

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.

The SPEAKER pro tempore.⁽³⁾ The question is on the motion offered by the gentleman from California (Mr. LUNGREN).

The question was taken, and on a division demanded by Mr. LUNGREN there were —ayes 3; noes 1.

Mr. [Henry B.] GONZALEZ [of Texas]. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair would advise the gentleman from Texas that he cannot do that on an affirmative vote to adjourn, only on a negative vote.

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

The SPEAKER pro tempore. The gentleman cannot get a recorded vote in the House based now on the number now present.

Does the gentleman demand the yeas and nays?

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

The SPEAKER pro tempore. Those in favor of taking this vote by the yeas and nays will stand.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Speaker, a parliamentary inquiry.

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

Mr. GONZALEZ. Mr. Speaker, it certainly is not my intention to inconvenience Members who on the assurances that there would be no recorded votes have left the premises.

On the other hand, I think that the gentleman offering the motion to ad-

journal has acted quite unjustly and capriciously in depriving those of us who have arranged for special orders to be heard, once the gentleman has had his privilege of being heard.

I would like to ask the gentleman from California if he could withhold that motion to adjourn, if such a request is in order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas may pursue an inquiry.

There was no objection. . . .

Mr. LUNGREN. When the majority leadership decides they will not even show the least courtesy to the minority here, we have to use the rules that are available to us. There are very few rules available to use any more because of the change in rules we had.

Mr. Speaker, I insist on my motion.

The SPEAKER pro tempore. Does the gentleman from Texas insist on his demand for the yeas and nays?

Mr. GONZALEZ. I do Mr. Speaker.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 99, nays 120, answered “present” 1, not voting 213, as follows:

[Roll No. 456] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.⁽⁴⁾

§ 7.2 Where less than a quorum of the House rejects a motion

4. While a quorum is not required on an affirmative motion to adjourn, a negative vote on that motion by division may precipitate an “automatic” roll call pursuant to clause 6 of Rule XX (*House Rules and Manual* § 1025 [2007]). See § 6.3, *supra*.

3. David Bonior (MI).

to adjourn, the Speaker may not entertain unanimous-consent requests until a quorum is established.

On Dec. 22, 1973,⁽¹⁾ a Member called attention to the absence of a quorum. Another Member moved for adjournment and demanded the yeas and nays. The motion to adjourn was rejected but by less than a quorum. A parliamentary inquiry was raised as to whether a unanimous-consent request could be entertained before establishment of a quorum.

Mr. [Otis G.] PIKE [of New York]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER.⁽²⁾ The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

MOTION TO ADJOURN OFFERED
BY MR. O'NEILL

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion made by the gentleman from Massachusetts (Mr. O'NEILL) that the House do now adjourn.

Mr. PIKE. 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.

1. 119 CONG. REC. 43321, 93d Cong. 1st Sess.
2. Carl Albert (OK).

The SPEAKER. The Chair will inform the gentleman from New York (Mr. PIKE) that a quorum is not needed for action upon a motion to adjourn the House.

Mr. PIKE. 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 39, nays 160, not voting 233, as follows:

[Roll No. 725] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. O'NEILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. O'NEILL. Mr. Speaker, realizing the fact that now a call of the House is in order, is it permissible for me to ask unanimous consent that I may address the House for 1 minute?

The SPEAKER. Not in the absence of a quorum.

§ 7.3 While a quorum is not required to adjourn, a point raised against a negative vote on the motion to adjourn precipitates an automatic roll call under the rule.

On June 15, 1951,⁽¹⁾ the following occurred:

POINT OF ORDER

Mr. [A. L.] MILLER of Nebraska. Mr. Speaker, I renew my point of order that a quorum is not present.

1. 97 CONG. REC. 6621, 82d Cong. 1st Sess.

Mr. [Leslie C.] ARENDS [of Illinois]. Mr. Speaker, will the gentleman from Nebraska withhold that long enough for me to find out what the program will be for next week?

Mr. MILLER of Nebraska. Mr. Speaker, I think we should have a quorum here to hear the program for next week.

The SPEAKER.⁽²⁾ Evidently, a quorum is not present.

MOTION TO ADJOURN

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

The SPEAKER. The question is on the motion.

The question was taken; and on a division (demanded by Mr. MILLER of Nebraska) there were—ayes 33, noes 53.

Mr. MILLER of Nebraska. 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. [John E.] RANKIN [of Mississippi]. Mr. Speaker a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. You do not have to have a quorum to adjourn.

The SPEAKER. The vote was negative; ayes 33, noes 53. The Clerk will call the roll.

Mr. RANKIN. There has been no roll call demanded. The vote has already been taken.

The SPEAKER. The gentleman made the point of order that a quorum was not present on the vote on the motion to adjourn.

Mr. RANKIN. That point of order is not in order for the simple reason you do not have to have a quorum to adjourn.

The SPEAKER. But the House refused to adjourn on the vote.

Mr. RANKIN. I understand, but a roll call is not in order unless it is demanded by the House.

The SPEAKER. This matter has been up many times since the present occupant has been in the chair, and the decision always has been just what the Chair stated it to be.

Mr. RANKIN. The Chair is in error.

The SPEAKER. The Chair has been following the rules and precedents established for over 150 years.

Mr. RANKIN. The Chair is still wrong; that never has been the rule.

The SPEAKER. 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 75, nays 161, not voting 198, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

§ 8. Dilatory Motions; Repetition of Motion

A motion to adjourn may be ruled out of order as dilatory—that is, made solely for the purpose of delaying the legislative

2. Sam Rayburn (TX).