

CHAPTER 3

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Party Organization

A. The Democratic Caucus and the Republican Conference

§ 1. In General

From the earliest days of the American republic, Members of Congress have grouped themselves into different factions, blocs, or parties.⁽¹⁾ Even in the first Congresses, under the presidencies of George Washington and John Adams, Members divided along pro-administration and anti-administration lines to signal agreement or disagreement with the policies of the executive branch. Differing groups have also frequently formed along regional lines, with Members from similar areas coming together to promote interests specific to their geographic locale. Conflicts between regional factions have been common in American history, most notably in the years leading up to the Civil War.

By far the most consequential division in American history has been between the two major political parties that coalesced after the Civil War—the Democratic party and the Republican party.⁽²⁾ Although there have been many instances of House Members belonging to third parties or claiming independence from either party,⁽³⁾ for over 150 years most Members have

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1. *Parliamentarian's Note*: In 1796, George Washington penned a “Farewell Address” to the American people, in which he warned that the spirit of faction might weaken constitutional government and thus deprive the people of their rights. In 1862, a special joint session of Congress was held to hear a reading of the address, beginning a tradition of annual readings of the address on the House floor. 5 Hinds’ Precedents § 7070. The tradition was discontinued in the House after 1979 (Deschler’s Precedents Ch. 36 § 3.6) but the Senate still conducts an annual reading of the address. See, e.g., 163 CONG. REC. S1424–S1428 [Daily Ed.], 115th Cong. 1st Sess. (Feb. 27, 2017).
 2. *Parliamentarian's Note*: The Democratic party traces its origins back to the 1830s, and was formed from the remnants of the Democratic-Republican party founded by Thomas Jefferson and James Madison. The Republican party (also known as the G.O.P. or “Grand Old Party”) was founded in 1854 as primarily an anti-slavery party opposed to the extension of slavery into new states and territories. See ROBERT V. REMINI, THE HOUSE, 116, 150 (Harper Collins 2006).
 3. For issues relating to committee assignments for independent or third-party Members, see § 8, *infra*.

formally identified as members of either the Democratic party or the Republican party.⁽⁴⁾ The name for the Democratic party organization in the House is the Democratic Caucus, while the name for the Republican party organization is the Republican Conference.⁽⁵⁾

This chapter describes the role of party organization in the overall legislative and organizational framework of the House. The parliamentary significance of how the major party caucuses are organized is quite limited. The Democratic party and the Republican party are private institutions that are, by their very nature, separate and distinct entities from the public institution that is the United States House of Representatives. Thus, the rules and precedents of the House do not govern the internal structure and procedures of the House subunits of these organizations. To the extent that the standing rules of the House address the respective major party caucuses, it is primarily as an acknowledgment that such external organizations exist and have created their own leadership positions and internal hierarchies—factors that can be useful in providing an equitable distribution of such things as debate time on the floor, committee assignments, funding for staff, and resources of the House generally. The party organizations can therefore be seen as the conduits through which Members advance their interests, defend their rights and privileges as Members, and negotiate compromises with Members affiliating with the other party. However, for the most part, the formal rules of the House treat Members as individuals and rarely take cognizance of Members' party affiliation.⁽⁶⁾

However, the existence of majority and minority divisions within a legislative body is a fact that cannot be wholly ignored by the established rules of procedure. Thomas Jefferson, in his *Manual of Parliamentary Practice*, referenced the experience of the British House of Commons to comment on

4. *Parliamentarian's Note*: In the 35th Congress (1857), Democrats and Republicans held the majority of all seats in the House for the first time, with fifteen additional Members affiliating with neither major party. Throughout the remainder of the 19th century, each Congress saw at most a few dozen Members elected under a variety of different party labels—"Americans," "Unionists," "Nationals," "Silverites," "Populists," as well as "Independent Democrats" and "Independent Republicans." In the early part of the 20th century, House Members were occasionally elected on "Socialist," "Progressive," or "Farm-Labor" tickets, but the vast majority continued to come from either the Democratic or Republican parties. Since the Second World War, not more than five Members in any Congress have chosen to formally affiliate with neither of the major political parties. History, Art & Archives, House of Representatives, PARTY DIVISIONS OF THE HOUSE OF REPRESENTATIVES, www.history.house.gov/institution/Party-Divisions/Party-Divisions (Mar. 27, 2017).

5. In this chapter, the generic term "caucus" will sometimes be used to describe either party organization.

6. See § 1.1, *infra*.

the function of rules of proceeding as a check on the actions of the majority: “[I]t is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents...the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check...”⁽⁷⁾ On the other side of the ledger, former Speaker Thomas B. Reed of Maine, who presided over a period of intense partisanship that saw the minority party engage in a variety of dilatory and obstructive tactics to delay and defeat legislative measures, also provided commentary on this issue. Writing a century after Jefferson, Reed remarked, “[I]f tyranny of the majority is hard, the tyranny of the minority is simply unendurable. The rules, then, ought to be rearranged as to facilitate the action of the majority...”⁽⁸⁾ However the majority and minority divisions in the House are established, the rules of proceeding must necessarily balance the interest of protecting the minority from arbitrary rule against that of facilitating the orderly process by which the majority may express its will.

The Speaker as Party Leader

The Speaker of the House assumes a dual role of both institutional representative and party leader.⁽⁹⁾ The earliest Speakers of the House tended to view the position as akin to that of Speaker of the British House of Commons, *i.e.*, that of a neutral arbiter, purposefully avoiding partisan sentiment. However, as early as the speakership of Henry Clay of Kentucky in the 12th Congress (1811), the Speaker has taken on, in addition to institutional responsibilities, the role of leader of the party or faction nominating such individual for the office. The history of the speakership reveals considerable variability in the nature of the office, with some periods characterized by strongly partisan Speakers forcefully advancing their party’s agenda, and other periods of less assertive Speakers allowing other individuals or entities (the Majority Leader, the party caucus, committees, etc.) to direct the legislative business of the House. Speakers often cede some amount of agenda-setting authority to the Majority Leader, who is more likely to actively

7. *House Rules and Manual* § 283 (2017).

8. Thomas B. Reed, *Rules of the House of Representatives*, CENTURY MAGAZINE, November 1888 at 795.

9. The office of Speaker is discussed in full elsewhere in this series. See *Precedents (Wickham)* Ch. 6. For earlier treatments, see *Deschler’s Precedents* Ch. 3 § 1 and *Deschler’s Precedents* Ch. 6 §§ 1–8.

direct business on the floor of the House and advocate for his or her party's positions.⁽¹⁰⁾ Nevertheless, Speakers have (especially in recent years) engaged in debate and voted on legislative measures brought before the House.⁽¹¹⁾

A common path to the speakership runs through the internal party organizations. Many Speakers have previously served as Majority Leader or Majority Whip prior to their election as Speaker.⁽¹²⁾ Similarly, it has often been the case that the Minority Leader in one Congress will be elected Speaker in the next Congress following a switch in party control.⁽¹³⁾

Despite the Speaker's function as party leader for the majority caucus, Members of the House have often paid tribute to Speakers for their official role as presiding officer and representative of the House as an institution. For many years, as a Congress prepared for adjournment *sine die*, the minority party (often through the Minority Leader or Minority Whip) would offer a resolution formally thanking the Speaker for the impartial manner in which the Speaker exercised the nonpartisan, institutional duties of the office.⁽¹⁴⁾

The Role of Chair of Caucus or Conference

At the beginning of a Congress, the Democratic Caucus and the Republican Conference each elect an individual to serve as chair of their respective party caucuses. This position is technically the highest-ranking officer in the caucus, but the responsibilities of the office are primarily internal to the caucus. As a result, Caucus and Conference chairs have no institutional role within the House of Representatives.⁽¹⁵⁾ To the extent that such individuals come to the attention of the House, it is typically to communicate information from the relevant caucus to the overall membership.⁽¹⁶⁾ Caucus or Conference chairs have traditionally offered certain resolutions relating to administrative or organizational matters, such as resolutions electing officers

10. For an earlier example of the Speaker making an announcement regarding a party caucus meeting, see Deschler's Precedents Ch. 3 § 5.2.

11. See Precedents (Wickham) Ch. 6.

12. *Parliamentarian's Note*: The last Majority Leader to be elevated to the position of Speaker was Rep. Thomas Foley of Washington in 1989. See § 6.3, *infra*.

13. *Parliamentarian's Note*: Speakers Nancy Pelosi of California and John Boehner of Ohio each served as Minority Leader in the Congress preceding the Congress in which they were first elected Speaker.

14. See Deschler's Precedents Ch. 3 §§ 3.17, 12.3, 21.9, and 24.1. This custom has not been followed in recent years.

15. For more on functions of the Caucus or Conference chair within the party organization, see § 3, *infra*.

16. See Deschler's Precedents Ch. 3 §§ 3.5–3.8, 12.1.

of the House,⁽¹⁷⁾ resolutions electing Members to committees,⁽¹⁸⁾ and resolutions electing a Speaker pro tempore.⁽¹⁹⁾ Caucus or Conference chairs have served as Speakers pro tempore,⁽²⁰⁾ and they have administered the oath of office to a newly-elected Speaker pro tempore.⁽²¹⁾ The only reference to caucus chairs in the standing rules of the House occurs in rule X⁽²²⁾ and relates to requirements of caucus affiliation for purposes of committee assignments. Under these rules, the chair of the respective party caucus must inform the Speaker whenever a Member ceases to be a member of that caucus.⁽²³⁾

Caucus and Conference Rules

Every Congress, the Democratic Caucus and the Republican Conference each adopt internal rules of procedure to govern caucus proceedings.⁽²⁴⁾ These procedural rules are not rules of the House but are instead internal rules applicable to the proceedings of the respective party caucus only.⁽²⁵⁾

17. See Deschler's Precedents Ch. 3 § 3.9.

18. See Deschler's Precedents Ch. 3 § 3.12.

19. See Deschler's Precedents Ch. 3 § 3.4.

20. See Deschler's Precedents Ch. 3 § 3.17. For more on the Speaker pro tempore, see Deschler's Precedents Ch. 6 §§ 9–14 and Precedents (Wickham) Ch. 6.

21. See Deschler's Precedents Ch. 3 § 3.16.

22. Rule X, clause 5(b), *House Rules and Manual* § 760 (2017) and rule X, clause 10(a), *House Rules and Manual* § 782 (2017).

23. For more on the role of the party caucus in assigning Members to committees, see § 8, *infra*.

24. *Parliamentarian's Note*: In the past, the internal procedural rules of the Democratic Caucus and Republican Conference were not made publicly available. In recent years, the Republican Conference has published their Conference rules on their website. In the 115th Congress, the House Committee on Rules published a committee print containing selected Democratic Caucus and Republican Conference rules covering a 30-year period. See Rules Committee Print 115–37. For earlier discussions of the history and evolution of Caucus and Conference rules (particularly the significant reforms undertaken by the Democratic Caucus at the beginning of the 1970s), see JULIAN ZELIZER, *ON CAPITOL HILL: THE STRUGGLE TO REFORM CONGRESS AND ITS CONSEQUENCES*, 1948–2000 135–151 (2004); NORMAN ORNSTEIN, *CONGRESS IN CHANGE: EVOLUTION AND REFORM* 88–114 (1975); ROBERT PEABODY, *LEADERSHIP IN CONGRESS: STABILITY, SUCCESSION, AND CHANGE* 205–233 (1976); DAVID ROHDE, *PARTIES AND LEADERS IN THE POSTREFORM HOUSE* 65–69 (1991); ROGER DAVIDSON AND WALTER OLESZEK, *CONGRESS AGAINST ITSELF* 192–219 (1977); and “*Congressional Reforms Made in 1975*,” in *CQ Almanac* 1975, 31st ed., at 26–40 (CONGRESSIONAL QUARTERLY 1976). See also GEORGE GALLOWAY, *THE LEGISLATIVE PROCESS IN CONGRESS*, 327–29 (1953).

25. *Parliamentarian's Note*: As these internal caucus rules are not part of the House rules, their analysis is better suited for the academic or policy sphere than a compilation of House precedents. A modern reality is that the rules and practices in the Caucus or Conference are often elevated into the rules of the House. The discussion here will be

However, throughout their history, both Caucus and Conference rules have tended to rely (either explicitly or implicitly) on House rules as a frame of reference for appropriate procedures. For many years, the Republican conference rules have provided that, “The Rules of the House of Representatives, insofar as they are applicable, shall govern the proceedings of the Republican Conference.”⁽²⁶⁾ Similarly, the rules of the Democratic Caucus for the 115th Congress provided that “[t]he procedures, motions, and five-minute rule that apply when the House of Representatives is operating as the Committee of the Whole, with such special rules as may be adopted, shall govern the meetings of the Caucus.”⁽²⁷⁾ Other Caucus and Conference rules mimic House rules or procedures to some extent. Both the Democratic Caucus and the Republican Conference rules provide that a member of the caucus may be expelled by a two-thirds vote,⁽²⁸⁾ mirroring the expulsion provisions of the Constitution applicable to the House.⁽²⁹⁾ Likewise, both Caucus and Conference rules allow such rules to be suspended by a two-thirds vote,⁽³⁰⁾ mirroring the House rule on motions to suspend.⁽³¹⁾ Just as the House is required by the Constitution⁽³²⁾ to keep a Journal of its proceedings, each party caucus also keeps a journal or transcript of its proceedings.⁽³³⁾

limited to areas where Caucus or Conferences rules have had a direct impact on House operations, or where rules of proceeding at the caucus level have shaped or influenced the rules of the House.

26. Rules Committee Print 115–37, Republican Conference, 100th Cong., Rule 9 and Republican Conference, 115th Cong., Rule 6(a). Republican Conference rules contain additional references to House rules. For example: “The procedures for reconsideration shall be consistent with the Rules of the House.” (Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 6(b)(2)); “Meetings of the Republican Conference shall be conducted in accordance with the applicable provisions of the Rules of the House of Representatives, including rule XVII, that govern decorum and the personal behavior of Members of the Conference.” (Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 5(d)); and “No motion shall be available other than those described in clause 4 of rule XVI (relating to the precedence of motions) or rule XIX (relating to motions after the amendment stage) of the Rules of the House of Representatives.” (Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 6(b)(1)).
27. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 9(C)(1).
28. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 1(A)(3) (“The Caucus may expel any Member by a two-thirds vote.”); Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 1(b) (“A 2/3 vote of the entire membership shall be necessary to expel a Member of the Conference. Proceedings for expulsion shall follow the rules of the House of Representatives, as nearly as practicable.”)
29. *House Rules and Manual* §§ 62, 63, 66 (2017).
30. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 9(C)(2) and Republican Conference, 115th Cong., Rule 6(e). The Republican Conference rule requires that the motion to suspend be seconded by a majority, if demanded.
31. Rule XV, clause 1, *House Rules and Manual* §§ 885–891 (2017).
32. *House Rules and Manual* §§ 68–74 (2017).
33. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 9(E) and Republican Conference, 115th Cong., Rule 10. Although Democratic Caucus rules now refer

Many rules of the party caucuses set out specific policies for party members to adhere to when exercising their rights and privileges on the floor of the House. Thus, Caucus or Conference rules may address issues such as: the election of Speaker and other officers of the House;⁽³⁴⁾ motions to suspend House rules;⁽³⁵⁾ special orders of business reported by the Committee on Rules;⁽³⁶⁾ motions to recommit and motions to instruct conferees;⁽³⁷⁾ congressional earmarks;⁽³⁸⁾ conference committees;⁽³⁹⁾ and conduct of committee chairs.⁽⁴⁰⁾ As noted elsewhere,⁽⁴¹⁾ the most significant interaction between Caucus and Conference rules occurs in the area of committee and subcommittee assignments.⁽⁴²⁾

Because the House does not take formal cognizance of the internal rules of the Democratic Caucus or the Republican Conference, the evolution of such rules over time is difficult to trace.⁽⁴³⁾ Nevertheless, it is possible to describe certain general trends that have played a role in the recent history of the House. One of the most obvious changes that occurred in both Caucus and Conference rules in the 1990s was recognition by both parties that either party may constitute the majority party in any Congress. Previously, the Democratic party's status as the majority party in the House of Representatives continuously from 1955–1995 had resulted in an assumption in

to a “transcript” of its proceedings, prior iterations of the rule referred to a “Caucus Journal.” See, e.g., Rules Committee Print 115–37, Democratic Caucus, 110th Cong., Rule 9.

34. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 6.
35. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 38 and Republican Conference, 115th Cong., Rule 28.
36. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 35.
37. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 39.
38. Rules Committee Print 115–37, Republican Conference, 115th Cong., Standing Order for the 115th Congress.
39. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 41.
40. Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 14(d)(1).
41. See Division C, *infra*.
42. *Parliamentarian's Note*: Internal Caucus and Conference rules both provide a complex set of procedures for assigning Members to committees and subcommittees. These rules may provide nominating and balloting procedures, selection of committee and subcommittee chairs, terms limits or other restrictions on membership, special rules for particular committees, and procedures for filling vacancies. However, it is beyond the scope of this work to provide a comprehensive analysis of these committee assignment procedures. The reader is encouraged to consult external sources for more information.
43. *Parliamentarian's Note*: In the 115th Congress, the House Committee on Rules published a committee print containing sets of Caucus and Conference rules that covered several decades at prescribed intervals. See Rules Committee Print 115–37. The reader may consult this House document to see the evolution of Caucus and Conference rules from the 100th Congress to the 115th Congress. For an earlier publication of Caucus and Conference rules, see 8 Cannon's Precedents §§ 3609, 3610.

both Caucus and Conference rules that this state of affairs would persist indefinitely. Thus, in the 1990s, the Democratic Caucus added rules governing situations where the Democratic party was the minority party,⁽⁴⁴⁾ while the Republican Conference revised its rules to govern cases where the Republican party was in the majority.⁽⁴⁵⁾

In response to a series of ethics cases in the 1970s and 1980s (in particular the ABSCAM scandal), the Democratic Caucus added provisions to its rules to address the status of Members who had been indicted or convicted of certain crimes, or who had been censured by the House.⁽⁴⁶⁾ The Republican Conference added similar provisions to its rules in the 1990s.⁽⁴⁷⁾ These ethics rules typically require an affected Member to step aside temporarily from certain leadership or committee positions until the matter is resolved, or provide for automatic replacement.⁽⁴⁸⁾

Another area where party caucus rules influenced House procedure has been the imposition of term limits on committee service. The idea of placing term limits on committee chairs and restricting simultaneous service on multiple committees originated within the party caucuses as a method of distributing committee assignments equitably among members of the caucus.⁽⁴⁹⁾ These types of restrictions were eventually incorporated directly into the standing rules of the House in the 104th Congress.⁽⁵⁰⁾

House procedure with regard to motions to suspend the rules has been influenced indirectly by party caucus rules that prescribe certain policies to be followed by the Speaker when recognizing Members for such motions. Under the standing rules of the House, the Speaker has virtually unlimited discretion to recognize Members to offer motions to suspend the rules on

44. Compare, e.g., Rules Committee Print 115–37, Democratic Caucus, 100th Cong., Rule 2 to Democratic Caucus, 105th Cong., Rule 2.

45. Compare, e.g., Rules Committee Print 115–37, Republican Rules, 100th Cong., Rule 2 to Republican Conference, 105th Cong., Rule 2.

46. Rules Committee Print 115–37, Democratic Caucus, 100th Cong., Rules 47–48.

47. Rules Committee Print 115–37, Republican Conference, 105th Cong., Rules 25–27.

48. For more on party caucus disciplinary issues, see § 3, *infra*.

49. Rules Committee Print 115–37, Democratic Caucus, 100th Cong., Rules 18 and 24. In the 100th Congress, Rep. Robert Lagomarsino of California led a task force within the Republican Conference to revise methods for assigning members of the Conference to committees, including restrictions and limitations on service. See Rules Committee Print 115–37, Republican Conference, 100th Cong., Rule 14.

50. The current rules relating to term limits and restrictions on committee service are rule X, clause 5(b)(2), *House Rules and Manual* § 760 (2017) and rule X, clause 5(c)(2), *House Rules and Manual* § 761 (2017). See also Division C, *infra*. Although the idea for term limits originated in the Republican Conference, the limitations in the standing rules have persisted in both Republican and Democratic majorities.

specified calendar days or at the end of a session.⁽⁵¹⁾ However, under Caucus and Conference rules, the Speaker is required to abide by certain guidelines when deciding which measures should be taken up on suspension days.⁽⁵²⁾ These guidelines and policies have expanded over the years⁽⁵³⁾ and may address notification procedures, committee consideration, restrictions on celebratory or commemorative measures, and cost estimate requirements or other budgetary restrictions.⁽⁵⁴⁾

§ 1.1 It is not a proper parliamentary inquiry to request the Chair to inform the House as to the party membership of cosponsors to a bill or resolution.

On December 13, 2011,⁽⁵⁵⁾ a Member propounded the following parliamentary inquiry:

PARLIAMENTARY INQUIRY

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, before I begin, I have a parliamentary inquiry.

The SPEAKER pro tempore.⁽⁵⁶⁾ The gentleman will state his inquiry.

Mr. MCGOVERN. Mr. Speaker, can you tell us how many Democrats have cosponsored H.R. 3630?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry but may engage that point in debate.

§ 2. Role of Parties at Organization

Following congressional elections in November,⁽¹⁾ each party holds an “organizational” caucus to prepare for the upcoming session in January. By law,⁽²⁾ the Majority Leader and the Minority Leader are authorized to call a meeting of their respective caucuses “...for the purpose of taking all steps necessary to achieve the prompt organization of the Members and Members-elect...” of each party. The law further provides for reimbursement of

51. Rule XV, clause 1, *House Rules and Manual* § 885 (2017).

52. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 38 and Republican Conference, 115th Cong., Rule 28.

53. Compare, e.g., Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 38 and Rules Committee Print 115–37, Democratic Caucus, 100th Cong., Rule 38.

54. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 38 and Republican Conference, 115th Cong., Rule 28.

55. 157 CONG. REC. 19846, 112th Cong. 1st Sess.

56. Robert Dold (IL).

1. 2 U.S.C. § 7.

2. 2 U.S.C. § 29a. See also *House Rules and Manual* § 1126 (2017).

travel and other expenses incurred by Members—elect from the applicable accounts of the House.⁽³⁾

In the 108th Congress, the law was amended to eliminate the requirement that such organizational caucuses take place during the month of December.⁽⁴⁾ When that requirement was still in effect, the House would often (by simple resolution) authorize organizational caucuses to meet earlier than otherwise provided by law.⁽⁵⁾ In some cases, the House has authorized additional reimbursements for orientation programs occurring in conjunction with the organizational caucuses.⁽⁶⁾

The first evidence of party affiliation in the House on opening day of a new Congress comes when the House prepares to elect its Speaker.⁽⁷⁾ For over a century, nominations of candidates for the office of Speaker have been presented to the body by representatives of the major party organizations. Traditionally, it is the chairs of the respective party caucuses who place the names of their respective selections in nomination.⁽⁸⁾ However, the right to nominate individuals for the office of Speaker inures to all Members—elect, and nothing prevents others from placing additional names in nomination.⁽⁹⁾ At times, third parties have nominated their own candidates for Speaker.⁽¹⁰⁾ As is to be expected, the majority party's choice will generally be elected Speaker.⁽¹¹⁾

It is most often the case that the minority party's choice for Speaker will instead assume the position of Minority Leader when the majority party's choice is elected Speaker. By tradition, it is the Minority Leader who presents the Speaker—elect to the membership and gives introductory remarks to the body prior to the administration of the oath of office.⁽¹²⁾

3. *Id.* See also 2 U.S.C. §§ 5343, 5344.

4. P.L. 108–447, 118 Stat. 2809.

5. See § 2.1, *infra*. See also 144 CONG. REC. 33320, 33321, 100th Cong. 2d Sess. (Oct. 21, 1988) and 121 CONG. REC. 35, 94th Cong. 1st Sess. (Jan. 14, 1975).

6. See § 2.2, *infra*.

7. For more on the election of Speaker, see Deschler's Precedents Ch. 1 § 6 and Precedents (Wickham) Ch. 1 § 4. For more on the office of Speaker generally, see Deschler's Precedents Ch. 6 §§ 1–8 and Precedents (Wickham) Ch. 6.

8. Deschler's Precedents Ch. 3 §§ 3.1, 3.2, 6.1, and 6.2.

9. See, e.g., 161 CONG. REC. H3 [Daily Ed.], 114th Cong. 1st Sess. (Jan. 3, 2015). It is also possible for Members—elect to vote for unnominate candidates for Speaker. See, e.g., 163 CONG. REC. H4 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

10. Deschler's Precedents Ch. 3 §§ 3.3, 6.3.

11. *Parliamentarian's Note*: The last time the election of Speaker required multiple ballots was in the 68th Congress in 1923. However, even in that case, the majority Republicans succeeded in uniting behind Rep. Frederick Gillett of Massachusetts, who was duly elected Speaker on the ninth ballot. 6 Cannon's Precedents § 24.

12. See Precedents (Wickham) Ch. 1 § 4 and see also Deschler's Precedents Ch. 3 § 21.2.

In addition to the office of Speaker, the other officers of the House are elected based on nominations advanced by each party's caucus.⁽¹³⁾ The customary method of electing officers is as follows: first, the majority party offers a simple resolution to elect the officers of the House. This resolution is customarily offered by the chair of the majority party caucus.⁽¹⁴⁾ Next, the minority party is yielded to for the purposes of offering an amendment to the pending resolution (such amendment proposing an alternate slate of individuals for each office). By long tradition, the minority party will request a division of the question,⁽¹⁵⁾ so that the House may first vote separately on the election of Chaplain of the House.⁽¹⁶⁾ After such vote, the minority party's amendment is defeated, and the resolution (representing the majority party's selections) is adopted, traditionally by voice vote.

The minority party's selections for officers of the House are usually named to positions as "minority employees" of the House.⁽¹⁷⁾ These positions are established in law,⁽¹⁸⁾ and on opening day of a new Congress, the minority party will offer a resolution naming individuals to these positions.⁽¹⁹⁾ The rationale for creating these positions derives from a desire to have professional staff available to the leadership of the minority party who could retain institutional knowledge and provide continuity between one Congress and the next should control of the House switch from one party to the other. Minority employees are given no special prerogatives under the standing rules, apart from being granted floor privileges (along with "staff of the respective party leaderships") under clause 2(a) of rule IV.⁽²⁰⁾

13. For the election of officers of the House generally, see Deschler's Precedents Ch. 6 § 16 and Precedents (Wickham) Ch. 6.
14. See Deschler's Precedents Ch. 3 §§ 3.9, 7.1.
15. See Deschler's Precedents Ch. 3 § 23.7.
16. *Parliamentarian's Note*: The two party organizations have typically asserted the non-partisan nature of the office of Chaplain by agreeing in advance to the selection and voting unanimously for such individual via the procedure described here. For more on the office of Chaplain, see Deschler's Precedents Ch. 6 § 21 and Precedents (Wickham) Ch. 6.
17. *Parliamentarian's Note*: The advent of "minority employee" positions in the House originated in the 71st Congress in 1929 (the Legislative Pay Act of 1929, 46 Stat. 32). Current law incorporates by reference House Resolution 441 of the 91st Congress (1969) (made permanent law by P.L. 91-145, 83 Stat. 338), which enumerates the six minority employees positions, and House Resolution 119 of the 95th Congress (made permanent law by P.L. 95-94, 91 Stat. 153), which establishes their rates of pay. Three additional minority employees were authorized by House Resolution 7 of the 104th Congress (1995) (made permanent law by P.L. 104-53, 109 Stat. 514), with their rates of pay to be determined by the Minority Leader. For more on minority employees of the House generally, see Deschler's Precedents Ch. 6 § 26 and Precedents (Wickham) Ch. 6.
18. 2 U.S.C. § 5143.
19. See Deschler's Precedents Ch. 3 §§ 3.10, 7.1, 17.10, and 17.14.
20. *House Rules and Manual* § 678 (2017). Under this rule, minority employees nominated as elected officers of the House are accorded floor privileges, and this privilege extends

Finally, each party organization on opening day will formally announce to the body its selections for party leadership.⁽²¹⁾ Thus, the chair of the majority party caucus will announce the selections for Majority Leader and Majority Whip, while the chair of the minority party caucus will announce the selections for Minority Leader and Minority Whip.⁽²²⁾ Beginning in the 112th Congress in 2011, the Democratic Caucus created a new leadership position—that of “Assistant Democratic Leader”—and has similarly informed the House of its selection for that office.⁽²³⁾

Organizational Caucuses

§ 2.1 Under an earlier version of the law,⁽²⁴⁾ the House by unanimous consent considered and adopted a resolution authorizing organizational caucuses to take place earlier than otherwise provided by statute.

On October 6, 2004,⁽²⁵⁾ the following occurred:

RELATING TO EARLY ORGANIZATION OF THE HOUSE OF REPRESENTATIVES FOR THE 109TH CONGRESS

Mr. [Robert] NEY [of Ohio]. Mr. Speaker, I offer a resolution (H. Res. 824) relating to early organization of the House of Representatives for the One Hundred Ninth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.⁽²⁶⁾ Is there objection to the request of the gentleman from Ohio?

Mr. [John] LARSON of Connecticut. Mr. Speaker, reserving the right to object, I want to thank the chairman for his timely handling of this matter.

I also wanted to ensure that the legislative purposes of this resolution are clear.

One purpose of this resolution is to continue the practice of allowing the House party leaders to call an early organizing caucus of their respective party members, and to do so before the statutorily established date of December 1st. Each party leader can schedule the caucus to begin on any date of his or her choosing after the date of the election. While it is customary to schedule the caucuses to begin at the same time, it is up to

to former minority employees as well. For more on floor privileges, see Deschler's Precedents Ch. 4 § 4 and Precedents (Wickham) Ch. 4 § 5.

