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QUORUM

Paragraph 1 of Rule VI provides that a quorum shall consist of a majority of the Senators duly chosen and sworn, and under the rules and practices of the Senate, any Senator may suggest the absence of a quorum before the Senate is permitted to act on any business. However, under a unanimous consent agreement placing a limitation on the debate of a measure and assigning control of that time, while that matter is pending no Senator may suggest the absence of a quorum unless that Senator controls a sufficient amount of time (which has been held by the precedents to be 10 minutes). But, it has been equally well established by the precedents that any Senator has a right to call for a quorum before a vote begins even if that Senator controlled no time, or even if there was an order that a vote occur at a time certain. However, certain unanimous consent agreements have been interpreted to preclude quorum calls.

The Presiding Officer has no authority to count to see if a quorum is present when a Senator suggests the absence of a quorum unless the Senate is operating under cloture; the rules provide that once a Senator makes a point of no quorum, "the Presiding Officer shall forthwith direct the Secretary to call the roll" and the Presiding Officer "shall announce the result."

Until a point of no quorum has been raised, the Senate operates on the assumption that a quorum is present, and even if only a few Senators are present, a measure may be passed or a nomination agreed to. Any Senator in attendance can suggest the absence of a quorum, which would stay any action by the Senate until a quorum is ascertained. Voice votes may be taken on the passage of a bill and if no question of a quorum is raised, that action is final, even though a majority of the Senators did not participate; the Senate operates on the absolute assumption that a quorum is always present until a point of no quorum is made.

Once a point of no quorum has been raised, and the absence of a quorum established by the Chair announcing that a quorum is not present, the quorum call may not be called off, even by unanimous consent, and no business or debate is in order, until a quorum of the Senators has responded to the call. The Senate may in the absence of a quorum recess (if there is an order in place permitting such a recess), adjourn, or adopt motions to request or compel the attendance of absent Senators; it may not, however, proceed to take any further legislative action until a quorum is established.

If the Senate is finally forced to adjourn without a quorum being present, the first thing when the Senate reconvenes is to call a quorum to ascertain the presence of a quorum.

Rule VI

[Definition of a Quorum and Quorum Call Procedure]

1. A quorum shall consist of a majority of the Senators duly chosen and sworn.

2. No Senator shall absent himself from the service of the Senate without leave.

3. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

4. Whenever upon such rollcall it shall he ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

Rule XII, Paragraph 4

[Quorum Call Before Consent To Fix Time for Vote on Passage of Bills and Joint Resolutions]

No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until after a quorum call ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

Form:

Majority Leader:

Mr. President, I suggest the absence of a quorum.

or

Mr. President, I make the point of order that a quorum is not present.

Absence of Quorum Announced, Business Out of Order:

See "Quorum Call, Debate Out of Order Until Quorum Present," p. 767; "Business or Debate Out of Order in the Absence of a Quorum," pp. 1046–1049.

Absence of a Quorum Disclosed by:

See "Suggestion of the Absence of a Quorum When in Order," pp. 1062–1065.

Absentees Called:

A quorum being absent, and the Chair having announced the absence of a quorum, the Secretary is directed to call the names of the absentees. For details *see* "Attendance of Senators," "Call of Absentees, a Quorum Being Absent," p. 216.

Adding of Names to Quorum Call After Call Is Completed:

A Senator under a strict interpretation of the rule must respond to a call in order to be recorded, if the question is raised.[1]

The Vice President, in 1913, instructed the Secretary not to record any Senator's name after such announcement unless he obtained permission of the Senate.[2]

The Vice President has made statements at different times against adding names after a quorum call has ended,[3] as well as on adding names of Senators when they enter the Chamber after their names are called and before announcement of results.[4]

Adjourn:

See "Quorum Call Before Voting On," p. 7.

Adjournment in the Absence of a Quorum:

See also "Precedence of," p. 16; "Precedence of Motions," pp. 4–5; "Quorum, Absence of," pp. 5–7.

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[1] *See* Mar. 19, 1947, 80–1, *Record*, p. 2264.
[2] Dec. 10, 1913, 63–2, *Record*, pp. 590–92.
[3] Apr. 5, 1949, 81–1, *Record*, pp. 3832–35; Apr. 6, 1949, 81–1, *Record*, pp. 3956–57.
[4] May 16, 1949, 81–1, *Record*, p. 6203.

When the Senate convenes following an adjournment or recess (under a previous order) taken in the absence of a quorum, the Presiding Officer will direct a quorum to be called as soon as the Senate convenes,[5] without any motion from the floor.[6]

Adjournment, May Not Interrupt Quorum Call Until Established That Quorum Was Not Present:

See also "When Motion Not in Order," p. 7.

After the Chair announces that a quorum is in progress, a motion to adjourn is not in order, until the quorum is called off or concluded, or the Chair announces that a quorum is not present.[7]

Announced by Chair:

When a quorum call discloses the presence of a quorum, the Chair will announce that a quorum is present, and on June 13, 1967 when a point of order was made following such announcement that there was no quorum present, the Presiding Officer assured the Senator that a quorum had responded to the rollcall from which there is no appeal.[8]

Arrest, Orders for During Absence of Quorum:

See "Compel or Request Attendance," pp. 217–222.

Assumption That Quorum Is Present, Unless Question Raised:

The Senate operates on the presumption that a quorum is present at all times,[9] under all circumstances, unless

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[5] July 21, 1975, 94–1, *Record*, p. 23735; Apr. 30, 1971, 92–1, *Record*, pp. 12855–61; May 3, 1971, 92–1, *Record*, p. 13131; July 16, 1942, 77–2, *Record*, p. 6225; Apr. 24 and 25, 1962, 87–2, *Record*, pp. 7139, 7141–43; July 28, 1962, 87–2, *Record*, pp. 14952–53; Aug. 14, 1962, 87–2, *Record*, p. 16416; Sept. 6, 1966, 89–2, *Record*, p. 21651; Sept. 11, 1970, 91–2, *Record*, p. 31502; Aug. 21, 1970, 91–2, *Record*, p. 29764. For several successive instances of daily adjournments because of a lack of a quorum, *see* Sept. 17, 1964, 88–2, *Record*, p. 22333; Sept. 18, 1964, 88–2, *Record*, p. 22354; Sept. 19, 1964, 88–2, *Record*, p. 22354; Sept. 21, 1964, 88–2, *Record*, pp. 22354–55; Aug. 21, 1970, 91–2, *Record*, p. 29764; Sept. 11, 1970, 91–2, *Record*, p. 31502; June 30, 1971, 92–1, *Record*, p. 22878.

[6] Sept. 20 and 23, 1968, *Record*, pp. 27793, 27815; Aug. 21, 1970, 91–2, *Record*, p. 29764; Sept. 11, 1970, 91–2, *Record*, p. 31502.

[7] Sept. 30, 1971, 92–1, *Record*, pp. 34260, 34265.

[8] June 13, 1967, 90–1, *Record*, p. 15691.

[9] Sept. 18, 1914, 63–2, *Record*, p. 15354; *see also* Apr. 11, 1912, 62–2, *Record*, p. 4585; July 26, 1937, 75–1, *Record*, pp. 7582, 7584.

the question to the contrary is raised,[10] or the absence of a quorum is officially shown otherwise,[11] or until a point of no quorum is made even though a voice vote is taken and announced in the meantime.[12]

Attendance of Senators, Request or Compel:

For precedents on, *see* "Call of Absentees, a Quorum Being Absent," p. 216; "Compel or Request Attendance," pp. 217-222.

Business After Quorum Calls Not Required if Quorum Call Is Incomplete:

If the Senate completes a quorum call, "another quorum call would not be in order if a point of order were made" until some business has been transacted, but this would not be true if the quorum call was called off by unanimous consent.[13]

Business Between Calls—Definition of What Constitutes Business Since the Previous Quorum Call for the Purpose of Calling Another Quorum:

See also "Dilatory," pp. 1053-1054; "Cloture Procedure," pp. 282-338.

A quorum call is not in order unless business has intervened since a quorum was last established,[14] and the withdrawal of an amendment does not constitute business.[15]

Business must intervene before a second quorum call or between calls,[16] or a quorum call is not in order when there has been no business transacted since the previous

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[10] Apr. 22, 1910, 61-2, *Record*, pp. 5179-84; *see also* Sept. 30, 1977, 95-1, *Record*, pp. 31750-52.

[11] Dec. 2, 1907, 60-1, *Record*, p. 1; Apr. 4, 1911, 62-1, *Record*, pp. 1-2; Nov. 13, 1941, 77-1, *Record*, p. 8821; *see also* Aug. 6, 1942, 77-2, *Record*, p. 6752.

[12] *See* July 3, 1952, 82-2, *Record*, p. 9150.

[13] *See* Mar. 15, 1967, 90-1, *Record*, p. 6835.

[14] Feb. 24, 1982, 97-2, *Record*, pp. 2341-42; Apr. 15, 1986, 99-2, *Record*, pp. 7479-80.

[15] Apr. 15, 1986, 99-2, *Record*, pp. 7479-80.

[16] July 27, 1914, 63-2, *Record*, pp. 12794-95; June 12, 1917, 65-1, *Record*, pp. 3500-01; Mar. 12, 1925, 69-Special Session, *Record*, pp. 174-75; June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9119; June 18, 1934, 73-2, *Journal*, p. 619, *Record*, p. 12401; May 25, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9819; Mar. 3, 1927, 69-2, *Record*, p. 5497; Feb. 15, 1927, 69-2, *Journal*, p. 179, *Record*, pp. 3828-29; Dec. 11, 1919, 66-2, *Record*, p. 404; May 29, 1908, 60-1, *Journal*, p. 514, *Record*, pp. 7195-96; Feb. 21, 1895, 53-3, *Record*, p. 2508; Nov. 18, 1921, 67-1, *Record*, p. 7895.

call which was completed if a point of order is made,[17] and the suggestion of the absence of a quorum is not in order immediately following a yea and nay vote where the presence of a quorum was shown and no business has intervened; [18] but another quorum call is in order when business has intervened.[19] Where a motion to adjourn has been made, the suggestion of the absence of a quorum is in order.[20] Likewise, it is always in order to suggest the absence of a quorum before a vote is taken on a proposition if a quorum has not just been established.[21]

Where a conference report has been adopted on a division vote, and a quorum call has been had, it is then too late to raise the question that a quorum was not present when the vote was taken, inasmuch as, on the record, a quorum was officially presumed to be present.[22]

Where no intervening business has transpired, it is not in order, after the rollcall has started, to make a point of order that no business had intervened since the previous call.[23]

Precedents define the following transactions as business for the purpose of calling another quorum:

Adjourn, vote or action on motion to; [24]
Amendment, offering of; [25]
Amendment, consent to print and lie on table; [26]
Appeal, vote, or action on; [27]

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[17] Mar. 15, 1967, 90-1, *Record*, p. 6835; Oct. 14, 1978, 95-2, *Record*, pp. 37393-401; Nov. 6, 1963, 88-1, *Record*, p. 21238; Jan. 18, 1915, 63-3, *Record*, p. 1765; Jan. 29, 1915, 63-3, *Record*, pp. 2620-21; July 27, 1914, 63-2, *Record*, pp. 12794-95; June 18, 1959, 86-1, *Record*, pp. 11178-82; May 28, 1957, 85-1, *Record*, p. 7849; Mar. 19, 1947, 80-1, *Record*, p. 2263; Jan. 18, 1938, 75-3, *Record*, p. 696; *see also* June 18, 1959, 86-1, *Record*, p. 11193; Nov. 27, 1963, 88-1, *Record*, p. 22909.

[18] Apr. 16, 1986, 99-2, *Record*, pp. 7744-45; Nov. 25, 1980, 96-2, *Record*, pp. 31037-39; Mar. 3, 1897, 54-2, *Journal*, p. 184, *Record*, pp. 2736-37.

[19] Jan. 25, 1938, 75-3, *Record*, pp. 1054-55.

[20] May 29, 1926, 69-1, *Record*, p. 10367; Dec. 12, 1917, 65-2, *Record*, p. 179.

[21] *See* Jan. 22, 1947, 80-1, *Record*, p. 509.

[22] *See* June 17, 1960, 86-2, *Record*, pp. 13077-78.

[23] Mar. 19, 1956, 84-2, *Record*, p. 5034.

[24] Feb. 17, 1931, 71-3, *Journal*, p. 227, *Record*, p. 5180; Mar. 3, 1927, 69-2, *Journal*, p. 267, *Record*, p. 5493; Feb. 15, 1927, 69-2, *Journal*, p. 179, *Record*, pp. 3828-29, 3849; Sept. 18, 1914, 63-2, *Record*, p. 15355. (A call of the Senate having disclosed the absence of a quorum, and a motion to adjourn having been rejected, a second call of the Senate is not in order—Jan. 24, 1901, 56-2, *Record*, p. 1384.)

[25] Apr. 16, 1986, 99-2, *Record*, pp. 7744-45; Aug. 27, 1940, 76-3, *Record*, p. 11029; *see also* Aug. 15, 1941, 77-1, *Record*, p. 7173.

[26] *See* Jan. 8, 1938, 75-3, *Record*, p. 228; Jan. 7, 1938, 75-3, *Journal*, p. 79, *Record*, p. 155.

[27] June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9091; Mar. 19, 1945, 79-1, *Record*, p. 2409; *see also* June 20, 1947, 80-1, *Record*, p. 7379; Mar. 19, 1947, 80-1, *Record*, p. 2263; June 20, 1962, 87-2, *Record*, p. 11157.

Calendar call, objection to consideration of a bill during; [28]

Communication, presentation and reference of; [29]

Communication, granting of unanimous consent request for printing of; [30]

Engrossment and third reading of a measure; [31]

Executive session, adoption of motion for; [32]

Lay aside, objection to laying aside unfinished business temporarily,[33] or the laying aside of unfinished business;

Legislative session, when previous call in executive session; [34]

Message from the House, receipt of; [35]

Motion, adoption of; [36]

Motion, making of (has been ruled both as business and as not business but latest rulings have held it to be business); [37]

Point of order, ruling on; [38]

Print article in *Record*, order to; [39]

Read, motion to direct the Secretary to read the address of a Senator; [40]

Recess, vote on motion to; [41]

Reconsider, vote on motion to; [42]

Record, granting consent to print article or statement in; [43]

Reference, granting of unanimous consent to print in *Record* and reference of certain matter; [44]

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[28] Feb. 19, 1940, 76-3, *Journal*, pp. 125-26, *Record*, p. 1583; Nov. 16, 1942, 77-2, *Record*, pp. 8556-61.

[29] May 25, 1929, 71-1, *Journal*, p. 80; *Record*, pp. 1919-20.

[30] *See* Apr. 30, 1935, 74-1, *Journal*, p. 305. *Record*, p. 6619.

[31] *See* Dec. 4, 1942, 77-2, Record, p. 9328.

[32] *See* Jan. 25, 1938, 75-3, *Record*, p. 1030.

