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By unanimous consent, further proceedings under the call were dispensed with. . .

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 373 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 373

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole. . . .

MR. JACOBS: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The Chair will state to the gentleman from Indiana that there has been no completed business at all since the Chair has just announced the presence of a quorum.

The Clerk will continue reading the resolution

During Receipt of Report From Committee of the Whole

§ 13.29 The Speaker pro tempore having received the report of the Chairman of the Committee of the Whole that a quorum of the Committee appeared on a call of the roll under Rule XXIII clause 2,[5] he immediately directs the Committee to resume its sitting and does not recognize Members in the House with a point of order that a quorum is not present.

On Aug. 2, 1967,[6] Speaker pro tempore Carl Albert, of Oklahoma, refused to recognize a point of no quorum.[7]

§ 14. Dilatoriness; Effect of Prior Count

Rule XVI clause 10,[8] provides that no dilatory motion shall be entertained by the Speaker. A1though the question of the presence of a quorum is a constitutional one[9] which is always in order where the House is conducting business[10] and has the

5. See *House Rules and Manual* § 863 (1979). See supplements to this edition for discussion of provisions in Rule XXIII clause 2 adopted in the 93d Congress on Apr. 9, 1974, to the effect that the Chairman of the Committee is empowered to declare that a quorum is constituted when he determines that a quorum has appeared; and that, following such a declaration, proceedings are considered vacated and the committee does not rise but continues its sitting and resumes business.
6. 113 CONG. REC. 21095, 90th Cong. 1st Sess.
7. For the House proceedings on this date, see § 7.17, supra.
8. *House Rules and Manual* § 803 (1979).
9. § 14.2, infra.
10. § 14.3, infra.

highest priority except for the motion to adjourn,[11] the Chair may refuse to entertain it if he determines that the motion was made for the purpose of delay[12] and the presence of a quorum, as evidenced by an immediately preceding vote or quorum call, is apparent to him.[13]

However, when presence of a quorum is not apparent or the Chair is uncertain, he counts the House.[14] If "business"[15] has intervened between ascertainment of a quorum and a point of no quorum, the Speaker may count the House.[16] Where the Speaker ascertains the presence of a quorum by actual count following objection to a vote under Rule XV clause 4, or where a demand for the yeas and nays is rejected and a division vote is then had on the pending question, the division vote is intervening business permitting another objection to the lack of a quorum, and the Speaker must again count the House. Nonetheless, when convinced that a point of no quorum is made for the purpose of obstructing business, the Speaker has declined to entertain it even after intervention of business.[17] Normally, the Chair declines to hold such a point of order dilatory, based upon the constitutional requirement for the presence of a quorum.[1]

The question of dilatoriness is not necessarily determined by the length of time since ascertainment of a quorum or the character of the intervening business, but by the Speaker's opinion as to whether, under the circumstances, the motion is made with intent to delay the business of the House.[2]

In General

§ 14.1 A point of no quorum may be held to be dilatory when a quorum has been es-

11. See *House Rules and Manual* § 769 (1979); 4 Hinds' Precedents §§ 2950, 2988; and 6 Cannon's Precedents § 680. See also § 8, supra, for discussions of the motion to adjourn as related to a quorum.

12. § 14.9, infra.

13. §§ 14.10 et seq., infra.

14. § 14.1, infra.

15. For discussion of proceedings which qualify as "business," see § 10, supra.

16. See §§ 14.7, 14.8, infra.

17. 8 Cannon's Precedents § 2811.

1. See §§ 14.2, 14.3, infra.

2. 8 Cannon's Precedents § 2804.

See supplements to this edition for discussion of provisions in Rule XV clause 6 adopted by the 93d Congress on Apr. 9, 1974, to the effect that after the presence of a quorum is ascertained, a further point of order that a quorum is not present may not thereafter be made or entertained until additional business intervenes.

tablished and it is apparent to the Chair that a quorum remains on the floor of the House; but where the presence of a quorum is not apparent, or the Chair is uncertain, he will count the House.

