

the presumption of his innocence or until he is reelected to the House after the date of such conviction. This resolution shall not affect any other authority of the House with respect to the behavior and conduct of its Members.

MR. [MEL] PRICE of Illinois: . . . [T]he committee is unanimous . . . in urging adoption of the pending resolution which would make it the sense of the House that a Member convicted of a crime carrying a possible sentence of 2 or more years' imprisonment should refrain from participation in the business of each committee of which he is a member and refrain from voting on any questions in the House.

After debate on the resolution, where certain Members addressed issues of constitutionality and of depriving constituents of representation, the House adopted the resolution by a vote of 388 to 18, 27 Members not voting.

Later in the 93d Congress, on Sept. 24, 1974, a Member resigned as a conferee, citing the provisions of H. Res. 128 as the reason for his action.

In the 94th Congress, in a report (94-76) issued by the Committee on Standards of Official Conduct, the committee stated that "conviction" in clause 10 includes a plea of guilty or a finding of guilty even though sentencing may be deferred.

#### § 4. Pairs

The practice of "pairing votes" dates back to the early part of the

19th century.<sup>(20)</sup> The fundamental purposes of pairing were to indicate a Member's position on a roll call vote when he was unable to be present and to prevent his absence from improperly affecting the outcome. "Pairing" enabled him to effect a "cancellation" of the vote he would have cast on the particular issue through a gentleman's agreement with a Member of the opposite view. The latter Member either expected to be similarly unavailable for the vote in question or would willingly abstain from voting in deference to the "pair" and vote "present."

Initially criticized by Members of prominence,<sup>(21)</sup> the practice was not referred to in the rules until 1880.<sup>(1)</sup> Even then, the applicable rule<sup>(2)</sup> merely pertained to the announcing of pairs; and its promulgation appears to have constituted the legitimizing of a longstanding practice. Historically regarded as merely private agreements between Members, the pairing procedure grew more by custom than by direction; and the original purpose was occasionally lost in the

20. 8 Cannon's Precedents § 3076.

21. Indeed, John Quincy Adams once moved a resolution citing the practice as violative of the Constitution. *Id.* At § 3076.

1. Rule VIII clause 2, *House Rules and Manual* § 660 (1995).

2. *Id.*

procedures which evolved. Hence, as early as 1917, “general pairs” were customarily listed by pair clerks of all absent Members not leaving instructions to the contrary.<sup>(3)</sup> And such lists did not necessarily reflect any Member’s position or even his opposition to the position of the individual with whom he was paired. The rules still make only minimal reference to the pair.<sup>(4)</sup>

Today, students of congressional procedure frequently encounter references to “simple” pairs, “live” pairs, “general” pairs, and “broken” pairs, among other terms. The “simple” pair usually refers to the basic agreement through which two Members cancel out each other’s vote by pairing themselves in the Record when each would take opposite positions if present, but both anticipate being absent when the particular question is put. The “live” pair refers to an agreement in which a Member who would vote “yea” pairs with a Member who would vote “nay,” and only one of the two expects to be absent; when the question is put, the attending Member changes his vote to “present” or merely answers “present” and an-

nounces that he has a “live” pair with his absent colleague.<sup>(5)</sup> A “general” pair does not represent the product of any agreement between Members and neither indicates the positions of those paired nor whether they hold opposite views; Members anticipating their absence who desire to be generally paired, notify the Clerk as such, and their names are arbitrarily paired in the Record as “Member X with Member Y until further notice.” A “broken” pair, of course, refers to a pair agreement which is vitiated for one reason or another.<sup>(6)</sup>

---

### *In General*

**§ 4.1 Parties to pairs sometimes, by mutual consent, indicate their positions on the question by inserting after their names “for” and “against” respectively.**

On Oct. 10, 1963,<sup>(7)</sup> the Committee of the Whole reported a bill back to the House where, following a motion to recommit, the

3. 8 Cannon’s Precedents § 3078.