21. For more on Caucus and Conference leadership positions, see § 5, *infra*.

22. See, e.g., 163 CONG. REC. H6 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

23. See, e.g., 157 CONG. REC. 79, 112th Cong. 1st Sess. (Jan. 5, 2011).

24. *Parliamentarian's Note*: At the time of this precedent, organizational caucuses, by law, were required to begin on or after December 1. However, the law was amended in the 108th Congress to remove this temporal requirement. 2 U.S.C. § 29a.

25. 150 CONG. REC. 21212–13, 108th Cong. 2d Sess.

26. Johnny Isakson (GA).

each party leader to make that decision for his or her party caucus. If the House has adjourned sine die, then each incumbent Members-elect, and a designated staff person, can be paid for their transportation expenses to attend the caucus. If the House has not adjourned sine die, then there are no travel expenses paid for incumbent Members-elect or their staff. New Members-elect, and a designated staff person from the district, can also attend with all attendance expenses paid by the House.

The resolution also has the purpose of continuing the practice of allowing the House Leadership's orientation program(s), hosted by the Committee on House Administration, to be conducted at any time, or at multiple times, after the date of the election, and allows each Member-elect, and a designated staff person, to be reimbursed for the expenses of attendance. The orientation program has usually been conducted as a part of, and during the same time period as the party caucuses. However if the caucuses are conducted at different times, then the orientation program could be conducted before, during, or after each caucus, with the Member-elect's, and designated staff person's expenses of attendance paid by the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 824

Resolved,

SECTION 1. TIMING OF ORGANIZATIONAL CAUCUSES AND CONFERENCES FOR ONE HUNDRED NINTH CONGRESS.

Any organizational caucus or conference in the House of Representatives for the One Hundred Ninth Congress may begin on or after November 3, 2004.

SEC. 2. APPLICABILITY OF CERTAIN PROVISIONS TO ATTENDANCE OF MEMBERS AT ORIENTATION PROGRAMS.

(a) IN GENERAL.—With the approval of the majority leader (in the case of a Member or Member-elect of the majority) or the minority leader (in the case of a Member or Member-elect of the minority), the provisions of law described in subsection (b) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members of the One Hundred Ninth Congress in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.

(b) PROVISIONS DESCRIBED.—The provisions of law described in this subsection are as follows:

(1) Subsections (b) and (c) of section 202 of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a).

(2) Section 1 of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b-2).

SEC. 3. DEFINITION.

As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 2.2 Under an earlier version of the law,⁽²⁷⁾ the House by unanimous consent considered and adopted a resolution authorizing organizational caucuses to begin earlier than otherwise provided by statute, and further authorizing payment, upon approval of respective party leaders, for the expenses of Members-elect at orientation programs.

On October 16, 2002,⁽²⁸⁾ the following occurred:

RELATING TO EARLY ORGANIZATION OF THE HOUSE OF REPRESENTATIVES
FOR THE 108TH CONGRESS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 590), and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Eighth Congress may begin on or after November 1, 2002.

SEC. 2. (a) With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), the provisions of law described in subsection (b) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members of the One Hundred Eighth Congress in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.

(b) The provisions of law described in this subsection are as follows:

(1) Subsections (b) and (c) of section 202 of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a).

(2) Section 1 of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b-2).

SEC. 3. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The SPEAKER pro tempore.⁽²⁹⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

27. *Parliamentarian's Note:* At the time of this precedent, organizational caucuses, by law, were required to begin on or after December 1. However, the law was amended in the 108th Congress to remove this temporal requirement. See 2 U.S.C. § 29a.

28. 148 CONG. REC. 20812, 107th Cong. 2d Sess.

29. Gil Gutknecht (MN).

§ 3. Other Duties and Functions of the Caucus or Conference

The primary purpose of party organizations in the House is to achieve unity among its members and to provide a forum by which party positions may be formed and advanced in the House. The Democratic Caucus and the Republican Conference establish their own internal rules of procedure by which determinations as to party policy may be achieved.⁽¹⁾ Each party organization selects leaders to represent the interests of the party and carry out party objectives. Each party selects a Caucus or Conference chair, whose primary function is to schedule meetings of the party caucus and to preside over such meetings. The Caucus or Conference chair may have other responsibilities under the internal rules of the respective party caucus, such as determining business to be conducted at caucus meetings.

With respect to the goal of achieving unity within the party, each organization may adopt rules or policies to enforce party discipline. Such rules and policies have evolved considerably over the years, and the extent to which party discipline has been strictly enforced (and the methods by which such enforcement is achieved) have varied both between the parties and across time. For example, a prior Democratic Caucus rule (no longer in force) provided that a policy decision of the Caucus decided by a two-thirds majority vote would be binding on all members (subject to certain exceptions).⁽²⁾

The tools that party leaders may use to enforce party discipline may be internal to the organization, but they can also have effects on the overall structure of the House. For example, committee and subcommittee assignments in the House are mostly a matter of internal party decision-making.⁽³⁾ Technically, committee assignments are made on the basis of simple resolutions adopted by the entire House. But as a practical matter, these resolutions are considered on a partisan basis, with separate resolutions offered by each party to fill the slate of possible committee assignments.⁽⁴⁾ The content of those resolutions is a matter decided by the party caucuses, and thus can be used to address internal party dynamics or as disciplinary measures. In one instance, a disciplinary resolution that had called for the offending Member to be removed from certain committee and subcommittee assignments was amended to eliminate this provision—on the theory that

1. See § 1, *supra*.

2. Deschler's Precedents Ch. 3 § 10.

3. For an earlier treatment of committee assignments as a tool of party discipline, see Deschler's Precedents Ch. 3 § 9.5.

4. For more on the relationship between party affiliation and committee assignments, see § 8, *infra*.

such action interfered with the prerogatives of the party caucuses to manage committee assignments.⁽⁵⁾ In the 109th Congress, the House did adopt a privileged resolution submitted by direction of the Democratic Caucus removing a Member from a standing committee.⁽⁶⁾

House rules and precedents, Federal statutes, and the Constitution,⁽⁷⁾ elucidate standards of behavior for Members and provide mechanisms by which such standards may be enforced.⁽⁸⁾ Party organizations in the House also provide a separate layer of enforcement of ethics rules and standards of conduct. For example, both party caucuses have procedures for disciplining Members who have been indicted for (or convicted of) certain crimes, or for Members who have been censured by the House.⁽⁹⁾ Punishments levied by the party caucus may include vacating committee or subcommittee assignments, requiring a temporary “step aside” from the position of full or subcommittee chair, or removing a Member from a leadership position. Both the Democratic Caucus and the Republican Conference provide that a member of the Caucus or Conference may be expelled therefrom by a two-thirds vote.⁽¹⁰⁾

As noted below,⁽¹¹⁾ the primary interaction between party caucus rules and the standing rules of the House lies in the area of committee assignments. But Caucus and Conference rules may also provide specific procedures for how members of the Caucus or Conference conduct themselves with regard to legislative business. A party caucus may impose notification requirements for taking certain actions on the floor or in committee,⁽¹²⁾ require that certain guidelines be followed prior to taking specified legislative actions,⁽¹³⁾ prohibit actions otherwise permitted by the rules of the House,⁽¹⁴⁾ or make certain legislative actions available to party leadership only.⁽¹⁵⁾

5. See § 3.1, *infra*. See also § 6.5, *infra*.

6. See § 3.3, *infra*.

7. The Constitution provides that the House may “punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.” U.S. Const. art. I, § 5, cl. 2; *House Rules and Manual* § 58 (2017).

8. For more on the conduct and discipline of Members, see Deschler’s Precedents Ch. 12 and Precedents (Wickham) Ch. 12.

9. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rules 4–5 and Republican Conference, 115th Cong., Rules 25–27.

10. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 1 and Republican Conference, 115th Cong., Rule 1.

11. See § 8, *infra*.

12. See, e.g., 119 CONG. REC. 36651, 36652, 93d Cong. 1st Sess. (Nov. 12, 1973).

13. See, e.g., Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 38 and Republican Conference, 115th Cong., Rule 28.

14. See, e.g., Rules Committee Print 115–37, Republican Conference, 115th Cong., Standing Order for the 115th Congress (ban on earmarks).

15. See, e.g., Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 39.

The House rule regarding service of process on Members and officers of the House⁽¹⁶⁾ does not apply to non-House party officials or employees. Thus, when such individuals are served with subpoenas, the House is not typically notified of such proceedings.⁽¹⁷⁾ Of course, party leaders may be served with subpoenas and the House will take cognizance of such actions as it would with regard to any Member of the House.⁽¹⁸⁾

Party leaders occasionally make announcements on the floor of the House regarding caucus meetings or other events.⁽¹⁹⁾

Finally, party leaders are typically included in various ceremonial delegations, such as escort committees (for a newly-elected Speaker,⁽²⁰⁾ for a foreign dignitary,⁽²¹⁾ or for the President during joint sessions)⁽²²⁾ or notification committees (notifying the President that the House has assembled at the beginning of a Congress,⁽²³⁾ or that the House is prepared to adjourn *sine die* at the end of a Congress).⁽²⁴⁾ Frequently, party leaders will participate in tributes to retiring Members, officers, or staff.⁽²⁵⁾ Likewise, party leaders will also receive tributes on the floor in recognition of their service to the House.⁽²⁶⁾

16. Rule VIII, *House Rules and Manual* § 697 (2017).

17. For an example where a letter regarding service of process on a party official was laid before the House (but with respect to which the House took no action), see 121 CONG. REC. 29824, 94th Cong. 1st Sess. (Sept. 23, 1975).

18. For an example of the Minority Leader being served with a subpoena, see 120 CONG. REC. 21723–24, 93d Cong. 2d Sess. (June 28, 1974). For an example of both floor leaders being served with a summons to appear in a U.S. District Court, see Deschler's Precedents Ch. 3 § 17.19.

19. See §§ 3.4, 3.5, *infra*. For earlier examples of announcements by party leaders regarding caucus events or actions, see Deschler's Precedents Ch. 3 §§ 3.13, 5.1–5.5, 11.2, and 19.1.

20. See Deschler's Precedents Ch. 3 §§ 3.14, 21.1.

21. See Deschler's Precedents Ch. 3 § 21.8.

22. See Deschler's Precedents Ch. 3 § 21.7.

23. See Deschler's Precedents Ch. 3 §§ 3.15, 21.3, 21.4, and 24.2.

24. See Deschler's Precedents Ch. 3 §§ 12.2, 21.5, and 21.6.

25. See 120 CONG. REC. 21847–48, 93d Cong., 1st Sess. (July 1, 1974) (floor leaders congratulating new Parliamentarian); 122 CONG. REC. 16766–68, 94th Cong. 2d Sess. (June 7, 1976) (Majority Leader leading tributes to retiring Speaker); 122 CONG. REC. 22485–87, 94th Cong. 2d Sess. (July 19, 1976) (floor leaders praising former Parliamentarian upon his death); and 139 CONG. REC. 32441, 103d Cong. 1st Sess. (Nov. 26, 1993) (thanks to staff given by Speaker and floor leaders). See also Deschler's Precedents Ch. 3 §§ 3.18, 3.19, 21.12–21.17, and 24.4.

26. See 120 CONG. REC. 37390, 93d Cong. 1st Sess. (Nov. 26, 1974) (portrait of former Minority Leader accepted by House); 126 CONG. REC. 34308–10, 96th Cong. 2d Sess. (Dec. 16, 1980) (tributes to retiring Minority Leader); 137 CONG. REC. 22778–80, 102d Cong. 1st Sess. (Sept. 12, 1991) (tributes to retiring Majority Whip); 140 CONG. REC. 20467–

Party Discipline and Ethics

§ 3.1 During consideration of a privileged resolution reported by the Committee on Standards of Official Conduct (now the Committee on Ethics)⁽²⁷⁾ proposing to censure a Member, an amendment was adopted to remove one clause of the resolution that would have deprived the Member of certain committee assignments, in order to preserve the prerogatives of the party caucuses to recommend the election of party Members to committees (and removal therefrom).

On June 10, 1980,⁽²⁸⁾ the following disciplinary resolution was considered as a privileged matter:

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

The SPEAKER.⁽²⁹⁾ The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative CHARLES H. WILSON.

The Clerk will report the resolution.

The Clerk read the resolution as follows:

Resolved,

- (1) That Representative Charles H. Wilson be censured;
- (2) That Representative Charles H. Wilson be denied the chair on any committee or subcommittee of the House of Representatives for the remainder of the Ninety-sixth Congress;
- (3) That upon adoption of this resolution, Representative Charles H. Wilson forthwith present himself in the well of the House of Representatives for the public reading of this resolution by the Speaker; and
- (4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 3, 1980, in the matter of Representative Charles H. Wilson. . . .

AMENDMENT OFFERED BY MR. FOLEY

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I offer an amendment.

68, 103d Cong. 2d Sess. (Aug. 9, 1994) (Minority Leader receiving Medal of Freedom); 140 CONG. REC. 29133, 103d Cong. 2d Sess. (Oct. 7, 1994) (tributes to retiring Minority Leader); 147 CONG. REC. 27600, 27602–607, 107th Cong. 1st Sess. (Dec. 20, 2001) (tributes to retiring Minority Whip); 148 CONG. REC. 22339, 107th Cong. 2d Sess. (Nov. 14, 2002) (tributes to retiring Majority Leader); and 158 CONG. REC. 8648–49, 112th Cong. 2d Sess. (June 7, 2012) (recognition of Minority Leader's 25th year in the House). For more on ceremonies and tributes in the House, see Deschler's Precedents Ch. 36 and Precedents (Wickham) Ch. 36.

27. The Committee on Standards of Official Conduct was redesignated as the Committee on Ethics at the beginning of the 112th Congress.
28. 126 CONG. REC. 13801, 13802, 13803, 13811, 13812, 13817, 13818, 13819, 13820, 96th Cong. 2d Sess.
29. Thomas O'Neill (MA).

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Strike out the second clause of Rouse Resolution 660 and renumber the subsequent clause accordingly.

The SPEAKER. The Chair recognizes the gentleman from Washington (Mr. FOLEY) for 1 hour.

Mr. FOLEY. Mr. Speaker, in offering this amendment, which, in effect, strikes that portion of the resolution depriving the gentleman from California (Mr. CHARLES H. WILSON) of his subcommittee chairmanship and denying him any subcommittee or committee chairmanship in the 96th Congress, I wish to make a few things very clear: I am not in any way questioning the authority or the propriety of the Committee on Standards of Official Conduct in offering such a resolution; nor am I questioning the power of this House to act to deny any Member a subcommittee or committee chairmanship, or a ranking minority membership for that matter. This is not at issue in the matter before us today. What I am proposing with this amendment is a better policy—and I underline the word “policy”—for the House to follow, however it disposes of the matter of Mr. WILSON.

It has been a tradition of the House for nearly three-quarters of a century now to allow the party conference and caucus to make decisions affecting the appointment of their respective members to committees and the assignment of committee offices. It is important, in my judgment, to the proper execution of good legislation that the two-party system be respected in its privilege to make party choices regarding the essential committees on which Members serve. . . .

