

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

1. Subject to clause 5 of this rule, upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called, and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting. Members appearing after the second call, but before the result is announced, may vote or announce a pair.

§ 765. Call of the roll for the yeas and nays vote.

The first form of this clause was adopted in 1789, and amendments were added in 1870, 1880, 1890 (V, 6046), 1969 (H. Res. 7, 91st Cong., Jan. 3, 1969, p. 35), and 1972 (H. Res. 1123, 92d Cong., Oct. 13, 1972, pp. 36005–012). The final amendment, which became effective immediately prior to noon on January 3, 1973, introduced the concept and use of the electronic voting system into the provisions of rule XV.

The names of Members who have not been sworn are not entered on the roll from which the yeas and nays are called for entry on the Journal (V, 6048; VI, 638; VIII, 3122).

Commencing in 1879 the Clerk, in calling the roll, called Members by the surnames with the prefix "Mr." instead of calling the full names (V, 6047), but since the 62d Congress the practice has been discontinued in the interest of brevity (VIII, 3121). The Speaker's name is not on the voting roll and is not ordinarily called (V, 5970). When he votes his name is called at the close of the roll (V, 5965). In case of a tie which is revealed by a correction of the roll, he has voted after intervening business or even on another day (V, 5969, 6061–6063; VIII, 3075). Where the Speaker through an error of the Clerk in reporting the yeas and nays announces a result different from that actually had, the status of the question is governed by the vote as recorded and subsequent announcement by the Speaker of the changed result is authoritative, or he may entertain a motion for correction of the Journal in accordance with the vote as finally ascertained (VIII, 3162).

Under this rule, as under clause 4 of rule XV, the roll is called twice, and those Members appearing after their names are called but before the announcement of the result may vote or announce a pair. Under the former practice, prior to the amendment adopted on January 3, 1969, a Member who had failed to respond on either the first or second call of the roll could not be recorded before the announcement of the result (V, 6066–6070; VIII, 3134–3150) unless he “qualified” by declaring that he had been within the Hall, listening, when his name should have been called and failed to hear it (V, 6071–6072; VIII, 3144–3150), and then only on the theory that his name may have been inadvertently omitted by the Clerk (VIII, 3137). Under the former practice where the roll was called by the Clerk, either before announcement of the result (V, 6064) or after such announcement (VIII, 3125), the Speaker could order the vote recapitulated (V, 6049, 6050; VIII, 3128). A Member may not change his vote on recapitulation if the result has been announced (VIII, 3124), but errors in the record of such votes may be corrected (VIII, 3125). A motion that a vote be recapitulated is not privileged (VIII, 3126). The Speaker has declined to order a recapitulation of a vote taken by electronic device (Speaker Albert, July 30, 1975, p. 25841).

The legislative call system was designed to alert Members to certain occurrences on the floor of the House. The Speaker has directed that the bells and lights comprising the system be utilized as follows (Jan. 23, 1979, pp. 701–02):

§ 765a. Bell system. Tellers—one ring and one light on left. Since teller votes were discontinued at the beginning of the 103d Congress, this signal is no longer utilized.

Recorded vote, yeas and nays, or automatic rollcall vote taken either by electronic system or by use of tellers with ballot cards—two bells and two lights on left indicate a vote in House or in Committee of the Whole by which Members are recorded by name. Bells are repeated five minutes after the first ring. When by unanimous consent waiving the five-minute minimum set by clause 5(b)(3) of rule I the House authorized the Speaker to put remaining postponed questions to two-minute electronic votes, two bells were rung (Oct. 4, 1988, pp. 28126, 28148).

Recorded vote, yeas and nays, or automatic rollcall electronic vote on recommittal to be immediately followed by possible five-minute vote on final passage (clause 5 of rule XV)—two bells rung at beginning of motion to recommit, followed by five bells, indicate that Chair will order five-minute votes if recorded vote, yeas and nays, or automatic vote is ordered immediately thereafter on final passage or adoption. Two bells repeated five minutes after first ring.

Recorded vote, yeas and nays, or automatic rollcall electronic vote on the first of several amendments reported to the House from the Committee of the Whole (clause 5 of rule XV)—two bells rung at beginning of first amendment on which separate vote is demanded, followed by five bells, indicate that Chair will order five-minute vote if recorded vote, yeas and

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nays, or automatic vote is ordered on additional amendments on which separate votes have been demanded. Two bells repeated five minutes after first ring. Five bells on each subsequent amendment if roll call ordered.