4. See Rule VIII clause 2 (§ 660) and Rule XV clause 1 (§ 765), *House Rules and Manual* (1995).

5. Alternatively, the attending Member may vote “yea” or “nay” and then withdraw his vote pursuant to the “live” pair before the result is announced by the Chair. See § 8, *infra*.

6. See § 4.2, *infra*.

7. 109 CONG. REC. 19270, 88th Cong. 1st Sess.

yeas and nays were taken, after which the Clerk announced the following pairs, among others:

On this vote:

Mr. Halleck for, with Mr. Albert against.

Mr. Conte for, with Mr. Keogh against.

Mr. Collier for, with Mr. Shepard against. . . .

Until further notice:

Mr. Buckley with Mr. Reifel.

Mr. O'Brien of Illinois with Mr. Curtin.

Mr. Feighan with Mr. Thomson of Wisconsin.

**§ 4.2 A pair will be regarded as broken when a paired Member, expecting to be absent, arrives in time to cast his vote.**

On Apr. 26, 1961,<sup>(8)</sup> the House voted on the conference report on a bill (S. 1) to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas.

Mr. James E. Bromwell, of Iowa, having anticipated that he would be absent, had been paired on this vote. Immediately after the tally, however, he initiated the following exchange with the Speaker:<sup>(9)</sup>

8. 107 CONG. REC. 6731, 87th Cong. 1st Sess.

9. Sam Rayburn (Tex.).

Mr. Speaker, I was paired on this vote, but I arrived on the floor in time to vote. Of course, I should not be shown twice since I did vote in person.

THE SPEAKER: The pair will be broken then, if the gentleman desires to do that.

MR. BROMWELL: Yes, Mr. Speaker.

***Announcements Pertaining to Pairs***

**§ 4.3 Until the 94th Congress, while pairs could not be announced on a vote by tellers with clerks (now a recorded vote) in the Committee of the Whole, a Member could be recorded as "present" and then insert at that point in the Record the statement of an absent Member that he and his colleague would have voted on opposite sides of the question.**

On May 18, 1972,<sup>(10)</sup> the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

In the course of the bill's consideration, Mr. Edward J. Derwinski,

10. 118 CONG. REC. 18018, 18027, 18028, 92d Cong. 2d Sess.

of Illinois, proposed an amendment to increase the amount of funds appropriated for the United Nations and seven of its agencies. Following discussion of this proposal, the question was taken by tellers with clerks, and the amendment was rejected.

Immediately after this vote, the following personal announcement appears in the Record:

(Mr. Purcell, at the request of Mr. Bergland, was granted permission to extend his remarks at this point in the record.)

MR. [GRAHAM B.] PURCELL [of Texas]: Mr. Chairman, I am unable to be present. Were I present, I would vote "no" on this amendment. The gentleman from Minnesota (Mr. Bergland) having intended to vote "aye," the result of the vote would be the same. The gentleman from Minnesota voted "present."

*Parliamentarian's Note:* Clause 2 of Rule VIII was amended in the 94th Congress to permit pairs to be announced in Committee of the Whole.<sup>(11)</sup>

**§ 4.4 A Member who entered the Chamber after a vote had been announced on the question of overriding a veto, stated the reasons for his absence and entered his name on the pair list.**

11. See H. Res. 5, 121 CONG. REC. 20, 94th Cong. 1st Sess., Jan. 14, 1975.

Following a decision by the House to override a Presidential veto of the Revenue Act of 1944 (H.R. 3687), Mr. Chet Holifield, of California, obtained unanimous consent to extend the following remarks at that point in the Record:<sup>(12)</sup>

Mr. Speaker, I arrived on the floor after my name had been called for a vote to sustain or reject the President's veto on the tax bill. Due to an unavoidable appearance before the State Department on an immigration matter for a constituent, I arrived some 3 minutes late. In such a case the rules of the House prohibit the Member qualifying for the roll-call vote. I immediately entered my name on the pair list in favor of sustaining the President's vote. If I had been present in time for qualification, I would have cast my vote in favor of sustaining the President's veto.