On the legislative day of Oct. 8, 1968,[3] during consideration of Senate Joint Resolution 175 to suspend the equal-time provision of the Communications Act of 1934 for candidates for President and Vice President for the 1968 campaign, Speaker John W. McCormack, of Massachusetts, clarified certain procedures with respect to points of no quorum.

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I make the point of order that a quorum is not present.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, a point of order.

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

MR. WRIGHT: Mr. Speaker, I make a point of order against the gentleman's point of order on the ground that the gentleman's point of order is a dilatory motion, proscribed by the rules, wherein it is clearly set forth that no dilatory motion shall be entertained by the Speaker.

THE SPEAKER: When it is apparent to the Chair that a quorum is present, the Chair can declare a point of order of no quorum to be dilatory; but when it is apparent to the Chair that a quorum is not present, or the Chair is not certain, the Chair will count. And the Chair will count on this occasion.

One hundred and fifty-five Members are present, not a quorum.

Chair's Reluctance to Hold Points of No Quorum to Be Dilatory

§ 14.2 The Speaker stated that a question as to whether a quorum was present was a constitutional one, and he refused to hold it to be dilatory.

On May 22, 1946,[4] after debate in the House had been interrupted by numerous points of no quorum and calls of the House, Speaker Sam Rayburn, of Texas, made a statement as to the constitutional nature of a point of no quorum.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, I make a point of order that a quorum is not present.

MR. [CHRISTIAN A.] HERTER [of Massachusetts]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. HERTER: Mr. Speaker, the motion just made is a dilatory motion which should be ruled out under rule XVI.

3. 114 CONG. REC. 30212, 90th Cong. 2d Sess., Oct. 8, 1968 (Calendar Day).

4. 92 CONG. REC. 5445, 79th Cong. 2d Sess.

THE SPEAKER: The Chair may say, in reply to the gentleman from Massachusetts, that the question of whether a quorum is present or not is a constitutional one.

The Chair will count. [After counting.] One hundred and twenty-six Members are present, not a quorum.

§ 14.3 Since the Constitution defines a quorum of the House and states that it shall be required for the conduct of business, and a point of order that a quorum is not present is the only way a Member has of enforcing this constitutional requirement, the Chair is extremely reluctant to withhold recognition for this purpose.

On Oct. 8, 1968,[5] (during consideration of Senate Joint Resolution 175, to suspend for the 1968 campaign the equal-time requirements of the Communications Act of 1934 for candidates for President and Vice President, Speaker pro tempore Wilbur D. Mills, of Arkansas, responded to a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: I thank the Speaker for permitting me this additional parliamentary inquiry. . . .

On occasion the Chair has held that certain motions and points of order amounted to dilatory tactics, and that that was their obvious motivation, and on those occasions the Chair has summarily refused to recognize such obviously dilatory points of order and motions.

Mr. Speaker, my point of parliamentary inquiry is: would the Chair not feel that under the present situation, with repeated points of order being made that a quorum is not present, immediately followed by the absenting of themselves by certain Members who have come in to answer the quorum, to be a rather obvious dilatory tactic, and one which might obviously lend itself to the assumption on the part of the Chair that a quorum having been established and proven so frequently and repeatedly during the day, would be presumed to be present for the completion of business?

THE SPEAKER PRO TEMPORE: The Chair is ready to respond to the parliamentary inquiry posed by the gentleman from Texas.

It is the understanding of the Chair that no occupant of the Chair has ever in the history of the Congress held that a point of order that a quorum is not present is a dilatory tactic. The reasoning, obviously, is that the Constitution itself requires the presence on the floor of the House of a quorum at all times in the transaction of the business of the House of Representatives.

§ 14.4 The Chair has the right under certain circumstances to hold that motions are dilatory, but a point of no quorum is a question of very high privilege.