I urge you today to adopt this amendment which in no event can possibly change the outcome of this case because the Democratic Caucus on May 29 adopted rules which automatically remove any committee or committee chairman who is censured by a vote of the House or who is convicted of a felony. That is an automatic action subject only to the appeal of the Member involved. Within 15 days it becomes final. From then on, that person can neither exercise the powers of his former committee or subcommittee chairmanship nor assume the chairmanship of a new committee or subcommittee for the remainder of that Congress. Further, in the succeeding Congress, a person so censured or convicted may not assume any subcommittee or committee chairmanship without a special specific vote of the caucus permitting it. . . .

Mr. FOLEY. Mr. Speaker, I will conclude by saying again that this is in no way intended as a reflection or criticism of the recommendation that has been brought forth by the Committee on Standards of Official Conduct. It is merely meant to suggest that since the rules already in place in the Democratic Caucus would take away any subcommittee or committee chairmanship from any Member censured or convicted by the House, this particular title is unnecessary. In taking this action of leaving the title in the resolution, we tend to do violence to a very old tradition of the House which protects, first of all, the process of the House by which its two parties function effectively; second, and most important, the prerogatives of the minority, which is particularly vulnerable to invasion by majority judgment; and finally, the powers of the majority as well. It is a process that has served the House well throughout the time in which it has been in effect, and this tradition has been strong for almost three-quarters of a century.

I offer this amendment with the greatest respect for the Committee on Standards of Official Conduct. It is not for the Democratic Party or the Republican Party nor is it for or against Mr. WILSON. Instead it is on behalf of a process by which all Members of the House irrespective of party benefit that I ask that this section be stricken from the resolution.

Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

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

Mr. [Frank] SENSENBRENNER [of Wisconsin]. 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.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 261, nays 148, answered “present” 2, not voting 22, as follows:

[Roll No. 306] . . .

§ 3.2 The Speaker announced that, pursuant to Democratic Caucus rules, the Speaker had been informed that certain full committee and subcommittee chairs (the subjects of an ethics inquiry and criminal probe) would be temporarily stepping aside from those positions.

On June 18, 1980,⁽³⁰⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽³¹⁾ The Chair wishes to announce that he is in receipt of letters from the gentleman from New Jersey (Mr. THOMPSON) and the gentleman from New York (Mr. MURPHY) in which they transmit notice of their intention, pursuant to provision M. XIII of the Democratic Caucus, to temporarily step aside from their positions as standing committee, joint committee, select committee, or subcommittee chairmen. This intention includes, in the case of the gentleman from New Jersey, to temporarily step aside from the positions of chairman of the Committee on House Administration, chairman of the Subcommittee on Labor-Management Relations and the Task Force on Welfare and Pension Plans of the Committee on Education and Labor, and the chairman of the Joint Committee on Printing. In the case of the gentleman from New York, this includes the positions of chairman of the Committee on Merchant Marine and Fisheries, chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, and chairman of the Select Committee on the Outer Continental Shelf.

§ 3.3 The House adopted a privileged resolution submitted by direction of Democratic Caucus removing a Member from a standing committee.

On June 16, 2006,⁽³²⁾ the House adopted a resolution removing a Member, who was under investigation for corruption, from the Committee on Ways and Means:

30. 126 CONG. REC. 15384, 96th Cong. 2d Sess.

31. Thomas O'Neill (MA).

32. 152 CONG. REC. 11618, 109th Cong. 1st Sess.

REMOVING MEMBER FROM COMMITTEE ON WAYS AND MEANS

Mr. [James] CLYBURN [of South Carolina]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 872) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That Mr. Jefferson is hereby removed from the Committee on Ways and Means.

The SPEAKER pro tempore.⁽³³⁾ Is there objection to the resolution?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Announcements

§ 3.4 The chair of the Democratic Caucus announced to the House that the results of certain Caucus elections would be available in the Democratic cloakroom.⁽³⁴⁾

On January 24, 1991,⁽³⁵⁾ the following announcement was made:

ANNOUNCEMENT RELATIVE TO COMMITTEE ELECTIONS IN DEMOCRATIC CAUCUS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. [Steny] HOYER [of Maryland]. Madam Speaker, today the Democratic caucus had an election pursuant to the rules of the Democratic caucus for chairman of subcommittees on the Committee on Appropriations and of the Committee on Ways and Means. Those results will be available in the Cloakroom and in the office of the Democratic caucus.

§ 3.5 The chair of the Democratic Caucus announced to the House that the Democratic Caucus would be holding a meeting of the Caucus in the House Chamber during a recess of the House.

On September 30, 1990,⁽³⁶⁾ the following announcement was made by the chair of the Democratic Caucus:

33. Paul Gillmor (OH).

34. *Parliamentarian's Note*: The Democratic Caucus had held its meeting in the House Chamber prior to the convening of the House. However, it was still in the process of counting ballots for certain caucus elections when it was necessary to vacate the Chamber so that the House could come into session.

35. 137 CONG. REC. 2171, 102d Cong. 1st Sess.

36. 136 CONG. REC. 26690, 26691, 101st Cong. 2d Sess. See also Precedents (Wickham) Ch. 4 § 1.11.

ANNOUNCEMENT OF CONVENING OF DEMOCRATIC CAUCUS

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I would like to announce to the Democrats that we will have a caucus approximately 15 minutes or shortly after we recess this evening. We will have to stay in and wait upon the Senate, so that will not delay us in any event.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I would like to remind the Democratic Members of the House of Representatives that we will have a caucus in approximately 5 minutes, at a quarter of 6, in this Chamber.

Mr. Speaker, I want to say to the minority leader, I very much appreciate his consideration. This is an unusual step, in light of the fact the House will be in recess.

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished chairman of the Democratic caucus, that if we go into recess awaiting the action of the other body, and assuming there are no glitches, but if there were, would it be in order for us to give Members, say, 1 hour's notice that their presence would be required?

Mr. HOYER. Mr. Speaker, reclaiming my time so I may respond to the distinguished minority leader, we will give no less than one-half hour's notice . . .

§ 4. Party Committees and Other Informal Groups

This section describes internal committees of the party organizations, as well as other informal groups that may associate with the caucuses. As has been noted earlier, the two major party caucuses are private organizations whose internal structure and rules of proceeding are not established by House rules. Thus, the analysis here will necessarily be limited and primarily focused on areas where internal caucus organization has a direct effect on House proceedings.⁽¹⁾

Committee on Committees

For over a century, committee assignments in the House have been closely connected to the two major party organizations. Prior to changes in House rules at the beginning of the 20th century, the Speaker was solely responsible for assigning Members to committees. This authority gave the Speaker considerable influence over the membership, as he could deny sought-after

1. For a broader treatment of the history of the House and the relationship to party organization, see ROBERT REMINI, *THE HOUSE* (2006).

committee assignments to recalcitrant Members or “reward” others who supported the Speaker’s positions by placing them on prominent committees. Perceived abuse of this authority played a role in the “revolt” against Speaker Joseph Cannon of Illinois in 1910, which resulted in, *inter alia*, the removal of this power of the Speaker from the standing rules.⁽²⁾

Since Speaker Cannon’s time, all committee assignments in the House have been determined by adoption of a simple resolution listing the Members to be assigned and the committees to which they have been assigned.⁽³⁾ While such resolutions are adopted by a vote of the entire House, they are developed on a partisan basis by the two major party organizations. Thus, each resolution typically makes committee assignments for members of one party only, such assignments having been determined beforehand within the applicable caucus (pursuant to whatever internal caucus rules may apply).⁽⁴⁾ Frequently, it is the Caucus or Conference chair who offers a committee election resolution on the floor,⁽⁵⁾ which is then formally ratified by action of the entire House.

Each major party organization has created internal committees to assign its members to the standing committees of the House. In the early 20th century, each party organization had a “Committee on Committees” that would determine committee assignments for that party’s members.⁽⁶⁾ Currently, committee assignments for the Republican Conference are developed by the Republican Steering Committee, while committee assignments for the Democratic Caucus are developed by the Democratic Steering and Policy Committee. The nominations for committee assignments put forward by these internal committees are then ratified by a vote of the entire Conference or Caucus, pursuant to internal caucus rules. Such rules may provide for special procedures with regard to nominating individuals for specific committees (such as the Committee on Rules).⁽⁷⁾

Policy Committees

In addition to internal committees that make recommendations regarding committee assignments in the House, each party caucus also has a committee to determine the policy agenda for the Caucus or Conference. In the

2. See DE ALVA STANWOOD ALEXANDER, HISTORY AND PROCEDURE OF THE HOUSE OF REPRESENTATIVES 41 (1916).

3. For an unusual instance of a bipartisan committee election resolution, see Deschler’s Precedents Ch. 3 § 11.1.

4. See Deschler’s Precedents Ch. 3 § 3.12.

5. For more on committee assignments, see Deschler’s Precedents Ch. 17 §§ 8–12; Precedents (Wickham) Ch. 17; and § 8, *infra*.

6. For many years, Democratic members of the Committee on Ways and Means served as the Democratic Committee on Committees. See Deschler’s Precedents Ch. 3 § 11.

7. See, e.g., Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 12.

Democratic Caucus, the Democratic Steering and Policy Committee assumes both functions—recommending Members for committee assignments and establishing the policy agenda and legislative priorities of the Caucus. In the Republican Conference, a Committee on Policy advises the Conference as to legislative proposals and suggestions for policy implementation.⁽⁸⁾

In the past, these types of steering or policy committees of the Caucus or Conference have been provided with funding for salaries and other administrative expenses from appropriations made for the House itself.⁽⁹⁾

Official Objectors

Throughout its history, the House has experimented with a variety of methods for expediting the consideration of certain types of legislation. One method used to achieve this goal was to establish a “calendar” system by which different types of measures could be placed on separate lists or calendars. Special procedures for each calendar would then be used to bring those measures to the floor for expedited consideration at designated times.⁽¹⁰⁾

To help manage business on these calendars, the House has used informal groups (established by the two party organizations) to screen measures to be considered on certain calendars. These “official objectors” (usually three to five individuals from each party) would review legislation prior to the call of the particular calendar, and object to the consideration of any bills or resolutions that did not meet certain predetermined requirements. A system of official objectors was used for the (now defunct) Consent Calendar⁽¹¹⁾ and is still in use for the Private Calendar.⁽¹²⁾ Party officials (or the Chair on behalf of such officials) typically announce to the House the selection of official objectors,⁽¹³⁾ and a statement regarding the criteria used in the screening process is sometimes submitted to the *Congressional Record*.⁽¹⁴⁾

8. *Parliamentarian’s Note*: While the deliberations of such internal committees obviously have an effect on legislative business considered by the House, an analysis of their rules and procedures is better suited for the policy or academic sphere than the House precedents. See § 1, *supra*.

9. See § 4.1, *infra*. See also Deschler’s Precedents Ch. 3 §§ 13.1, 13.2.

10. For more on House Calendars, see Deschler’s Precedents Ch. 22 and Precedents (Wickham) Ch. 22.

11. *Parliamentarian’s Note*: This special calendar for noncontroversial legislation was established in the 61st Congress in 1909 and abolished in the 104th Congress in 1995. See Deschler’s Precedents Ch. 22 §§ 3–9.

12. For more on the Private Calendar, see Deschler’s Precedents Ch. 22 §§ 10–14 and Precedents (Wickham) Ch. 22. For private bills generally, see Deschler’s Precedents Ch. 24 § 3 and Precedents (Wickham) Ch. 24.

13. See Deschler’s Precedents Ch. 3 §§ 15.1, 15.2, 19.4, and 20.1. Announcements are also made when there is a change in the individuals selected as official objectors. See 120 CONG. REC. 11402, 93d Cong. 2d Sess. (Apr. 23, 1974). See also Deschler’s Precedents Ch. 3 § 20.2.

14. See Deschler’s Precedents Ch. 3 §§ 15.3–15.5, 19.4, and 20.1. See also 157 CONG. REC. 4930, 4945, 112th Cong. 1st Sess. (Mar. 31, 2011).

Other Committees and Informal Groups

The two major party organizations have evolved considerably over the years and the internal structure of each has undergone many changes. In addition to the committees designed to facilitate the formation of policy agendas and assigning Members to committees (described above), each party organization has established additional groups, both formal and informal, to support its membership.⁽¹⁵⁾

One of the major functions of the Democratic Caucus and the Republican Conference is to assist Members of each party with fundraising and campaign financing. Thus, the Caucus and the Conference have each established internal committees to coordinate such election and campaign-related activities: the Democratic Congressional Campaign Committee and the National Republican Congressional Committee. These committees work with party members to raise and distribute funds for election campaigns and coordinate communication strategies.⁽¹⁶⁾

The Democratic Caucus has, for many years, established a Committee on Caucus Procedures. This committee, appointed by the chair of the Democratic Caucus, reviews Caucus rules and makes recommendations for possible amendment.⁽¹⁷⁾

Apart from these formal committees, each party organization may associate with informal groups composed of a subset of the organization's membership. Such informal groups may be formed to advocate for a particular political ideology, a specific region of the country, a demographic group, or a particular topic or issue.

§ 4.1 By unanimous consent, the House considered and agreed to a resolution providing equal amounts to the Republican Steering Committee and the Democratic Policy Committee, as determined by the Committee on Appropriations, from amounts previously appropriated for other purposes.

On January 4, 1995,⁽¹⁸⁾ the following resolution was agreed to:

PROVIDING AMOUNTS FOR THE REPUBLICAN STEERING COMMITTEE AND
THE DEMOCRATIC POLICY COMMITTEE

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 9) providing amounts for the Republican Steering Committee and the Democratic Party Committee, and ask unanimous consent for its immediate consideration.

15. For a description of older committees or groups no longer in existence, such as "patronage" committees, see Deschler's Precedents Ch. 3 §§ 8, 12, 14, and 16.
16. For an example of joint remarks by the chairs of each organization's campaign committees on the subject of negative campaign advertising, see 144 CONG. REC. 20755, 105th Cong. 2d Sess. (Sept. 17, 1998).
17. Rules Committee Print 115-37, Democratic Caucus, 115th Cong., Rule 10.
18. 141 CONG. REC. 547-48, 104th Cong. 1st Sess.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That, effective at the beginning of the 104th Congress, there shall be available, in equal amounts to the Republican Steering Committee and the Democratic Policy Committee, such sums as may be necessary, to be provided, as determined by the Committee on Appropriations, from amounts previously appropriated for other purposes under the appropriation for salaries and expenses of the House of Representatives, fiscal year 1995.

The SPEAKER pro tempore.⁽¹⁹⁾ Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

B. Floor Leaders and Party Whips

§ 5. In General

The floor leaders in the House are known as the Majority Leader (chosen by the majority party) and the Minority Leader (chosen by the minority party). Unlike the Speaker of the House, floor leaders are not officers of the House and thus are not elected by the full House. Instead, they are leaders within their respective party organizations and are elected solely by those organizations. The election of each party's floor leader is typically conveyed to the House by an announcement by the chair of the party caucus or conference.⁽¹⁾ The individual party organizations are responsible for electing new leaders in the case of a vacancy in the position. Third parties have sometimes elected their own floor leaders, but this has not occurred in many decades.⁽²⁾ In the 112th Congress in 2011, the Democratic Caucus created a new position of "Assistant Democratic Leader."