Recorded vote, yeas and nays, or automatic roll call by call of the roll—two bells, followed by a brief pause, then two bells indicate such a vote taken under the provisions of clause 1 of rule XV by a call of the roll in the House. The bells are repeated when the Clerk reaches the “R’s” in the first call of the roll.

Regular quorum call—three bells and three lights on left indicate a quorum call either in the House or in Committee of the Whole by electronic system or by clerks. The bells are repeated five minutes after the first ring. Where quorum call is by call of the roll, three bells followed by a brief pause, then three more bells, with the process repeated when the Clerk reaches the “R’s” in the first call of the roll, are utilized.

Regular quorum call in Committee of the Whole, which will possibly be immediately followed by five-minute electronic recorded vote (clause 2 of rule XXIII)—three bells rung at beginning of quorum call, followed by five bells, indicate that Chair will order five-minute vote if recorded vote is ordered on pending question. Three bells repeated five minutes after first ring.

Notice or short quorum call in Committee of the Whole—one long bell followed by three regular bells, and three lights on left, indicate that the Chair has exercised his discretion under clause 2 of rule XXIII and will vacate proceedings when a quorum of the Committee appears. Bells are repeated every five minutes unless (a) the call is vacated by ringing of one long bell and extinguishing of three lights, or (b) the call is converted into a regular quorum call and three regular bells are rung.

Adjournment—four bells and four lights on left.

Any five-minute vote—five bells and five lights on left.

Postponed votes on (a) motions to suspend the rules; (b) final votes on bills, resolutions, or conference reports; or (c) previous question on questions that are, themselves, susceptible of postponement (clause 5(b) of rule I)—two bells, followed by five bells, indicate start of 15-minute vote on first postponed question in each such series. Two bells repeated five minutes after first ring. Five bells on all subsequent five-minute votes in each series on which Speaker has reduced vote time.

Recess of the House—six bells and six lights on left.

Civil Defense Warning—twelve bells, sounded at two-second intervals, with six lights illuminated.

The light on the far right—seven—indicates that the House is in session.

Failure of the signal bells to announce a vote does not warrant repetition of the roll call (VIII, 3153–3155, 3157) nor does such a failure permit a Member to be recorded following the conclusion of the call (June 9, 1938, p. 8662).

Before the result of a vote has been finally and conclusively pronounced by the Chair, but not thereafter, a Member may change his vote (V, 5931–5933, 6093, 6094; VIII, 3070, 3123, 3124, 3160), and a Member who has answered “present” may change it to “yea” or “nay” (V, 6060). But a vote given by a Member may not be withdrawn without leave of the House (V, 5930).

When a vote actually given fails to be recorded during a call of the roll (V, 6061–6063) the Member may, before the approval of the Journal, demand as a matter of right that correction be made (V, 5969; VIII, 3143). But statements of other Members as to alleged errors in a recorded vote must be very definite and positive to justify the Speaker in ordering a change of the roll (V, 6064, 6099). The Speaker declines to entertain requests to correct the Journal and Record on votes taken by electronic device, based upon the technical accuracy of the electronic system if properly utilized and upon the responsibility of each Member to correctly cast and verify his vote (Apr. 18, 1973, p. 13081; May 10, 1973, p. 15282). By unanimous consent the House may vacate proceedings on a recorded vote conducted in the Committee of the Whole and require a vote de novo where it is alleged that Members were improperly prevented from being recorded (June 22, 1995, p. —).

When once begun the roll call may not be interrupted even by a motion to adjourn (V, 6053; VIII, 3133), a parliamentary inquiry (VIII, 3132), a question of personal privilege (V, 6058, 6059; VI, 554, 564), the arrival of the time fixed for another order of business (V, 6056) or for a recess (V, 6054, 6055; VIII, 3133), or the presentation of a conference report (V, 6443). But it is interrupted for the reception of messages and by the arrival of the hour fixed for adjournment sine die (V, 6715–6718). Incidental questions arising during the roll call, such as the refusal of a Member to vote (V, 5946–5948), are considered after the completion of the call and the announcement of the vote (V, 5947). The rules do not preclude a Member from announcing after a recorded vote on which he failed to answer, how he would have voted if present (Speaker Rayburn, June 27, 1957, p. 10521; contra VIII, 3151), but neither the rules nor the practice permit a Member to announce after a recorded vote how absent colleagues would have voted if present (VI, 200; Apr. 3, 1933, p. 1139; Apr. 28, 1933, p. 2587; May 20, 1933, p. 3834; Mar. 16, 1934, pp. 4691, 4700; Apr. 14, 1937, pp. 3489, 3490; Apr. 15, 1937, p. 3563).