[33] Sept. 23, 1921, 67-1, *Record*, p. 5741.

[34] Jan. 25, 1938, 75-3, *Journal*, p. 102, *Record*, pp. 1054-55.

[35] Jan. 27, 1915, 63-3, *Record*, p. 2389.

[36] Mar. 9, 1912, 62-2, *Record*, pp. 3090-91.

[37] Sept. 4, 1941, 77-1, *Record*, p. 7308; *see also* Apr. 30, 1948, 80-2, *Record*, p. 5089.

[38] *See* Mar. 19, 1947, 80-1, *Record*, p. 2261.

[39] Jan. 19, 1938, 75-3, *Record*, p. 752; Apr. 30, 1935, 74-1, *Record*, pp. 6620-21; *see also* Jan. 7, 1938, 75-3, *Record*, p. 203; Nov. 17, 1942, 77-2, *Record*, pp. 8897, 8922.

[40] June 12, 1935, 74-4, *Journal*, p. 495; *Record*, p. 9188.

[41] Feb. 22, 1927, 69-2; *Journal*, p. 205, *Record*, p. 4437; Dec. 4, 1942, 77-2, *Record*, p. 9334.

[42] June 12, 1935, 74-1, *Journal*, p. 495, *Record*, p. 9188.

[43] Jan. 19, 1938, 75-3, *Record*, p. 752; Apr. 30, 1935, 74-1, *Record*, pp. 6620-21; *see also* Jan. 7, 1938, 75-3, *Journal*, p. 79, *Record*, pp. 155, 228; Nov. 17, 1942, 77-2, *Record*, pp. 8897, 8922; June 18, 1959, 86-1, *Record*, pp. 11178-82; Nov. 27, 1963, 88-1, *Record*, p. 22909.

[44] Sept. 29, 1914, 63-2, *Record*, p. 15855.

Reference, presentation and reference of a communication; [45]

Report, presentation of, out of order; [46]

Table, voting on motion to; [47]

Unanimous consent proposal, submission and granting or rejection of; [48]

Unfinished business, lay aside; [49]

Vote on any motion, including to take a recess; [50]

Yeas and nays, ordering of [51] or refusal of.[52]

If the Senate is not operating under cloture, the denial of the yeas and nays constitutes business for the purpose of calling a quorum.[53]

The following have been held not to be business for the purpose of calling a quorum:

Debate; [54]

Debate, extension of time under unanimous consent agreement limiting; [55]

Discussion; [56]

Message from the House on which no action is required, laying before the Senate; [57]

Message from the House, receipt of; [58]

Message from the President, receipt of; [59]

Motion, making of (latest precedent says it is business); [60]

Parliamentary inquiry, making of; [61]

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[45] May 25, 1929, 71-1, *Journal*, p. 80.

[46] Mar. 16, 1943, 78-1, *Record*, p. 2056; *see also* Jan. 13, 1933, 72-2, *Record*, p. 1732.

[47] May 25, 1928, 70-1, *Journal*, p. 537; June 12, 1935, 74-1, *Journal*, p. 436.

[48] Feb. 22, 1923, 67-4, *Record*, pp. 4265-66; Mar. 6, 1968, 90-2, *Record*, pp. 5534-35; Feb. 20, 1923, 67-4, *Journal*, p. 176, *Record*, p. 4105; Feb. 22, 1923, 67-4, *Journal*, p. 182, *Record*, p. 4266; Mar. 3, 1927, 69-2, *Journal*, p. 267, *Record*, p. 5486; June 30, 1941, 77-1, *Record*, p. 5737; Mar. 2, 1927, 69-2, *Journal*, p. 267; *see also* Feb. 26, 1960, 86-2, *Record*, p. 3596.

[49] Sept. 23, 1921, 67-1, *Record*, p. 5741.

[50] Nov. 16, 1921, 67-1, *Record*, p. 7806; June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9091; June 12, 1935, 74-1, *Journal*, p. 495, *Record*, p. 9188.

[51] July 28, 1980, 96-2, *Record*, p. 19967; Apr. 22, 1940, 76-3, *Record*, p. 4831; Nov. 17, 1942, 77-2, *Record*, pp. 8897-98; *see also* May 31, 1949, 81-1, *Record*, p. 7071; Oct. 31, 1921, 67-1, *Record*, p. 7034.

[52] Sept. 25, 1986, 99-2, *Record*, p. 26137; June 22, 1955, 84-1, *Record*, p. 8954.

[53] Dec. 16, 1982, 97-2, *Record*, p. 31291.

[54] Sept. 25, 1986, 99-2, *Record*, p. 26137; Dec. 18, 1919, 66-2, *Record*, p. 819; Nov. 18, 1921, 67-1, *Record*, p. 7895; Feb. 15, 1927, 69-2, *Journal*, p. 179, *Record*, pp. 3828-29; Feb. 27, 1911, 61-3, *Record*, pp. 3558-60; July 27, 1914, 63-2, *Record*, pp. 12794-95.

[55] Jan. 24, 1933, 72-2, *Record*, p. 2397.

[56] Feb. 25, 1929, 70-2, *Journal*, p. 212, *Record*, p. 4248.

[57] Mar. 1, 1929, 70-2, *Journal*, p. 254, *Record*, p. 4862.

[58] *See* Aug. 15, 1941, 77-1, *Record*, p. 7173; Nov. 17, 1942, 77-2, *Record*, p. 8898.

[59] Nov. 17, 1942, 77-2, *Record*, pp. 8897-99.

[60] Nov. 17, 1942, 77-2, *Record*, p. 8897; Mar. 29, 1938, 75-3, *Record*, p. 4299.

[61] June 18, 1959, 86-1, *Record*, pp. 11178-82; Aug. 14, 1962, 87-2, *Record*, pp. 16443-44; Aug. 29, 1962, 87-2, *Record*, pp. 18121-22; *see* Nov. 27, 1963, 88-1, *Record*, p. 22909.

Reading of a protocol; [62]

Record, objection to request of reading or printing of article in; [63]

Record, objection to unanimous consent request to have a newspaper editorial printed or read into; [64]

Unanimous consent request, but no action on.[65]

Withdrawal of an amendment.[66]

On one occasion after a cloture motion was agreed to and several unanimous consent requests for a vote at a time certain on the clotured matter were objected to, the Chair on its own initiative held that a quorum call was not then in order.[67]

Business in Order When Quorum Present:

See "Quorum Being Present, Business Proceeds," pp. 1057–1058.

Business or Debate Out of Order in the Absence of a Quorum or During a Quorum Call:

See also "Quorum, Absence of," pp. 5–7; "Quorum Call, Debate Out of Order Until Quorum Present," p. 767; "Call of Quorum May Not Be Interrupted," pp. 1050–1051.

No debate nor business can be transacted in the absence of a quorum,[68] nor during a quorum call,[69] nor is debate in order after it has been determined and announced that a quorum is absent, even at the end of the first call.[70]

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[62] Jan. 25, 1926, 69–1, *Record*, p. 2681.

[63] Apr. 30, 1935, 74–1, *Record*, pp. 6620–21; June 20, 1947, 80–1, *Record*, p. 7379; *see also* Nov. 17, 1942, 77–2, *Record*, p. 8922; Jan. 7, 1938, 75–3, *Record*, p. 203; Apr. 13, 1964, 88–2, *Record*, pp. 7783–84.

[64] Apr. 30, 1935, 74–1, *Journal*, p. 305, *Record*, p. 6619.

[65] *See* Feb. 26, 1960, 86–2, *Record*, p. 3596.

[66] Apr. 15, 1986, 99–2, *Record*, pp. 7479–80.

[67] Sept. 25, 1986, 99–2, *Record*, p. 26137.

[68] Sept. 26, 1977, 95–1, *Record*, p. 30814; Feb. 26, 1966, 80–2, *Record*, p. 4178; Sept. 30, 1971, 92–1, *Record*, p. 34260–61; Jan. 24, 1972, 92–2, *Record*, pp. 949–50; Feb. 13, 1893, 52–2, *Record*, p. 1506; Oct. 16, 1893, 53–1, *Record*, p. 2546; Apr. 19, 1932, 72–1, *Journal*, p. 410, *Record*, p. 8500; Mar. 12, 1953, 83–1, *Record*, pp. 1889–90; Apr. 22, 1943, 78–1, *Record*, p. 3689; Feb. 3, 1942, 77–2, *Record*, p. 974; May 25, 1928, 70–1, *Journal*, p. 537; *Record*, p. 9808; May 17, 1894, 53–2, *Record*, p. 4879; Sept. 11, 1890, 51–1, *Record*, p. 9973; June 28, 1890, 51–1, *Record*, p. 6670; July 15, 1890, 51–1, *Record*, p. 7291; Jan. 11, 1889, 50–2, *Record*, p. 652; Jan. 9, 1889, 50–1, *Record*, p. 629; June 14, 1888, 50–1, *Record*, p. 5248; June 13, 1888, 50–1, *Record*, p. 5209; *see also* Feb. 26, 1861, 36–2, *Record*, p. 1222; Feb. 15, 1954, 83–2, *Record*, p. 1746; June 28, 1937, 75–1, *Journal*, p. 380, *Record*, p. 6408; Apr. 22, 92–1, *Record*, p. 11507.

[69] *Ibid.*; July 22, 1980, 96–2, *Record*, p. 18994; Sept. 12, 1969, 91–1, *Record*, p. 25321.

[70] Aug. 17, 1888, 50–1, *Record*, p. 7680; Jan. 6, 1903, 57–2, *Record*, p. 527; Feb. 25, 1929, 70–2, *Journal*, p. 212, *Record*, p. 4248; Mar. 12, 1953, 83–1, *Record*, pp. 1889–90; May 3, 1951, 82–1, *Record*, p. 4770; Apr. 14, 1950, 81–2, *Record*, p. 5205; Aug. 26, 1949, 81–1,

Continued

When a yea and nay vote discloses the lack of a quorum, no motion is in order except a call of the Senate or to adjourn.[71]

A request for unanimous consent is not in order when the absence of a quorum has been suggested, and pending the lack of a quorum no business nor motion, except to adjourn [or action to obtain a quorum], is in order.[72]

Matters which have been ruled out of order or requests which the Presiding Officer is precluded from entertaining after it has been determined and announced that a quorum is not present include:

Adjourn to a different hour; [73]

Appeal, take an; [74]

Attendance, excuse absent Senators from, under an order directing the Sergeant at Arms to request their attendance; [75]

Debate; [76]

Discharge Sergeant at Arms from execution of order; [77]

Journal, reading of; [78]

Messages from the President or House may not he acted upon; [79]

Parliamentary inquiry; [80]

Point of order, to raise or entertain; [81]

Recess, to hour certain; [82]

Recommit, withdrawal of motion to; [83]

Reconsider, motion to; [84]

Record, p. 12323; Mar. 4, 1949, 81-1, *Record*, pp. 1862-63; Nov. 14, 1942, 77-2, *Record*, pp. 8838-39; June 28, 1937, 75-1, *Journal*, p. 380, *Record*, p. 6408; Feb. 20, 1923, 67-4, *Journal*, p. 177, *Record*, pp. 4109-10; Sept. 18, 1914, 63-2, *Record*, p. 15361; July 21, 1913, 63-1, *Record*, p. 2570; Feb. 28, 1889, 50-2, *Record*, p. 2444; *see also* July 29, 1892, 52-1, *Record*, p. 6906; Feb. 23, 1927, 69-2, *Journal*, p. 206; Apr. 30, 1948, 80-2, *Record*, p. 5107; Mar. 19, 1954, 83-2, *Record*, p. 3603; July 28, 1962, 87-2, *Record*, pp. 14952-53.

[71] Dec. 20, 1884, 48-2, *Record*, p. 397.

[72] Feb. 3, 1897, 54-2, *Record*, p. 1481.

[73] Jan. 9, 1889, 50-2, *Record*, p. 629; June 28, 1890, 51-1, *Record*, p. 6670.

[74] Aug. 20, 1894, 53-2, *Record*, p. 8620; July 23, 1890, 51-1, *Record*, p. 7612.

[75] Mar. 5, 1890, 51-1, *Record*, p. 1933; *see also* Jan. 16, 1891, 51-2, *Record*, p. 1438.

[76] Sept. 12, 1969, 91-1, *Record*, p. 25321.

[77] Jan. 14, 1938, 75-3, *Journal*, p. 89.

[78] Feb. 18, 1885, 48-2, *Record*, p. 1828.

[79] Aug. 5, 1886, 49-1, *Journal*, pp. 1288-89, *Record*, pp. 8022-23.

[80] Oct. 14, 1949, 81-1, *Record*, p. 14505; June 28, 1960, 86-2, *Record*, p. 14746; June 15, 1960, 86-2, *Record*, p. 12664; *see also* Sept. 21, 1950, 81-2, *Record*, p. 15345.

[81] Jan. 21, 1891, 51-2, *Journal*, pp. 88-89, *Record*, pp. 1624-26; Aug. 5, 1886, 49-1, *Record*, p. 8022.

[82] July 28, 1962, 87-2, *Record*, pp. 14952-53.

[83] May 14, 1952, 82-2, *Record*, p. 5184.

[84] Feb. 25, 1929, 70-2, *Journal*, p. 212, *Record*, p. 4248.

Reconsideration of vote directing the Sergeant at Arms to compel attendance; [85]

Record, request to print matter in; [86]

Reference of a report by the Sergeant at Arms concerning the execution of any order to compel the attendance of absent Senators; [87]

Reservation of objections; [88]

Proceedings of a quorum call, motion to dispense with; [89]

Unanimous consent request, to entertain or to consider; [90]

Unanimous consent request, granting of a; [91]

Unanimous consent request that the Sergeant at Arms be directed to request attendance as contrasted to a motion to that effect.[92]

When the Senate is conducting a quorum call a Senator may only ask unanimous consent to terminate the call and may not couple that with another unanimous consent request or make a parliamentary inquiry.[93]

In the absence of a quorum it is not in order to move to table a motion to instruct the Sergeant at Arms to request the attendance of absent Senators.[94]

During a quorum call (before the absence of a quorum has been revealed), no business is in order, including making parliamentary inquiries, or reserving the right to object to unanimous consent requests. It is only in order to make a unanimous consent request to terminate the call.[95]

In the absence of a quorum a motion is in order to recess pursuant to a previous order or to a previous unanimous consent agreement.[96]

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[85] Jan. 21, 1891, 51-2, *Journal*, pp. 88-89, *Record*, pp. 1624-26.

[86] Apr. 19, 1932, 72-1, *Journal*, p. 410; *see also* June 27, 1939, 76-1, *Record*, p. 7944.

[87] Jan. 16, 1891, 51-2, *Record*, p. 1441.

[88] Sept. 14, 1951, 82-1, *Record*, p. 11372.

[89] Dec. 7, 1942, 77-2, *Record*, p. 9352.