5. 114 CONG. REC. 30097, 90th Cong. 2d Sess.

On June 5, 1946,[6] (Speaker Sam Rayburn, of Texas, made a statement regarding the Chair's authority to hold that motions are dilatory.

THE SPEAKER: On this roll call 260 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE SPEAKER: This is Calendar Wednesday.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, I want to know whether these bills to be called on Calendar Wednesday are to be considered in the House as in Committee of the Whole?

MR. [DAN R.] MCGEHEE [of Mississippi]: Mr. Speaker, I make the point of order there is not a quorum present.

THE SPEAKER: There has been no business transacted as yet. The Clerk will call the committees.

THE CLERK: The Committee on Banking and Currency.

MR. MCGEHEE: Mr. Speaker, I make the point of order there is not a quorum present.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. KEEFE: Mr. Speaker, I make the point of order that the point of order raised by the gentleman from Mississippi is purely dilatory. Under section 10, rule XVI of the House, the Chair having just announced that a quorum is present, it is obvious that the point of order made by the gentleman from Mississippi is a purely dilatory motion and should not under the rules of the House be entertained by the Speaker.

MR. MCGEHEE: Mr. Speaker, in my opinion it does not lie within the province of any Member of the House to criticize or impugn the motive of any other Member when he makes a point of order in connection with any procedure on the floor of the House. Important legislation is contemplated being taken up and I observe on the floor at present that evidently there is not a quorum present and I therefore make the point of order that a quorum is not present.

THE SPEAKER: The Chair, of course, has the right under certain circumstances to hold that motions are dilatory but a point of no quorum is a question of very high privilege. The Chair will not state what he will do at other times. The gentleman makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and thirty-three Members are present; not a quorum.

§ 14.5 The Speaker overruled a point of order that a Member making a point of order that a quorum was not present was exercising a dilatory tactic.

On Jan. 23, 1950,[7] (during consideration of House Resolution

6. 92 CONG. REC. 6352, 6353, 79th Cong. 2d Sess.

7. 96 CONG. REC. 774, 81st Cong. 2d Sess.

217, which provided for consideration of H.R. 331, to extend statehood to Alaska, Speaker Sam Rayburn, of Texas, ruled on a point of order of dilatoriness.[8]

MR. [GEORGE W.] ANDREWS [of Alabama]: Mr. Speaker, I make the point of order that a quorum is not present.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, I make the point of order that the gentleman's point of order is dilatory.

THE SPEAKER: The Chair overrules the point of order made by the gentleman from Illinois.

The Chair will count. [After counting.] Two hundred and twenty-four Members are present, a quorum.

§ 14.6 Insistence by a Member on the presence of a quorum on the floor, evidenced by repeated points of no quorum, was held not to be dilatory where a quorum was in fact not present; and the Speaker refused to find that such points of order were designed to deliberately delay public business.

On July 23, 1942,[9] (during consideration of House Resolution 528 and H.R. 7416, which provided for absentee voting by members of the armed forces, Speaker Sam Rayburn, of Texas, rejected a point of dilatoriness.

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, I make the point of order that there is no quorum present. If we are to discuss this matter I think a quorum should be present.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, I make the point of order that the gentleman from Mississippi has clearly evidenced the fact that he is filibustering, and that his only object in pursuing the tactics he is pursuing is to delay the passage of the Ramsay bill, to which he objects. It surely must be apparent to the Speaker that these quorum calls are for the sole purpose of delay. Therefore the action of the gentleman from Mississippi is dilatory and out of order.

Mr. Rankin of Mississippi rose.

THE SPEAKER: The Chair trusts that he will never be called upon to make a ruling that a Member is deliberately delaying public business. There is a quorum in town. I think the gentleman from Mississippi, for the moment, at least, is within his rights in asking that a quorum be present.