**§ 4.5 Immediately after announcing that a live pair with an absent colleague compelled him to withdraw his negative roll call vote on an amendment, a Member additionally announced that he had voted "present" in the Committee of the Whole on a recorded teller vote pertaining to the same amendment based upon a similar agreement with the identical colleague.**

12. 90 CONG. REC. 2016, 78th Cong. 2d Sess., Feb. 24, 1944.

The House entertaining consideration of an amendment to a bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, the question on the amendment was put, and, following a vote by the yeas and nays, but before the Speaker's announcement of the result, Mr. Glenn R. Davis, of Wisconsin, was recognized by the Chair.<sup>(13)</sup> He stated:

Mr. Speaker, I have a live pair with the gentleman from Mississippi, Mr. Griffin. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. Speaker, I would like to further state that my vote of "present" on the teller vote is also explained by my live pair with the gentleman from Mississippi, Mr. Griffin.

### *Parliamentary Inquiries as to Pairs*

**§ 4.6 While the Chair does not interpret or take other cognizance of pairs, he may respond to a parliamentary inquiry concerning whether or not a particular Member's name was read by the Clerk as being paired.**

The House having passed a bill (H.R. 15149), Mr. Frank T. Bow, of Ohio, withdrew his "nay" vote

13. 117 CONG. REC. 14590, 14591, 92d Cong. 1st Sess., May 12, 1971.

immediately thereafter, and voted "present" instead, explaining that he had a "live pair" with Mr. Donald W. Riegle, Jr., of Michigan, who would have voted "yea," had he been present.<sup>(14)</sup>

This action prompted the following inquiry and the Chair's response:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(15)</sup> The gentleman will state his parliamentary inquiry.

MR. GROSS: When the pairs were originally announced, was not the gentleman from Michigan (Mr. Riegle) announced as being paired?

THE SPEAKER: The Chair will state, in response to the parliamentary inquiry, that the gentleman from Michigan (Mr. Riegle) was announced as paired for. The Chair does not take cognizance of pairs.

### *Member's Proscription Against Pairing*

**§ 4.7 A Member may leave instructions with pair clerks that he is never to be paired, on any occasion.**

On Oct. 8, 1962,<sup>(16)</sup> shortly after the House convened, Mr. Clarence Cannon, of Missouri, made the following personal statement:

Mr. Speaker, a summary of votes on legislation for the session shows me as having been paired on one occasion.

14. 115 CONG. REC. 37996, 91st Cong. 1st Sess., Dec. 9, 1969.

15. John W. McCormack (Mass.).

16. 108 CONG. REC. 22801, 87th Cong. 2d Sess.

Mr. Speaker, the clerks have direction never to pair me. I am never paired on a vote on any occasion, and I wish to make this statement at this time.

### ***Subsequent Deletion of Pair***

**§ 4.8 Following a statement as to how he would have voted on the final passage of a bill if he had been present, a Member obtained unanimous consent to delete his “until further notice” pair with another Member from the Record.**

On Apr. 25, 1972,<sup>(17)</sup> shortly after the House convened, Mr. John G. Schmitz, of California, was recognized by the Speaker<sup>(18)</sup> and made the following statement:

Mr. Speaker, I regret that I was unable to be on the House floor on April 20 to be recorded on rollcall No. 119, the vote on H.R. 14070, to authorize appropriations for the National Aeronautics and Space Administration, including the funding for the space shuttle program. Had I been present I would have voted “yea.”

Mr. Speaker, I ask unanimous consent that the listing of my name under the pairs under the “until further notice” section be stricken, to reflect this fact.

There being no objection to the unanimous-consent request, it was

**17.** 118 CONG. REC. 14214, 92d Cong. 2d Sess.

**18.** Carl Albert (Okla.).

honored; and the name of Mr. Thomas S. Foley, of Washington, with whom Mr. Schmitz had been paired, was also deleted<sup>(19)</sup> from the permanent Record.

