconsin]. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(2)</sup> The question is on the motion.

The question was taken; and on a division (demanded by Mr. KEEFFE) there were—ayes 49, noes 38.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 132, not voting 114, as follows:

1. 95 CONG. REC. 12191, 81st Cong. 1st Sess.
2. Sam Rayburn (TX).

[Roll No. 197] . . .

So the motion was agreed to.

***Precedence Over Questions of Privilege***

**§ 3.26 A question of privilege is not entertained pending a vote on a motion to adjourn.**

On Apr. 15, 1970,<sup>(1)</sup> a Member moved for adjournment, and while that motion was pending, another Member rose to a point of privilege.

Mr. [Wayne L.] HAYS [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion offered by the gentleman from Ohio.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. Justice Douglas has been on the Bench for a great many years, and he can wait for one more night. I have not had my dinner.

The SPEAKER pro tempore. The Chair will count.

Mr. HAYS. Mr. Speaker, I am willing to withhold my motion if the gentleman wants to ask permission to insert his remarks, but obviously all these speeches were written by the

1. 116 CONG. REC. 11940, 11941, 91st Cong. 2d Sess.  
2. Charles M. Price (IL).

same author, and I do not think we ought to have to sit here and listen to them.

Mr. [William L.] SCOTT [of Virginia]. Mr. Speaker, if the gentleman will yield, my remarks will not take more than 10 minutes.

Mr. HAYS. I have been hearing that for a long time now.

Mr. [Louis C.] WYMAN [of New Hampshire]. Mr. Speaker, I rise to a point of special privilege.

The SPEAKER pro tempore. There is a motion pending.

Mr. HAYS. Mr. Speaker, I insist on the point of order.

The SPEAKER pro tempore. The gentleman from Ohio insists on the point of order.

Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

***Beyond Constitutional Term***

**§ 3.27 A motion that when the House adjourns that day it stand adjourned until a date beyond the constitutional term of that Congress is not in order under art. I clause 4 of the Constitution, and under clause 4 of Rule XVI.<sup>(1)</sup>**

On Apr. 18, 2002,<sup>(2)</sup> a motion that the House adjourn to a stated

1. *House Rules and Manual* §911 (2007).  
2. 148 CONG. REC. 4969, 107th Cong. 2d Sess.

date nine years hence was ruled out of order:

Mr. [Charles B.] RANGEL [of New York]. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

REQUEST FOR MOTION TO ADJOURN

Mr. [Gerald D.] KLECZKA [of Wisconsin]. Mr. Speaker, I move that the House, upon conclusion of today's business, adjourn until noon, January 1, 2011.

The SPEAKER pro tempore.<sup>(3)</sup> That motion is not in order at this time.

Mr. KLECZKA. Well, Mr. Speaker, if it was in order, it would give some rationale to the bill before the House.

*By Chair's Initiative*

**§ 3.28 The Speaker pro tempore, the only Member present in the Chamber: (1) convened the House; (2) led the House in the pledge of allegiance; and (3) adjourned the House (by unanimous consent *sua sponte*).**

On Feb. 3, 2000,<sup>(1)</sup> the following proceedings took place in the House:

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin). . . .

3. Michael K. Simpson (ID).

1. 146 CONG. REC. 596, 107th Cong. 1st Sess.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore.<sup>(2)</sup> The Chair will lead the House in the Pledge of Allegiance. . . .

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Monday, February 7, 2000, at 2 p.m.

*Parliamentarian's Note:* This form of unanimous consent is now common practice on "pro forma days" when no special orders or one-minute speeches are scheduled.<sup>(3)</sup>

2. Paul Ryan (WI).

3. This was the first instance of this kind in the 106th Congress. For similar instances see 144 CONG. REC. 4297, 4298, 105th Cong. 2d Sess., Mar. 23, 1998; 144 CONG. REC. 2847, 2848, 105th Cong. 2d Sess., Mar. 9, 1998; 143 CONG. REC. 19614, 105th Cong. 1st Sess., Sept. 22, 1997; 143 CONG. REC. 11732, 105th Cong. 1st Sess., June 21, 1997; 143 CONG. REC. 10344, 105th Cong. 1st Sess., June 7, 1997; 143 CONG. REC. 9648, 9649, 105th Cong. 1st Sess., May 30, 1997; 143 CONG. REC. 9646, 105th Cong. 1st Sess., May 27, 1997; 142 CONG. REC. 2763, 2764, 104th Cong. 2d Sess., Feb. 16, 1996; and 141 CONG. REC. 28740, 28774, 104th Cong. 1st Sess., Oct. 20, 1995.

**§ 3.29 The Speaker has adjourned the House overnight on his own initiative by unanimous consent.**

On Dec. 11, 1944,<sup>(1)</sup> the following transpired in the House:

The SPEAKER.<sup>(2)</sup> Without objection, the House will stand adjourned until 12 o'clock noon tomorrow.

There was no objection; thereupon (at 5 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 12, 1944, at 12 o'clock noon.

*By Minority Member*

**§ 3.30 The Speaker pro tempore having attempted by unanimous consent to adjourn the House at the end of special-order speeches and there being an objection, the objecting minority member on the floor was then recognized to move adjournment—there being no majority member on the floor at that time.<sup>(1)</sup>**

1. 90 CONG. REC. 9209, 78th Cong. 2d Sess.