The Chair will count. [After counting.] Evidently there is no quorum present.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Points of No Quorum After Intervening Business

§ 14.7 The point of order that a quorum was not present was held not to be dilatory; The

8. See also, for example, 92 CONG. REC. 6352–56, 79th Cong. 2d Sess., June 5, 1946.

9. 88 CONG. REC. 6543, 77th Cong. 2d Sess.

Speaker noted that business had intervened in that unanimous-consent requests had been granted following the last quorum call, and that Members were entitled to have a quorum present to have business transacted in the regular way.

On Apr. 24, 1956,[10] while Mr. Carl Vinson, of Georgia, spoke under a special-order agreement, Speaker Sam Rayburn, of Texas, refused to hold dilatory a point of no quorum.

MR. [JAMES C.] DAVIS [of Georgia]: The gentleman is making a great speech and I think it should be heard by the entire membership. Mr. Speaker, I insist on my point of order.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: 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: . . .

THE SPEAKER: Two hundred and ninety-two Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MR. [JOHN W.] HESELTON [of Massachusetts]: Mr. Speaker, I ask unanimous consent that I may be permitted to have 2 days to file minority views with respect to H.R. 8901, the District of Columbia transit bill.

THE SPEAKER: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MR. VINSON: Mr. Speaker, as I said just before the quorum call, I refer specifically to the decision of the Supreme Court of May 17, 1954. . . .

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Mr. Speaker, a point of order.

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

MR. WILLIAMS of Mississippi: Mr. Speaker, I make the point of order that a quorum is not present.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I object to the point of order.

MR. VINSON: Will the gentleman not withhold that? I have only about 5 minutes.

MR. WILLIAMS of Mississippi: Mr. Speaker, I withdraw the point of order.

MR. VINSON: Mr. Speaker, I deny with all the power of my being the naive presumption that the Constitution of the United States is nothing more than what the Supreme Court says it is. . . .

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, the gentleman is making a very sound statement here and I make the point of order that a quorum is not present.

MR. YATES: Mr. Speaker, may I be heard on the point of order?

THE SPEAKER: The point of order that a quorum is not present is not debatable.

MR. YATES: Since the last point of order on a quorum there has been no further transaction of business, and it is obvious that the points of order being made are dilatory.

10. 102 CONG. REC. 6889, 6891, 84th Cong. 2d Sess.

THE SPEAKER: There were various unanimous-consent requests granted since the last call of the House. The Chair has been up against this question of whether there was a filibuster or whether there was not a great many times. This occupant of the Chair is very liberal with Members who want a quorum present or to have business transacted in the regular way. The Chair is not going to hold that this point of order is dilatory.

§ 14.8 Precedents of the House which indicate that the Chair has held a point of no quorum to be dilatory when it immediately follows a call of the House which discloses the presence of a quorum are not applicable to the situation where there is "intervening business" between the establishment of the quorum and the making of the point of no quorum; the correction of a roll call, by unanimous consent, is such "business" as will prevent the Chair from holding the point of order to be dilatory on its face.

On Oct. 8, 1968,[11] Speaker pro tempore Carl Albert, of Oklahoma, ruled on a question of dilatoriness.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: The gentleman from Ohio makes the point of order that a quorum is not present.

MR. [BROCK] ADAMS [of Washington]: A point of order, Mr. Speaker. There has been no intervening business since the rollcall on the resolution which indicated a quorum.

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman is in error, since we have had a correction of a rollcall.

The gentleman from Ohio makes the point of order that a quorum is not present. Evidently a quorum is not present.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

When Points of No Quorum Not Entertained

§ 14.9 Repeated points of no quorum may be held to be dilatory in the Committee of the Whole if, after the Chair has once counted and found a quorum present, it appears to him that further points of order are without foundation.

On Dec. 30, 1932,[12] during consideration of H.R. 13872, the Department of Agriculture appropriation bill, Chairman Andrew J. Montague, of Virginia, held that a point of no quorum was dilatory.