### ***“Live” Pairs; Withdrawing Vote; In General***

**§ 4.9 A Member who qualified as being opposed to a bill and offered the motion to recommit (which was defeated) withdrew his “no” vote on passage and, after announcing a live pair, answered “present.”**

On Dec. 9, 1969,<sup>(20)</sup> the Committee of the Whole directed its Chairman<sup>(1)</sup> to report a bill (H.R. 15149) to the House making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes with sundry amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The bill having been engrossed and read a third time, Mr. Frank T. Bow, of Ohio, rose to offer a motion to recommit. The Speak-

**19.** 118 CONG. REC. 13654, 92d Cong. 2d Sess., Apr. 20, 1972.

**20.** 115 CONG. REC. 37995, 37996, 91st Cong. 1st Sess.

**1.** Charles M. Price (Ill.).

er<sup>(2)</sup> ascertained Mr. Bow's opposition to the measure and the Clerk was directed to report the motion to recommit. The motion was rejected, however, and the bill was passed by the yeas and nays with Mr. Bow voting in the negative.

Immediately thereafter, Mr. Bow addressed the Chair and made the following statement:

Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. Riegle). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

**§ 4.10 A Member withdrew his roll call vote of "no" and answered "present" pursuant to a "live pair" with an absent Member, and then announced that he had answered "present" on a recorded teller vote on that amendment in the Committee of the Whole based upon a similar agreement with the absent Member.**

On May 12, 1971,<sup>(3)</sup> following consideration in the Committee of the Whole of a bill making supplemental appropriations for the fiscal year ending June 30, 1971, the bill (H.R. 8190) was reported back

2. John W. McCormack (Mass.).

3. 117 CONG. REC. 14590, 14591, 92d Cong. 1st Sess.

to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass. The previous question was then ordered in the House, and a request emerged for a separate vote on a particular amendment. The yeas and nays having been demanded, the question was taken; and there were—yeas 201, nays 197, answered "present" 6, not voting 28.

Among those who answered "present" was Mr. Glenn R. Davis, of Wisconsin, who, in the course of withdrawing his vote, explained:

Mr. Speaker, I have a live pair with the gentleman from Mississippi, Mr. Griffin. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote [answer] "present."

Mr. Speaker, I would like to further state that my vote [answer]<sup>(4)</sup> of "present" on the teller vote [the teller vote with clerks on the same amendment in the Committee of the Whole] is also explained by my live pair with the gentleman from Mississippi, Mr. Griffin.

***Timing of Withdrawal***

**§ 4.11 Members desiring to withdraw their roll call votes**

4. It should be noted that a "vote" of "present" is a misnomer. A Member answering "present" does not cast a vote in so doing.

**of “yea” or “nay” in order to answer “present” pursuant to a live pair must do so before the announcement of the result.**

On May 27, 1947,<sup>(5)</sup> the House voted by the yeas and nays on a resolution (H. Res. 218) waiving points of order against a bill (H.R. 3601) making appropriations for the Department of Agriculture for the fiscal year 1948. The Speaker<sup>(6)</sup> announced the result of the vote, and a motion to reconsider was laid on the table. The resolution having been agreed to, a motion was then offered to resolve into the Committee of the Whole for the consideration of the bill.

Immediately thereafter, the following exchange transpired:

MR. [WILLIAM S.] HILL [of Colorado]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HILL: Mr. Speaker, may I inquire how I was recorded? I had a pair with the gentleman from Michigan, Mr. Jonkman. I voted “no.” I wish to withdraw my vote and vote “present.”