2. (a) In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members; and those for whom no sufficient excuse is made may, by order of a majority of those present,

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subject to clause 6(e)(2) of this rule, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

The essential portions of paragraph (a) of this clause were adopted in 1789 and 1795, with minor amendments in 1888, 1890 (IV, 2982) and 1971 (H. Res. 5, 92d Cong., Jan. 22, 1971, p. 144). Later in the 92d Congress several provisions in rule XV, including this clause, were amended to reflect the implementation of the electronic voting system (H. Res. 1123, Oct. 13, 1972, pp. 36005–012). The provisions of clause 2(a) relating to the calling of the roll by the Clerk were deleted. Calls of the House are now taken by the electronic device unless the Speaker, in his discretion (see clause 5) orders the use of the alternative procedure in clause 2(b). Together with clause 6(e)(2) of this rule, this paragraph was further amended in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16) to conform to the requirement in that provision that further proceedings under the call shall be dispensed with unless the Speaker in his discretion recognizes for a call of the House or a motion to compel attendance under this paragraph. This clause must be read in light of clause 6(e) of this rule, which prohibits the point of order that a quorum is not present unless the Speaker has put a question to a vote.

Under this rule a call may not be ordered by less than 15, and with out that number present the motion for a call is not § 769. Ordering and conducting the call. entertained (IV, 2983). It must be ordered by majority vote, and a minority of 15 or more favoring a call on such vote is not sufficient (IV, 2984). A quorum not being present no motion is in order but for a call of the House or to adjourn (IV, 2950, 2988; VI, 680), and at this stage the motion to adjourn has precedence over the motion for a call of the House (VIII, 2642).

While the following precedents predate the use of the electronic voting and recording system, they are retained in the Manual because of their general applicability with respect to calls of the House. A roll call under paragraph (a) may not be interrupted by a motion to dispense with further proceedings under the call (IV, 2992), and a recapitulation of the names of those who appear after their names have been called may not be de-

manded (IV, 2933). But during proceedings under the call the roll may be ordered to be called again by those present (IV, 2991).

During a call less than a quorum may revoke leaves of absence (IV, 3003, 3004) and excuse a Member from attendance (IV, 3000, 3001), but may not grant leaves of absence (IV, 3002). The roll is sometimes called for excuses, and motions to excuse are in order during this call (IV, 2997), but neither the motion to excuse nor an incidental appeal are debatable (IV, 2999). After the roll has been called for excuses, and the House has ordered the arrest of those who are unexcused, a motion to excuse an absentee is in order when he is brought to the bar (IV, 3012).

An order of arrest for absent Members may be made after a single-calling of the roll (IV, 3015, 3016), and a warrant issues on direction of those present, such motion having precedence of a motion to dispense with proceedings under the call (IV, 3036). The Sergeant-at-Arms is required to arrest Members wherever they may be found (IV, 3017), and leave for a committee to sit during sessions does not release its Members from liability to arrest (IV, 3020). A motion to require the Sergeant-at-Arms to report progress in securing a quorum is in order during a call of the House (VI, 687). A Member who appears and answers is not subject to arrest (IV, 3019), and in a case where a Member complained of wrongful arrest the House ordered the Sergeant-at-Arms to investigate and amend the return of his warrant (IV, 3021). A Member once arrested having escaped it was held that he might not be brought back on the same warrant (IV, 3022). A privileged motion to compel the attendance of absent Members is in order after the Chair has announced that a quorum has not responded on a negative recorded vote on a motion to adjourn (Nov. 2, 1987, p. 30386).

The former practice of presenting Members at the bar during a call of the House (IV, 3030–3035) is obsolete, and Members now report to the Clerk and are recorded without being formally excused unless brought in under compulsion (VI, 684). Those present on a call may prescribe a fine as a condition of discharge, and the House has by resolution revoked all leaves of absence and directed the Sergeant-at-Arms to deduct from the salary of Members compensation for days absent without leave (VI, 30, 198), but this penalty has been of rare occurrence (IV, 3013, 3014, 3025). Form of resolution for the arrest of Members absent without leave (VI, 686). Having rejected a motion to adjourn, less than a quorum of the House rejected a motion directing the Sergeant-at-Arms to arrest absent Members, rejected a second motion to adjourn, and then adopted a motion authorizing the Speaker to compel the attendance of absent members (Nov. 2, 1987, p. 30387).