[90] May 3, 1951, 82-1, *Record*, p. 4770; May 8, 1888, 50-1, *Record*, p. 3813; June 13, 1888, 50-1, *Record*, p. 5209; Feb. 3, 1897, 54-2, *Record*, p. 1481; Feb. 9, 1891, 51-2, *Record*, p. 2396; Aug. 17, 1888, 50-1, *Record*, p. 7680; June 14, 1888, 50-1, *Record*, p. 5248.

[91] *Ibid.; see also* Aug. 1, 1950, 81-2, *Record*, pp. 11454-55; Jan. 6, 1950, 81-2, *Record*, p. 122; Jan. 12, 1950, 81-2, *Record*, p. 342; Apr. 14, 1950, 81-2, *Record*, p. 5205.

[92] May 24, 1949, 81-1, *Record*, p. 6718.

[93] Oct. 23, 1990, 101-2, *Record*, p. S 16495; June 23, 1986, 99-2, *Record*, pp. 14935-36; Dec. 18, 1982, 97-2, *Record*, pp. 32350-51

[94] July 20, 1983, 98-1, *Record*, p. 19914.

[95] Oct. 4, 1990, 101-2, *Record*, p. S 14546; May 17, 1982, 97-2, *Record*, pp. 10250-51.

[96] Jan. 29, 1931, 71-3, *Record*, p. 3480; Apr. 22, 1922, 67-2, *Record*, pp. 5857-72; June 1, 1922, 67-2, *Journal*, p. 271, *Record*, p. 7967.

Less than a quorum having voted on a motion to recommit a bill with instructions, upon the appearance of a quorum following a call of the Senate, the motion to recommit was withdrawn by unanimous consent.[97]

When the time arrives for a cloture vote, the Chair will direct the clerk to ascertain the presence of a quorum even if a quorum has just voted, and once the clerk begins the quorum call no point of order is in order.[98]

Call Begins:

A quorum call begins when a Senator suggests the absence of a quorum and the Chair directs the Clerk to call the roll. At that stage of the proceedings either the Senator suggesting the absence of a quorum must withdraw his request just before the Chair directs the Clerk to call the roll, or consent must be granted to rescind the quorum call if further proceedings are to be had before the quorum call is completed.[99]

A quorum call begins when the clerk calls the first name, not upon the response of the first Senator.[100]

When a Senator makes a point of order that a quorum is not present, that is the equivalent of suggesting the absence of a quorum, and the calling of the first name by the clerk in response to that action begins the quorum call (no response by a Senator being necessary) [101]

After a quorum call has been ordered and a Senator answers to his name, it is then too late to make a point of order that no business has intervened.[102]

A quorum call does not begin until the clerk calls the first name. Therefore, before the clerk calls the first name in a quorum call, Senators may be recognized, debate may occur, and other business conducted, at the sufferance of the Senator who suggested the absence of a quorum.[103]

See proceedings for February 20, 1950, for discussion concerning length of time a quorum call can be withheld after suggesting the absence of a quorum.[104]

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[97] Dec. 17, 1910, 61-3, *Record*, pp. 433-34.
[98] April 19, 1983, 98-1, *Record*, p. 8969.
[99] Sept. 30, 1971, 92-1, *Record*, pp. 34260, 34265; *see also* Sept. 30, 1977, 95-1, *Record*, pp. 31747-48.
[100] Feb. 24, 1982, 97-2, *Record*, pp. 2254, 2340.
[101] Dec. 19, 1982, 97-2, *Record*, pp. 32350-51.
[102] Mar. 4, 1922, 67-2, *Record*, p. 4495; July 15, 1947, 80-1, *Record*, p. 8904.
[103] Jan. 27, 1988, 100-2, *Record*, pp. S 171-72.
[104] Feb. 20, 1950, 81-2, *Record*, p. 1942.

Call of Quorum:

See "Reservation of Objections," pp. 1060–1061; "Withdrawal of Quorum Calls," pp. 1076–1077.

Call of Quorum May Not Be Interrupted:

See also "Business or Debate Out of Order in the Absence of a Quorum," pp. 1046–1049; "Call Begins," p. 1049.

It is not in order to interrupt the call of a quorum for the transaction of business,[105] by a demand for the yeas and nays,[106] or to propound a parliamentary inquiry;[107] unanimous consent is required to call off a quorum and business cannot be transacted until the quorum is called off or the call has established the presence of a quorum.[108]

During a quorum call, debate or the transaction of business is not in order,[109] nor is it in order for a Senator to make a motion even though no Senator has answered to his name.[110]

Pending a quorum call, it is not in order to withdraw a motion to recommit unless the quorum call is first withdrawn.[111]

While a quorum call is in progress, a unanimous consent request to be excused from voting on an amendment is not in order.[112]

A call of the Senate may be interrupted by unanimous consent to withdraw the call provided the first call has not been concluded and the absence of a quorum announced.[113]

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[105] Feb. 21, 1927, 69–2, *Journal*, p. 197.

[106] July 29, 1958, 85–2, *Record*, p. 15414; July 25, 1958, 85–2, *Record*, p. 15118.

[107] July 20, 1983, 98–1, *Record*, p. 19889; Dec. 19, 1982, 97–2, *Record*, pp. 32350–51; Mar. 14, 1972, 92–2, *Record*, pp. 8304–05; Jan. 24, 1972, 92–2, *Record*, pp. 949–50; Mar. 4, 1960, 86–2, *Record*, p. 4487; Sept. 8, 1959, 86–1, *Record*, p. 18555; Aug. 14, 1958, 85–2, *Record*, p. 17979; June 4, 1952, 82–2, *Record*, p. 6548; Jan. 24, 1972, 92–2, *Record*, p. 949; *see* Nov. 6, 1963, 88–1, *Record*, p. 21238.

[108] Sept. 30, 1971, 92–1, *Record*, pp. 34260, 34265; *see* Mar. 4, 1957, 85–1, *Record*, p. 3000.

[109] July 21, 1913, 63–1, *Record*, p. 2570; July 31, 1962, 87–2, *Record*, p. 15128; Apr. 22, 1971, 92–1, *Record*, p. 11507; Sept. 12, 1969, 91–1, *Record*, p. 25321; Aug. 24, 1962, 87–2, *Record*, p. 17527; Jan. 24, 1972, 92–2, *Record*, pp. 949–50.

[110] *See* Apr. 8, 1954, 83–2, *Record*, p. 4858.

[111] May 14, 1952, 82–2, *Record*, p. 5184.

[112] May 22, 1959, 86–1, *Record*, pp. 8903–04.

[113] Dec. 10, 1937, 75–2, *Record*, p. 1246; May 12, 1938, 75–3, *Record*, p. 6772; Mar. 4, 1941, 77–1, *Record*, p. 1735; Mar. 6, 13, and 14, 1950, 81–2, *Record*, pp. 2891, 3254, 3323; Feb. 23, 1950, 81–2, *Record*, p. 2293; Feb. 21, 1950, 81–2, *Record*, p. 2039; Feb. 6, 8, 9, 10, 14 and 16, 1950, 81–2, *Record*, pp. 1529, 1663, 1666, 1674, 1687, 1761, 1797, 1839, 1898; Feb. 3, 1950, 81–2, *Record*, p. 1446; Jan. 31, 1950, 81–2, *Record*, p. 1152; Jan. 25, 1950, 81–

Continued

A unanimous consent request to dispense with further proceedings under a quorum call is not subject to a reservation of objections,[114] or debate.[115] A Senator must either object or not object to the request.[116] A request for unanimous consent is not in order when the absence of a quorum has been suggested, and pending the lack of a quorum no business or motion except to adjourn (or action to bring in the absent Senators) is in order.[117]

Chair May Suggest:

See, "Presiding Officer May Suggest or Rescind," p. 1057.

Compel Attendance:

See "Compel or Request Attendance," pp. 217-222.

Counting of Quorum by Chair:

See also "Pairs Counted To Constitute a Quorum," p. 1056; "Present But Not Voting Counted To Make Quorum," p. 1057.

The Chair has no authority to count a quorum,[118] unless the Senate is operating under cloture.[119] There is no rule of the Senate which justifies or authorizes the Presiding Officer of the Senate to count a quorum.[120]

The Presiding Officer has no right to inform a Senator during a rollcall, whether or not a quorum has voted.[121]

2, *Record*, p. 889; Jan. 19, 1950, 81-2, *Record*, p. 626; Jan. 6, 1950, 81-2, *Record*, p. 123; Oct. 18, 1949, 81-1, *Record*, pp. 14862, 14867; Sept. 30, 1949, 81-1, *Record*, p. 13591; Sept. 23, 1949, 81-1, *Record*, p. 13203; Sept. 20, 1949, 81-1, *Record*, p. 13055; Sept. 13, 1949, 81-1, *Record*, pp. 12787-88, 12799; Sept. 9, 1949, 81-1, *Record*, p. 12740; Sept. 8, 1949, 81-1, *Record*, p. 12660; Sept. 8, 1949, 81-1, *Record*, p. 12652; Sept. 7, 1949, 81-1, *Record*, p. 12629; July 21, 1949, 81-1, *Record*, p. 9903; June 2, 1949, 81-1, *Record*, p. 7160; Mar. 11, 1948, 80-2, *Record*, p. 2536; July 16, 1946, 79-2, *Record*, p. 9088; Apr. 22, 1946, 79-2, *Record*, p. 4091; Apr. 6, 1946, 79-2, *Record*, p. 3257; Mar. 23, 1945, 79-1, *Record*, p. 2662; June 16, 1944, 78-2, *Record*, p. 6039; July 2, 1942, 77-2, *Record*, p. 5918; May 8, 1941, 77-1, *Record*, p. 3774; for further examples, *see* proceedings for May 18, 1953, 83-1, *Record*, p. 5044; Dec. 6 and 12, 1950; Apr. 3 and 4, 1950; Mar. 20 and 21, 1950; Feb. 5, 1930, 71-2, *Journal*, p. 125, *Record*, p. 3095; Feb. 16, 1928, 70-1, *Record*, p. 3097; Dec. 22, 1926, 69-2, *Journal*, p. 55, *Record*, p. 945; Feb. 1, 1923, 67-4, *Journal*, p. 127, *Record*, p. 2833.

[114] Jan. 15, 1963, 88-1, *Record* p. 380; Aug. 24, 1962, 87-2, *Record*, p. 17478.

[115] *See* Sept. 6, 1962, 87-2, *Record*, pp. 18713-14; June 12, 1962, 87-2, *Record*, p. 10233; Sept. 14, 1961, 87-1, *Record*, p. 19408; Jan. 30, 1962, 87-2, *Record*, p. 1212.

[116] *Ibid.*

[117] Feb. 3, 1897, 54-2, *Record*, p. 1481.

[118] May 25, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9819; Apr. 6, 1939, 76-1, *Record*, p. 3879.

[119] Feb. 24, 1982, 97-2, *Record*, p. 2346; Sept. 29, 1977, 95-1, *Record*, pp. 31590-91.

[120] Mar. 3, 1897, 54-2, *Journal*, p. 184, *Record*, p. 2736; *see* the following for instances of the Chair counting to determine whether or not a quorum was present; May 15, 1874, 43-1, *Record*, p. 3917; June 19, 1879, 46-1, *Journal*, pp. 236-37, *Record*, pp. 2174-76; Mar. 3, 1881, 46-3, *Journal*, p. 388, *Record*, p. 2424; May 29, 1908, 60-1, *Journal*, p. 511, *Record*, pp. 7158-59, 7166.

[121] Jan. 18, 1894, 53-2, *Record*, p. 976.

When the absence of a quorum has been disclosed, a request for unanimous consent to permit the Presiding Officer to ascertain by a count if a quorum is present cannot be entertained.[122]

On one occasion the number of Senators voting on a division being less than a quorum, the Presiding Officer by unanimous consent counted the Senate and announced that a quorum was present.[123] In another instance where on a division, one less than a quorum voted, the President of the Senate stating there was present a Senator who did not vote, held that a quorum of the Senate was in attendance, citing a precedent of June 19, 1879.[124] Less than a quorum, on a division, having voted on a motion to proceed to the consideration of a bill, the President pro tempore held that unanimous consent could not be given to withdraw the motion; and a count of the Senate was made by him and a quorum announced as being present.[125]

In one instance in 1912, a vote by division on a motion to lay on the table being less than a quorum, the Vice President held the vote was valid, inasmuch as the presence of a quorum had been established by a rollcall immediately previous to the vote.[126]

The Senate (in 1910), on appeal, decided that, where less than a quorum voted on an amendment by yeas and nays, the Presiding Officer had no authority, for the purpose of establishing the presence of a quorum and validating the vote, to count as present certain Senators who had announced pairs and withheld their votes; the Senate having decided the vote invalid, the next step was a call of the Senate to establish a quorum, upon the appearance of which the yeas and nays must again be called on the amendment; [127] later decisions are to the contrary of this procedure. *See* page 1056 for practice of counting pairs and those present to make a quorum and thereby make the vote valid.

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[122] May 8, 1888, 50-1, *Record*, p. 3813.
[123] Apr. 8, 1884, 48-1, *Record*, p. 2756.
[124] May 29, 1908, 60-1, *Record*, p. 7159.
[125] July 3, 1884, 48-1, *Record*, p. 5038.
[126] Mar. 20, 1912, 62-2, *Journal*, p. 221, *Record*, pp. 3675-76.
[127] Dec. 17 and 19, 1910, 61-3, *Journal*, pp. 52, 54, *Record*, pp. 443, 470-75, 478-79, 484-85.

Debate, Out of Order During Quorum Call:

See "Business or Debate Out of Order in the Absence of a Quorum," pp. 1046–1049; "Quorum Call, Debate Out of Order Until Quorum Present," p. 767.

Debate of Request To Withdraw Quorum Call:

See "Withdrawal of Quorum Call," pp. 1076–1077.

Definition of Quorum:

A quorum consists of a majority of Senators duly chosen and sworn,[128] and not of the entire number of Senators to which the several States of the Union may be entitled.[129]

Dilatory:

See also "Business—Definition of What Constitutes Business Since the Previous Quorum Call for the Purpose of Calling Another Quorum," pp. 1042–1046; "Cloture Procedure," pp. 282–334.

It is not in order for a Senator to demand a quorum call if no business has intervened since the last call; [130] business must intervene before a second quorum call or between calls if the question is raised or a point of order made.[131]

A quorum having been announced, the suggestion of the absence thereof is not in order until there has been some transaction of business.[132]

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[128] Rule VI; Oct. 11, 1893, 53–1, *Journal*, p. 67, *Record*, pp. 2395–96.

[129] July 5 and 6, 1921, 67–1, *Journal*, p. 182, *Record*, pp. 3353, 3374, 3405–08.

