

amendment fixing the time of adjournment.

On Feb. 15, 1950,⁽¹⁾ a Member inquired whether it would be in order to amend a simple motion to adjourn.

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

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. HOFFMAN of Michigan. Does a motion to fix time to adjourn take precedence over a motion to adjourn?

The SPEAKER. It does not.

Mr. HOFFMAN of Michigan. A further parliamentary inquiry, Mr. Speaker: Is it in order to offer to a motion to adjourn, an amendment seeking to fix the time of adjournment?

The SPEAKER. It is not.

Parliamentarian's Note: The motion to set the day and time of reconvening is of equal privilege, at the Speaker's discretion, to the simple motion to adjourn under clause 4(c) of Rule XVI,⁽³⁾ but is to be distinguished from a motion to "fix the time of adjournment" which is not in order.⁽⁴⁾

1. 96 CONG. REC. 1808, 81st Cong. 2d Sess.

2. Sam Rayburn (TX).

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

4. *Id.* at §913.

§ 6. Voting; Effect of Adoption**§ 6.1 The motion to adjourn is subject to a record vote.**

On Feb. 8, 1964,⁽¹⁾ a Member inquired whether a motion to adjourn would be subject to a roll call vote. The exchange between the Member and the Speaker was as follows:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. HALLECK. When the motion to adjourn is made, could that be subject to a rollcall vote?

The SPEAKER. If a sufficient number stand. . . .

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

Mr. [William M.] McCULLOCH [of Ohio]. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 175; not voting 36. . . .

So the motion to adjourn was agreed to.

§ 6.2 Adoption of a concurrent resolution providing for adjournment *sine die* or adjournment to a day certain

1. 110 CONG. REC. 2616, 2639, 88th Cong. 2d Sess.

2. John W. McCormack (MA).

does not preclude a demand for the yeas and nays on the subsequent motion to adjourn on that day.

On the legislative day of Sept. 26, 1961,⁽¹⁾ a Member called up a privileged Senate concurrent resolution for immediate consideration:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up for immediate consideration a privileged Senate resolution, Senate Concurrent Resolution 55.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses shall adjourn on Wednesday, the 27th day of September 1961, and that when they adjourn on said day they stand adjourned sine die.

Mr. ALBERT. Mr. Speaker, I move the previous question on the resolution.

Mr. [H. Carl] ANDERSEN of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.⁽²⁾ The gentleman will state it.

Mr. ANDERSEN of Minnesota. Mr. Speaker, in case the privilege is not given to Members to vote by yea and nay on this particular motion will it not be equally possible for a Member of the House to request a yea-and-nay vote on the final adjournment of the House?

1. 107 CONG. REC. 21528, 21529, 87th Cong. 1st Sess.

2. John W. McCormack (MA).

The SPEAKER pro tempore. The answer to that is in the affirmative; the gentleman can submit the request.

The question is on ordering the previous question.

The question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. ANDERSEN of Minnesota) there were—yeas 192, nays 6.

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

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and thirty-two Members are present, a quorum.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. ANDERSEN of Minnesota. Mr. Speaker, a point of order.

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

Mr. ANDERSEN of Minnesota. Mr. Speaker, the provisions of the Legislative Reorganization Act of 1946 are applicable to both Houses.

Mr. Speaker, I quote section 132 as follows:

Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

Mr. Speaker, I make a point of order against the resolution.

The SPEAKER pro tempore. The Chair is aware that we have a state of

national emergency, and overrules the point of order.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 6.3 A division vote may be held on a motion to adjourn.

On June 15, 1951,⁽¹⁾ a Member inquired as to whether a division vote would be in order on a question of adjournment.

Mr. [Arthur L.] MILLER of Nebraska. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. MILLER of Nebraska. Mr. Speaker, I expect to make a point of order that a quorum is not present. Should a motion then be made to adjourn, will it be in order to ask for a division on the question of adjournment?

The SPEAKER. It will.

§ 6.4 Where the Speaker counted the Members rising to second a demand for the yeas and nays on a motion to adjourn and then counted the total number of Members present to determine whether one-fifth seconded such demand, he declined to honor the request of a Member that a new count be taken on the ground that

1. 97 CONG. REC. 6620, 6621, 82d Cong. 1st Sess.
2. Sam Rayburn (TX).

some Members entered the Chamber and were counted after the count of those seconding the demand.

On Jan. 23, 1950,⁽¹⁾ the following transpired in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

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

The SPEAKER.⁽²⁾ [after counting]. Fifty-four Members have arisen, not a sufficient number.

Mr. [Earl] WILSON of Indiana. Mr. Speaker, a point of order. There were many Members who came in and were counted after the standing count was taken. I ask that the vote be taken again.