The motion to dispense with further proceedings under the call of the House is not in order when a motion to arrest absent Members is pending (IV, 3029, 3037); is not entertained until a quorum responds on the call, but may be agreed to by less than a quorum thereafter (IV, 3038, 3040; VI, 689; Sept. 11, 1968, p. 26453; Dec. 22, 1970, p. 43311); is neither debat-

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able nor subject to amendment, thus the motion to lay it on the table is not in order (Aug. 27, 1962, p. 17653; Dec. 18, 1970, pp. 42504-05).

During the call, which in later practice has been invoked only in absence

of a quorum, incidental motions may be agreed to by less than a quorum (IV, 2994, 3029; VI, 681), and under

clause 6(a)(4) of rule XV a point of order of no quorum

may not be made during the offering, consideration, and disposition of

any motion incidental to a call of the House. This includes motions for

the previous question (V, 5458), to reconsider and to lay the motion to

reconsider on the table (V, 5607, 5608), to adjourn, which is in order even

in the midst of the call of the roll for excuses (IV, 2998) or while the House

is dividing on a motion for a call of the House (VIII, 2644), and which

takes precedence over a motion to dispense with further proceedings under

the call (VIII, 2643), and an appeal from a decision of the Chair (IV, 3010,

3037; VI, 681). The yeas and nays may also be ordered (IV, 3010), but

a question of privilege may not be raised unless it be something connected

immediately with the proceedings (III, 2545). Motions not strictly incidental

to the call are not admitted, as for a recess (IV, 2995, 2996), to excuse

a Member from voting even when otherwise in order (IV, 3007), to enforce

the statute relating to deductions of pay of Members for absence (IV, 3011;

VI, 682), to construe a rule or make a new rule (IV, 3008), or to order

a change of a Journal record (IV, 3009). A motion for a call of the House

is not debatable (VI, 683, 688). The motion to compel the attendance of

absent Members, being neither debatable nor amendable, is not subject

to a motion to lay on the table (Speaker Wright, Nov. 2, 1987, p. 30389).

(b) Subject to clause 5 of this rule, when a call

of the House in the absence of a quorum is ordered, the Speaker

shall name one or more clerks to tell the Mem-

bers who are present. The names of those

present shall be recorded by such clerks, and

shall be entered in the Journal and the absentees

noted, but the doors shall not be closed except

when so ordered by the Speaker. Members

shall have not less than fifteen minutes from the

ordering of a call of the House to have their

presence recorded.

This paragraph was adopted as part of the general revision of rule XV

which was required by the implementation of the electronic voting system

(H. Res. 1123, 92d Cong., Oct. 13, 1972, p. 36012). The Speaker, in his

discretion, may direct that the presence of Members be recorded by this

procedure in lieu of using the electronic system, or the Chair may, in his discretion, direct that a quorum call be taken by an alphabetical call of the roll (Mar. 7, 1973, p. 6699). The Chairman of the Committee of the Whole also may direct that a quorum call be conducted by depositing quorum tally cards with clerk tellers, rather than by electronic device or a call of the roll (July 13, 1983, p. 18858).

Exercising his authority under this paragraph, the Speaker ordered the doors to the Chamber closed and locked during a call of the House and instructed the Doorkeeper to enforce the rule and let no Members leave the Hall (Deschler's Precedents, vol. 5, ch. 20, sec. 6.3). Clause 2(b) does not give the Speaker the authority to lock the doors during a recorded vote (June 11, 1997, p. —).

3. On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

§ 772. Count of those not voting to make a quorum of record on a roll call.

This clause was adopted in 1890 (IV, 2905), but it merely formalized a principle already established by a decision of the Chair (IV, 2895). It was much in use in the first years after its adoption (III, 2620; IV, 2905-2907); but with the decline of obstruction in the House and the adoption of clause 4 of this rule the necessity for its use has disappeared to a large extent. The Speaker may direct the Clerk to note names of Members under this rule even on a vote for which a quorum is not necessary (VIII, 3152).

4. Subject to clause 5 of this rule, whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be con-

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sidered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated.

This clause was adopted in 1896 (IV, 3041; VI, 690); and amended in 1972 to make its provisions subject to clause 5 of this rule (H. Res. 1123, 92d Cong., p. 36012). Where objection is raised to a vote in the House on the ground that a quorum is not present, and a quorum is in fact not present, the Speaker may direct that the call of the House be taken by electronic device under clause 5, or may, in his discretion, direct the Clerk to call the roll pursuant to this clause (May 16, 1973, p. 15860).