[130] Nov. 6, 1963, 88–1, *Record*, p. 21238; Feb. 28, 1951, 82–1, *Record*, p. 1681; Mar. 19, 1947, 80–1, *Record*, p. 2261; Feb. 15, 1927, 69–2, *Journal*, p. 179; July 2, 1954, 83–2, *Record*, p. 9601; June 14, 1954, 83–2, *Record*, pp. 8139–40; May 13, 1954, 83–2, *Record*, pp. 6530–31; July 30, 1953, 83–1, *Record*, p. 10500; May 6, 1953, 83–1, *Record*, p. 4590; Apr. 21, 1953, 83–1, *Record*, p. 3475; May 19, 1949, 81–1, *Record*, p. 6457; Apr. 25, 1949, 81–1, *Record*, p. 4980; Mar. 20, 1945, 79–1, *Record*, p. 2471; Mar. 19, 1945, 79–1, *Record*, pp. 2405–07, 2409; July 3, 1943, 78–1, *Record*, p. 7112; Dec. 3, 1942, 77–2, *Record*, p. 9285; Jan. 18, 1938, 75–3, *Record*, p. 696; June 12, 1935, 74–1, *Journal*, p. 434; June 18, 1934, 73–2, *Journal*, p. 619, *Record*, p. 12401; Mar. 1, 1929, 70–2, *Journal*, p. 254; Feb. 25, 1929, 70–2, *Journal*, p. 212; Feb. 25, 1929, 70–2, *Journal*, p. 212, *Record*, p. 4248; May 25, 1928, 70–1, *Journal*, p. 537; Feb. 15, 1927, 69–2, *Journal*, p. 179, *Record*, pp. 3828–29; Mar. 12, 1925, 69-Special Session, *Record*, pp. 174–75; Oct. 25, 1921, 67–1, *Journal*, p. 290, *Record*, p. 6742; Dec. 11, 1919, 66–2, *Record*, p. 404; June 12, 1917, 65–1, *Record*, pp. 3500–01; May 29, 1908, 60–1, *Journal*, p. 514, *Record*, pp. 7195–96; Feb. 21, 1895, 53–3, *Record*, p. 2508; *see also* Mar. 3, 1897, 54–2, *Journal*, p. 184, *Record*, pp. 2736–37; Feb. 27, 1929, 70–2, *Journal*, p. 236; Nov. 27, 1963, 88–1, *Record*, p. 22909.

[131] *Ibid.;* Jan. 18, 1915, 63–3, *Record*, p. 1765; July 27, 1914, 63–2, *Record*, pp. 12794–95; Jan. 29, 1915, 63–3, *Record*, pp. 2620–21; July 27, 1914, 63–2, *Record*, pp. 12794–95; Mar. 3, 1927, 69–2, *Record*, p. 5497.

[132] *See* May 29, 1908, 60–1, *Record*, p. 7181.

A quorum call is in order when business has intervened,[133] or where business intervenes, immediately following another quorum call.[134]

On April 5, 1922, following the rejection of certain motions succeeded by quorum calls, the suggestion of the absence of a quorum was decided by the Senate to be a dilatory motion.[135] On February 22, 1927, during a filibuster against the Boulder Dam bill (S. 3331) and on May 25, 1928, during a filibuster against the Muscle Shoals bill (S.J. Res. 46) the Chair sustained points of order that suggestion for a quorum was dilatory.[136] While on May 29, 1928, during a filibuster on the Boulder Dam bill (S. 728) and on November 13, 1942, during consideration of the Poll Tax bill (H.R. 1024), a motion and suggestion of the absence of a quorum were held not to be dilatory.[137]

The Chair submitted to the Senate a point of order which contended that a quorum call was not in order, and declined to acknowledge the further suggestion of the absence of a quorum until the Senate could decide the point of order. The Senate then decided that a quorum call that delayed a vote on a motion to approve the *Journal* when a quorum had been established was dilatory and therefore out of order.[138]

Excused From Attendance, Not in Order by Less Than Quorum:

Less than a quorum of the Senate cannot excuse absent Senators from attendance under an order directing the Sergeant at Arms to request their attendance.[139] *See also* "Attendance of Senators," "Leave of Absence," p. 222.

Impeachment Trials, Quorum Calls During:

See "Impeachment," pp. 865–879; "Quorum," p. 878.

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[133] Mar. 1, 1929, 70–2, *Journal*, p. 253; June 12, 1935, 74–1, *Journal*, p. 434; Jan. 25, 1938, 75–3, *Record*, pp. 1054–55; Jan. 19, 1950, 81–2, *Record*, p. 621; May 2, 1914, 63–2, *Record*, p. 7619; May 30, 1908, 60–1, *Journal*, p. 514, *Record*, p. 7220; *see also* Aug. 15, 1941, 77–1, *Record*, p. 7173.

[134] Dec. 4, 1942, 77–2, *Record*, pp. 9334–35.

[135] Apr. 5, 1922, 67–2, *Journal*, p. 172, *Record*, pp. 5066–67.

[136] Feb. 22, 1927, 69–2, *Journal*, p. 206; May 25, 1928, 70–1, *Journal*, p. 537.

[137] May 29, 1928, 70–1, *Journal*, p. 565; Nov. 13, 1942, 77–2, *Record*, p. 8828.

[138] Feb. 5, 1987, 100–1, pp. S 1835–37.

[139] Mar. 5, 1890, 51–1, *Record*, p. 1933.

Interruption of a Quorum Call:

See "Call of Quorum May Not Be Interrupted," pp. 1050–1051.

Interruption of Senator To Suggest Quorum Call, Out of Order:

See also "Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent," pp. 749–753; "Suggestion of the Absence of a Quorum When in Order," pp. 1062–1065; "Yield for Suggestion of Absence of Quorum," pp. 1077–1078.

One Senator cannot take another off the floor to suggest the absence of a quorum,[140] nor can a Senator who has the floor be interrupted by another against his consent for a quorum call.[141] A quorum call is not in order when the Senator holding the floor declines to yield for that purpose.[142]

Journal, Interruption for Quorum Call Not in Order:

See also "Correction and Reading of Journal of Highest Privilege," pp. 897–898; "Reading of, Out of Order in Absence of Quorum," p. 901.

The reading of the *Journal* may not be interrupted by a quorum call,[143] nor is a quorum call in order pending the reading of the *Journal*;[144] a quorum is in order before action is taken upon approval of the *Journal*.[145]

Length of a Quorum Call:

No limitation can be set on the length of time of a quorum call.[146]

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[140] Jan. 26, 1921, 66–3, *Record*, p. 2070; July 24, 1947, 80–1, *Record*, pp. 9994, 9996–97, 10000; Mar. 3, 1931, 71–3, *Record*. p. 7133; June 6, 1913, 63–1, *Record*, p. 1907; July 16, 1897, 55–1, *Record*, p. 2632: Apr. 9, 1870, 41–2, *Globe*, pp. 2542–43.

[141] Aug. 14, 1914, 63–2, *Record*, pp. 13727–28; June 5, 1920, 66–2, *Record*, p. 8637; Nov. 22, 1937, 75–2, *Journal*, p. 16, *Record*, pp. 209–11.

[142] Apr. 22, 1926, 69–1, *Journal*, p. 341; June 29, 1926, 69–1, *Journal*, p. 544; Feb. 23, 1927, 69–2, *Journal*, p. 207.

[143] Oct. 31, 1918, 65–2, *Journal*, p. 374, *Record*, p. 11520; Nov. 28, 1922, 67–3, *Journal*, p. 14, *Record*, p. 325; Mar. 3, 1911, 61–3, *Record*, p. 4023; Mar. 1, 1927, 69–2, *Journal*, pp. 253–54; Apr. 22, 1910, 61–2, *Record*, p. 5179.

[144] Mar. 1, 1927, 69–2, *Journal*, pp. 253–54.

[145] Mar. 3, 1911, 61–3, *Record*, p. 4023.

[146] June 12, 1950, 81–2, *Record*, p. 8418; *see also* Apr. 28, 1959, 86–1, *Record*, pp. 6907–08.

New Session:

See also "Congress," pp. 494–495; "Senate," pp. 1233–1234.

In recent years, upon convening a new Congress, the practice of the Senate is to administer the oath of office to Senators-elect, upon the presentation of their credentials, before calling a quorum,[147] which is called immediately thereafter to ascertain if a quorum is present.[148] At the opening of other sessions of Congress, the quorum is immediately called after the Senate session is called to order.[149]

A new Congress is not assembled until a quorum of each House develops, and consequently no business, including morning business, can be transacted until the new Congress is assembled.[150]

Out of Order:

See "Dilatory," pp. 1053–1054; "Business—Definition of What Constitutes Business Since the Previous Quorum Call for the Purpose of Calling Another Quorum," pp. 1042–1046.

Pairs Counted To Constitute a Quorum:

See also "Pairs," pp. 968–970.

Under recent Senate practice, where there are sufficient Senators present who have announced their pairs and, therefore, withheld their votes, the Presiding Officer held that a quorum was present for the transaction of business or that the vote was valid.[151]

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[147] Mar. 5, 1903, 58-Special Session, *Record*, p. 1; *see Journal* for opening session of new Congresses; Nov. 9, 1903, 58-1, *Record*, p. 145; Apr. 4, 1911, 62-1, *Record*, pp. 1-2.

[148] Gilfrey, *Precedents of the U.S. Senate*, 1913, p. 502; Dec. 2, 1907, 60-1, *Record*, p. 1.

[149] Dec. 3, 1928, 70-2, *Record*, p. 3; *see Journal* for proceedings on the opening day of the second session of each Congress.

[150] Dec. 1, 1913, 63-2, *Record*, p. 3.

[151] Sept. 14, 1888, 50-1, *Record*, p. 8601; May 29, 1908, 60-1, *Journal*, p. 514, *Record*, p. 7196; Aug. 11, 1911, 62-1, *Journal*, p. 167, *Record*, p. 3827; Aug. 14, 1941, 77-1, *Record*, p. 7144; Jan. 14, 1938, 75-3, *Journal*, p. 89; June 27, 1932, 72-1, *Journal*, p. 647, *Record*, pp. 14039, 14041; Mar. 19, 1930, 71-2, *Journal*, p. 223, *Record*, p. 5622; May 18, 1928, 70-1, *Journal*, p. 480, *Record*, p. 9082; Dec. 11, 1926, 69-2, *Journal*, p. 32, *Record*, p. 290; June 19, 1918, 65-2, *Journal*, p. 263, *Record*, p. 8004; May 27, 1918, 65-2, *Journal*, p. 230, *Record*, p. 7126; May 16, 1918, 65-2, *Journal*, p. 212, *Record*, p. 6594; Feb. 17, 1917, 64-2, *Journal*, p. 161, *Record*, pp. 3476, 3479; Feb. 19, 1917, 64-2, *Journal*, p. 168, *Record*, p. 3613; May 20 and 22, 1916, 64-1, *Record*, pp. 8372, 8429; Jan. 27, 1915, 63-3, *Journal*, p. 75, *Record*, p. 2404; Oct. 22, 1914, 63-2, *Record*, p. 16922; Sept. 25, 1914, 63-2, *Record*, pp. 15663–64, 15683, 15687; Sept. 18, 1914, 63-2, *Record*, p. 15338; Sept. 11, 1914, 63-2, *Record*, p. 14988; Sept. 8, 1914, 63-2, *Journal*, p. 503, *Record*, p. 14802; Aug. 17, 1914, 63-2, *Journal*, p. 464, *Record*, pp. 13858–59; Aug. 24, 1914, 63-2, *Journal*, p. 478, *Record*, p. 14178; July 13, 1914, 63-2, *Record*, p. 12026; July 3, 1914, 63-2, *Journal*, p. 379, *Record*,

Continued

Point of Order, Not in Order:

A point of order is not in order during a quorum call.[152]

When the time arrives for a cloture vote, the Chair will direct the clerk to ascertain the presence of a quorum even if a quorum has just voted, and once the clerk begins the quorum call no point of order is in order.[153]

Present But Not Voting Counted To Make Quorum:

In 1914, three Senators present but not voting were counted to make a quorum and thereby make the roll call vote valid.[154]

Presiding Officer May Suggest or Rescind:

A Senator, when presiding over the Senate, may suggest the absence of a quorum in his own right as a Senator,[155] and no objection being heard may specify that the time thereby consumed be equally divided when operating under a time agreement.[156]

The Presiding Officers in their capacity as Senators may rescind a quorum call, without objection,[157] or may object to rescinding a quorum call.[158]

Quorum Being Present, Business Proceeds:

See also "Debate of Order To Require Attendance," pp. 218–219.

Less than a quorum having voted on a motion, but a quorum appearing in response to a call of the Senate, a ruling was made that a motion at that time to proceed to the consideration of executive business was not in order

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pp. 11586–91; June 4, 1912, 62–2, *Record*, pp. 7616–20; Mar. 20, 1912, 62–2, *Journal*, p. 221, *Record*, pp. 3677–78; May 29, 1908, 60–1, *Journal*, p. 514, *Record*, pp. 7195–96; *see also* Apr. 13, 1894, 53–2, *Record*, p. 3747.

[152] Sept. 30, 1971, 92–1, *Record*, p. 34260.

[153] Apr. 19, 1983, 98–1, *Record*, p. 8969.

[154] Oct. 22, 1914, 63–2, *Record*, p. 16922.

[155] Sept. 12, 1986, 99–2, *Record*, p. 23072; Feb. 24, 1983, 98–1, *Record*, p. 2994; Sept. 30, 1980, 96–2, *Record*, p. 28085; July 31, 1975, 94–1, *Record*, p. 26414; Feb. 20, 1970, 91–2, *Record*, pp. 4317–18; Jan. 22, 1960, 86–2, *Record*, p. 1111; May 24, 1966, 89–2, *Record*, p. 11254; Sept. 10, 1973, 93–1, *Record*, p. 29053; Oct. 29, 1977, 95–1, *Record*, pp. 35891–92; Sept. 15, 1978, 95–2, *Record*, pp. 29649–50; Sept. 13, 1979, 96–1, *Record*, p. 24383; *see* Dec. 24, 1963, 88–1, *Record*, pp. 25510–12.

[156] Sept. 28, 1983, 98–1, *Record*, p. 26023.

[157] Mar. 13, 1984, 98–2, *Record*, p. 5264.

[158] May 6, 1986, 99–2, *Record*, p. 9598.

in that a rollcall was proceeding.[159] A quorum having responded to a call of the Senate, a point of order that a quorum was not actually present on the floor of the Senate is not valid.[160]

The presence of a quorum having been announced, it is not in order for the Clerk, upon the request of a Senator, to read the names of the Senators present.[161]

Quorum Called Off by Unanimous Consent:

See "Withdrawal of Quorum Call," pp. 1076–1077.

Recapitulation:

The recapitulation of a quorum may be demanded.[162]

In the absence of a quorum, the presence of a quorum having been disclosed on a yea and nay vote on a motion to direct the Sergeant at Arms to request the attendance of absent Senators, the Senate thereupon proceeded with the consideration of its pending business.[163]

Recess in Absence of Quorum:

See also "Absence of Quorum," p. 1081; "Adjournment in the Absence of a Quorum," pp. 1040–1041.

