



Quorum Requirements in the House: Committee and Chamber

Christopher M. Davis

Analyst on Congress and the Legislative Process

August 25, 2015

Congressional Research Service

7-5700

www.crs.gov

98-870

Congressional Operations Briefing—Capitol Hill Workshop

Congressional Operations Briefing and Seminar

The definitive overview of how Congress works.

This intensive course is offered as a 3-day public Briefing and as a tailored on-site 3, 4 or 5-day program.

Public Briefings are offered throughout the year in Washington, DC.
Space is limited.

Dates, Agenda, Previous Faculty, and Secure Online Registration:

TCNCHW.com

On-site Congressional Briefings and Capitol Hill Workshops for agencies:

CLCHW.com

703-739-3790 TheCapitol.Net



TheCapitol.Net

Non-partisan training and publications that show how Washington works.™

PO Box 25706, Alexandria, VA 22313-5706
703-739-3790 • www.thecapitol.net



TheCapitol.Net is on the GSA Schedule, 874-4, for custom on-site training. GSA Contract GS02F0192X



Courses approved for CEUs from George Mason University

All of our courses and workshops include extensive interaction with our faculty, making our courses and workshops both educational as well as mini-consulting sessions with substantive experts.

Our Upcoming Schedule of Courses can be seen online on our web site or at TCNCourses.com.

All of our courses and any combination of their topics can be customized for on-site training for your organization—we are on GSA Advantage, Contract GS02F0192X.

thecapitol.net
703-739-3790

Summary

House Rule XI, clause 2 establishes minimum quorum requirements for eight areas of committee activity. **Table 1** summarizes these requirements as found in Wm. Holmes Brown, Charles W. Johnson, and John V. Sullivan's *House Practice: A Guide to the Rules, Precedents, and Procedures of the House* (Washington: GPO, 2011).

Contents

| | |
|---------------------------------------|---|
| Quorum Requirements in Committee..... | 2 |
| Quorums in the House..... | 1 |

Tables

| | |
|---|---|
| Table 1. Minimum Quorum Requirements..... | 1 |
|---|---|

Contacts

| | |
|----------------------------------|---|
| Author Contact Information | 2 |
|----------------------------------|---|

Quorum Requirements in Committee

House Rule XI, clause 2 establishes minimum quorum requirements for eight areas of committee activity. **Table 1** summarizes these requirements.

Table 1. Minimum Quorum Requirements

| Action | Minimum Quorum | Rule XI, Clause 2 |
|--|---|-------------------|
| To report a measure or recommendation | A majority of committee, “actually present” | (h)(1) |
| To report contempt | A majority of the committee | (h)(1) |
| To authorize and issue a subpoena | A majority of the committee | (m)(3) |
| To meet in executive session | A majority of the committee | (g)(1) |
| To make public evidence taken in executive session | A majority of the committee | (k)(7) |
| To immunize a witness | A majority of the committee | 18 U.S.C. 6005 |
| To take evidence or testimony in open session after assertion that it defames, degrades, or incriminates | A majority of the committee | (k)(5) |
| To take testimony or receive evidence at a hearing | Two members | (h)(2) |
| To close a hearing where assertion of defamatory testimony or evidence is made | A majority of the committee | (k)(5) |
| To take any action “other than reporting” | One-third of membership | (h)(3) |

Source: Wm. Holmes Brown, Charles W. Johnson, and John V. Sullivan, *House Practice: A Guide to the Rules, Precedents, and Procedures of the House* (Washington: GPO, 2011), pp. 278-279.

Committees have some discretion in adjusting the minimum quorum requirements mandated in House Rule XI under the provision in the same rule that committee rules “shall not be inconsistent with the Rules of the House.” For example, rules of the Budget Committee state that all business shall be conducted by a majority of the committee. (House rules require a majority to report measures but a one-third quorum to conduct most other business.)

Quorums in the House

Rules and practices for quorums in the House derive from Article I of the Constitution. Clause 1 of Section 5 states in part that “a Majority of each [House] shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House provide.” Thus, the quorum for conducting business in the House is 218 Representatives.