It applies only to votes wherein a quorum is required, and hence does not apply to an affirmative vote on a motion to adjourn (July 25, 1949, p. 10092; Nov. 4, 1983, p. 30946), or motions incidental to a call of the House which may be agreed to by less than a quorum (IV, 2994, 3029; VI, 681), or to a call when there is no question pending (IV, 2990). While a quorum is not required to adjourn, a point of no quorum on a negative vote on adjournment, if sustained, precipitates a call of the House under the rule (VI, 700; June 4, 1951, pp. 6097, 6098; June 15, 1951, p. 6621).

Where less than a quorum rejects a motion to adjourn, the House may not consider business but may dispose of motions to compel the attendance of absent Members (Nov. 2, 1987, p. 30387).

When a Member objects to a vote on the ground that a quorum is not present and makes the point of order under this clause, the Speaker may count the House and determine the presence of a quorum, and is not required to announce his actual count under the first sentence of this clause (Sept. 30, 1981, p. 22456). Where the Speaker ascertains the presence of a quorum by actual count following an objection to a vote under this clause, or on a rejected demand for the yeas and nays and a division vote is then had on the pending question, the division vote is intervening business (see VIII, 2804) permitting another objection to the lack of a quorum, and the Speaker must again count the House (Mar. 17, 1976, p. 6792; Aug. 2, 1979, p. 22006). But where the announced absence of a quorum has resulted in a rollcall vote under this clause (on the Speaker's approval of the Journal), the House may not, even by unanimous consent, vacate the vote in order to conduct another voice vote in lieu of the rollcall vote, since no business, including a unanimous consent agreement, is in order in the announced absence of a quorum (July 13, 1983, p. 18844; Feb. 24, 1988, p. 2450). The House having authorized the Speaker to compel the attendance of absent Members, the Speaker announced that the Sergeant-at-Arms would proceed with necessary and efficacious steps, and that pending the establishment of a quorum no further business, including unanimous-consent requests for recess authority, could be entertained (Nov. 2, 1987, p. 30389).

Under this clause the roll is called over twice, and those appearing after their names are called may vote (IV, 3052). A motion to adjourn may be made before the call begins (IV, 3050). After the roll has been called, and while the proceedings to obtain a quorum are going on, motions to excuse Members are in order (IV, 3051). The Sergeant-at-Arms is required to detain those who are present and bring in absentees (IV, 3045–3048), and he does this without the authority of a resolution adopted by those present (IV, 3049). There is doubt as to whether or not a warrant is necessary but it is customary for the Speaker to issue one on the authority of the rule (IV, 3043; VI, 702). When arrested, Members are arraigned at the bar, and either vote or are noted as present, after which they are discharged (IV, 3044). When a quorum fails to vote on a yea-and-nay vote on a motion which requires a quorum to be present, and a quorum is not present, the Chair takes notice of the fact, and unless the House adjourns, a call of the House is ordered by the Chair under this rule, and the vote is taken on the question de novo (IV, 3045, 3052; VI, 679). An automatic roll call results under this rule when the objection that a quorum is not present and voting is made after a viva voice vote (VI, 697). An automatic roll call under this rule is not in order in Committee of the Whole (Aug. 2, 1966, p. 17844). Pursuant to clause 5(b) of rule I, where the Speaker has announced that

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to adjourn may be made before the call begins (IV, 3050). After the roll has been called, and while the proceedings to obtain a quorum are going on, motions to excuse Members are in order (IV, 3051). The Sergeant-at-Arms is required to detain those who are present and bring in absentees (IV, 3045–3048), and he does this without the authority of a resolution adopted by those present (IV, 3049). There is doubt as to whether or not a warrant is necessary but it is customary for the Speaker to issue one on the authority of the rule (IV, 3043; VI, 702). When arrested, Members are arraigned at the bar, and either vote or are noted as present, after which they are discharged (IV, 3044). When a quorum fails to vote on a yea-and-nay vote on a motion which requires a quorum to be present, and a quorum is not present, the Chair takes notice of the fact, and unless the House adjourns, a call of the House is ordered by the Chair under this rule, and the vote is taken on the question de novo (IV, 3045, 3052; VI, 679). An automatic roll call results under this rule when the objection that a quorum is not present and voting is made after a viva voice vote (VI, 697). An automatic roll call under this rule is not in order in Committee of the Whole (Aug. 2, 1966, p. 17844). Pursuant to clause 5(b) of rule I, where the Speaker has announced that

he will postpone further proceedings on motions to suspend the rules on that day if any votes are objected to under clause 4 of rule XV, and objection is then made to any such votes under that clause, further proceedings are automatically postponed and the question is put de novo when that vote recurs as unfinished business, when further proceedings are postponed, the point of order that a quorum is not present is considered as withdrawn, since no longer in order (a question not being pending after the Speaker's announcement of postponement). See clause 6(e)(1) of rule XV, *infra*.