A unanimous consent agreement having been reached to recess at the close of business, it is in order for the Senate to recess in the absence of a quorum;[164] and a motion, in the absence of a quorum, to take a recess under a previous order has precedence over a motion requesting the attendance of absentees.[165]

When the Senate, in the absence of a quorum, takes a recess under a previous order, until a given time, it is the first order of business at the beginning of the next meeting of the Senate, to call the roll for the purpose of developing a quorum.[166]

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[159] Sept. 11, 1914, 63–2, *Record*, p. 14992; for a ruling to the contrary, *see* Aug. 24, 1912, 62–2, *Record*, p. 11798. This is not a good ruling and is contrary to recent practices.

[160] Nov. 22, 1937, 75–2, *Journal*, p. 16, *Record*, pp. 209–11.

[161] Sept. 18, 1914, 63–2, *Record*, p. 15359.

[162] July 24, 1947, 80–1, *Record*, pp. 10001–03.

[163] Mar. 8, 1960, 86–2, *Record*, pp. 4851, 4857; Mar. 2, 1960, 86–2, *Record*, p. 4101; Mar. 1, 1960, 86–2, *Record*, p. 3946.

[164] *See* Sept. 7, 1966, 89–2, *Record*, p. 21933.

[165] Apr. 4, 1964, 88–2, *Record*, pp. 6861–63.

[166] July 21 and 23, 1956, 84–2, *Record*, pp. 13894, 14159; *see* Sept. 8, 1966, 89–2, *Record*, p. 22111; Sept. 9, 1966, 89–2, *Record*, p. 22193; Sept. 12, 1966, 89–2, *Record*, p. 22275.

Recess, Motion To, and Call for Quorum:

See also "Precedence of Such Motions," p. 221; "Recess," pp. 1080–1090; also under this section, "Vote on Recess in Absence of Quorum," p. 1075.

It is in order to call for a quorum upon the making of a motion to take a recess.[167]

The Senate cannot entertain a motion to recess in the absence of or after the absence of a quorum has been determined,[168] unless a previous order has been adopted to authorize a recess at the conclusion of the day's business.[169]

A recess is in order in the absence of a quorum if it had been previously ordered,[170] and a motion to adjourn under such conditions is not in order.[171] In a few instances motions to take a recess in the absence of a quorum have been offered and agreed to, no objection being made.[172] A motion to take a recess may not be coupled with a call for a quorum,[173] nor may a suggestion of the absence of a quorum be coupled with a motion to take a recess.[174]

A motion to recess upon which less than a quorum voted may upon the appearance of a quorum be withdrawn by unanimous consent.[175]

A motion for a recess is not displaced by a motion to adjourn which is rejected by less than a quorum, but upon the development of a quorum the question would recur on the motion to take a recess.[176]

A recess having been taken in pursuance of an order previously adopted by the Senate and in the absence of a

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[167] Mar. 30, 1950, 81-2, *Record*, pp. 4363–64.

[168] Mar. 2, 1927, 69-2, *Journal*, p. 267; Mar. 7, 1950, 81-2, *Record*, p. 2947; Aug. 28, 1916, 64-1, *Record*, p. 13311; Aug. 5, 1886, 49-1, *Record*, p. 8022; June 4, 1894, 53-2, *Record*, p. 5694; *see also* Aug. 17, 1888, 50-1, *Record*, p. 7680.

[169] Feb. 25, 1929, 70-2, *Journal*, pp. 211–12; Feb. 22, 1927, 69-2, *Journal*, p. 206, *Record*, pp. 4453, 4456; Mar. 4, 1938, 75-3, *Journal*, p. 200; Dec. 14, 1950, 81-2, *Record*, p. 16569.

[170] Feb. 22, 1927, 69-2, *Journal*, p. 206, *Record*, pp. 4453, 4456; Feb. 25, 1929, 70-2, *Journal*, pp. 211–12, *Record*, pp. 4241–43; Mar. 4, 1938, 75-3, *Journal*, p. 200; Nov. 9, 1929, 71-1, *Journal*, p. 196, *Record*, p. 5391; June 1, 1922, 67-2, *Journal*, p. 271, *Record*, p. 7967.

[171] Feb. 25, 1929, 70-2, *Journal*, pp. 211–12, *Record*, pp. 4241–43; June 1, 1922, 67-2, *Journal*, p. 271, *Record*, p. 7967.

[172] Sept. 14, 1914, 63-2, *Record*, p. 15104; Dec. 30, 1914, 63-3, *Record*, p. 756; Feb. 23, 1915, 63-3, *Record*, p. 4412; Mar. 19, 1935, 74-1, *Record*, p. 3978; Mar. 20, 1926, 69-1, *Journal*, p. 247, *Record*, p. 5977.

[173] May 25, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9808.

[174] *Ibid.*

[175] June 28, 1945, 79-1, *Record*, p. 6926.

[176] *See* Dec. 17, 1919, 66-2, *Record*, pp. 758–59.

quorum the Presiding Officer directs a quorum call immediately upon the reconvening of the Senate to ascertain the presence of a quorum.[177]

Recognition and Quorum Call:

See "Suggestion of the Absence of a Quorum When in Order," pp. 1062–1065.

Regular Order Called for:

The call for the regular order when the Chair orders the call of a quorum requires the Chair to insist that the Clerk call the roll; the making of a point of order at that point before the quorum call begins by a Senator that a quorum call was not in order would present a different situation as distinguished from a call for the regular order; should a point of order be made that a quorum was not in order, the Chair would be forced to rule on whether or not a quorum call was in order at that time under the existing circumstances.[178]

Request Attendance:

See "Call of Absentees, a Quorum Being Absent," p. 216; "Compel or Request Attendance," pp. 217–222.

Reservation of Objections:

See also "Business or Debate Out of Order in the Absence of a Quorum," pp. 1046–1049; "Withdrawal of Quorum Call," pp. 1076–1077.

A unanimous consent request to dispense with further proceedings under a quorum call is not subject to a reservation of objection.[179]

A reservation of objections to a unanimous consent request to dispense with or withdraw a quorum call is not in order,[180] nor is debate in order pending such a re-

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[177] Aug. 24, 1914, 63-2, *Journal*, p. 477; Apr. 14, 1916, 64-1, *Journal*, p. 292; Mar. 4, 1938, 75-3, *Journal*, p. 200; Apr. 8 and 12, 1948, 80-2, *Record*, p. 4277; Nov. 22 and 25, 1940, 76-3, *Record*, p. 13716; Nov. 11, 1929, 71-1, *Journal*, p. 196, *Record*, p. 5393; Jan. 21 and 22, 1929, 70-2, *Journal*, p. 96, *Record*, pp. 1978, 2023; Feb. 13 and 14, 1925, 68-2, *Journal*, p. 182, *Record*, pp. 3640, 3696; *see also* Feb. 7 and 9, 1925, 68-2, *Journal*, p. 163, *Record*, pp. 3219, 3279.

[178] Mar. 14, 1972, 92-2, *Record*, pp. 8304-05.

[179] Oct. 4, 1990, 101-2, *Record*, p. S 14546; Feb. 5, 1986, 99-2, *Record*, p. 1658; Aug. 21, 1980, 96-2, *Record*, p. 22479.

[180] Sept. 14, 1951, 82-1, *Record*, p. 11372; Sept, 30, 1971, 92-1, *Record*, p. 34260; Feb. 26, 1966, 89-2, *Record*, p. 4178; Sept. 12, 1969, 91-1, *Record*, p. 25321.

quest,[181] nor may a Senator make a parliamentary inquiry.[182]

During a quorum call (before the absence of a quorum was revealed), no business is in order, including making parliamentary inquiries, or reserving the right to object to unanimous consent requests. It is only in order to make a unanimous consent request to terminate the call.[183]

Rollcall Record, Not Subject to Appeal:

See "Announced by Chair," p. 1041.

Secretary Calls the Roll:

When the absence of a quorum is raised, the Chair directs the Secretary [clerk] to call the roll and under the rule the roll should be called.[184]

The Senator making the point of no quorum, of course, should be in possession of the floor,[185] or a Senator having the floor may yield to another for that purpose.[186]

Senator Must Respond to Call To Be Recorded:

See "Adding of Names to Quorum Call After Call Is Completed," p. 1040.

Sergeant at Arms' Report on:

See "Sergeant at Arms' Report," pp. 223–224.

Sergeant at Arms To Request Attendance of Absentees:

If the call of a quorum discloses the absence of a quorum and the Chair has so announced that a quorum is not present, it is in order to move that the Sergeant at Arms be directed to request the attendance of absent Senators, before the call of the absentees.[187]

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[181] Sept. 12, 1969, 91–1, *Record*, p. 25321; *see* Sept. 6, 1962, 87–2, *Record*, pp. 18713–14.
[182] Sept. 12, 1969, 91–1, *Record*, p. 25321.
[183] May 17, 1982, 97–2, *Record*, pp. 10250–51.
[184] May 2, 1914, 63–2, *Record*, p. 7619.
[185] Jan. 5, 1915, 63–3, *Record*, p. 973.
[186] May 7, 1941, 77–1, *Record*, pp. 3705, 3708; *see also* June 15, 1940, 76–3, *Record*, p. 8329.
[187] Mar. 14, 1972, 92–2, *Record*, pp. 8307–08.

Suggestion of the Absence of a Quorum When in Order:

See also "When Not In Order," p. 1075; "Interruption of Senator To Suggest Quorum Call, Out of Order," p. 1055; "Yield for Suggestion of Absence of Quorum," pp. 1077–1078; "Presiding Officer May Suggest," p. 1057; "Cloture Procedure," pp. 282–334.

It is in order for any Senator to make a point of no quorum at any time he has the floor if any business has been transacted since the last quorum call.[188] A Senator who does not have the floor may not suggest the absence of a quorum.[189] A Senator may suggest the absence of a quorum after yielding the floor provided that the Chair recognizes the Senator for that purpose.[190] A Senator may not suggest the absence of a quorum unless he has the floor or has been yielded the floor for that purpose by unanimous consent.[191] Therefore, the suggestion of the absence of a quorum is not in order when the Senator holding the floor declines to yield for that purpose,[192] nor may Senators suggest the absence of a quorum while another Senator who has the floor awaits the response of the Chair to a parliamentary inquiry.[193]

The suggestion of the absence of a quorum or a point of no quorum is not in order by a Senator who has not been recognized; [194] or to put it another way, it is not in order for a Senator to suggest the absence of a quorum unless he has been recognized.

It is in order for one Senator to suggest the absence of a quorum while another is attempting to secure recognition.[195]

It is in order to suggest the absence of a quorum pending the vote on a motion to recess,[196] or pending the ruling by the Chair on a point of order.[197]

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[188] Apr. 15, 1986, 99–2, *Record*, pp. 7479–80; Apr. 5, 1922, 67–2, *Journal*, p. 172, *Record*, pp. 5066–67.

[189] Sept. 28, 1984, 98–2, *Record*, p. 27670.

[190] Jan. 27, 1988, 100–2, *Record*, pp. S 171–72.

[191] Mar. 4, 1988, 100–2, *Record*, p. S 1949.

[192] Mar. 19, 1947, 80–1, *Record*, p. 2263; Nov. 22, 1937, 75–2, *Journal*, p. 16, *Record*, pp. 209–11; Mar. 2, 1927, 69–2, *Journal*, p. 267; Feb. 20, 1930, 71–2, *Journal*, p. 154.

[193] *See* Oct. 18, 1985, 99–1, *Record*, p. 28037.

[194] June 4, 1952, 82–2, *Record*, p. 6570; *see also* June 5, 1952, 82–2, *Record*, pp. 6585, 6590.

[195] *See* May 5, 1952, 82–2, *Record*, pp. 4765–66.

[196] May 9, 1985, 99–1, *Record*, p. 11407.

[197] Feb. 22, 1983, 98–1, *Record*, p. 2694.

A quorum call is not in order pending the result of a unanimous consent request, since a Senator does not lose the floor upon making a unanimous consent request.[198] Any Senator may object to the request, but the floor is not thereby made available for another Senator to suggest the absence of a quorum.[199]

Any Senator is entitled to request a quorum before a vote is taken on the passage of a bill called up under unanimous consent procedure while another matter is pending.[200]

A quorum call is in order after a division vote but prior to the announcement of the results or after a voice vote is called for but before the results are announced,[201] and prior to the announcement of the results of a vote on an amendment; on a division vote, or while a division vote is in process, it is in order to suggest the absence of a quorum.[202]

Upon the convening of the Senate following an adjournment or recess a quorum must be called upon demand.[203]

The suggestion of the absence of a quorum is in order after the motion to adjourn has been made; [204] a quorum having rejected a motion to adjourn on one occasion, the suggestion of the absence of a quorum immediately thereafter, no business having intervened, was ruled out of order.[205]

A call of the Senate having disclosed the absence of a quorum, and a motion to adjourn having been rejected, a second call of the Senate is not in order; [206] proceedings under the first call continues.

A Senator having been recognized, he has a right to call a quorum: when amendments are offered to a bill,[207] or when the reading of a paper by the Clerk has been asked for and objected to, and the question or motion is then submitted to the Senate.[208]

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[198] Oct. 6, 1987, 100-1, *Record*, pp. S. 13522-23.
[199] Oct. 2, 1987, 100-1, *Record*, p. S. 13448.
[200] Nov. 6, 1969, 91-1, *Record*, p. 33397.
[201] June 22, 1940, 76-3, *Journal*, p. 491, *Record*, pp. 8998, 9000; Feb. 5, 1970, 91-2, *Record*, p. 2579.
[202] May 27, 1940, 76-3, *Record*, p. 6901; Feb. 3 and 4, 1960, 86-2, *Record*, pp. 1948, 2063; *see* Nov. 14, 1975, 94-1, *Record*, pp. 36764-65.
[203] May 2, 1951, 82-1, *Record*, p. 4705; Nov. 17, 1942, 77-2, *Record*, p. 8897.
[204] May 29, 1926, 69-1, *Record*, p. 10367; Dec. 12, 1917, 65-2, *Record*, p. 179.
[205] Feb. 21, 1895, 53-3, *Record*, p. 2508.
[206] Jan. 24, 1901, 56-2, *Record*, p. 1384.
[207] July 29, 1941, 77-1, *Record*, pp. 6389-90.
[208] July 24, 1947, 80-1, *Record*, p. 10012.