The SPEAKER. The Chair is not going to make the count again because he has just counted both the total number of Members and the number standing to demand the yeas and nays.

The question is on the motion to adjourn.

Mr. MARCANTONIO. On that I demand tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed as tellers Mr. MCCORMACK and Mr. MARCANTONIO.

The House divided; and the tellers, reported that there were—ayes 167, noes 109.

So the motion was agreed to.

§ 6.5 When a quorum fails to vote on a roll call, the Speaker may entertain a motion to

1. 96 CONG. REC. 785, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

adjourn, if seconded by a majority of those present, to be ascertained by actual count of the Speaker.

On Oct. 10, 1940,⁽¹⁾ the following transpired after an “automatic” roll call vote on the issue of referring a vetoed bill to the Committee on Immigration and Naturalization:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker—

The SPEAKER.⁽²⁾ The gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, may I inquire the result of the roll call just taken?

The SPEAKER. On this roll call 213 Members have answered—108 yeas and 105 nays. This is 3 short of a quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, in view of the situation that exists, which is obvious to all of us, and of necessity, I move that the House do now adjourn.

Mr. [John C.] SCHAFER of Wisconsin. Mr. Speaker, I demand a second to the motion.

The SPEAKER. Under the rule the demand for a second is in order. The question is on ordering a second.

The question was taken; and there were—ayes 144, noes 3.

So a second was ordered.

Mr. [Samuel] DICKSTEIN [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. The vote on the motion to refer the bill to the committee being yeas 108, nays 105, what will happen to the motion if the House adjourns?

The SPEAKER. The motion will be the continuing business before the House when it convenes on Monday.

The question is on the motion to adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, October 14, 1940, at 12 o'clock noon.

Parliamentarian's Note: While clause 6(c) of Rule XX⁽³⁾ provides that “[a]t any time after Members have had the requisite opportunity to respond by the yeas and nays, but before a result has been announced, a motion that the House adjourn shall be in order if seconded by a majority of those present, to be ascertained by actual count by the Speaker. If the House adjourns on such a motion, all proceedings under this clause shall be considered as vacated.”; this clause should be read in light of the analysis in § 3, *supra*, where the availability of a motion to adjourn under the standing rules may be foreclosed by a special order of business adopted by

1. 86 CONG. REC. 13535, 76th Cong. 3d Sess.
2. Sam Rayburn (TX).

3. *House Rules and Manual* § 1025 (2007). This clause was formerly clause 4 of Rule XV.

the House which orders the previous question on a (bill) to final passage without intervening motion except one motion to recommit, with or without instructions. The same rationale precluding the motion to adjourn where supervening language of a special rule is operative should be interpreted to foreclose a motion to adjourn pending the announcement of the result of a yea and nay vote during the operation of such supervening language, whether ordered by one-fifth of those present or automatic under clause 6(a) of Rule XX.⁽⁴⁾

On the occasion of Oct. 10, 1940, the general rules of the House were operating on the motion to refer a vetoed bill and the House was not operating a special order of business ordering the previous question to final passage without intervening motion.

§ 7. Quorum Requirements

The Constitution provides that “a majority of each [House] shall constitute a quorum to do business; but a smaller number may adjourn from day to day . . .”⁽¹⁾

4. *Id.*

1. U.S. Const. art. I, § 5, clause 1. See also *House Rules and Manual* § 52 (2007) and Ch. 20, generally, *supra*.

Accordingly, a quorum is not required to adjourn from day to day, but is required to adjourn to a day and time certain.⁽²⁾ And if the Speaker is to entertain a motion to adjourn under clause 6 of Rule XX after the completion of a roll call, but before the result has been announced, the motion must be seconded by a majority of those present to be ascertained by an actual count of the Speaker.⁽³⁾

§ 7.1 It is not in order to demand an “automatic” roll call under clause 4, Rule XV⁽¹⁾ on an affirmative vote on the motion to adjourn, since the motion to adjourn from day-to-day may be agreed to by less than a quorum.

Instance where the yeas and nays were ordered on a motion to adjourn, which was rejected.

On Nov. 4, 1983,⁽²⁾ the following events occurred:

MOTION TO ADJOURN

Mr. [Dan E.] LUNGREN [of California]. Mr. Speaker, I move that the House do now adjourn.

2. *House Rules and Manual* § 913 (2007).
3. *Id.* at § 1025 (2007).
1. Now Rule XX clause 6, *House Rules and Manual* § 1025 (2007).
2. 129 CONG. REC. 30946, 30947, 98th Cong. 1st Sess.