5. (a) Unless, in his discretion, the Speaker orders the calling of the names of Members in the manner provided for under the preceding provisions of this rule, upon any roll call or quorum call the names of such Members voting or present shall be recorded by electronic device. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of names of those Members recorded as voting in the affirmative, of those Members recorded as voting in the negative, and of those Members answering present, as the case may be, as if their names had been called in the manner provided for under such preceding provisions. Members shall have not less than fifteen minutes from the ordering of the roll call or quorum call to have their vote or presence recorded.

§ 774b-1. Use of electronic equipment in recording roll calls.

The permissive use of an electronic voting system was incorporated in the Legislative Reorganization Act of 1970 (sec. 121; 84 Stat. 1140) and was made a part of the standing rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). The electronic system was first utilized in the House on January 23, 1973 (p. 1793). The clause in its essential form was adopted the next year (H. Res. 1123, Oct. 13, 1972, p. 36012).

The Speaker has the discretion to continue to use the electronic system, even though the electronic display panels are temporarily inoperative, where the voting stations continue in operation and Members are able to verify their votes, or to use a backup voting procedure, such as calling

the roll, where voting stations are inoperative (Speaker O'Neill, Sept. 19, 1985, p. 24245).

The Speaker inserted in the Record a detailed statement describing procedures to be followed during votes and quorum calls by electronic device and by the back-up procedures therefor (Jan. 15, 1973, pp. 1054-57). The Speaker may direct that a call of the House be conducted by an alphabetical call of the roll by the Clerk where, in his discretion, he does not utilize the electronic voting device (Mar. 7, 1973, p. 6699), and pursuant to clauses 4 and 5 of rule XV the Speaker may, in his discretion, direct the Clerk to call the roll, in lieu of taking the vote by electronic device, where a quorum fails to vote on any question and objection is made for that reason (May 16, 1973, p. 15850). The Speaker declines to entertain unanimous-consent requests to correct the Journal and Record on votes taken by electronic device (Apr. 18, 1973, p. 13081; May 10, 1973, p. 15282; June 17, 1986, p. 14038), but the Speaker may announce a change in the result of a vote taken by electronic device where required to correct an error in identifying a signature on a voting card submitted in the well (June 11, 1981).

On a call of the House conducted by electronic device, Members are permitted a minimum of 15 minutes to respond, but it is within the discretion of the Chair, following the expiration of 15 minutes, to allow additional time for Members to record their presence before announcing the result (June 6, 1973, p. 18403), and since this clause is incorporated by reference into clause 2 of rule XXIII, the Chairman of the Committee of the Whole need not convert to a regular quorum call precisely at the expiration of 15 minutes if 100 Members have not appeared on a notice quorum call, but he may continue to exercise his discretion under clause 2 of rule XXIII at any time during the conduct of the call (July 17, 1974, p. 23673). Since the Chair has the discretion to close the vote and to announce the result at any time after 15 minutes have elapsed, those precedents guaranteeing Members in the Chamber the right to have their votes recorded even if the Chair has announced the result (*i.e.*, V, 6064, 6065; VIII, 2143), which predate the use of an electronic voting system, do not require the Chair to hold open indefinitely a vote taken by electronic device (Speaker pro tempore Meeds, Mar. 14, 1978, pp. 6838-39), and in the 103d Congress the Speaker inserted in the Record his announcement that, in order to expedite the conduct of votes by electronic device, the Cloakrooms were directed not to forward to the Chair individual requests to hold a vote open (Speaker Foley, Jan. 6, 1993, p. —). In the 104th Congress the Speaker announced that each occupant of the Chair would have his full support in striving to close each electronic vote at the earliest opportunity and that Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive (Speaker Gingrich, Jan. 4, 1995, p. —); however, the Chair will not close a vote while a Member is in the well attempting to vote (Feb. 10, 1995, p. —; June 22, 1995, p. —). At the end of a 15-minute vote, after the electronic

voting stations are closed but before the Speaker's announcement of the result, a Member may cast an initial vote or change a vote by ballot card in the well (Speaker Albert, Sept. 23, 1975, p. 29850; Speaker Wright, Oct. 29, 1987, p. 30239). In 1975, Speaker Albert announced that changes could no longer be made at the electronic stations but would have to be made by ballot card in the well (Speaker Albert, Sept. 17, 1975, p. 28903). In 1976, Speaker Albert announced that changes could be made electronically during the first 10 minutes of a 15-minute voting period, but changes during the last 5 minutes would have to be made by ballot card in the well (Speaker Albert, Mar. 22, 1976, p. 7394). In 1977, Speaker O'Neill announced that changes could be made electronically at any time during a vote reduced to five minutes under the rules (Speaker O'Neill, Jan. 4, 1977, pp. 53-70).