MR. [LEONIDAS C.] DYER [of Missouri)]: Mr. Chairman, I make the

11. 114 CONG. REC. 30224, 90th Cong. 2d Sess. Calendar day of Oct. 9.

12. 76 CONG. REC. 1123, 72d Cong. 2d Sess.

point of order there is not a quorum present.

THE CHAIRMAN: The Chair will count. [After counting.] One hundred and five are present, a quorum.

MR. [MILES C.] ALLGOOD [of Alabama]: Mr. Chairman, I ask unanimous consent to return to page 52, line 23, for the purpose of offering an important amendment.

MR. [JAMES P.] BUCHANAN [of Texas]: Mr. Chairman, I object.

MR. ALLGOOD: Mr. Chairman, I make the point of order that there is not a quorum present.

MR. [FIORELLO H.] LAGUARDIA [of New York]: Mr. Chairman, that point of order is dilatory, because the Chair has just counted and found a quorum present.

THE CHAIRMAN: The Chair has counted a quorum and will not entertain the point of order raised by the gentleman from Alabama.

MR. ALLGOOD: But the Members who were in the Chamber when the Chair counted a quorum have returned to the cloakroom.

THE CHAIRMAN: The Chair believes a quorum is still present. The Clerk will read.

§ 14.10 The Speaker may decline to entertain a point of no quorum after the House has voted to resolve itself into the Committee of the Whole and while the Speaker is in the process of leaving the chair.

On Apr. 14, 1937,[13] the House was proceeding with the call of committees under the Calendar Wednesday rule. The House having voted to consider a bill, Speaker William B. Bankhead, of Alabama, refused to entertain a point of order that a quorum was not present made after his announcement that the House had resolved itself into the Committee of the Whole but before he had vacated the chair.

The yeas and nays were ordered.

THE SPEAKER: The question is, Will the House consider the bill (H.R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U.S.C., title 49, sec. 4)?

The question was taken; and there were—yeas 278, nays 97, answered "present" 1, not voting 54, as follows: . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The House automatically resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill.

MR. [SCHUYLER OTIS] BLAND [of Virginia]: Mr. Speaker, I make the point of order there is not a quorum present.

THE SPEAKER: The Chair feels compelled to overrule the point of order, as the recent vote discloses a quorum is present.

§ 14.11 The Speaker held as dilatory a point of no quorum made immediately after a yea and nay vote which disclosed a quorum

13. 81 CONG. REC. 3455, 3456, 75th Cong. 1st Sess.

present where the only event intervening between announcement of the vote and the point of no quorum was the receipt of a message.

On July 21, 1947,[14] Speaker Sam Rayburn, of Texas, ruled on a point of no quorum.

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

The yeas and nays were ordered.

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

The result of the vote was announced as above recorded.

THE SPEAKER: The gentleman from New York [Mr. Gamble] is recognized.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, I notice there is a message here from the President. Do we not receive them when they come in?

THE SPEAKER: The Chair was about to suspend for a moment to receive a message.

[A message in writing from the President of the United States was announced and received.]

MR. RANKIN: Mr. Speaker, I make the point of order there is not a quorum present.

THE SPEAKER: The gentleman's point of order is dilatory. That is obvious to all Members.

14. 93 CONG. REC. 9523, 9524, 80th Cong. 1st Sess.

§ 14.12 After stating that, ". . . he [the Speaker] has yet to hold a motion to be dilatory, and will not until it becomes obvious to everybody that dilatory tactics are being indulged in and that a filibuster is being conducted," the Speaker declined to recognize a point of no quorum immediately after a vote by yeas and nays which disclosed that 362 Members were present.

On July 25, 1949,[15] Speaker Sam Rayburn, of Texas, refused to recognize a point of no quorum.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The gentleman from Florida moves that the House do now adjourn.