Less than a quorum having voted on a motion to proceed to the consideration of executive business, the President of the Senate held that a call of the Senate had precedence over a motion to direct the Sergeant at Arms to request the presence of absent Senators.[209]

Where less than a quorum votes, as disclosed by a yea and nay vote, the next business is for the Presiding Officer to direct a call of the roll to develop a quorum.[210]

In 1929, where less than a quorum in one instance voted on a motion, and a point of order was made that the vote disclosed such absence, the Presiding Officer directed the roll to be called.[211]

The statement of a Senator that a bill should not be taken up for consideration with manifestly no quorum of the Senate present does not raise the point of no quorum as contemplated by the rule.[212]

The statement of a Senator that there is less than a quorum present is no ground for calling the roll when a quorum was just announced as being present, and the Senator who has the floor refuses to yield for another call.[213]

A statement by a Senator, in the course of debate, that there were only five Senators on the floor at the time is not regarded as the suggestion of the absence of a quorum, under the precedents of the Senate; [214] but the Chair on different occasions has held the following to be equivalent or sufficient to be a suggestion of the absence of a quorum, or it became the duty of the Chair to order the Secretary to call the roll: In 1894, where less than a quorum voted on a division; [215] in 1913, a statement by a Senator in the course of an address that only 17 Members were present by actual count; [216] in 1908, a remark by a Senator to the effect that not a fourth of the Senators were present

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[209] Apr. 9, 1894, 53-2, *Record*, p. 3573.

[210] May 2, 1881, 47-Special Session, *Record*, pp. 440-41; Feb. 8, 1915, 63-3, *Journal*, pp. 95-96, *Record*, pp. 3275-80; Oct. 16, 1893, 53-1, *Record*, p. 2546; Jan. 14, 1938, 75-3, *Record*, pp. 511-13; *see also* Mar. 8, 1960, 86-2, *Record*, p. 4890; July 15, 1942, 77-2, *Record*, p. 6191; Aug. 15, 1941, 77-1, *Record*, pp. 7174-75; Aug. 17, 1888, 50-2, *Journal*, p. 1305; May 22, July 27, Aug. 2, 10, and 17, and Sept. 7, 1888, 50-1, *Record*, pp. 864, 1200, 1234, 1266, 1305, 1395-96; May 8, 1888, 50-1, *Journal*, pp. 787-88; Apr. 9, 1888, 50-1, *Journal*, p. 630; May 20, 1916, 64-1, *Record*, p. 8372.

[211] Feb. 25, 1929, 70-2, *Journal*, p. 212.

[212] Dec. 17, 1908, 60-2, *Record*, p. 370.

[213] Mar. 24, 1942, 77-2, *Record*, p. 2842.

[214] *See* Mar. 8, 1960, 86-2, *Record*, p. 4890.

[215] July 11, 1894, 53-2, *Record*, p. 7283.

[216] Oct. 23, 1913, 63-1, *Record*, p. 5762.

during the discussion of the pending bill;[217] in 1921, a statement by a Senator to the effect that there were only 7 Senators present.[218] The suggestion of the absence of a quorum is in order: pending a vote on the question of excusing a Senator from voting;[219] where the yeas and nays have been ordered on a question or on a motion and the call commenced, but prior to a response,[220] but not after a response has been made;[221] during the process of a division vote—that is, prior to the announcement of the result,[222] but it is too late to request a quorum call to assure the presence of a quorum on the division vote after the results on that vote have been announced;[223] a quorum call is in order while a voice vote is being had prior to the announcement of the result.[224]

It has been held not in order for a Senator to demand a quorum call immediately following a yea and nay vote which discloses the presence of a quorum.[225]

In May 1935, when less than a quorum voted on a question and the Sergeant at Arms, pursuant to an order, was endeavoring to develop a quorum, an absent Senator appeared and voted, making a quorum.[226]

A Senator in calling for a quorum will not lose his right to the floor if no point of order is made against him.[227]

Table:

A quorum call is in order after a motion to table has been made but before a vote is taken thereon.[228]

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[217] May 2, 1908, 60-1, *Record*, p. 5577; it was held that year that a comment to the effect that a bill should not be taken up with manifestly no quorum of the Senate present was not a suggestion of the absence of a quorum as contemplated by the rule; Dec. 17, 1908, 60-2, *Record*, p. 370.

[218] *See* May 12, 1921, 67-1, *Record*, p. 1350.

[219] Oct. 11 and 13, 1893, 53-1, *Record*, pp. 2398, 2474.

[220] Apr. 30, 1926, 69-1, *Record*, p. 8489; Jan. 30, 1922, 67-2, *Record*, p. 1896; *see also* Jan. 21, 1932, 72-1, *Record*, pp. 2412-13.

[221] Apr. 3, 1941, 77-1, *Record*, p. 2983; Nov. 17, 1942, 77-2, *Record*, p. 8899; Aug. 31, 1922, 67-2, *Record*, p. 12032; Mar. 2, 1943, 78-1, *Record*, p. 1466; Apr. 27, 1935, 74-1, *Journal*, p. 301, *Record*, p. 6504; *see also* Apr. 2, 1951, 82-1, *Record*, p. 3095; June 4, 1952, 82-2, *Record*, p. 6552; Feb. 1, 1910, 61-2, *Record*, p. 1326.

[222] Jan. 11, 1932, 72-1, *Record*, pp. 1690-91; June 18, 1914, 63-2, *Record*, p. 10672; June 3, 1938, 75-3, *Record*, pp. 8122-23; Aug. 31, 1951, 82-1, *Record*, p. 10947; June 22, 1940, 76-3, *Record*, pp. 8999-9000; *see also* May 27, 1940, 76-3, *Record*, p. 6901; Apr. 5, 1950, 81-2, *Record*, p. 4771.

[223] Oct. 3, 1949, 81-1, *Record*, p. 13632.

[224] *See* Apr. 14, 1950, 81-2, *Record*, p. 5191; July 25, 1958, 85-2, *Record*, p. 15118; June 14, 1958, 85-2, *Record*, p. 11195.

[225] Nov. 17, 1942, 77-2, *Record*, p. 8899.

[226] May 21, 1935, 74-1, *Journal*, p. 365, *Record*, pp. 7942-43.

[227] *See* Feb. 21, 1944, 78-1, *Record*, p. 1914.

[228] *See* Mar. 14, 1972, 92-2, *Record*, pp. 8303-10.

After a motion to table has been made, a Senator may seek recognition to suggest the absence of a quorum.[229]

Time Allowed for Quorum Call:

There is nothing in the rules which provides for a limit on the time required for quorum calls.[230]

Unanimous Consent Agreement—Effect on Quorum Calls:

When the Senate is considering a matter under an order limiting the time for debate and assigning control of that time, a Senator who does not control time may not suggest the absence of a quorum.[231] When the Senate is considering a measure under a unanimous consent agreement which limits time for debate, if a Senator who controls time suggests the absence of a quorum, the time for the quorum call is automatically charged against that Senator's time.[232]

Under a unanimous consent agreement providing for a vote upon a treaty at a fixed time, without further debate, a quorum call is in order upon the arrival of that time before the vote begins.[233] During the consideration of a bill under a unanimous consent agreement to vote on its passage on that day a quorum call is in order, or under an agreement providing for voting to begin at a certain hour a quorum call is in order prior to a vote.[234]

When the Senate is considering an amendment upon which there is a time limitation, it is not in order for a Senator to suggest the absence of a quorum unless that Senator has at least 10 minutes of time under his or her control on that amendment, or on the bill or resolution.[235] However, on one occasion a Senator suggested the absence of a quorum shortly after ascertaining from

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[229] July 15, 1983, 98-1, *Record*, p. 19482.

[230] *See* Apr. 7, 1964, 88-2, *Record*, pp. 7046-47.

[231] Sept. 17, 1986, 99-2, *Record*, p. 23734.

[232] Dec. 20, 1982, 97-2, *Record*, p. 32586.

[233] Mar. 24, 1922, 67-2, *Record*, p. 4486.

[234] July 2, 1912, 62-2, *Journal*, p. 441, *Record*, p. 8559; *see* decisions where quorums were held out of order because under the agreement the Senate was to proceed to vote without further debate; Feb. 24, 1917, 64-2, *Journal*, p. 191, *Record*, p. 4149; Dec. 20, 1919, 66-2, *Journal*, p. 57, *Record*, pp. 950-951; *see also* Jan. 22, 1947, 80-1, *Record*, p. 509.

[235] Sept. 22, 1988, 100-2, *Record*, p. S 13016; May 2, 1985, 99-1, *Record*, p. 10307; April 5, 1984, 98-2, *Record*, p. 8043.

the Chair that he controlled only eight minutes on an amendment.[236]

A Senator who was yielded 5 minutes for debate by the manager of a measure on which there was a time limitation had insufficient time under his or her control with which to suggest the absence of a quorum.[237] When a measure was being considered under a time limit of 5 minutes of which only two remained, the Chair informed a Senator that he could not suggest the absence of a quorum and by unanimous consent divide the time consumed equally, since the total remaining time was insufficient.[238]

A Senator having only five minutes remaining does not have time enough to suggest the absence of a quorum on his time; but a quorum call would be in order after all time had expired and before a vote.[239]

When operating under a unanimous consent agreement if there is insufficient time for a quorum call remaining, a quorum call is not in order until all time is expired or yielded back,[240] unless unanimous consent is granted that the time not be charged to either side.[241]

Under a unanimous consent agreement, placing a limitation on debate and providing for control of time, a quorum call is not in order prior to the expiration of the time allotted for the debate,[242] or until yielded back,[243] unless the Senator calling for a quorum has sufficient time for such call to be charged against his time for debate, since the time for the quorum call will be charged against the time of the Senator calling for the quorum [244]

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[236] Nov. 22, 1985, 99-1, *Record*, p. 33355.

[237] May 1, 1985, 99-1, *Record*, pp. 10073-74.

[238] July 20, 1989, 101-1, *Record*, pp. S 8319, 8323-24.

[239] Oct. 6, 1977, 95-1, *Record*, pp. 32655-59.

[240] Jan. 24, 1978, 95-2, *Record*, p. 664; July 18, 1978, 95-2, *Record*, p. 21209; Aug. 22, 1978, 95-2, *Record*, pp. 27201-02.

[241] July 19, 1978, 95-2, *Record*, p. 21583.

[242] June 4, 1952, 82-2, *Record*, pp. 6500-02, June 5, 1952, 82-2, *Record*, pp. 6585, 6590; Aug. 2, 1957, 85-1, *Record*, p. 13462.

[243] June 14, 1954, 83-2, *Record*, p. 8140.

[244] June 2, 1943, 78-1, *Record*, p. 5188; Jan. 24, 1978, 95-2, *Record*, p. 664; May 29, 1946, 79-2, *Record*, p. 5888; July 12, 1951, 82-1, *Record*, p. 8034; June 29, 1956, 84-2, *Record*, p. 11338; Mar. 25, 1955, 84-1, *Record*, pp. 3755-56; July 1, 1954, 83-2, *Record*, p. 9461; June 6, 1952, 82-2, *Record*, p. 6701; June 4, 1952, 82-2, *Record*, p. 6500; July 26, 1951, 82-1, *Record*, p. 8915; Feb. 25, 1963, 88-1, *Record*, p. 2915; Jan. 24, 1972, 92-2, *Record*, pp. 953-54; *see also* Mar. 16, 1956, 84-2, *Record*, p. 4956; Sept. 19, 1951, 82-1, *Record*, p. 11594; Apr. 27, 1950, 81-2, *Record*, p. 5843; Apr. 22, 1947, 80-1, *Record*, p. 3781; Apr. 5, 1950, 81-2, *Record*, p. 4740; Aug. 16, 1949, 81-1, *Record*, p. 11537; Nov. 24, 1944, 78-2, *Record*, p. 8358; June 3, 1938, 75-3, *Record*, p. 8084; Sept. 27, 1962, 87-2, *Record*, p. 20977.

unless otherwise ordered by the Senate.[245] When the Senate is operating under controlled time pursuant to a unanimous consent agreement, and a quorum call is requested, time must be yielded for that purpose, and unless a request is made that such time be equally divided between both sides, the time will be charged to the side of the Senator requesting the quorum.[246] That is, under a limitation of debate the time consumed in calling a quorum will be charged against such time for debate unless excluded or excepted by unanimous consent.[247]

When considering an amendment under a unanimous consent agreement which limits time on amendments, a quorum call is in order when requested by a Senator who does not control time or has not been yielded sufficient time only when all time on the amendment has expired or been yielded back.[248]

During the consideration of a bill under a unanimous consent agreement limiting debate and controlling time on a bill and amendments thereto, when all time has been yielded back on an amendment, a quorum call is in order by any Senator prior to a vote; a quorum call would not be in order by another Senator when one Senator in control of time has time remaining for debate,[249] or by a Senator who has exhausted his time when time remains to another Senator,[250] nor would it be in order by a Senator who has no time under his control,[251] except by unanimous consent or unless the controller of the time yielded for that purpose.[252] Likewise, a quorum call would not be in order under such a unanimous consent agreement until all time is utilized or yielded back, except by unanimous consent, unless the Senator asking for the quorum has enough time remaining to charge the quorum against or unless the Senator in charge of the time should yield for that purpose; [253] time for a quorum call under such

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[245] June 6, 1952, 82-2, *Record*, p. 6701; May 16, 1968, 90-2, *Record*, pp. 13619-20.
[246] June 22, 1978, 95-2, *Record*, pp. 18392-94.
[247] Feb. 27, 1952, 82-2, *Record*, pp. 1498, 1532; June 6, 1952, 82-2, *Record*, p. 6701; *see also* July 26, 1951, 82-1, *Record*, p. 8912.
[248] Oct. 11, 1988, 100-2, *Record*, pp. S 15444-45.
[249] *See* May 15 and 16, 1963, 88-1, *Record*, pp. 8709, 8827-28.
[250] May 15, 1963, 88-1, *Record*, pp. 8706, 8709-11.
[251] Aug. 25, 1970, 91-2, *Record*, p. 29957; *see* June 29, 1956, 84-2, *Record*, pp. 11343, 11368.
[252] *Ibid.*; Oct. 25, 1977, 95-1, *Record*, p. 34914.
[253] Apr. 22, 1971, 92-1, *Record*, p. 11507; May 17, 1973, 93-1, *Record*, pp. 16114-15; *see* Aug. 19, 1970, 91-2, *Record*, p. 29449; Feb. 9, 1972, 92-2, *Record*, p. 3372; Nov. 5, 1969, 91-1, *Record*, p. 33055.

agreements and under such circumstances must be charged against allotted time, unless unanimous consent is granted to have a quorum call without the time being charged to either side.[254]

After the time for debate on an amendment under a unanimous consent agreement limiting debate thereon has expired or been yielded back, even if a time is set for a vote on the amendment, any Senator has a right to suggest the absence of a quorum before the vote since the Constitution requires a quorum to be present to transact business,[255] and the time used for such a quorum call preliminary to a vote is not charged to either side.[256]

A Senator having time for debate as author of an amendment, under a unanimous consent agreement, may not request a quorum on time charged to the bill which is under control of the Majority and Minority Leaders unless such time is yielded to him for that purpose by the leaders.[257]

Under an agreement limiting debate on a question to 3 hours, with a proviso for a vote thereon to come immediately thereafter, it is not in order, upon objection, to have a quorum call in the meantime without the time being charged.[258]