In addition to the floor leaders, each party also maintains a whip organization that is headed by the Majority Whip (for the majority party) and the Minority Whip (for the minority party). Like the floor leaders, the party whips are internal officials within each party organization, and thus are elected by the parties, not the full House.⁽³⁾

19. Rick Lazio (NY).

1. See, e.g., 163 CONG. REC. H6 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

2. *Parliamentarian's Note*: The last time a third party elected a floor leader in the House appears to have taken place in the 75th Congress (1937). See Deschler's Precedents Ch. 3 §17.4.

3. For more on the party whips, see § 7, *infra*.

The term “House leadership” is sometimes used to describe the collection of individuals on the majority side serving as Speaker, Majority Leader, and Majority Whip. The term “party leadership” or “leadership office” may refer to the floor leaders or whips (of either party), or the Speaker. Under the standing rules of the House, the Bipartisan Legal Advisory Group is composed of the Speaker and “the majority and minority leaderships.”⁽⁴⁾ Staff of the “respective party leaderships” are granted access to the floor of the House,⁽⁵⁾ while staff from “leadership offices” are barred from making certain lobbying contacts under clause 7 of rule XXV.⁽⁶⁾

Certain appointments in the House are made jointly by individuals in leadership offices. For example, the Inspector General of the House is appointed jointly by the Speaker, the Majority Leader, and the Minority Leader pursuant to clause 6(b) of rule II.⁽⁷⁾

House leaders, including the Speaker, Majority Leader, and Minority Leader, are provided with increased salaries as compared to other Members of the House,⁽⁸⁾ and may also be provided with additional funding for the administrative expenses associated with managing their offices.⁽⁹⁾ On various occasions, the House has considered resolutions authorizing additional funding for these positions to be taken from the applicable accounts of the House.⁽¹⁰⁾

Joint Appointments by Leadership

§ 5.1 Pursuant to the provisions of House Resolution 423, 102d Congress, the Speaker, the Majority Leader, and the Minority Leader jointly appointed the House’s first Director of Nonlegislative and Financial Services.⁽¹¹⁾

On October 9, 1992,⁽¹²⁾ the following appointment was announced to the House:

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4. Rule II, clause 8(b), *House Rules and Manual* § 670a (2017).
 5. Rule IV, clause 2(a)(7), *House Rules and Manual* § 678 (2017).
 6. *House Rules and Manual* § 1102a (2017).
 7. *House Rules and Manual* § 667 (2017). The former Director of Nonlegislative and Financial Services (a position since abolished) was similarly appointed jointly by the Speaker, Majority Leader, and Minority Leader. See § 5.1, *infra*.
 8. 2 U.S.C. § 4501.
 9. See, e.g., 2 U.S.C. § 5121 (expense allowance for the Speaker of the House).
 10. See §§ 5.3–5.7, *infra*.
 11. *Parliamentarian’s Note*: The Director of Nonlegislative and Financial Services was a short-lived position in the House, in existence during the 102d and 103d Congresses. Many of this officer’s functions were transferred to the new Chief Administrative Officer position, created in the 104th Congress. See H. Res. 5, 141 CONG. REC. 463, 464, 104th Cong. 1st Sess. (Jan. 4, 1995). See also *Precedents (Wickham)* Ch. 6.
 12. 138 CONG. REC. 34802, 102d Cong. 2d Sess.

Pursuant to the provisions of House Resolution 423, 102d Congress, and the order of the House of Monday, October 5, 1992, permitting appointments authorized by law or by the House, the Speaker, majority leader, and minority leader on Friday, October 23, 1992, did jointly appoint Lt. Gen. Leonard P. Wishart (ret.) to the position of Director of Nonlegislative and Financial Services for the U.S. House of Representatives.

§ 5.2 Pursuant to clause 2(b) of rule VI (now clause 6(b) of rule II),⁽¹³⁾ the Speaker, Majority Leader, and Minority Leader jointly appointed John W. Lainhart, IV, as the first Inspector General of the House of Representatives.

On November 10, 1993,⁽¹⁴⁾ the following appointment was made:

APPOINTMENT OF JOHN W. LAINHART IV AS INSPECTOR GENERAL FOR THE
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore.⁽¹⁵⁾ Pursuant to the provisions of section 2(b) of rule 6, the Speaker, majority leader, and minority leader jointly appoint Mr. John W. Lainhart IV to the position of inspector general for the U.S. House of Representatives effective November 14, 1993.

Funding for Leadership Staff and Expenses

§ 5.3 The House adopted a privileged resolution, reported from the Committee on House Administration, providing for payment from the contingent fund of additional employee and equipment allowances for offices within the majority and minority leadership.

On April 12, 1973,⁽¹⁶⁾ the following resolution was agreed to:

Mr. [Wayne] HAYS [of Ohio]. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 342, a privileged resolution, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 342

Resolved, That, until otherwise provided by law, effective April 1, 1973, there shall be paid out of the contingent fund of the House for office personnel and for rental or lease of necessary equipment for the conduct of the business of the office of each of the following officials of the House of Representatives the following per annum amounts:

- (1) The Speaker, \$40,000.
- (2) The majority leader, \$30,000.
- (3) The minority leader, \$30,000.
- (4) The majority whip, \$30,000.
- (5) The minority whip, \$30,000.
- (6) The chief deputy majority whip, \$40,000.
- (7) The chief deputy minority whip, \$40,000. Such amounts shall be in addition to all other amounts to which such officials may be entitled. . . .

13. *House Rules and Manual* § 667 (2017).

14. 139 CONG. REC. 28591, 103d Cong. 1st Sess. See also Precedents (Wickham) Ch. 6.

15. Louise Slaughter (NY)

16. 119 CONG. REC. 12185–86, 93d Cong. 1st Sess. See also Precedents (Wickham) Ch. 6.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.
The previous question was ordered.
The resolution was agreed to.
A motion to reconsider was laid on the table.

§ 5.4 The House passed, under suspension of the rules, a Senate bill relating to civil service annuity benefits for widows of employees, with an amendment increasing the base for computation of the annuities of the Speaker and other Members in leadership positions.

On March 19, 1974,⁽¹⁷⁾ the following occurred:

Mr. [Thaddeus] DULSKI [of New York]. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2174) to amend the civil service retirement system with respect to the definitions of widow and widower, as amended.

The Clerk read the Senate bill, as follows:

S. 2174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clauses (1) (A) and (2) (A) of section 8341(a) of title 5, United States Code, are amended by striking out “2 years” wherever it appears and inserting in lieu thereof “1 year”.

(b) The amendments made by subsection (a) of this section shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such individuals and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

SEC. 2. (a) Section 8339(f) (2) of title 5, United States Code, is amended—

(1) by deleting “greater” and inserting “greatest” in place thereof;

(2) by deleting the word “or” immediately after the semicolon at the end of clause (A);

(3) by redesignating clause (B) as clause (C); and

(4) by inserting immediately below clause (A) the following new clause (B):

“(B) the average pay of the Member; or”.

(b) The amendments made by subsection (a) of this section shall apply to annuities paid for months beginning after the date of enactment of this Act.

The SPEAKER.⁽¹⁸⁾ Is a second demanded?

Mr. [Harold] GROSS [of Iowa]. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection. . . .

EXPLANATION OF AMENDMENT TO S. 2174

The amendment to the bill is intended to correct a deficiency in the provisions of the retirement law (5 U.S.C. 8339(f)(2)), relating to a maximum civil service annuity. The deficiency arises because of the method of computing the annuity.

Under existing law, an annuity may not exceed 80 percent of the “average pay” in the case of an employee, and 80 percent of the “final basic pay” in the case of most Members.

The “final basic pay” of most Members currently is \$42,500, and in the case of Members serving in the leadership positions, is \$62,500 for the Speaker, and \$49,500 for the President pro tempore of the Senate and the majority and minority leaders of the House of Representatives and of the Senate.

However, when a Member who has served in one of the leadership positions subsequently serves as a Member, but not in a leadership position, his final basic pay currently is \$42,500. Consequently, such a Member loses all rights to have the higher rate

17. 120 CONG. REC. 7206, 7207, 93d Cong. 2d Sess.

18. Carl Albert (OK).

of pay he received as a Member in a leadership position considered in determining his maximum annuity.

The amendment to the bill will permit the pay received while in a leadership position to be used in determining the maximum annuity to which a Member is entitled when he serves as a Member subsequent to service in a leadership position.

§ 5.5 The House agreed to a resolution reported from the Committee on House Administration providing for additional staff assistance for House leadership and providing payment therefor from the contingent fund.

On May 6, 1975,⁽¹⁹⁾ the following occurred:

TO PROVIDE FOR ADDITIONAL STAFF ASSISTANCE FOR THE LEADERSHIP

Mr. [Wayne] HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 413 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 413

Resolved, That (a) subject to the provisions of subsection (b), effective March 1, 1975, there shall be two additional employees in the office of the Speaker of the House of Representatives and one additional employee in the office of the minority floor leader.

(b) The annual rate of compensation for the individuals employed under subsection (a) shall not exceed the annual rate of basic pay of level IV of the Executive Schedule of section 5316 of title 5, United States Code, and until otherwise provided by law such compensation shall be paid from the contingent fund of the House.

SEC. 2. That (a) subject to the provisions of subsection (b), effective March 1, 1975, there shall be one additional employee in the office of the majority floor leader, the minority floor leader, the Democratic caucus, and the Republican conference of the House of Representatives.

(b) The annual rate of compensation for any individual employed under subsection (a) shall not exceed the annual rate of basic pay of level V of the Executive Schedule of section 5316 of title 5, United States Code, and until otherwise provided by law such compensation shall be paid from the contingent fund of the House.

SEC. 3. Effective March 1, 1975, there shall be paid out of the contingent fund of the House of Representatives a lump sum amount for salaries and expenses for the offices of each of the following officials or organizations of the House of Representatives the following per annum amounts: the office of the Speaker, \$30,000; the majority whip, \$50,000; and the minority whip, \$50,000; and for clerical assistance in the offices of the Democratic caucus, \$30,000; and the Republican conference, \$30,000; and the amounts provided herein, together with amounts otherwise authorized, shall be the authorized amounts until otherwise provided by law.

SEC. 4. Effective March 1, 1975, the two statutory clerk positions authorized by Public Law 89-545, dated August 27, 1966, in the office of the minority floor leader are hereby abolished, and the lump sum amount for salaries and expenses for the office of the minority floor leader shall be increased by \$45,494.89 to equal that of the majority floor leader; and such increased amount shall be paid from the contingent fund of the House of Representatives until otherwise provided by law.

SEC. 5. The provision of this resolution shall continue in effect until otherwise provided by law.

Mr. HAYS of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER.⁽²⁰⁾ Is there objection to the request of the gentleman from Ohio?

There was no objection.

19. 121 CONG. REC. 13078-79, 94th Cong. 1st Sess.

20. Carl Albert (OK).

Mr. HAYS of Ohio. Mr. Speaker, I believe that I should explain briefly what the resolution pertains to, as I am sure the gentleman from Maryland (Mr. BAUMAN) was about to ask that question.

Mr. Speaker, House Resolution 413 provides for equal funding of an equal number of statutory positions in the office of the majority leader, the minority leader, and the whips' office.

I might say further that this resolution also provides that the Speaker shall be brought up to the standard number of statutory positions, so as not to be inferior to that of the office of the majority leader and minority leader, as it has been in the past.

The resolution also gives very limited support to the chairman of the Democratic Caucus and the chairman of the Republican Conference in clerical help.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, would the gentleman from Ohio yield for a question?

Mr. HAYS of Ohio. Yes, I would be glad to yield to the gentleman from Maryland.

Mr. BAUMAN. These positions will be paid at the level of \$36,000 a year in each instance, the top pay?

Mr. HAYS of Ohio. That would be the maximum pay. Not all of the positions would be at that statutory level, I might say to the gentleman from Maryland.

Mr. BAUMAN. How many persons at that level does each of these offices have, for instance, the Democratic Caucus?

Mr. HAYS of Ohio. The Democratic Caucus and the Republican Conference have none.

Mr. BAUMAN. They have none paid at that level?

Mr. HAYS of Ohio. That is right. This would give them one level V position each and a \$30,000 allowance for all of the expenses, including stenographic, paper, ink, whatever.

Mr. BAUMAN. What would that bring the total staff number to in the Democratic Caucus?

Mr. HAYS of Ohio. That would really depend. They would have one person. My judgment is they would have one person plus one clerical person, certainly not more than two. One cannot get more than two at \$30,000 and have any money left over for paper clips, stationery, and so on. It would give them a total of \$66,000 and one level V position, which would use up \$30,000.

Mr. BAUMAN. The same would be granted to the Republican Conference?

Mr. HAYS of Ohio. Yes, sir.

Mr. BAUMAN. Considering the total of these four different offices involved, did the committee in any way come up with a cost figure of additional space or clerical help that might be necessary?

Mr. HAYS of Ohio. I can just tell the gentleman what we did in the way of bodies, and if he wants me to, I will run over it: Two additional positions at level IV for the Speaker's office, and level IV carries a salary of \$38,000; in the majority leader's office, one additional level V position. That carries a salary of \$36,000; in the minority leader's office, one position at level IV actually, and one position at level V, and a lump-sum allowance of \$45,495, which would seem that we gave the minority leader more than we did the majority leader, but we abolished two positions at a lower level in the majority leader's office, so that his office and the minority leader's office are equal.

To the majority whip and the minority whip we gave a lump-sum allowance of \$50,000, each to be used to hire whatever people they need at whatever salary they determine.

Mr. BAUMAN. The total cost of the resolution would be what?

Mr. HAYS of Ohio. The total cost of the resolution is \$468,680.

Mr. BAUMAN. About a half million dollars altogether?

Mr. HAYS of Ohio. Yes.

Mr. BAUMAN. I thank the gentleman for his explanation.

Mr. HAYS of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 5.6 By unanimous consent, the House considered and agreed to a resolution transferring two statutory employees from the Majority Whip to the Majority Leader.

On January 4, 1995,⁽²¹⁾ the following resolution was considered and agreed to:

PROVIDING FOR TRANSFER OF TWO EMPLOYEE POSITIONS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 10) providing for the transfer of two employee positions, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That, effective at the beginning of the 104th Congress, two statutory employee positions under the chief majority whip are transferred to the majority leader.

The SPEAKER pro tempore.⁽²²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 5.7 By unanimous consent, the House considered and then agreed to a resolution offered by the Majority Leader transferring various statutorily created personnel positions among both party's caucuses and their respective leaderships.

On March 10, 1995,⁽²³⁾ the following occurred:

PROVIDING FOR THE TRANSFER OF CERTAIN EMPLOYEE POSITIONS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I send to the desk a resolution (H. Res. 113) providing for the transfer of certain employee positions and ask unanimous consent for its immediate consideration.

21. 141 CONG. REC. 548, 104th Cong. 1st Sess.

22. Rick Lazio (NY).

23. 141 CONG. REC. 7562, 104th Cong. 1st Sess.