The Chair desires to make a statement. Since the present Speaker has occupied the chair he has yet to hold a motion to be dilatory, and will not until it becomes obvious to everybody that dilatory tactics are being indulged in and that a filibuster is being conducted.

The question is on the motion to adjourn.

MR. SIKES: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 110, nays 252, not voting 70, as follows: . . .

15. 95 CONG. REC. 10095, 10096, 81st Cong. 1st Sess.

The result of the vote was announced as above recorded.

THE SPEAKER: The question is on agreeing to the resolution.

MR. [TOM] PICKETT [of Texas]: Mr. Speaker, I make a point of order that a quorum is not present.

THE SPEAKER: The roll call just disclosed that there were 362 Members present, quite a substantial quorum.

§ 14.13 The Speaker, being satisfied that a quorum was present and that a point of no quorum was made for dilatory purposes, declined to entertain it and allowed debate to proceed without taking time to count the House.

On June 3, 1960,[1] Speaker Sam Rayburn, of Texas, refused to entertain a point of no quorum where more than the number necessary to make a quorum had just responded on a yea and nay vote on a motion to adjourn.

THE SPEAKER: The question is on the motion to adjourn.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 77, nays 195, not voting 159. . . .

So the motion to adjourn was rejected. . . .

The result of the vote was announced as above recorded.

THE SPEAKER: Under previous order of the House, the gentleman from California [Mr. Holifield] is recognized for 60 minutes.

MR. [CARROLL D.] KEARNS [of Pennsylvania]: Mr. Speaker, will the gentleman yield?

MR. [CHET] HOLIFIELD: I yield to the gentleman from Pennsylvania.

MR. KEARNS: Mr. Speaker, I make the point of order that there is no quorum present.

THE SPEAKER: The roll was called only 1 minute ago and a quorum was present. A quorum is present.

The gentleman from California.

§ 14.14 After he counted a quorum and a quorum failed to vote on an amendment immediately thereafter, the Speaker in reply to a point of order ruled that a quorum remained present at the time of the division vote and the Chair was not responsible if all Members did not vote.

On Apr. 2, 1943,[2] after a vote held during consideration of H.R. 2087, the War Security Act, Speaker Sam Rayburn, of Texas, rejected a point of no quorum.

Mr. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The Chair will count. [After counting.] Two hundred and nineteen Members are present, a quorum.

1. 106 CONG. REC. 11829, 86th Cong. 2d Sess.

2. 89 CONG. REC. 2886, 78th Cong. 1st Sess.

The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 62, noes 112.

MR. [HARRY] SAUTHOFF [of Wisconsin]: Mr. Speaker, I object to the vote on the ground that a quorum is not present.

THE SPEAKER: The Chair has just counted, and a quorum was present. The Chair is not responsible if all Members in the House do not vote. The Chair must hold that a quorum is present.

So the amendment was rejected.

§ 14.15 Where the House ordered the doors of the Chamber locked until establishment of a quorum and disposition of pending business, the Chair indicated that after a quorum was present in the Chamber further points of no quorum would be dilatory until the business was completed and the doors opened.

On the legislative day of Oct. 8, 1968,[3] during consideration of Senate Joint Resolution 175, to suspend the equal-time requirement of the Communications Act of 1934, for candidates for President and Vice President, Speaker John W. McCormack, of Massachusetts, made a statement as to assuming the presence of a quorum when the doors were locked to prevent exit of Members.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Let me repeat the language of the motion of the gentleman from Washington:

> That a motion be made for the majority here that those who are not present be sent for wherever they are found and returned here on the condition that they shall not be allowed to leave the Chamber until such time as the pending business before this Chamber on this legislative day shall have been completed.

Mr. Speaker, I respectfully argue that in the language used by the gentleman from Washington in the motion that he made, he says very specifically and very categorically that those who are not here are the ones who must be kept in the Chamber.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I demand the regular order.

THE SPEAKER: The regular order is that the gentleman is making a parliamentary inquiry.

