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Quorum Requirements in the House: Committee and Chamber

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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).

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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.

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