When a unanimous consent agreement provides for a vote to occur on or in relation to an amendment at a time certain without intervening action, a quorum call is not in order when that time arrives, except by unanimous consent.[259] When a unanimous consent agreement provides for a vote at a time certain and waives intervening quorum calls, a quorum call is not in order except by unanimous consent.[260] On one occasion, unanimous consent was obtained that prohibited any quorum call immediately prior to a vote on a motion to invoke cloture, and that waived the mandatory quorum.[261]

Under a unanimous consent agreement providing for a limitation of debate, a Senator in control of time who yields for a quorum call would have that time consumed

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[254] *See* May 16, 1968, 90-2, *Record*, pp. 13619-20.
[255] *See* May 16, 1968, 90-2, *Record*, pp. 13619-20.
[256] *See* June 16, 1958, 85-2, *Record*, p. 11314; July 25, 1958, 85-2, *Record*, p. 15117; Mar. 22, 1961, 87-1, *Record*, p. 4509; Mar. 6, 1964, 88-2, *Record*, p. 4596.
[257] June 8, 1967, 90-1, *Record*, p. 15241.
[258] *See* May 24, 1960, 86-2, *Record*, p. 10909.
[259] Aug. 12, 1986, 99-2, *Record*, p. 20835; Apr. 15, 1986, 99-2, *Record*, p. 7469.
[260] Mar. 31, 1987, 100-1, *Record*, p. S 4325.
[261] Sept. 22, 1988, 100-2, *Record*, p. S 13130.

in such call charged against him.[262] The same is true of the time used for a quorum call even if the quorum is later withdrawn.[263]

Where a Senator, during the consideration of a bill under a unanimous consent agreement limiting debate, suggests the absence of a quorum, to be charged to his time, it is not in order during the call to inquire how much time he has left.[264]

Under a unanimous consent agreement providing for a division of the time for debate where a quorum call is had before the debate proceeds, it is customary to divide the time consumed equally to both sides in getting a quorum.[265]

Where debate is limited by a unanimous consent agreement it is not in order for a Senator who has exhausted his time if all time has not been exhausted, to suggest the absence of a quorum.[266]

During the consideration of a bill under unanimous consent agreement, a quorum call is in order prior to a vote on a proposition if the time on that proposition has been used or yielded back.[267]

After the time for debate on an amendment or on a bill under unanimous consent has been exhausted, or the Senator having time yields the same back, a quorum call is in order by any Senator prior to the taking of any vote,[268] and it is not necessary to request unanimous consent that the time not be charged to either side; [269] but the suggestion of the absence of a quorum would not be in order unless all time had been used or yielded back.[270] The time consumed in calling a quorum, preparatory to a vote on an amendment to a bill, under a unanimous consent agreement limiting debate, after debate on the amendment is concluded, will be excluded from such agreement.[271]

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[262] June 4, 1952, 82-2, *Record*, p. 6500; *see also* June 3, 1938, 75-3, *Record*, p. 8084.
[263] May 21, 1952, 82-2, *Record*, p. 5615.
[264] Mar. 15, 1956, 84-2, *Record*, p. 4809.
[265] June 14, 1948, 80-2, *Record*, p. 8032.
[266] Aug. 18, 1949, 81-1, *Record*, p. 11729.
[267] Aug. 4, 1980, 96-2, *Record*, p. 21939.
[268] Jun. 4, 1952, 82-2, *Record*, pp. 6500-02; Mar. 27, 1956, 84-2, *Record*, p. 5656; June 5, 1952, 82-2, *Record*, pp. 6585, 6590; May 29, 1956, 84-2, *Record*, p. 9202; *see also* Sept. 19, 1951, 82-1, *Record*, p. 11594; Aug. 18, 1949, 81-1, *Record*, p. 11729.
[269] May 29, 1956, 84-2, *Record*, p. 9202.
[270] Aug. 10, 1954, 83-2, *Record*, p. 13903; June 14, 1954, 83-2, *Record*, pp. 8140, 8151-52.
[271] Mar. 31, 1952, 82-2, *Record*, p. 3152.

If a unanimous consent agreement fixes a time certain for a vote, any request that a quorum call be in order without the time being charged to either side before the time for the vote arrives would have the effect of dividing the time equally,[272] and when the agreement fixes a specific time to vote on a bill, the time for a quorum, not to be charged to either side, would have no effect *per se* on the time to vote on the bill.[273]

When the Senate is considering a matter under cloture and a unanimous consent agreement for the consideration of a matter under a sublimit of controlled time has been entered into, a Senator who controls time under that agreement may suggest the absence of a quorum, and the time consumed counts against that Senator's share of the time sublimited but not against the Senator's hour under cloture.[274]

Unanimous Consent Agreement To Fix Time for Vote on Bill—When Quorum Call Required:

See also "Fixing Time for Vote," p. 1411; "Vote on Final Passage Under Unanimous Consent," pp. 1368-1369.

The Senate, in 1914, amended its rule (Rule XII) on voting so that under the present rule any Senator is prohibited from submitting to the Senate a unanimous consent agreement to fix a time certain for a vote on the final passage of a bill or joint resolution,[275] until after there has been a quorum call following the submission of the agreement,[276] and the call must reveal the presence of a quorum,[277] but such an agreement can be revoked or modified by another unanimous consent agreement granted in the same manner "upon one day's notice."[278] The rule applies only in the case of a bill or joint resolution,[279] and then only when "on a specified date," and not

[272] Sept. 12, 1969, 91-1, *Record*, p. 25309; Aug. 2, 1971, 92-1, *Record*, pp. 28749-50.
[273] *See* Aug. 2, 1971, 82-1, *Record*, pp. 28749-50.
[274] *See* Oct. 1, 1984, 98-2, *Record*, p. 27928.
[275] Oct. 30, 1913, 63-1, *Journal*, p. 223, *Record*, p. 5821; Dec. 5, 1913, and Jan. 16, 1914, 63-2, *Journal*, pp. 13, 74, *Record*, pp. 240, 1756-59.
[276] Dec. 17, 1945, 79-1, *Record*, p. 12143; May 5, 1949, 81-1, *Record*, p. 5676; Feb. 3, 1950, 81-2, *Record*, p. 1452; July 21, 1965, 89-1, *Record*, p. 17776; Aug. 8, 1972, 92-2, *Record*, p. 27282; *see also* Jan. 16, 1933, 72-2, *Record*, p. 1851; May 17, 1932, 72-1, *Record*, p. 10443; June 26, 1947, 80-1, *Record*, p. 7708; Oct. 2, 1962, 87-2, *Record*, p. 21615; Aug. 2, 1978, 95-2, *Record*, pp. 23912-13; July 18, 1979, 96-1, *Record*, p. 19222.
[277] May 13, 1947, 80-1, *Record*, p. 5136.
[278] Rule XII, par. 4; July 21, 1977, 95-1, *Record*, pp. 24235-36.
[279] Nov. 16, 1921, 67-1, *Record*, p. 7778; Apr. 20, 1916, 64-1, *Record*, pp. 6477-78; Feb. 24, 1916, 64-1, *Record*, p. 3066; *see also* Jan. 11, 1915, 63-3, *Record*, p. 1357; May 17,
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when the request prohibits a vote before a certain time,[280] and the rule can be suspended by unanimous consent,[281] but only paragraph 4 needs to be waived to accomplish this by unanimous consent.[282]

Objections have been made to such requests.[283]

Under the rule, a quorum call is required before entering into a unanimous consent agreement for a final vote on a bill even though a quorum was called shortly before the submission of such agreement; [284] or if submitted immediately following a quorum call, another quorum call is required under the rules.[285] If a proposed unanimous consent agreement has been objected to following a quorum call, a second call must be had unless dispensed with by unanimous consent.[286]

A request for unanimous consent that the unfinished business be temporarily laid aside and that the consideration of another bill be proceeded with and voted upon immediately requires a quorum call under the rule.[287]

If a Senator, prior to a quorum call, has indicated his purpose to submit a unanimous consent agreement setting the time for a final vote on a bill, but such request is not submitted until after the quorum call, another quorum call must be taken under the rule before action is taken on the agreement unless waived by unanimous consent; [288] or such an agreement having been objected to following a call of the roll to determine the presence of a quorum, as required by the rule, a second call must be had upon the submission of a new agreement to fix a time for such a vote.[289]

The quorum call required under the rule preceding a unanimous consent for a vote on final passage of a bill or joint resolution may be waived by unanimous consent.[290]

1932, 72-1, *Record*, p. 10443; Nov. 30, 1950, 81-2, *Record*, p. 15970; Sept. 22, 1970, 91-2, *Record*, pp. 33121, 33070-71.

[280] *See* Aug. 2, 1978, 95-2, *Record*, pp. 23912-13.

[281] Sept. 22, 1970, 91-2, *Record*, pp. 33121, 33070-71; *see* Aug. 11, 1966, 89-2, *Record*, p. 18973; Aug. 2, 1978, 95-2, *Record*, pp. 23912-13; Aug. 23, 1978, 95-2, *Record*, p. 27445; Dec. 6, 1979, 96-1, *Record*, p. 34904.

[282] Nov. 16, 1973, 93-1, *Record*, p. 37517.

[283] Mar. 11, 1940, 76-3, *Record*, p. 2630; Aug. 7, 1940, 76-3, *Record*, p. 9998; June 23, 1947, 80-1, *Record*, pp. 7546-47.

[284] Feb. 21, 1925, 68-2, *Record*, p. 4320.

[285] *See* Mar. 16, 1943, 78-1, *Record*, p. 2057.

[286] Mar. 2, 1927, 69-2, *Journal*, p. 267.

[287] Feb. 18, 1933, 72-2, *Record*, p. 4395.

[288] May 27, 1926, 69-1, *Record*, p. 10169; Mar. 8, 1934, 73-2, *Record*, p. 4001.

[289] Mar. 3, 1927, 69-2, *Journal*, p. 266, *Record*, p. 5482.

[290] Feb. 18, 1933, 72-2, *Journal*, p. 216, *Record*, p. 4418; Mar. 8, 1934, 73-2, *Record*, p. 4001; Dec. 9, 1943, 78-1, *Record*, p. 10528; June 25, 1954, 83-2, *Record*, p. 8976; Sept. 15,

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particularly when the agreement was submitted immediately succeeding a quorum call.[291]

After a quorum call on a unanimous consent request to fix the time for a vote on the final passage of a bill, such request before it is agreed to may be modified without another quorum call.[292]

Such an agreement when made operates as an order of the Senate, and may be revoked or modified only by another such agreement made after the quorum call after the giving of 1 day's notice unless the rule is waived by unanimous consent.[293]

An agreement made to vote on the following day on an amendment following a quorum call, and later the same day on the bill, the quorum call under the rule was waived.[294]

A quorum call is not required, under the rule, prior to agreeing to a unanimous consent request fixing a time for a final vote on any of the following matters:

Adoption of a conference report; [295]

Amendment or certain amendments to a bill; [296]

Consideration of a bill or joint resolution; [297]

Debate limitation without setting time for vote; [298]

Final vote on a Senate resolution; [299]

Limitation of debate without provision for final vote on bill; [300]

1950, 81-2, *Record*, p. 14931; Mar. 10, 1950, 81-2, *Record*, p. 3158; Feb. 24, 1950, 81-2, *Record*, pp. 2365-66; Sept. 21, 1949, 81-1, *Record*, p. 13078; Sept. 13, 1949, 81-1, *Record*, p. 12811; Aug. 26, 1949, 81-1, *Record*, p. 12310; Aug. 5, 1948, 80-2, *Record*, pp. 9864-65; June 3, 1948, 80-2, *Record*, p. 7038; May 13, 1947, 80-1, *Record*, pp. 5136-37; Apr. 16, 1947, 80-1, *Record*, p. 3511; Mar. 20, 1947, 80-1, *Record*, p. 2310; July 20, 1946, 79-2, *Record*, p. 9540; July 18, 1946, 79-2, *Record*, pp. 9308-09; May 9, 1946, 79-2, *Record*, p. 4744; July 20, 1945, 79-1, *Record*, p. 7866; Dec. 16, 1941, 77-1, *Record*, p. 9848; May 26, 1941, 77-1, *Record*, p. 4412; July 14, 1939, 76-1, *Record*, p. 9143; May 17, 1939, 76-1, *Record*, p. 5645; July 30, 1937, 75-1, *Journal*, p. 452, *Record*, p. 7900.

[291] May 17, 1939, 76-1, *Record*, p. 5645.

[292] Dec. 16, 1916, 64-2, *Record*, pp. 422-23.

[293] Aug. 8, 1972, 92-2, *Record*, p. 27282; Oct. 30, 1913, 63-1, *Journal*, p. 223, *Record*, p. 5821; Dec. 5, 1913, and Jan. 16, 1914, 63-2, *Journal*, pp. 13, 74, *Record*, pp. 240, 1756-59.

[294] June 27, 1941, 77-1, *Record*, p. 5614.

[295] Sept. 20, 1962, 87-2, *Record*, p. 20067; Sept. 18, 1922, 67-2, *Record*, pp. 12832-33; June 1, 1950, 81-2, *Record*, p. 7915; *see also* June 10, 1930, 71-2, *Record*, p. 10389; Sept. 22, 1961, 87-1, *Record*, p. 20774; Sept. 20, 1962, 87-2, *Record*, p. 20067.

[296] Oct. 18, 1929, 71-1, *Record*, p. 4677; Jan. 21, 1933, 72-2, *Record*, p. 2202; Mar. 20, 1930, 71-2, *Record*, p. 5718; *see also* Jan. 11, 1915, 63-3, *Record*, p. 1357; Apr. 15, 1947, 80-1, *Record*, p. 3408; May 17, 1932, 72-1, *Record*, p. 10443; June 21, 1950, 81-2, *Record*, p. 8989; Jan. 13, 1950, 81-2, *Record*, p. 369; Apr. 30, 1963, 88-1, *Record*, p. 7370.

[297] July 5, 1918, 65-2, *Record*, p. 8690; Nov. 30, 1950, 81-2, *Record*, p. 15970; Feb. 28, 1952, 82-2, *Record*, p. 1596.

[298] *See* Feb. 15, 1929, 70-2, *Record*, p. 3521; Aug. 1, 1921, 67-1, *Record*, p. 4481.

[299] Nov. 16, 1921, 67-1, *Record*, p. 7778; May 12, 1941, 77-1, *Record*, p. 3907; *see also* Jan. 16, 1951, 82-1, *Record*, pp. 318-19.

[300] *See* Feb. 15, 1929, 70-2, *Record*, p. 3521.