The Clerk read the resolution, as follows:

H. RES. 113

Resolved, That (a)(1) the two statutory positions specified in paragraph (2) are transferred from the House Republican Conference to the majority leader.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202; and

(B) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1990.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the majority leader to the House Republican Conference.

(2) The positions referred to in paragraph (1) are—

(A) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(B) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995.

SEC. 2. (a)(1) The two statutory positions specified in paragraph (2) are transferred from the Democratic Steering and Policy Committee to the minority leader.

(2) The positions referred to in paragraph (1) are—

(A) one of the two positions established by section 103(a)(1) of the Legislative Branch Appropriations Act, 1986; and

(B) the position established by section 102(a)(1) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the minority leader to the Democratic Steering and Policy Committee.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(3) of the Legislative Branch Appropriations Act, 1990; and

(B) the position established by paragraph 2. (a) of House Resolution 690, Eighty-ninth Congress, agreed to January 26, 1966, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

SEC. 3. (a) Upon the enactment of this section into permanent law, the amendment made by subsection (b) shall take effect.

(b) Subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3) is amended by striking out “Chief majority whip” and inserting in lieu thereof “chief deputy majority whip”.

The SPEAKER pro tempore.⁽²⁴⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 6. The Majority Leader and the Minority Leader

The party floor leaders in the House of Representatives are the Majority Leader and the Minority Leader. These officials are not officers of the House but are chosen by each of the two major party organizations.⁽¹⁾ Thus, unlike

24. Henry Bonilla (TX).

1. *Parliamentarian's Note*: Despite not being an officer of the House, the Minority Leader has customarily joined with the Speaker of the House to assert the House's institutional prerogatives regarding the President's use of “pocket veto” authority. See, e.g.,

the Speaker, they are not elected by the full House but are instead elected by the Democratic Caucus and the Republican Conference, and their selection merely announced to the House.⁽²⁾ When a vacancy occurs in either of these positions, the relevant party will make an announcement to the House informing the body of that party's choice to fill the vacancy.⁽³⁾ If the Majority Leader is absent, the party caucus may choose an "acting" Majority Leader to temporarily exercise the authorities of that position.⁽⁴⁾ Third parties have selected floor leaders in the past, but this has not been done in many decades.⁽⁵⁾ In one instance, a Minority Leader of the House (Rep. Gerald Ford of Michigan) was nominated (and confirmed) to the office of Vice President.⁽⁶⁾

The position of Majority Leader was not formally recognized until the 56th Congress (1899), although at various points in the 19th century, the majority party would delegate certain floor responsibilities to a designated Member (often the chair of the Committee on Ways and Means).⁽⁷⁾ As party leader, the Majority Leader is generally tasked with guiding legislation favored by the party to the floor of the House for a vote. The Majority Leader thus exercises various responsibilities regarding the House's agenda and schedule, including supervising the composition of the list of bills to be considered by suspension⁽⁸⁾ and negotiating unanimous-consent agreements with the minority party.⁽⁹⁾ The two party leaders (or designees thereof) customarily engage in a colloquy at the end of the week to discuss the House schedule for the upcoming week.⁽¹⁰⁾ The Majority Leader may also make ad

156 CONG. REC. 9473–74, 111th Cong. 2d Sess. (May 26, 2010). For more on vetoes generally, see Deschler's Precedents Ch. 24 §§ 17–23 and Precedents (Wickham) Ch. 24.

2. See § 6.1, *infra*. See also Deschler's Precedents Ch. 3 §§ 3.5, 6.4, and 17.1.

3. See §§ 6.2, 6.3, and 6.5, *infra*. See also Deschler's Precedents Ch. 3 §§ 3.6, 6.5, and 17.2.

4. See Deschler's Precedents Ch. 3 § 17.4.

5. See Deschler's Precedents Ch. 3 § 17.3.

6. See § 6.6, *infra*.

7. *Parliamentarian's Note*: James Madison is often described as the first floor leader of the House, recognizing his efforts during the First Congress (1789) to manage consideration of legislation creating the first executive departments and the first ten amendments to the Constitution (known as the Bill of Rights).

8. See Deschler's Precedents Ch. 3 §§ 18.2, 18.5.

9. See Deschler's Precedents Ch. 3 §§ 18.3, 18.4, and 18.7.

10. See § 6.17, *infra*. See also Deschler's Precedents Ch. 3 § 18.6.

Parliamentarian's Note: The traditional weekly schedule colloquy between party leaders appears to have its origins in the 1920s or 1930s. See, e.g., 80 CONG. REC. 7010, 74th Cong. 2d Sess. (May 8, 1936). By 1940, it was observed that, "it is the custom for the Majority Leader to make such announcements" regarding the upcoming schedule, indicating that the practice had been observed with some regularity in the preceding years. 86 CONG. REC. 2203, 76th Cong. 3d Sess. (Mar. 1, 1940). By the mid-

hoc announcements to the membership regarding the House's schedule,⁽¹¹⁾ or insert into the *Congressional Record* a calendar of days that the House is expected to be in session.⁽¹²⁾

The Majority Leader and the Minority Leader often take responsibility for offering certain resolutions on the floor, such as the resolution adopting the standing rules of the House,⁽¹³⁾ or other organizational resolutions.⁽¹⁴⁾ Traditionally, party leaders do not serve on committees.⁽¹⁵⁾ Although somewhat rare in modern practice, the Majority Leader may be appointed as Speaker pro tempore.⁽¹⁶⁾

The floor leaders often assume various ceremonial roles, such as participation on escort or notification committees.⁽¹⁷⁾ Upon election of a new Speaker, it is traditionally the Minority Leader who introduces the Speaker-elect to the body and presents such individual with the Chair's gavel.⁽¹⁸⁾

Despite their status as party officials rather than House officers, the Majority Leader and the Minority Leader are accorded certain prerogatives under the rules and precedents of the House.⁽¹⁹⁾ Under the standing rules, the party leaders have the prerogative to offer a resolution raising a question of the privileges of the House without the two-day notice requirement applicable to all other Members.⁽²⁰⁾ Pursuant to clause 2(d) of rule XXI,⁽²¹⁾ the Majority Leader (or designee) is authorized to offer a motion to rise from the Committee of the Whole and report the bill—a motion that has precedence over motions to amend the bill. Under clause 6(c) of rule XIII,⁽²²⁾ the

1940s, the custom of recognizing the Minority Leader to make inquiries of the Majority Leader regarding the House's schedule had developed (see, e.g., 88 CONG. REC. 4964, 77th Cong. 2d Sess. (June 5, 1942)), though the colloquy did not take place on a weekly basis until at least the 1950s.

11. See § 6.16, *infra*.

12. See § 6.16, *infra*.

13. See, e.g., 163 CONG. REC. H7 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017). See also Deschler's Precedents Ch. 3 § 17.7.

14. See, e.g., Deschler's Precedents Ch. 3 § 17.11.

15. See § 8, *infra*.

16. See, e.g., Deschler's Precedents Ch. 3 § 17.5.

17. See § 3, *supra*.

18. See § 2, *supra*.

19. For more on debate time divided on the basis of party affiliation (including debate time specifically allocated to the party floor leaders), see §§ 11, 12, *infra*.

20. Rule IX, clause 2(a)(1), *House Rules and Manual* § 699 (2017). The party leaders also have priority in recognition for debate on questions of privilege under clause 2(a)(2) of rule IX.

21. *House Rules and Manual* § 1040 (2017).

22. *House Rules and Manual* § 857 (2017).

Committee on Rules may not report certain special orders of business resolutions that preclude the Minority Leader (or designee) from offering a motion to recommit. Under the precedents, the Minority Leader is given priority in recognition with respect to motions to recommit under clause 2(a) of rule XIX.⁽²³⁾ Before the elimination of all restrictions on standing committees meeting during consideration of a measure under the five-minute rule in the Committee of the Whole, a former rule permitted the Majority Leader to offer a privileged motion to waive this restriction.⁽²⁴⁾

In addition to these privileges afforded by the standing rules, ad hoc orders of the House may likewise provide specific authorities that may only be exercised by the party leaders. For example, a resolution of the House may provide that debate time, motions, or other legislative actions normally available to any Member be restricted to party leaders⁽²⁵⁾ or the Majority Leader only.⁽²⁶⁾ In recent years, a separate order of the House has reserved the first ten bill numbers to the Speaker and the second ten bill numbers to the Minority Leader.⁽²⁷⁾

The House also observes a long-standing custom whereby the Speaker and the floor leaders are permitted extended debate time on the floor of the House. Typically, such individuals will be yielded a nominal amount of time (usually one minute) but then be permitted to speak without limit.⁽²⁸⁾ In one instance, the Speaker and the Majority Leader were granted special permission to extend their remarks in the *Congressional Record* until the last edition thereof for the Congress.⁽²⁹⁾

Many rules of the House contain a consultation requirement that must be met before certain authorities are exercised. For example, the Speaker is given various emergency convening and recess authorities in clause 12 of rule I.⁽³⁰⁾ However, such authorities may only be exercised after consultation with the Minority Leader.⁽³¹⁾ Similarly, the Speaker must consult with both floor leaders on the content of a catastrophic quorum failure report if such report is issued by the Sergeant-at-Arms (pursuant to clause 5(c)(3)(B)(ii)

23. *House Rules and Manual* § 1001 (2017). See also § 6.15, *infra*. See also Deschler's Precedents Ch. 23 § 27 and Deschler's Precedents Ch. 29 §§ 23.45–23.53.

24. Former rule XI, clause 2(i)(1), *House Rules and Manual* § 710 (1995).

25. See §§ 6.9, 6.12, *infra*.

26. See § 6.14, *infra*.

27. See, e.g., § 6.1, *infra*.

28. See §§ 6.18–6.21, *infra*.

29. See § 6.7, *infra*.

30. *House Rules and Manual* § 639 (2017). See also Precedents (Wickham) Ch. 1 § 11.

31. For an earlier example of a recall of the House authorized by the Speaker and the floor leaders (and their counterparts in the Senate), see Deschler's Precedents Ch. 3 § 18.8.

of rule XX).⁽³²⁾ Similar consultation requirements are also found in the rule regarding the Committee on Oversight and Government Reform’s responsibility to report oversight plans to the House,⁽³³⁾ and in the rule regarding the establishment of a drug-testing program for the House.⁽³⁴⁾ Under section 406 of the Congressional Budget Act,⁽³⁵⁾ the Speaker is required to consult with the Minority Leader before appointing a “Member User Group” to review budgetary scorekeeping practices. In addition to these formal consultation requirements, the Speaker may also choose to consult with the floor leaders on any other issue pertinent to House operations.⁽³⁶⁾

The Speaker has, for many years, inserted into the *Congressional Record* a list of policy statements that inform the body how the Speaker intends to exercise certain authorities (such as recognition of Members or the enforcement of decorum rules).⁽³⁷⁾ With regard to unanimous-consent agreements, the Speaker’s policy statement typically indicates that the Speaker will not entertain unanimous-consent requests for the consideration of certain legislative measures unless such requests have been cleared with majority and minority leaderships.⁽³⁸⁾ This policy has been interpreted to require consultation with the Majority Leader and the Minority Leader, but not others in the leadership hierarchy (such as the whips).⁽³⁹⁾

While the Speaker is authorized to make all appointments to joint, select, and conference committees (pursuant to clause 11 of rule I),⁽⁴⁰⁾ the Speaker may solicit recommendations from the Minority Leader regarding the appointment of minority party Members to such committees.⁽⁴¹⁾ The Majority Leader has, on occasion, been appointed as a conferee for consideration of *all* matters committed to conference (rather than specific provisions).⁽⁴²⁾

32. *House Rules and Manual* § 1024a (2017).

33. Rule X, clause 2(d)(5), *House Rules and Manual* § 743 (2017).

34. Rule I, clause 9, *House Rules and Manual* § 635 (2017).

35. 2 U.S.C. § 656.

36. See, e.g., Deschler’s Precedents Ch. 3 § 17.16 (consultation with regard to floor privileges).

37. See, e.g., 163 CONG. REC. H34–H36 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017). See also Deschler’s Precedents Ch. 3 §§ 18.1, 19.6, and Precedents (Wickham) Ch. 6.

38. See, e.g., 163 CONG. REC. H35 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017). See also §§ 6.22, 6.23, *infra*.

39. See § 6.22, *infra*.

40. *House Rules and Manual* § 637 (2017).

41. For an example of the Speaker appointing a slate of minority party conferees upon recommendation of the Minority Leader, see 157 CONG. REC. 112th Cong. 1st Sess. (Dec. 23, 2011). See also § 6.11, *infra*.

42. See § 6.10, *infra*.

Certain boards, commissions, and independent committees may, pursuant to statute, contemplate a role for the floor leaders of the House—either as appointing authorities, or as members of such entities themselves.⁽⁴³⁾

Finally, House rulemaking contained in statute⁽⁴⁴⁾ may provide for special authorities or responsibilities for the party floor leaders, such as authorizing or requiring the introduction of certain legislation,⁽⁴⁵⁾ authorizing the offering of certain motions,⁽⁴⁶⁾ allocating debate time,⁽⁴⁷⁾ or conferring other authorities.⁽⁴⁸⁾

Selection of Floor Leaders

§ 6.1 The party selections of the Majority and Minority Leaders and Whips (and one other minority position) were announced to the House by the chairs of the respective party caucuses.

On January 5, 2011,⁽⁴⁹⁾ the following announcements were made:

MAJORITY LEADER

Mr. [Jeb] HENSARLING [of Texas]. Mr. Speaker, as chairman of the Republican Conference, I have been directed to report to the House that the Republican Members have selected as majority leader the gentleman from Virginia, the Honorable ERIC CANTOR.

MINORITY LEADER

Mr. [John] LARSON of Connecticut. Congratulations to you, Mr. Speaker, and congratulations to my colleague and chair of the Republican Conference.

Mr. Speaker, as chairman of the Democratic Caucus, I am directed by that conference to notify the House of Representatives officially that the Democratic Members have selected as minority leader the gentlewoman from California, the Honorable NANCY D'ALESSANDRO PELOSI.

43. There have been at least 20 boards, commissions, or committees that provide (or have provided) an appointment role for the Speaker, Majority Leader, and/or Minority Leader. See also 121 CONG. REC. 1680, 94th Cong. 1st Sess. (Jan. 29, 1975) (Majority Leader and Minority Leader submitting respective recommendations for appointment to Federal Election Commission) and 155 CONG. REC. 6308, 112th Cong. 1st Sess. (Apr. 15, 2011) (appointment to Commission on Civil Rights). See also Deschler's Precedents Ch. 3 §§ 17.15, 17.17.

44. See Precedents (Wickham) Ch. 5.

45. See, e.g., 19 U.S.C. § 2191(c)(1).

46. See, e.g., 2 U.S.C. § 359.

47. See, e.g., 42 U.S.C. § 1395kkk(d)(4)(E).

48. See, e.g., 42 U.S.C. § 2159(d).

49. 157 CONG. REC. 79, 112th Cong. 1st Sess.

MAJORITY WHIP

Mr. HENSARLING. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority whip the gentleman from California, the Honorable KEVIN MCCARTHY.