THE SPEAKER: The vote has been announced and the time when the gentleman could have announced how he would have voted has passed. . . . He should have addressed the Chair and requested that he be recorded as “present.”<sup>(7)</sup>

5. 93 CONG. REC. 5878, 5879, 80th Cong. 1st Sess.
6. Joseph W. Martin, Jr. (Mass.).
7. For a comparable instance, see 118 CONG. REC. 34166, 92d Cong. 2d

***Withdrawal of Vote Relating to Vetoed Bill; Pairing on Votes Requiring Two-thirds for Adoption***

**§ 4.12 Where a Member with a “live pair” withdraws his vote on overriding a vetoed bill and answers “present,” the pair clerks include the name of a third Member who would have voted, if present, to override the veto [by the required two-thirds vote] in order to pair two Members in favor with one against the question.**

On June 25, 1970,<sup>(8)</sup> the House reconsidered a bill (H.R. 11102) to amend the Public Health Service Act in order to extend existing hospital construction programs and to provide additional funds for the construction of hospitals and for the guarantee and subsidy of hospital loans, among other purposes.

The bill having been previously vetoed, a two-thirds vote taken by

Sess., Oct. 5, 1972, where Mr. Philip M. Crane (Ill.), who had formed a live pair with Mr. Roman C. Pucinski (Ill.), appeared to be cognizant of the fact he had waited too long to withdraw his “nay” vote and chose not to ask the Chair for permission to do so. Instead, he merely stated that he was “unable to exercise” the live pair and announced how Mr. Pucinski would have voted.

8. 116 CONG. REC. 21552, 21553, 91st Cong. 2d Sess.

the yeas and nays was required by the Constitution.<sup>(9)</sup> The Speaker<sup>(10)</sup> put the question, it was taken; and enough votes were cast in the affirmative to override the veto.

Immediately after the vote and before the Chair announced the result, the following statements were made:

MR. [JOHN H.] KYL [of Iowa]: Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. Bush). If he were present, he would vote "nay."

I voted "yea." I, therefore, withdraw my vote and vote [answer] "present."

MR. [DAN H.] KUYKENDALL [of Tennessee]: Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. Bow). If he were present, he would vote "nay." I voted "yea." I, therefore, withdraw my vote and vote [answer] "present."

Mr. Kyl and Mr. Kuykendall having voiced the statement quoted above, the pair clerks, pursuant to their usual practice, paired them in the Record, as follows:

The Clerk announced the following pairs:

On this vote:

Mr. Kyl and Mr. Pollock for, with Mr. Bush against.

Mr. Kuykendall and Mr. Smith of Iowa for, with Mr. Bow against. . . .

A similar situation occurred in the 99th Congress when a Mem-

ber changed his vote from "nay" to "present" pursuant to a "live pair" with another Member who was absent and would have voted "yea" on the question of overriding a Presidential veto. The pair clerks found another absent Member to "round up" the pair in the proper 2 to 1 ratio, and the *Congressional Record* carried the following result of the vote:<sup>(11)</sup>

The Clerk announced the following pairs:

On this vote:

Mr. Pepper and Mrs. Long for, with Mr. Foley against.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I have a live pair with the gentleman from Florida [Mr. Pepper]. If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. [Berkley] Bedell [of Iowa] changed his vote from "nay" to "present."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

**§ 4.13 Where a Member voted against the overriding of a veto and then came into the well to announce his "live pair" with two absent Members who would have voted**

9. U.S. Const. art. I §7.

10. John W. McCormack (Mass.).

11. 132 CONG. REC. 19387, 99th Cong. 2d Sess., Aug. 6, 1986.

**in the affirmative, the tally clerk at the rostrum adjusted the electronic voting system to reflect the Member's withdrawal of his vote and to indicate his answer of "present."**

On Sept. 12, 1973,<sup>(12)</sup> the House reconsidered a previously vetoed bill (S. 504) to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions.

Following considerable discussion of the bill, the Speaker<sup>(13)</sup> put the question<sup>(14)</sup> which, as required by the Constitution,<sup>(15)</sup> had to be determined by the yeas and nays; and the vote was taken by electronic device. During the course of that procedure, Mr. George H. Mahon, of Texas, first voted "nay," and then came forward into the well, stating:

Mr. Speaker, I have a live pair with the gentleman from Arkansas (Mr. Mills) and the gentleman from New York (Mr. Stratton). If they had been

present they would have voted "yea." I voted "nay." I withdraw my vote and vote [answer] "present."

