

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

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

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

MOTION TO ADJOURN

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

The SPEAKER. The question is on the motion.

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

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

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

The SPEAKER. The gentleman will state it.

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

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

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

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

2. Sam Rayburn (TX).

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

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

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

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

Mr. RANKIN. The Chair is in error.

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

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

The SPEAKER. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 75, nays 161, not voting 198, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

§ 8. Dilatory Motions; Repetition of Motion

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

process—pursuant to a point of order raised against the motion by another Member or at the initiative of the Chair.⁽¹⁾

Repeated motions to adjourn are allowed in the House, if other business has intervened.⁽²⁾

Repeated Motions to Adjourn

§ 8.1 The transaction of a unanimous-consent request to delete a Member's name from the list of cosponsors of a bill is such "intervening business" as would enable repetition of the motion to adjourn.

On Nov. 18, 1999,⁽¹⁾ a Member made a motion that the House adjourn:

MOTION TO ADJOURN

Mr. [Ron] KIND [of Wisconsin]. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

1. 5 Hinds' Precedents §§ 5721, 5731; 8 Cannon's Precedents §§ 2796, 2813; and *House Rules and Manual* §§ 902, 903 (2007).
2. See §§ 8.1–8.3, *infra*.
1. 145 CONG. REC. 30644, 30645, 106th Cong. 1st Sess. For an example of how the motion to adjourn may not be repeated in absence of "intervening business" see § 3.19, *supra*.

RECORDED VOTE

Mr. [David R.] OBEY [of Wisconsin]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 25, noes 395, not voting 13, as follows:

[Roll No. 603] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2420

Mr. [Sherwood L.] BOEHLERT [of New York]. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2420.

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker announced that the noes appeared to have it.

§ 8.2 After the Speaker has entertained a motion that the

2. J. Dennis Hastert (IL).

House adjourn, it is too late to make the point of order that the motion is dilatory on the ground that the House rejected such a motion an hour previously.

On Feb. 22, 1950,⁽¹⁾ the Speaker, having entertained a motion to adjourn, did not sustain a point of order that the motion to adjourn was dilatory.

The SPEAKER.⁽²⁾ The gentleman from Florida [Mr. SIKES] moves that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order on the motion.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House has expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

The SPEAKER. The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

§ 8.3 After a motion to adjourn has been made and rejected,

1. 96 CONG. REC. 2161, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

a second motion that the House adjourn is held not dilatory and in order if other business has intervened.

On Feb. 15, 1950,⁽¹⁾ a Member made a point of order against a motion to adjourn, claiming it was dilatory:

MOTION TO ADJOURN

Mr. [Ed] GOSSETT [of Texas]. Mr. Speaker, I move that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

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

Mr. MARCANTONIO. Just preceding the last roll call the House refused to adjourn. I submit that this motion is dilatory. I understand that it is entirely within the Speaker's discretion to rule on these motions, but in view of the fact that we have just had a motion to adjourn this one obviously is dilatory.

Mr. GOSSETT. Mr. Speaker, if the Chair will hear me on the point of order, other business has been transacted and another roll call has intervened.

The SPEAKER. The Chair is prepared to rule. Business has intervened. The Chair holds the motion to be in order.

Refusal of Recognition

§ 8.4 Where a motion to adjourn is rejected pending a

1. 96 CONG. REC. 1809, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

motion to dispense with further proceedings under a call of the House and that motion is then adopted, recognition for the immediate repetition of a motion to adjourn may be denied pending the calling up of a bill on Calendar Wednesday.

On Feb. 15, 1950,⁽¹⁾ the Speaker exercised his discretion not to recognize Members for motions to adjourn:

CALL OF THE HOUSE

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49] . . .

The SPEAKER.⁽²⁾ On this roll call 326 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. [Tom] PICKETT [of Texas]. Mr. Speaker, I object.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts [Mr. McCORMACK.]

1. 96 CONG. REC. 1810–12, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes, 126, noes 17.

Mr. PICKETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, I move that we do now adjourn.

The SPEAKER. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. HOFFMAN of Michigan. Mr. Speaker, a preferential motion. I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 198, not voting 108, as follows:

[Roll No. 50] . . .

So the motion to adjourn was rejected.

The Clerk announced the following pairs: . . .

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. McCORMACK] to dispense with further proceedings under the call.

Mr. PICKETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKETT. Mr. Speaker, at the time the gentleman from Michigan moved to adjourn, the Speaker had just stated what the question was—which was the motion of the gentleman from Massachusetts [Mr. McCORMACK] to dispense with further proceedings under a preceding call of the House. I

objected to the vote, as was revealed by a division on the question, on the ground that a quorum was not present. Is not now the order of business an automatic roll call on the motion of the gentleman from Massachusetts [Mr. McCORMACK]?

The SPEAKER. No; it is not. The vote now comes de novo.

The question is on the motion of the gentleman from Massachusetts [Mr. McCORMACK].

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes 138, noes 6.

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

Mr. [Anthony] CAVALCANTE [of Pennsylvania]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAVALCANTE. Under the rules of the House, are the cloakrooms a part of the Hall of the House?

The SPEAKER. The Chair cannot count any Members that he cannot see.

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

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 86, answered “present” 1, not voting 102, as follows:

[Roll No. 51] . . .

So the motion was agreed to.

The Clerk announced the following pairs: . . .

CALENDAR WEDNESDAY

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on the District of Columbia.

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

The SPEAKER. The Chair does not yield to the gentleman for a parliamentary inquiry at this time.

Mr. [Howard W.] SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillian].

Mr. SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn. That motion is always in order.

The SPEAKER. The Chair has recognized the gentleman from South Carolina [Mr. McMILLIAN].

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLAN] has been recognized.

Mr. COLMER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLIAN] has been recognized.

Parliamentarian’s Note: Repeated motions and roll calls were sought in this instance in an effort to delay business under the Calendar Wednesday rule, and there was no intervening business

at this point prior to the calling up of the bill.

§ 9. To a Day Certain; Three-day Limit

The House, in adjourning for not more than three days, must take into the count either the day of adjourning or the day of the meeting. Sunday is not taken into account in making this computation unless the House, by special order, provides for a session on a Sunday.⁽¹⁾

The House has declared itself in a series of recesses subject to the constraint that the House not adjourn for more than three days without the consent of the Senate.⁽²⁾ The Committee on Rules also has reported a rule authorizing the Speaker to declare recesses subject to the call of the Chair, each consistent with the constitutional requirement that neither House adjourn or recess for more than three days without the consent of the other House.⁽³⁾

The House has adopted a resolution reported from the Committee on Rules providing that the

1. *House Rules and Manual* § 83 (2007). See also §§ 9.7–9.10, *infra*; and 5 Hinds' Precedents §§ 6673, 6674.
2. See Ch. 39, § 2.21, *supra*.
3. See § 9.1, *infra*.

House meet only Tuesdays and Fridays for a stipulated period, whereupon the Speaker advised the House that no business on those days would be conducted, including recognition for unanimous consent.⁽⁴⁾

§ 9.1 The House adopted a privileged rule reported by the Committee on Rules to authorize, *inter alia*, the Speaker to declare the House in recesses subject to the call of the Chair during five discrete periods, each consistent with the constitutional constraint that neither House (recess or) adjourn for more than three days without consent of the other House.

On Jan. 5, 1996,⁽¹⁾ the following proceedings occurred:

Ms. [Deborah W.] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That (a) the Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 5, 1996,

4. See § 9.6, *infra*.

1. 142 CONG. REC. 357, 104th Cong. 2d Sess.