House Rule XX provides the authority for quorum calls in the House. The rule permits the Speaker at his discretion to recognize a motion for a call of the House at any time and to require in the absence of a quorum the attendance of absent Members. Under Rule XX, a quorum call is also mandated whenever objection is raised to a vote taken in the absence of a quorum. This type of quorum call is considered an “automatic” call since it does not require a motion.

Much of the House’s legislative business, including almost all amending procedures, is conducted in the Committee of the Whole rather than in the full House. House Rule XVIII, clause 6, establishes that a quorum in the Committee of the Whole shall consist of 100 Members. Although

all Representatives are members of the Committee of the Whole, it is technically a committee of the House and therefore subject to rules established by the House, not the Constitution.

When a vote is taken by either voice or division, a quorum is presumed to be present. If no Member rises to object to the absence of a quorum, the question can be decided even though the Members present on the floor may not constitute a quorum. In this way, a small number of Representatives can determine the result of either kind of vote (voice or division), and the outcome may not be the same as if most or all Members had participated.

When the House uses its electronic voting system, the procedures for making a point of order of no quorum differ in the House and the Committee of the Whole. Before the final result of a voice or division vote in the House has been announced, any Representative may take advantage of a procedure stated in Rule XX, clause 6, which provides for an electronic vote that also establishes the presence of a quorum.

In the Committee of the Whole, a similar procedure stated in Rule XVIII, clause 6, allows any Member, before the final result of a voice or division vote, to rise and say, “Mr. Chairman (or Madam Chairwoman), I request a recorded vote and, pending that, I make a point of order that a quorum is not present.” If a quorum is not present, the chair first orders an immediate quorum call. When the quorum call is concluded and the presence of a quorum has been established, the chair, in a separate action, then returns to the pending request for a recorded vote.

Author Contact Information

Christopher M. Davis
Analyst on Congress and the Legislative Process
cmdavis@crs.loc.gov, 7-0656

Learn how Capitol Hill really works

All of our programs and any combination of their topics can be tailored for on-site training for your organization.

For more than 35 years, TheCapitol.Net and its predecessor, Congressional Quarterly Executive Conferences, have been teaching professionals from government, military, business, and NGOs about the dynamics and operations of the legislative and executive branches and how to work with them.

Our custom, on-site training and publications include congressional operations, legislative and budget process, communication and advocacy, media and public relations, research, testifying before Congress, legislative drafting, critical thinking and writing, and more.

- **Diverse Client Base**—We have tailored hundreds of custom on-site training programs for Congress, numerous agencies in all federal departments, the military, law firms, lobbying firms, unions, think tanks and NGOs, foreign delegations, associations and corporations, delivering exceptional insight into how Washington works.TM
- **Experienced Program Design and Delivery**—We have designed and delivered hundreds of custom programs covering congressional/legislative operations, budget process, media training, writing skills, legislative drafting, advocacy, research, testifying before Congress, grassroots, and more.
- **Professional Materials**—We provide training materials and publications that show how Washington works. Our publications are designed both as course materials and as invaluable reference tools.
- **Large Team of Experienced Faculty**—More than 150 faculty members provide independent subject matter expertise. Each program is designed using the best faculty member for each session.
- **Non-Partisan**—TheCapitol.Net is non-partisan.
- **GSA Schedule**—TheCapitol.Net is on the GSA Schedule, 874-4, for custom on-site training: GSA Contract GS02F0192X.

Please see our Capability Statement on our web site at TCNCS.com.

Custom training programs are designed to meet your educational and training goals, each led by independent subject-matter experts best qualified to help you reach your educational objectives and align with your audience.

As part of your custom program, we can also provide classroom space, breaks and meals, receptions, tours, and online registration and individual attendee billing services.

For more information about custom on-site training for your organization, please see our web site: TCNCustom.com or call us: 202-678-1600, ext 115.



TheCapitol.Net

Non-partisan training and publications that show how Washington works.TM

PO Box 25706, Alexandria, VA 22313-5706
202-678-1600 • www.thecapitol.net



Contract GS02F0192X

TheCapitol.Net is on the
GSA Schedule, 874-4,
for custom on-site training.
GSA Contract GS02F0192X