2. Sam Rayburn (TX).

1. This was customarily the prerogative for recognition through the 98th Congress.

*Parliamentarian's Note:* While no longer the current practice, in 1984 the Parliamentarian could not recall a recent example of a minority Member moving adjournment at the end

On May 23, 1984,<sup>(2)</sup> the following events occurred on the floor of the House:

ADJOURNMENT

The SPEAKER pro tempore.<sup>(3)</sup> Without objection, the House stands adjourned.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania (Mr. WALKER) have a motion?

Mr. WALKER. Mr. Speaker, I have always wanted to do this.

The SPEAKER pro tempore. The Chair is going to recognize the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.) the House adjourned until tomorrow, Thursday, May 24, 1984, at 10 a.m.

*Withdrawal of Motion*

**§ 3.31 A motion to adjourn may be withdrawn by the mover thereof, and unanimous consent for that action is not required.**

On Oct. 14, 1969,<sup>(1)</sup> when a Member asked unanimous consent

of special-order speeches on a day, nor could he recall the Chair adjourning the House by unanimous consent.

2. 130 CONG. REC. 13960, 98th Cong. 2d Sess.

3. Sander M. Levin (MI).

1. 115 CONG. REC. 30055, 91st Cong. 1st Sess.

to withdraw his motion to adjourn, two Members objected. The Speaker ruled unanimous consent unnecessary and allowed the Member to withdraw his motion.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. YATES. Is there not a motion to adjourn pending upon which I have asked for the yeas and nays?

The SPEAKER. The gentleman's inquiry is correct.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker, I ask unanimous consent to withdraw my motion to adjourn.

Mr. YATES. Mr. Speaker, I object.

Mr. [William S.] MOORHEAD [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER. The Chair will state that it does not require unanimous consent to withdraw the gentleman's motion.

Mr. QUILLEN. Mr. Speaker, I withdraw my motion and I yield to the majority leader.

**§ 3.32 Where a Member moves to adjourn and then withdraws the motion, the Member loses the floor, and the Speaker may then recognize another Member of the House to renew the motion.**

On Oct. 14, 1969,<sup>(1)</sup> a Member withdrawing his motion to ad-

2. John W. McCormack (MA).

1. 115 CONG. REC. 30055, 91st Cong. 1st Sess.

journal stated his intention to yield to the Majority Leader. The Speaker advised the Member that on withdrawing his motion to adjourn he would lose the floor.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker, I withdraw my motion [to adjourn] and I yield to the majority leader.

The SPEAKER.<sup>(2)</sup> The Chair will state the gentleman from Tennessee does not have that privilege. The Chair has the privilege of recognition when the gentleman has withdrawn his motion. The Chair recognizes the gentleman from Oklahoma.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I would prefer not to make this motion at this time, but in view of the parliamentary situation, I move that the House do now adjourn.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, on that I demand the yeas and nays.

### *In Memory*

**§ 3.33 In at least one instance, a Member has offered a motion to adjourn "in memory of" a deceased Member without the House having adopted a resolution so marking the day's adjournment.**

On Oct. 28, 1997,<sup>(1)</sup> the House adjourned in memory of Rep. Walter H. Capps, of California, who had died earlier that day:

2. John W. McCormack (MA).

1. 143 CONG. REC. 23557, 105th Cong. 1st Sess. For additional information

## ADJOURNMENT

Mr. [Vic] FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

#### § 4. In Committee of the Whole

##### § 4.1 The motion to adjourn is not in order in the Committee of the Whole.<sup>(1)</sup>

On Feb. 22, 1950,<sup>(2)</sup> the following transpired in the Committee of the Whole during consideration of the Federal Fair Employment Practices Act (H.R. 4453):

The CHAIRMAN.<sup>(3)</sup> . . .

The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.—*

on adjourning out of respect for deceased Members, see Ch. 38 *infra*.

1. *House Rules and Manual* §§ 333, 912 (2007).
2. 96 CONG. REC. 2218, 81st Cong. 2d Sess. See also 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess., May 4, 1949.
3. Francis E. Walter (PA).

## SHORT TITLE

SECTION 1. This act may be cited as the "Federal Fair Employment Practices Act."

Mr. [Paul W.] SHAFER [of Michigan]. Mr. Chairman, I move that we now adjourn.

The CHAIRMAN. That motion is not in order in Committee.

*Parliamentarian's Note:* In the Committee of the Whole, the proper motion is that the Committee "do now rise", which motion, if adopted, would then permit a motion to adjourn in the House.

#### § 5. Debate on Motion; Amendments

Because debate on the simple motion to adjourn or on the motion to fix the day to which the House shall adjourn is precluded by clause 4(b) and clause 4(c) of Rule XVI,<sup>(1)</sup> a prefatory statement leading up to the motion is not in order as debate on the motion and is not carried in the *Congressional Record*.<sup>(2)</sup>

The motion to lay on the table the motion to adjourn is not in order since under clause 4 of Rule XVI, the motion to adjourn is not debatable.<sup>(3)</sup>

1. *House Rules and Manual* §911 (2007).
2. See § 5.1, *infra*.
3. *House Rules and Manual* §911 (2007). See also § 5.2, *infra*.