(b) The Speaker may, in his discretion, reduce to not less than five minutes the time within which a rollcall vote by electronic device may be taken—

§ 774b-2. "15-and-5" voting.

(1) after a rollcall vote has been ordered on a motion for the previous question, on any underlying question that follows without intervening business;

(2) after a rollcall vote has been ordered on an amendment reported from the Committee of the Whole House on the state of the Union, on any subsequent amendment to that bill or resolution reported from the Committee of the Whole; or

(3) after a rollcall vote has been ordered on a motion to recommit a bill, resolution, or conference report thereon, on the question of passage or adoption, as the case may be, of such bill, resolution, or conference report thereon, if the question of passage or adoption follows without intervening business the vote on the motion to recommit.

The authority now found in paragraph (b)(3) was first added as an undesignated last sentence of clause 5 in the 96th Congress (H. Res. 5, Jan.

15, 1979, pp. 7–16) to permit the Speaker to reduce to five minutes the vote on final passage immediately following a 15-minute recorded vote on a motion to recommit. The authority now found in paragraph (b)(2) was first added as an undesignated penultimate sentence of clause 5 in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72) to permit the Speaker to reduce to five minutes any rollcall votes on amendments reported to the House from Committee of the Whole after a 15-minute vote on the first of such amendments. When the authority found in paragraph (b)(1) was added in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. —) to permit the Speaker to reduce to five minutes the vote on adoption of a special order of business resolution immediately following a 15-minute recorded vote on ordering the previous question thereon, clause 5 was organized into paragraphs (a) and (b). In the 104th Congress paragraph (b)(1) was broadened to cover any previous question situation (sec. 223(e), H. Res. 6, Jan. 4, 1995, p. —).

Five-minute votes are now permitted at the discretion of the Chair in six circumstances: (1) under clause 5(b) of rule I, on additional questions on which the Speaker has postponed further proceedings immediately following a 15-minute vote on the first such postponed question; (2) under clause 5(b)(1) of rule XV, on an underlying question immediately following a 15-minute recorded vote on ordering the previous question thereon; (3) under clause 5(b)(2) of rule XV, on second and subsequent separate votes in the House on amendments reported from Committee of the Whole immediately following a 15-minute vote on the first such separate vote; (4) under clause 5(b)(3) of rule XV, on final passage immediately following a 15-minute recorded vote on recommittal; (5) under clause 2(a) of rule XXIII, on a pending question immediately following a regular quorum call in Committee of the Whole; and (6) under clause 2(c) of rule XXIII, on any or all pending amendments immediately following a 15-minute recorded vote on the first such pending amendment in Committee of the Whole. Clause 5(b) does not give the Chair the authority to reduce to five minutes the vote on a motion to recommit occurring immediately after a recorded vote on an amendment reported from the Committee of the Whole, and the Chair will not entertain a unanimous-consent request to reduce that vote to five minutes after Members had already left the Chamber with the expectation that the next vote would be a 15-minute vote (June 29, 1994, p. —). A 15-minute vote on the question of tabling the motion to reconsider the vote on ordering the previous question is not such intervening business as to prevent the Chair from reducing to five minutes the vote on the underlying question (June 29, 1995, p. —; July 24, 1997, p. —). Similarly, an intervening vote on the question of tabling the motion to reconsider the vote on the motion to recommit does not prevent the Chair from reducing the vote on final passage (July 24, 1997, p. —).

In the 95th Congress, the Speaker announced that changes could be made electronically at any time during a vote reduced to five minutes under the rules (Speaker O'Neill, Jan. 4, 1977, pp. 53–70).

6. (a) It shall not be in order to make or entertain a point of order that a quorum is not present—

§ 774c. Quorum; when not required. (1) before or during the offering of prayer;

(2) during the administration of the oath of office to the Speaker or Speaker pro tempore or a Member, Delegate, or Resident Commissioner;

(3) during the reception of any message from the President of the United States or the United States Senate; and

(4) during the offering, consideration, and disposition of any motion incidental to a call of the House.