The tally clerk then adjusted the electronic voting system to indicate the withdrawal of Mr. Mahon's vote and his decision to answer "present" without obliging the Member to reinsert his card or fill out a ballot at the rostrum.

*Parliamentarian's Note:* Normally, the correct procedure for "live pairs" on a vote being taken electronically is for the Member to record himself as "present" with his voting card and then announcing his reasons for so doing in the well before the announcement of the result.

***Erroneously Listed Pairs; Correcting the Record by Unanimous Consent; Deleting Pairs***

**§ 4.14 While the House does not take cognizance of pairs, a Member may, by unanimous consent, correct the Record where a pair is erroneously listed. Thus, a Member, paired in favor of a proposition without his consent, asked unanimous consent that the pair be deleted from the permanent Record and Journal.**

On May 16, 1966,<sup>(16)</sup> Mr. John V. Tunney, of California, ad-

12. 119 CONG. REC. 29329, 93d Cong. 1st Sess.

13. Carl Albert (Okla.).

14. 119 CONG. REC. 29352, 93d Cong. 1st Sess.

15. U.S. Const. art. I § 7.

16. CONG. REC. (daily ed.), 89th Cong. 2d Sess.

dressed the Chair<sup>(17)</sup> to make the following request:

Mr. Speaker, in the Congressional Record of May 10, 1966, I am listed as paired in favor of an amendment to provide \$20 million in rent supplement contractual authority, and \$2 million for payments under contracts in fiscal year 1967. An error was made, and I ask unanimous consent to have the permanent Record and Journal corrected to eliminate this pair.

Mr. Speaker, I was granted an official leave of absence by the House to take part in the United States-British Interparliamentary Conference on Africa on May 10. Had I been present on this, I would have opposed this amendment.

The Speaker Pro Tempore then asked the Members if there were any objection, and, none being voiced, the Member's request was granted.

**§ 4.15 By unanimous consent, a Member who had been incorrectly paired in opposition to the adoption of a conference report was permitted to delete the "pair" from the permanent Record.**

On Sept. 20, 1972,<sup>(18)</sup> Mr. LaMar Baker, of Tennessee, rose to address the Chair<sup>(19)</sup> and make the following statement:

17. Carl Albert (Okla.), Speaker Pro Tempore.

18. CONG. REC. (daily ed.), 92d Cong. 2d Sess.

19. Carl Albert (Okla.).

Mr. Speaker, on Tuesday, the 5th of September, on rollcall No. 351, record vote on adopting the conference report on H.R. 12350, the OEO authorization, I was recorded as absent. I was paired as opposed to adopting the conference report. If present and voting, I would have voted "yea" to adopt the conference report. I ask unanimous consent that my pair be deleted from the permanent Record.

There being no objection to the Member's request, the Record was so corrected.

### *Adding Pairs*

**§ 4.16 The Congressional Record was corrected, by unanimous consent, to add the names of two Members to the list of those shown as "paired" on a roll call.**

The House having agreed to the conference report<sup>(20)</sup> on a bill (H.R. 7885) to further amend the Foreign Assistance Act of 1961, as amended, the names of two Members who were paired on the roll call were inadvertently omitted.

Accordingly, on Dec. 10, 1963,<sup>(1)</sup> Mr. Charles A. Mosher, of Ohio, rose to address the Speaker<sup>(2)</sup> with the following request:

Mr. Speaker, I ask unanimous consent that the permanent Record be corrected as follows:

20. 109 CONG. REC. 23850, 88th Cong. 1st Sess., Dec. 9, 1963.

1. CONG. REC. (daily ed.), 88th Cong. 1st Sess.

2. John W. McCormack (Mass.).

On rollcall No. 224, immediately following the last live pair of Mr. Martin of Massachusetts for, with Mrs. St. George against, add the following pair: Mr. Rhodes of Arizona for, with Mr. Michel against.

There being no objection to Mr. Mosher's request, the permanent Record was corrected.