MINORITY WHIP AND ASSISTANT DEMOCRATIC LEADER

Mr. LARSON of Connecticut. Mr. Speaker, as chair of the Democratic Caucus, I am directed by that conference to notify the House of Representatives officially that the Democratic Members have selected as minority whip the gentleman from Maryland, the Honorable STENY HOYER; and as assistant Democratic leader, the gentleman from South Carolina, the Honorable JAMES CLYBURN.

§ 6.2 With the former Minority Leader having become Vice President, the selection of a new Minority Leader was announced by the chair of the Republican Conference.

On December 7, 1973,⁽⁵⁰⁾ the following announcement was made:

ELECTION OF JOHN J. RHODES AS MINORITY LEADER

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. [John] ANDERSON of Illinois. Mr. Speaker, I am pleased to inform the House that at a meeting this morning of the House Republican caucus the distinguished gentleman from Arizona (Mr. RHODES), was unanimously elected to fill the vacancy in the post of House minority leader caused by the resignation of our former colleague, the now Vice President of the United States, Mr. GERALD R. FORD.

I am sure all Members will join me in extending our best wishes to the gentleman from Arizona in his new capacity. It has been my privilege to know him for the past 13 years and to work with him as a member of the House Republican leadership. During all of that time he has been unfailingly gracious and cooperative. I look forward to our continued friendship and a beneficial relationship.

§ 6.3 The Majority Leader having been elected Speaker of the House and the Majority Whip having resigned from the House, the selections of the new Majority Leader and Majority Whip by the Democratic Caucus were announced to the House by the vice chair of that caucus.

On June 14, 1989,⁽⁵¹⁾ the following announcements were made:

ANNOUNCEMENT OF SELECTION OF MAJORITY LEADER

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, as vice chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Missouri, the Honorable DICK GEPHARDT.

50. 119 CONG. REC. 40265, 93d Cong. 1st Sess.

51. 135 CONG. REC. 11747-48, 101st Cong. 1st Sess.

ANNOUNCEMENT OF SELECTION OF MAJORITY WHIP

Mr. HOYER. Mr. Speaker, as vice chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority whip the gentleman from Pennsylvania, the Honorable BILL GRAY.

§ 6.4 The Majority Whip took the floor for a one-minute speech to bid farewell to the House on the day on which his resignation from the House (at the close of business) became effective.

On June 15, 1989,⁽⁵²⁾ the following occurred:

COELHO SAYS FAREWELL TO THE HOUSE OF REPRESENTATIVES

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. [Tony] COELHO [of California]. Mr. Speaker, to my friends and colleagues, let me say that today a wonderful chapter in the lives of the Coelho family is closing.

And tomorrow, a new adventure for Phyllis, Kristen, Nicole, and myself will begin.

The joy we find in leaving is the opportunity our new lives promise for being together.

The sadness is in departing this House of Representatives; a place I truly love.

The generosity of my constituents, and the good will of my colleagues, have enabled me to serve for 25 years: as a staffer, as a Member, as campaign chair, and as majority whip.

Over that time, we made some changes and we made a difference. But now the winds of change blow anew.

Yesterday, two magnificent young leaders took their places as helmsmen for the Democratic Party.

Soon, the good people of the central San Joaquin Valley will choose a new Member to represent their interests in Washington.

Like a strong and steady stream, this House is constantly refreshed by new ideas and new leadership.

And that is what's so great about our system.

On behalf of all the Coelhos, I thank my colleagues for their friendship, hard work, and dedication to this great country.

God bless you. And may God bless our wonderful country. [Applause.]

§ 6.5 The selection of a new Majority Leader is announced to the House by the chair of the relevant party organization.

On September 28, 2005,⁽⁵³⁾ the following announcement was made:

MAJORITY LEADER

Ms. [Deborah] PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from Missouri, the Honorable ROY BLUNT.

52. 135 CONG. REC. 11952, 101st Cong. 1st Sess.

53. 151 CONG. REC. 21581, 109th Cong. 1st Sess. The former Majority Leader had been indicted in state court; Republican Conference rules required him to step aside upon indictment.

A similar announcement was made on February 8, 2006:⁽⁵⁴⁾

MAJORITY LEADER

Ms. [Deborah] PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as Majority Leader the gentleman from Ohio, the Honorable JOHN A. BOEHNER.

MAJORITY LEADER OF THE PEOPLE'S HOUSE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. [John] BOEHNER [of Ohio]. Let me thank my colleagues for their support and for this big job, and it is a big job.

I think all of the Members who I have worked with over the years know how I operate. I am a Republican. I believe in Republican principles. But this is the people's House. It is to represent all of the people. And while I want my party to win every day, I want us to win fairly and honestly. And so I will say to all of you, I am going to do my best for the people's House. You may not agree with every decision we make every day, but I think all of you know in the marrow of my bones I believe in fairness.

As I have said before, when you have 11 brothers and sisters and your dad owned a bar, you have learned a lot of lessons along the way.

On July 31, 2014,⁽⁵⁵⁾ after the former Majority Leader made a farewell speech on the floor,⁽⁵⁶⁾ the chair of the Republican Conference announced his successor as follows:

MAJORITY LEADER

Mrs. [Cathy] McMORRIS RODGERS [of Washington]. Madam Speaker, as chair of the Republican Conference, I am directed by that Conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from California, the Honorable KEVIN MCCARTHY, effective August 1, 2014.

Duties and Prerogatives of Floor Leaders

§ 6.6 A Minority Leader of the House was nominated to the position of Vice President of the United States following the resignation of the sitting Vice President, and the Speaker laid such nomination before the House.

54. 152 CONG. REC. 1083, 109th Cong. 2d Sess.

55. 160 CONG. REC. H7177 [Daily Ed.], 113th Cong. 2d Sess.

56. See 160 CONG. REC. H7150–51 [Daily Ed.], 113th Cong. 2d Sess. The former Majority Leader lost his party primary for reelection to his seat and thus decided to step down from his leadership post and resign from the House. See 160 CONG. REC. H7247, H7248 [Daily Ed.], 113th Cong. 2d Sess. (Sept. 8, 2014).

On October 13, 1973,⁽⁵⁷⁾ the following message from the President was laid before the House:

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

NOMINATION OF VICE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-165)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1973.*

§ 6.7 By unanimous consent, the Speaker and the Majority Leader were granted permission to extend their remarks in the *Congressional Record* until the last edition thereof, and to include a summary of the work of the first session of the Congress.

On December 19, 1975,⁽⁵⁸⁾ the following unanimous-consent request was transacted:

PERMISSION FOR SPEAKER AND MAJORITY LEADER TO EXTEND THEIR REMARKS

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I ask unanimous consent that the majority leader and the Speaker of the House may have the privilege of extending their remarks up to and including the publication of the last RECORD and to include a summary of the work of the Congress.

The SPEAKER.⁽⁵⁹⁾ Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

57. 119 CONG. REC. 34032, 93d Cong. 1st Sess. See also Deschler's Precedents Ch. 10 § 4; Deschler's Precedents Ch. 13 § 22.1; and Deschler's Precedents Ch. 36 § 26.

58. 121 CONG. REC. 41975, 94th Cong. 1st Sess.

59. Carl Albert (OK).

§ 6.8 A designee of the Majority Leader of the House having offered a motion to adjourn pursuant to a concurrent resolution providing for *sine die* adjournment of the first session of the 98th Congress upon motion of the Majority Leader or his designee, the House adjourned *sine die*.

On November 16, 1983,⁽⁶⁰⁾ the following concurrent resolution was adopted:

PROVIDING FOR ADJOURNMENT SINE DIE ON THURSDAY, NOVEMBER 17, 1983, FRIDAY NOVEMBER 18, 1983, OR SATURDAY, NOVEMBER 19, 1983

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 221) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 221

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 17, 1983, on Friday, November 18, 1983, or on Saturday, November 19, 1983, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, and that when the Senate adjourns on Thursday, November 17, 1983, on Friday, November 18, 1983, or on Saturday, November 19, 1983, pursuant to a motion made by the majority leader in accordance with this resolution, they stand adjourned sine die, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House, and the majority leader of the Senate, after consultation with the minority leader of the Senate, acting jointly, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

On November 18, 1983,⁽⁶¹⁾ the following occurred:

ADJOURNMENT SINE DIE

Mr. [Harry] REID [of Nevada]. Mr. Speaker, pursuant to House Concurrent Resolution 221, I move that the House do now adjourn sine die.

The motion was agreed to.

The SPEAKER pro tempore.⁽⁶²⁾ In accordance with the provisions of House Concurrent Resolution 221, the Chair declares the 1st session of the 98th Congress adjourned sine die.

Thereupon (at 7 o'clock and 34 minutes p.m.) pursuant to House Concurrent Resolution 221, the House adjourned.

§ 6.9 The House agreed to a resolution providing various end-of-session authorities, including authority for the party floor leaders (but not other Members) to offer from the floor (or announce an

60. 129 CONG. REC. 33123, 98th Cong. 1st Sess.

61. 129 CONG. REC. 34216, 98th Cong. 1st Sess.

62. Robert Edgar (PA).

intention to offer) resolutions raising questions of the privileges of the House for a remainder of the session.

On November 6, 1997,⁽⁶³⁾ the following resolution was agreed to:

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 305, WAIVING REQUIREMENT OF CLAUSE 4(B) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before November 10, 1997, providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

SEC. 2. It shall be in order at any time before November 10, 1997, for the Speaker, to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the minority leader or his designee.

SEC. 3. During the remainder of the first session of the One Hundred Fifth Congress—

(1) notwithstanding clause 2(a)(1) of rule IX, a resolution noticed as a question of the privileges of the House during the period from November 4, 1997, through the adoption of this resolution shall have precedence of all other questions except motions to adjourn only at a time designated by the Speaker; and

(2) the Speaker may not recognize a Member other than the majority leader or the minority leader to offer from the floor, or to announce an intention to offer, a resolution as a question of the privileges of the House.

MOTION TO ADJOURN

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

The SPEAKER pro tempore (Mr. [Paul] GILLMOR [of Ohio]). The question is on the motion to adjourn offered by the gentleman from Texas [Mr. REYES].

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

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 309, not voting 24, as follows:

[Roll No. 586] . . .

So the motion to adjourn was rejected.

63. 143 CONG. REC. 24776–77, 24784, 24785, 24786, 105th Cong. 1st Sess.

The result of the vote was announced as above recorded.

WAIVING REQUIREMENT OF CLAUSE 4(B) OF RULE XI WITH RESPECT TO
CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COM-
MITTEE ON RULES

The SPEAKER pro tempore (Mr. [Thomas] EWING [of Illinois]). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour. . . .

Mr. SOLOMON. . . .

The final section of the rule provides that during the remainder of the 1st session of the 105th Congress, the Speaker may not recognize a Member, other than the majority leader or the minority leader, to offer from the floor or to announce an intention to offer a resolution as a question of the privileges of the House.

This section of the rule further provides that the Speaker may postpone the consideration of any noticed resolution as a question of the privileges of the House prior to the adoption of this resolution during the remainder of the first session of the 105th Congress.

Mr. Speaker, the procedures for calling up a rule on the same day that it is reported from the Committee on Rules are familiar to the House. It is customary for the appropriation measures at the end of the session. Also, providing for motions to suspend the rules on days other than Mondays or Tuesdays is very useful so that bipartisan, non-controversial legislation can move rapidly at the end of the session.

We have a particular problem in the borders with Canada where there are problems with people coming back and forth. There is some bipartisan legislation that we hope to move under this kind of a procedure. Adequate provision for notice to the minority are provided, as has been the case in the past.

Mr. Speaker, in the furtherance of our target adjournment date, this rule also addresses the dilatory tactics and abuse of the House rules we have seen in recent weeks on the floor. As the House is well aware, certain Members have utilized the procedure under House rule IX, questions of the privilege of the House, to force debate and votes on the contested election in the 46th Congressional District in California. Under that rule, Members may give notice of their intention to raise a question of privilege of the House and the Speaker then sets an appropriate time within 2 legislative days for the consideration of the question of the privilege. Certain minority Members' repeated and dilatory use of these questions of privilege to filibuster the legislative process I believe creates a privilege in itself, and that is why we are here today with this rule.

The disposal of these near identical notices under rule IX consumes precious hours as well as requiring an astounding number of votes. The use of the rule relating to the questions of the privilege of the House in a frivolous and political manner is unbecoming, I think, to this institution, and that certainly is verified by the literally hundreds of phone calls that I have received because people know that I am chairman of the Committee on Rules, calls from all over the country, wanting to know why we are wasting our time with these repeated repetitious requests for questions of privilege.

Mr. Speaker, for several weeks the majority and the minority leadership have attempted to reach an accommodation regarding these dilatory questions of privilege. On October 23, the distinguished minority leader, who I have great respect for, rose to a question of privilege on this issue. Instead of simply tabling the matter with no debate,

the House considered the resolution, debated it for an hour and defeated it, under regular order of this House. The majority leadership allowed it to be debated out of deference to the minority leader and voted on it. The House worked its will and defeated that resolution.

In exchange for allowing this issue to be debated and voted on, the minority provided the following: October 29, one question of privilege tabled. October 30, eight questions of privilege tabled. October 31, 21 questions of privilege noticed. November 4, 7 questions of privilege noticed, and yesterday, November 5, another 13 questions of privilege were noticed, delaying us bringing up very important matters dealing with the United States–China relationship by about an hour and a half, another hour and a half that we were delayed from working the will of this House. . . .

Mr. Speaker, the committee’s intention was to empower the very serious legislators on both sides of the aisle and to marginalize the partisan obstructions. This has not happened, and that is why I was forced today to rise with this unfortunate rule today.

I do not like to bring this rule before the House. I said so last night during the debate exchange in the Committee on Rules. But, Mr. Speaker, many Members on both sides of the aisle with a very strong interest in getting legislation considered by the House before we adjourn have approached me and asked for the Committee on Rules to intervene and to restore order on this floor, so we can expedite these very, very serious measures that we have to deal with before this Sunday. . . .

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, I rise today to strongly oppose this tyrannical rule. For the first time in the 218–year history of the House of Representatives, we will be voting to deprive all but two Members of this body the right to assert their constitutional prerogatives as Representatives elected by their constituents. House rule IX gives each and every Member of this House the right to raise before the whole body questions of privilege affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

The House adopted rule IX in 1880, defining what had been long established in the practice of the House before then. Thomas Jefferson begins his *Manual on Parliamentary Procedure*, which has governed the House procedures since 1837, with section 1, titled “The Importance of Adhering to Rules.” It quotes a former Speaker of the House of Commons’ views on the neglect of, or departure from, the rules of proceeding.

I quote:

That these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.

Jefferson then continues:

As it is always in the power of the majority, by their numbers, to stop any improper measures proposed by their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which they have adopted as they have found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses, which these forms were intended to check, which the wantonness of power is but too often apt to suggest to large and successful majorities.

Mr. Jefferson, the author of the Declaration of Independence, surely would have opposed the wantonness of power displayed by the majority in offering this rule. Rule IX

is the heart of Members' individual rights within our rules. It guarantees that each Member has the right to move to guarantee the integrity of House proceedings. That right is so central to our idea of representative government and liberty itself that in all of the 104 Congresses before today, the House has never voted to suspend this paramount right. . . .