(b) A quorum shall not be required in Committee of the Whole for agreement to a motion that the Committee rise.

(c) After the presence of a quorum is once ascertained on any day on which the House is meeting, a point of order of no quorum may not be made or entertained—

(1) during the reading of the Journal;

(2) during the period after a Committee of the Whole has risen after completing its consideration of a bill or resolution and before the Chairman of the Committee has reported the bill or resolution back to the House; and

(3) during any period of a legislative day when the Speaker is recognizing Members (including a Delegate or Resident Commissioner) to address the House under special orders,

with no measure or matter then under consideration for disposition by the House.

(d) When the presence of a quorum is ascertained, a further point of order that a quorum is not present may not thereafter be made or entertained until additional business intervenes. For purposes of this paragraph, the term “business” does not include any matter, proceeding, or period referred to in paragraph (a), (b), or (c) of this clause for which a quorum is not required or a point of order of no quorum may not be made or entertained.

(e)(1) Except as provided by subparagraph (2), it shall not be in order to make or entertain a point of order that a quorum is not present unless the Speaker has put the pending motion or proposition to a vote.

(2) Notwithstanding subparagraph (1), it shall always be in order for a Member to move a call of the House when recognized for that purpose by the Speaker, and when a quorum has been established pursuant to a call of the House, further proceedings under the call shall be considered as dispensed with unless the Speaker, in his discretion, recognizes for a motion under clause 2(a) of this rule or for a motion to dispense with further proceedings under the call.

§ 774d. Speaker's discretion to recognize for motion for call of House.

Paragraphs (a) through (d) were added in the 93d Congress (H. Res. 998, Apr. 9, 1974, pp. 10195–99) and paragraph (e) in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70).

Under clause 6(e)(1), the Speaker may not entertain a point of order of no quorum when he has not put a question to a vote in the House (Speaker O'Neill, Jan. 11, 1977, p. 891; Jan. 31, 1977, p. 2640; Sept. 30, 1997, p. —). The Chair may not entertain a point of order of no quorum pending

a request that a committee be permitted to sit under the five-minute rule, since the Chair has not put the question on a pending proposition to a vote (June 18, 1980, pp. 15316–17). But under clause 6(e)(2) the Speaker may at any time in his discretion recognize a Member of his choice to move a call of the House (Speaker O'Neill, Jan. 19, 1977, p. 1719; Jan. 31, 1977, p. 2640; Aug. 6, 1986, p. 19370), or may choose not to do so (Sept. 30, 1997, p. —), even, for example, prior to the call of the Private Calendar, which under clause 6 of rule XXIV is in order after approval of the Journal and disposition of business on the Speaker's table (July 8, 1987, p. 18972). Clause 6(e)(2) was amended in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16) to dispense with further proceedings under any call of the House when a quorum appears unless the Speaker at his discretion recognizes for a motion.

The Speaker's refusal to entertain a point of order of no quorum when a pending question has not been put to a vote is not subject to an appeal, since the clause contains an absolute and unambiguous prohibition against entertaining such a point of order (Sept. 16, 1977, pp. 29562–63). During debate on a measure in the House the Speaker will not respond to an inquiry as to the number of Members present in the Chamber, since a point of no quorum is not admissible unless he has put the pending question to a vote (Oct. 28, 1987, p. 29682).

In adopting this rule, the House has presumably determined that the mere conduct of debate in the House, where the Chair has not put the pending motion or proposition to a vote, is not such business as requires a quorum under the Constitution (art. I, sec. 5, cl. 1), and neither a point of order of no quorum during debate only nor a point of order against the enforcement of this clause lies independently under the Constitution (Sept. 8, 1977, p. 28114; Sept. 12, 1977, pp. 28800–01; Feb. 27, 1986, p. 3060). See also clause 2 of rule XVII, providing that after the previous question is ordered a call of the House shall only be in order if the Speaker determines by actual count of the House that a quorum is not present.

7. The yeas and nays shall be considered as ordered when the Speaker puts the question on final passage or adoption of any bill, joint resolution, or conference report making general appropriations or increasing Federal income tax rates, or on final adoption of any concurrent resolution on the budget or conference report thereon.

§ 774e. Yeas and nays ordered on certain questions.

This clause was adopted in the 104th Congress (sec. 214, H. Res. 6, Jan. 4, 1995, p. —).