Motion to recede from an amendment to a House bill; [301]

Motion to recommit a bill; [302]

Unanimous consent agreements for voting which do not provide for a vote on the final passage of a bill or joint resolution; [303]

Vote on nomination; [304] and a

Vote on resolution of ratification of a treaty.[305]

A proposed unanimous consent agreement making a bill a special order and providing that final action be taken thereon prior to adjournment of the session does not require a quorum call under the rule, as it does not fix a specific day for a vote; it was further held that if such agreement were entered into the two Houses could adopt a concurrent resolution for final adjournment, but that action on the bill must be taken by the Senate prior to adjournment.[306]

Unfinished Business Not Affected by Adjournment in Absence of a Quorum:

The status of the unfinished business, when temporarily laid aside by unanimous consent for the consideration of another measure, will not be changed by an adjournment taken in the absence of a quorum during the consideration of that measure.[307]

Vice President, Election of:

In any general election of the President and Vice President of the United States when the Vice President does not receive "a majority of the whole number of Electors" the "Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice." [308]

This procedure is different from that of electing a Vice President when a vacancy in that office occurs as a result of the Vice President becoming President or in the case of

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[301] Apr. 20, 1916, 64-1, *Record*, pp. 6477-78.
[302] Dec. 16, 1930, 71-3, *Record*, p. 842.
[303] *See* Feb. 23, 1927, 69-2, *Record*, p. 4538.
[304] *See* Dec. 20, 1950, 81-2, *Record*, p. 16822.
[305] *See* Feb. 27, 1922, 67-2, *Record*, p. 3106.
[306] *See* May 3, 1932, 72-1, *Record*, p. 9470.
[307] *See* Dec. 16, 1920, 66-3, *Record*, p. 424.
[308] 12th amendment to the Constitution.

the resignation or death of the Vice President, which procedure is set forth in the Twenty-Fifth Amendment to the Constitution.

Vote Less Than Quorum Not Valid:

Division vote by less than quorum is valid unless a question is raised. A yea and nay vote by less than quorum is not valid unless a sufficient number is present and paired to make a quorum. *See* "Voting," pp. 1397–1437.

Vote on Recess in Absence of Quorum:

A quorum not having voted on a motion for a recess, upon the appearance of a quorum the vote should again be taken on such a motion.[309]

Vote, Quorum Call in Order Before Announcement of Division or Voice Vote:

See "Suggestion of the Absence of a Quorum When in Order," pp. 1062–1065; "Voting," pp. 1397–1437.

What Constitutes a Quorum Call:

A quorum call must be completed and the Chair announce the presence of a quorum in order for it to constitute a quorum call which requires the transaction of business before another quorum call can be suggested; when a quorum call is vitiated by unanimous consent before it is completed it is not a quorum call.[310]

When Not in Order:

See also "Dilatory," pp. 1053–1054; "Business Between Calls," etc., pp. 1042–1046; "Suggestion of the Absence of a Quorum When in Order," pp. 1062–1065.

It is not in order for a Senator to suggest the absence of a quorum unless he has been recognized or yielded to for that purpose.[311]

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[309] Feb. 20, 1923, 67–4, *Record*, p. 4109.
[310] June 15, 1982, 97–2, *Record*, p. 13687; *see* Mar. 15, 1967, 90–1, *Record*, p. 6835.
[311] June 20, 1984, 98–2, *Record*, p. 17489; Aug. 20, 1982, 97–2, *Record*, pp. 22568–69.

Withdrawal of Quorum Call:

See also "Recognition, Chair Recognizes," pp. 1092–1097; "Reservation of Objections," pp. 1060–1061.

A quorum call may be withdrawn or vacated by unanimous consent even while the roll is being called,[312] but not after the first call and the absence of a quorum has been announced by the Chair,[313] which request is not debatable;[314] nor is a reservation of objections in order;[315] he must object or refrain from objecting.[316]

The suggestion of the absence of a quorum may be withdrawn by a Senator by unanimous consent just prior to the ordering of a rollcall,[317] or prior to a response having been made after the quorum call begins.[318]

A single objection to a request to rescind or withdraw a quorum call will block the request.[319] A motion to withdraw a quorum is not in order.[320]

A Senator may not ask unanimous consent to dispense with a quorum call subject to certain conditions.[321]

The Presiding Officer, in his capacity as a Senator, may rescind the call of a quorum.[322]

It is not in order to suggest the absence of a quorum on the condition that the call be terminated at a time certain or no later than a time certain.[323]

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[312] Nov. 8, 1929, 71–1, *Journal*, p. 194, *Record*, p. 5372, Aug. 24, 1912, 62–2, *Record*, p. 11812, Feb. 1, 1923, 67–4, *Journal*, p. 127, *Record*, p. 2833; May 8, 1930, 71–2, *Journal*, p. 339, *Record*, p. 8617; Feb. 5, 1930, 71–2, *Journal*, p. 125, *Record*, p. 3095; Feb. 16, 1928, 70–1, *Record*, p. 3097; Dec. 22, 1926, 69–2, *Journal*, p. 55, *Record*, p. 945.

[313] Sept. 23, 1977, 95–1, *Record*, p. 30621; Apr. 19, 1932, 72–1, *Journal*, p. 410, *Record*, p. 8500; Oct. 2, 1940, 76–3, *Record*, p. 13011; Feb. 3, 1942, 77–2, *Record*, p. 974; May 16, 1952, 82–2, *Record*, p. 5322; Apr. 12, 1950, 81–2, *Record*, p. 5079; Mar. 23, 1950, 81–2, *Record*, p. 3921; Jan. 6, 1950, 81–2, *Record*, p. 122; Sept. 7, 1949, 81–1, *Record*, p. 12621; Aug. 29, 1949, 81–1, *Record*, p. 12389; June 11, 1948, 80–2, *Record*, p. 7820; Jan. 28, 1960, 86–2, *Record*, p. 1540; May 8, 1953, 83–1, *Record*, p. 4744.

[314] June 16, 1964, 88–2, *Record*, p. 13939; Jan. 22, 1964, 88–2, *Record*, p. 894; May 1, 1947, 80–1, *Record*, p. 4376; Feb. 22, 1960, 86–2, *Record*, p. 3114; Jan. 25, 1960, 86–2, *Record*, p. 1176; Jan. 22, 1960, 86–2, *Record*, pp. 1132–33; Mar. 21, 1958, 85–2, *Record*, p. 5026; Aug. 23, 1950, 81–2, *Record*, p. 13216; May 6, 1953, 83–1, *Record*, p. 4589; Mar. 8, 1955, 84–1, *Record*, p. 2515; Apr. 1, 1954, 83–2, *Record*, p. 4321; July 12, 1954, 83–2, *Record*, p. 10252.

[315] Nov. 7. 1979, 96–1, *Record*, p. 31214; June 16, 1964, 88–2, *Record*, p. 13939; Apr. 1, 1954, 83–2, *Record*, p. 4321; July 12, 1954, 83–2, *Record*, p. 10252; *see also* Sept. 14, 1951, 82–1, *Record*, p. 11372; Sept. 1, 1960, 86–2, *Record*, p. 19098; Aug. 27, 1960, 86–2, *Record*, p. 17985; Aug. 19, 1960, 86–2, *Record*, p. 16766; June 15, 1960, 86–2, *Record*, p. 12664; Mar. 31, 1960, 86–2, *Record*, p. 7063.

[316] Sept. 4, 1963, 88–1, *Record*, p. 16349; July 24, 1978, 95–2, *Record*, p. 22354.

[317] June 30, 1911, 62–1, *Record*, p. 2600.

[318] Apr. 19, 1932, 72–1, *Journal*, p. 410, *Record*, p. 8490.

[319] July 10, 1950, 81–2, *Record*, p. 9755; July 23, 1956, 84–2, *Record*, p. 13996.

[320] July 23, 1956, 84–2, *Record*, p. 13996.

[321] Sept. 23, 1982, 97–2, *Record*, p. 24772.

[322] July 14, 1987, 100–1, *Record*, pp. S 9791–95.

[323] Feb. 22, 1983, 98–1, *Record*, p. 2693; Dec. 20, 1982, 97–2, *Record*, p. 32520.

A unanimous consent agreement that an upcoming quorum call be terminated at a specific time is unenforceable.[324]

It is not in order by unanimous consent to provide that a quorum call could be terminated without unanimous consent.[325]

A unanimous consent request by a Senator that an order for a quorum call be rescinded and that he might retain the floor is not in order.[326]

A proposal to withdraw a quorum call on condition of obtaining an order for a yea and nay vote on a pending motion is not in order.[327]

A unanimous consent request is not in order pending a quorum call—the quorum must be called off first.[328]

Yeas and Nays on:

See also "Attendance Asked or Requested," pp. 217–218.

The absence of a quorum having been established, the yeas and nays, upon the demand of one-fifth of the Senators present, may be ordered on a motion to direct the Sergeant at Arms to request the attendance of absent Senators in the absence of a quorum.[329]

One-fifth of those Senators who responded to a quorum call which revealed the absence of a quorum constitutes a sufficient second for a motion to instruct the Sergeant at Arms to request the attendance of absent Senators.[330]

Yield for Suggestion of Absence of Quorum:

See also "Interruption of Senator To Suggest Quorum Call, Out of Order," p. 1055; "Suggestion of the Absence of a Quorum When in Order," pp. 1062–1065.

A quorum call is not in order when the Senator in possession of the floor refuses to yield to another for that purpose.[331] For example: a Senator to whom another

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[324] May 20, 1986, 99–2, *Record*, p. 11298; Dec. 3, 1985, 99–1, *Record*, p. 33877.
[325] Dec. 18, 1982, 97–2, *Record*, pp. 32332–33.
[326] June 15, 1960, 86–2, *Record*, p. 12664.
[327] July 2, 1954, 83–2, *Record*, p. 9606.
[328] Sept. 1, 1960, 86–2, *Record*, p. 19098.
[329] Sept. 26, 1977, 95–1, *Record*, p. 30814; *see* Feb. 26, 1960, 86–2, *Record*, pp. 3595–96.
[330] Nov. 20, 1980, 96–2, *Record*, p. 30350.
[331] June 29, 1926, 69–1, *Journal*, p. 544, *Record*, p. 12219; Feb. 23, 1927, 69–2, *Journal*, p. 207, *Record*, p. 4496; Feb. 18, 1927, 69–2, *Record*, p. 4147; May 3, 1954, 83–2, *Record*, p. 5840; July 4, 1952, 82–2, *Record*, p. 9262; Oct. 19, 1951, 82–1, *Record*, p. 13554; July 24, 1947, 80–1, *Record*, pp. 10005, 10007; Apr. 2, 1947, 80–1, *Record*, p. 3069; Aug. 27, 1940,

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having the floor yielded for a question, may not suggest the absence of a quorum.[332]

Unless the Senator having the floor yields for the purpose, it is not in order for another Senator to suggest the absence of a quorum,[333] and a Senator in possession of the floor may decline to yield to another to suggest the absence of a quorum.[334] A Senator who has the floor is under no obligation to yield to another Senator for that purpose.[335] A Senator having the floor may by unanimous consent yield to another Senator to suggest the absence of a quorum without losing his right to the floor,[336] but if he does yield to another Senator to suggest the absence of a quorum, under a strict construction of the rules or over objection, he loses his right to the floor.[337]

A Senator who yields for the purpose of a quorum call has concluded one speech.[338] *See also* "Recognition," pp. 1091–1105.

In practice a Senator does not lose his right to the floor if no point of order is made against him.[339] In 1929 when an objection was made it was held that Senator Long, of Louisiana, had lost the floor when he suggested the absence of a quorum in the course of an address and left the Chamber, and another Senator was recognized.[340]

76–3, *Record*, p. 11036; June 21, 1940, 76–3, *Record*, pp. 8787–88; June 21, 1939, 76–1, *Record*, p. 7628; Jan. 26, 1938, 75–3, *Record*, p. 1138; July 13, 1937, 75–1, *Journal*, p. 411, *Record*, pp. 7109–12; Nov. 22, 1937, 75–2, *Record*, pp. 209–11; Feb. 20, 1930, 71–2, *Journal*, p. 154; Apr. 22, 1926, 69–1, *Journal*, p. 341; Mar. 18, 1925, 69—Special Session, *Journal*, p. 313, *Record*, p. 366; Jan. 27, 1921, 66–3, *Record*, p. 2102; Jan. 26, 1921, 66–3, *Record*, p. 2070; Aug. 19, 1916, 64–1, *Record*, p. 12915; Feb. 16, 1915, 63–3, *Record*, p. 3856; May 2, 1914, 63–2, *Record*, pp. 7616–17; June 2, 1909, 61–1, *Record*, pp. 2655–57; May 29, 1908, 60–1, *Journal*, p. 511, *Record*, p. 7158; Feb. 7, 1899, 55–3, *Record*, p. 1536; May 4, 1914, 63–2, *Record*, p. 7671; Aug. 14, 1914, 63–2, *Record*, pp. 13727–29; June 5, 1920, 66–2, *Record*, pp. 8637–38; Mar. 21, 1922, 67–2, *Record*, p. 4226; Apr. 9, 1870, 41–2, *Record*, pp. 2542–43; Mar. 17, 1925, 69—Special Session of Senate, *Journal*, p. 313; Jan. 5, 1915, 63–3, *Record*, pp. 972–73; Aug. 25, 1921, 67–1, *Record*, p. 597; June 13, 1917, 65–1, *Record*, p. 3557; Feb. 5, 1920, 66–2, *Record*, p. 2501.

[332] Apr. 22, 1926, 69–1, *Record*, pp. 7958–59; Feb. 5, 1920, 66–2, *Record*, p. 2501.

[333] Mar. 3, 1931, 71–3, *Record*, p. 7133; *see* Apr. 13, 1964, 88–2, *Record*, pp. 7783–84.

[334] Jan. 26, 1921, 66–3, *Record*, p. 2070.

[335] Mar. 22, 1922, 67–2, *Record*, p. 4226.

[336] Mar. 4, 1949, 81–1, *Record*, p. 1858.

[337] Apr. 2, 1949, 81–1, *Record*, pp. 3771–72; May 12, 1949, 81–1, *Record*, p. 6087; Feb. 28, 1949, 81–1, *Record*, p. 1585; July 1, 1952, 82–2, *Record*, p. 8734; May 19, 1952, 82–2, *Record*, p. 5434; Mar. 7, 1950, 81–2, *Record*, pp. 2946–47; Feb. 20, 1950, 81–2, *Record*, p. 1964, July 24, 1947, 80–1, *Record*, p. 10004; Mar. 19, 1947, 80–1, *Record*, pp. 2263–64; May 9, 1946, 79–2, *Record*, p. 4730; Dec. 21, 1945, 79–1, *Record*, p. 12516; *see also* May 21, 1935, 74–1, *Journal*, p. 365; May 27, 1946, 79–2, *Record*, pp. 5822–23; May 27, 1946, 79–2, *Record*, p. 5831.

[338] July 13, 1937, 75–1, *Journal*, p. 411, *Record*, p. 7102; Apr. 15, 1940, 76–3, *Record*, pp. 4487–88.

[339] Feb. 21, 1944, 78–1, *Record*, p. 1914.

[340] May 21, 1935, 74–1, *Journal*, p. 365, *Record*, p. 7941.