MR. GERALD R. FORD: And I am indicating, Mr. Speaker, in my parliamentary inquiry, that the doors to the Chamber shall not be closed to those Members who were here at the time of the call for the quorum.

THE SPEAKER: The Chair, in response to the parliamentary inquiry of

3. 114 CONG. REC. 30213, 90th Cong. 2d Sess., Oct. 9, 1968 (Calendar Day).

the distinguished minority leader, feels, in construing the motion, that a part of the construction is the happenings of the last 10 or 12 or more hours and the intent and purpose of the gentleman from Washington in making the motion.

It seems to the Chair, in response to the parliamentary inquiry—and the Chair makes such a response—that the motion offered by the gentleman from Washington [Mr. Adams] meant that any Member who answered the last quorum call cannot leave the Chamber until the pending business has been disposed of; and the doors will be kept closed.

The Chair might observe in relation to any future points of order that a quorum is not present that apparently a quorum is present because the last one disclosed 222 Members and the Chair is justified in assuming that the 222 Members are still here. The doors will remain locked until the present business is disposed of.

§ 14.16 The Speaker has refused to entertain a point of no quorum where a quorum had just been established by a call of the House and where no further business had been transacted.

On Jan. 22, 1971,[4] Speaker Carl Albert, of Oklahoma, refused to entertain a point of no quorum.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

MR. [DONALD W.] RIEGLE [Jr., of Michigan]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

MR. CHARLES H. WILSON [of California]: 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: . . .

THE SPEAKER: On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE SPEAKER: The Clerk will proceed with the reading of the Journal.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: A quorum has just been established. There has been no business transacted.

The Clerk will proceed with the reading of the Journal.

§ 14.17 Where a quorum has been established on a call of the House and the Chair then lays a message before the House, a further point of no quorum is not entertained before the message is read by the Clerk or other business is transacted.

On Apr. 21, 1971,[5] Speaker Carl Albert, of Oklahoma, ruled

4. 117 CONG. REC. 131, 92d Cong. 1st Sess.

5. 117 CONG. REC. 11095, 11096, 92d Cong. 1st Sess.

on the timeliness of a point of no quorum raised after a message was received but before it was read.[6]

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

MR. [THOMAS P.] O'NEILL [of Massachusetts]: 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:. . . .

THE SPEAKER: On this rollcall 334 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with. . . .

THE SPEAKER: The Chair lays before the House the following message from the President of the United States:

MR. JACOBS: Mr. Speaker, I make a point of order that a quorum is not present.

THE SPEAKER: A rollcall just disclosed the presence of a quorum.

MR. JACOBS: I make the point of order that a quorum is not present, Mr. Speaker, obviously not.

THE SPEAKER: The Chair advises the gentleman that a quorum has just been established and no business has transpired.

MR. JACOBS: At the moment I make a point of order that a quorum is not present.

THE SPEAKER: The gentleman's point of order is out of order.

§ 15. Proceedings Pending Call of House in Absence of Quorum

Because the point of no quorum is not debatable,[7] no Member may be heard on it and subsequent remarks should not be included in the *Congressional Record*.[8] However, the Speaker may entertain points of order which relate to the pending call of the House.[9] Although the Chair may decline to recognize a Member for a parliamentary inquiry when a point of no quorum has been made,[10] or absence of a quorum has been announced[11] he has entertained inquiries during a roll call vote to explain procedures available if a quorum fails to appear,[12] or to clarify the nature of the pending question.[13]

6. See supplements to this edition for discussion of provisions in Rule XV clause 6 added by the 93d Congress on Apr. 9, 1974, to the effect that a point of no quorum may not be made or entertained during the reception of any message from the President or the Senate.

7. §§ 15.1, 15.2, infra.

8. § 15.2, infra.

9. § 15.3, infra.

10. § 15.4, infra.

11. § 15.5, infra.

12. § 15.6, infra.

13. § 15.7, infra.