### ***Converting Pairs***

**§ 4.17 The Majority Leader corrected the *Congressional Record*, by unanimous consent, to show that Members paired as "for" and "against" a motion to suspend the rules actually had been only "general" pairs.**

On Aug. 3, 1965,<sup>(3)</sup> Majority Leader Carl Albert, of Oklahoma, addressed the Chair<sup>(4)</sup> with respect to a roll call vote taken the previous day<sup>(5)</sup> on a motion to suspend the rules and pass a bill (H.R. 8027) providing assistance to state and local law enforcement personnel.

As the following excerpt reveals, the Majority Leader's request resulted in a correction of the permanent record:

MR. ALBERT: Mr. Speaker, I ask unanimous consent to correct the Record.

3. CONG. REC. (daily ed.), 89th Cong. 1st Sess.
4. John W. McCormack (Mass.).
5. 111 CONG. REC. 18976, 18977, 89th Cong. 1st Sess., Aug. 2, 1965.

On rollcall No. 215, page 18262 of the [temporary edition of the] Congressional Record for August 2, 1965, all pairs are shown to have been for or against, whereas all pairs should have been general pairs.

I ask unanimous consent that the permanent Record be corrected accordingly.

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

There was no objection.

**§ 4.18 The *Congressional Record* was corrected, by unanimous consent, to show that Members listed as having "live" pairs on a particular vote actually had only "general" pairs.**

On May 23, 1963,<sup>(6)</sup> the House agreed to a resolution (H. Res. 362) making in order a bill (H.R. 6060) to prohibit sex discrimination in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

The temporary Record for that day having erroneously listed many Members as comprising halves of numerous "live pairs," Mr. Carl Albert, of Oklahoma, subsequently initiated the following<sup>(7)</sup> exchange on the next legislative day:

6. 109 CONG. REC. 9194, 88th Cong. 1st Sess.
7. CONG. REC. (daily ed.), 88th Cong. 1st Sess., May 27, 1963.

MR. ALBERT: Mr. Speaker, on rollcall No. 54 there were listed as live pairs the names of sundry Members. These should have been listed as general pairs.

Mr. Speaker, I ask unanimous consent that the permanent Record be corrected accordingly.

THE SPEAKER:<sup>(8)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## § 5. Tie Votes; Supermajority Votes

Under a rule in effect since the First Congress, a question which results in a tie vote is lost.<sup>(9)</sup> The Speaker, who ordinarily does not vote on all legislative propositions before the House, has the prerogative of voting; and in Rule I clause 6, he is “required to vote . . . where his vote would be decisive.” In the days preceding the advent of electronic voting, when the yeas and nays were taken by a call of the roll, the Speaker’s name was not on the roll and was not called

8. John W. McCormack (Mass.).
9. Rule I clause 6: He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in cases of a tie vote the question shall be lost. *House Rules and Manual* §632 (1995).

unless the Speaker directed that it be called. However, the Speaker can count himself on a division vote, can submit his card where a vote is taken by tellers with clerks, and can exercise his responsibility to be the decisive vote on a vote taken by electronic device.<sup>(10)</sup>

The majority required to pass an amendment to the Constitution, to override a veto, or to adopt a motion to suspend the rules is two-thirds of the Members voting, a quorum being present.<sup>(11)</sup>

---

### § 5.1 Before announcing the result of a vote taken by electronic device, the Speaker may cast a decisive vote by advising the tally clerk of his vote to break a tie and verifying that vote for the record by submitting an appropriate ballot card.

On Oct. 17, 1990,<sup>(12)</sup> Speaker Thomas S. Foley, of Washington, cast the decisive vote on an amendment reported from the Committee of the Whole. The proceedings were as follows:

THE SPEAKER PRO TEMPORE: Under the rule, the previous question is ordered.

10. See § 5.1, *infra*.
11. See § 5.2, *infra*.
12. 136 CONG. REC. 30229, 30230, 101st Cong. 2d Sess.