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore.⁽⁶⁴⁾ The question is on ordering the previous question.

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

Ms. SLAUGHTER. 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.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 198, not voting 11, as follows:

[Roll No. 587] . . .

So the motion to lay on the table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. [Jo Ann] EMERSON [of Missouri]). The question is on the resolution.

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

RECORDED VOTE

Mr. SLAUGHTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 219, noes 195, not voting 19, as follows:

[Roll No. 589] . . .

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. [Barney] FRANK of Massachusetts. Madam Speaker, I move to reconsider the vote just taken.

MOTION TO TABLE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Speaker, I move to lay on the table the motion to reconsider offered by the gentleman from Massachusetts [Mr. FRANK].

64. Paul Gillmor (OH).

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York [Mr. SOLOMON] to lay on the table the motion offered by the gentleman from Massachusetts [Mr. FRANK] to reconsider the vote.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 14, as follows:

[Roll No. 590] . . .

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

§ 6.10 In exercising the Speaker's authority to appoint Members to conference committees, the Speaker may appoint the Majority Leader for all matters committed to conference rather than (as is usually the case) for specific provisions only.

On June 3, 2004,⁽⁶⁵⁾ the following appointments were made by the Speaker (including the appointment of the Majority Leader, Rep. Tom DeLay of Texas, to all matters committed to conference):

APPOINTMENT OF CONFEREES ON H.R. 3550, TRANSPORTATION EQUITY ACT:
A LEGACY FOR USERS

The SPEAKER pro tempore.⁽⁶⁶⁾ Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, EHLERS, BACCHUS, LATOURETTE, GARY G. MILLER of California, REHBERG, BEAUPREZ, OBERSTAR, RAHALL, LIPINSKI, DEFazio, COSTELLO, Ms. NORTON, Mr. NADLER, Mr. MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title VI of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1602 and 3030 of the House bill, and sections 1306, 3013, 3032, and 4632 of the Senate

⁶⁵. 150 CONG. REC. 11415–16, 108th Cong. 2d Sess.

⁶⁶. Doug Ose (CA).

amendment, and modifications committed to conference: Mr. BALLENGER, Mrs. BIGGERT, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of provisions of the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in section 6001 of the House bill, and sections 3005 and 3006 of the Senate amendment; and sections 1202, 1824, 1828, and 5203 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING and DINGELL.

From the Committee on Government Reform, for consideration of section 1802 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SCHROCK, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and sections 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 1117, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 3041, and 4521 through 4528 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Messrs. DREIER, SESSIONS and FROST.

From the Committee on Science, for consideration of sections 2001, 3013, 3015, 3034, 4112, and Title V of the House bill, and Title II, sections 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Messrs. GILCHREST, NEUGEBAUER and GORDON.

From the Committee on Ways and Means, for consideration of Title IX of the House bill, and Title V of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

There was no objection.

On May 26, 2005,⁽⁶⁷⁾ the Speaker made conferee appointments on a similar bill in the following Congress, again appointing the Majority Leader to all matters committed to conference:

APPOINTMENT OF CONFEREES ON H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. [Donald] YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with a Senate

67. 151 CONG. REC. 11436, 11459, 109th Cong. 1st Sess.

amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

Is there objection to the request of the gentleman from Alaska?

There was no objection. . . .

APPOINTMENT OF CONFEREES ON H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore (Mr. [Randy] KUHLMANN of New York). Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title X) and the Senate amendment (except title V), and modifications committed to conference:

Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, LATOURETTE, BACHUS, BAKER, GARY G. MILLER of California, HAYES, SIMMONS, BROWN of South Carolina, GRAVES, SHUSTER, BOOZMAN, OBERSTAR, RAHALL, DEFazio, COSTELLO, Ms. NORTON, Messrs. NADLER, MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TAYLOR of Mississippi, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. BLUMENAUER, and Mrs. TAUSCHER.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title III of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, MARIO DIAZ-BALART of Florida, and Spratt.

From the Committee on Education and the Workforce, for consideration of sections 1118, 1605, 1809, 3018, and 3030 of the House bill, and sections 1304, 1819, 6013, 6031, 6038, and 7603 of the Senate amendment, and modifications committed to conference: Messrs. KLINE, KELLER, and BARROW.

From the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in sections 6001 and 6006 of the House bill; and sections 6005 and 6006 of the Senate amendment; and sections 1210, 1824, 1833, 5203, and 6008 of the House bill; and sections 1501, 1511, 1522, 1610–1619, 1622, 4001, 4002, 6016, 6023, 7218, 7223, 7251, 7252, 7256–7262, 7324, 7381, 7382, and 7384 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING, and DINGELL.

From the Committee on Government Reform, for consideration of section 4205 of the House bill, and section 2101 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, PLATTS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1834, 6027, 7324, and 7325 of the Senate amendment, and modifications committed to conference: Messrs. COX, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 1211, 1605, 1812, 1832, 2013, 2017, 4105, 4201, 4202, 4214, 7018–7020, and 7023 of the House bill, and sections 1410, 1512, 1513, 6006, 6029, 7108, 7113, 7115, 7338, 7340, 7343, 7345, 7362, 7363, 7406, 7407, and 7413 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 1119, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 6040, and

7501–7518 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, WALDEN of Oregon, and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Mr. DREIER, Mrs. CAPITO, and Mr. MCGOVERN.

From the Committee on Science, for consideration of sections 2010, 3013, 3015, 3034, 3039, 3041, 4112, and title V of the House bill, and title II and sections 6014, 6015, 6036, 7118, 7212, 7214, 7361, and 7370 of the Senate amendment, and modifications committed to conference: Messrs. EHLERS, REICHERT, and GORDON.

From the Committee on Ways and Means, for consideration of title X of the House bill, and title V of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

There was no objection.

§ 6.11 Where there has been an absence of recommendations from the Minority Leader, the Speaker has appointed only majority party Members to a conference committee.⁽⁶⁸⁾

On December 20, 2011,⁽⁶⁹⁾ the following occurred:

APPOINTMENT OF CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF
AND JOB CREATION ACT OF 2011

The SPEAKER.⁽⁷⁰⁾ The Clerk will read the Chair's appointment of conferees. Additional conferees may be appointed on the recommendation of the minority leader.

The Clerk read as follows:

The Chair appoints the following managers on the part of the House for consideration of H.R. 3630 and the Senate amendments, and modifications committed to conference: Messrs. Camp, Upton, Brady of Texas, Walden, Price of Georgia, Reed, Mrs. Ellmers, and Ms. Hayworth.

§ 6.12 By unanimous consent, the House authorized the Speaker to resolve the House into a secret session and set the parameters for that secret session (including a division of debate time between the Majority Leader and the Minority Whip).

On March 13, 2008,⁽⁷¹⁾ the following occurred:

68. *Parliamentarian's Note*: While the Speaker is not required to consult with the Minority Leader on conferee appointments, such consultation generally does occur. Here, the Speaker made majority party appointments prior to receiving the recommendations of the Minority Leader. For the Speaker's appointment of minority party Members to this conference committee, see 157 CONG. REC. 21485, 112th Cong. 1st Sess. (Dec. 23, 2011).

69. 157 CONG. REC. 21438–39, 112th Cong. 1st Sess.

70. John Boehner (OH).

71. 154 CONG. REC. 4145, 4154, 110th Cong. 2d Sess.

PERMISSION TO RESOLVE INTO SECRET SESSION

Mr. [Steny] HOYER [of Maryland]. Madam Speaker, at the request of, and after discussion with, the distinguished Republican whip, I ask unanimous consent that at a time designated by the Speaker on the legislative day of March 13, 2008, the House resolve itself into secret session as though pursuant to clause 8 of rule XVII; secondly, debate in such secret session proceed without intervening motion for 1 hour equally divided and controlled by the majority leader and the minority whip; and, thirdly, at the conclusion of that debate, the secret session shall be dissolved.

The SPEAKER pro tempore.⁽⁷²⁾ Is there objection to the request of the gentleman from Maryland?

Mr. [Roy] BLUNT [of Missouri]. Reserving the right to object, Madam Speaker, I believe I heard the leader say clause 8.

Did you mean clause 9?

Mr. HOYER. Clause 9. Excuse me.

Mr. BLUNT. Clause 9. And this secret session would be convened at some time by the Speaker today when the room has been secured and would dissolve at the end of an hour of discussion? Is that what I understand?

Mr. HOYER. That's what the consent agreement is, pursuant to our discussions.

Mr. BLUNT. I withdraw my reservation, Madam Speaker . . .

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

§ 6.13 Pursuant to a separate order contained in the resolution adopting the standing rules for the 112th Congress, the first ten bill numbers were reserved for the Speaker and the second ten bill numbers were reserved for the Minority Leader.

On January 5, 2011,⁽⁷³⁾ the House adopted a resolution establishing the standing rules for the 112th Congress with the following separate order:

RULES OF THE HOUSE

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Eleventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Eleventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Twelfth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.

SEC. 2. CHANGES TO THE STANDING RULES . . .

SEC. 3. SEPARATE ORDERS . . .

(m) NUMBERING OF BILLS.—In the One Hundred Twelfth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker and the

72. Ellen Tauscher (CA).

73. 157 CONG. REC. 80, 82, 83, 112th Cong. 1st Sess.

second 10 numbers for bills (H.R. 11 through H.R. 20) shall be reserved for assignment by the Minority Leader . . .

§ 6.14 The House adopted a special order of business resolution providing for the disposition of amendments between the Houses on a continuing resolution, and further providing that the offering of any privileged motions under clause 4 of rule XXII⁽⁷⁴⁾ related to a specific measure be restricted to the Majority Leader or a designee thereof.

On September 30, 2013,⁽⁷⁵⁾ the following resolution was adopted:

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF H.J. RES. 59,
CONTINUING APPROPRIATIONS RESOLUTION, 2014

Mr. [Pete] SESSIONS [of California], from the Committee on Rules, submitted a privileged report (Rept. No. 113–240) on the resolution (H. Res. 368) relating to consideration of the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RELATING TO CONSIDERATION OF H.J. RES. 59, CONTINUING
APPROPRIATIONS RESOLUTION, 2014

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 368 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That the House hereby (1) takes from the Speaker's table the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, with the House amendment to the Senate amendment thereto, (2) insists on its amendment, and (3) requests a conference with the Senate thereon.

SEC. 2. Any motion pursuant to clause 4 of rule XXII relating to House Joint Resolution 59 may be offered only by the Majority Leader or his designee.

The SPEAKER pro tempore.⁽⁷⁶⁾ The gentleman from Texas is recognized for 1 hour. . . .

Mr. SESSIONS. Mr. Speaker, House Resolution 368 directs the House of Representatives to go to conference with the Senate to resolve differences between the two Chambers on how to appropriately fund the Federal Government. Like any other time the House goes to a conference, Mr. Speaker, the minority will have an opportunity to instruct conferees and have their ideas heard. . . .

74. *House Rules and Manual* § 1075 (2017).

75. 159 CONG. REC. H6031, H6033 [Daily Ed.] 113th Cong. 1st Sess. For another special order of business resolution with the same restriction, see 160 CONG. REC. H7133–34 [Daily Ed.], 113th Cong. 2d Sess. (July 31, 2014). For an instance in which the Majority Leader managed general debate on a bill in the Committee of the Whole pursuant to a special order of business, see 161 CONG. REC. H3511 [Daily Ed.], 114th Cong. 1st Sess. (May 21, 2015).

76. Ted Poe (TX).

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the 15-minute vote on adoption of the resolution will be followed by a 5-minute vote on approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 199, not voting 4, as follows:

[Roll No. 505] . . .

So the resolution was agreed to.

The result of the vote was announced as above recorded. . . .

The Motion to Recommit

§ 6.15 Where no minority member of the reporting committee opposed to the bill sought recognition to offer a motion to recommit a conference report, the Speaker recognized the Minority Whip.⁽⁷⁷⁾

On May 28, 1992,⁽⁷⁸⁾ the following occurred:

MOTION TO RECOMMIT OFFERED BY MR. GINGRICH

Mr. [Newt] GINGRICH [of Georgia]. Madam Speaker, I offer a motion to recommit. The SPEAKER pro tempore.⁽⁷⁹⁾ Is the gentleman opposed to the conference report?

Mr. GINGRICH. I am opposed, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GINGRICH moves to recommit the conference report to accompany the bill, S. 1306, to the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill with instructions to the managers on the part of the House to agree to section 205(f) of the Senate bill (relating to a prohibition against using funds to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs).

The Legislative Schedule

§ 6.16 The Majority Whip announced to the House a projected recess schedule for the first session of the Congress, agreed upon by the majority and minority leaderships.

77. *Parliamentarian's Note*: Under well-established precedents, the Chair will look first to the Minority Leader to offer a motion to recommit, and then to minority members of the reporting committee who are opposed to the measure. In this instance, in the absence of the Minority Leader, the Minority Whip was recognized—not because of his status as part of the minority party leadership but simply because no minority member of the reporting committee sought recognition. *House Rules and Manual* § 788 (2017).

78. 138 CONG. REC. 12846–47, 102d Cong. 2d Sess.

79. Jolene Unsoeld (WA).

On January 11, 1973,⁽⁸⁰⁾ the following schedule for House business was announced by the Majority Whip:

HOUSE OF REPRESENTATIVES HOLIDAY RECESS SCHEDULE—1973

Mr. [John] McFALL [of California]. Mr. Speaker, the following is the holiday recess schedule for 1973:

Lincoln's Birthday, Monday, February 12: From conclusion of business on Friday, February 9 until noon, Monday, February 19.

Washington's Birthday, Monday, February 19: Reading of the Farewell Address only.

Easter, Sunday, April 22: From conclusion of business on Thursday, April 19 until noon, Monday, April 30.

Memorial Day, Monday, May 28: From conclusion of business Thursday, May 24 until noon, Tuesday, May 29.

Fourth of July, Wednesday, July 4: From conclusion of business Friday, June 29 until noon, Thursday, July 5.

August recess, from conclusion of business Friday, August 3 until noon Wednesday, September 5.

The House will be in session the first and third Fridays of every month if legislation is available prior to the August recess. The House will be in session every Friday after Labor Day.

Further recesses will be announced after Labor Day.

The Schedule Colloquy

§ 6.17 Although the colloquy on the legislative program is traditionally transacted by recognizing the Minority Leader or Minority Whip (who then yields to the Majority Leader to answer inquiries regarding the schedule), such colloquy may be conducted by recognizing the Majority Leader instead.

On December 17, 1998,⁽⁸¹⁾ the following occurred:

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, we will continue to work on this whole subject of the schedule for the remainder of the day and ensuing. I know Members on both sides of the aisle are very anxious about this schedule, and let me just suggest that we will need to perhaps put the House into recess for an hour.

We will continue with our meeting and our negotiations with the minority, and hopefully within the hour we can return with an announcement of what the schedule will be for the remainder of this day, this week, and that time ensuing.

80. 119 CONG. REC. 845, 93d Cong. 1st Sess. For another example of the Majority Leader inserting into the *Congressional Record* the legislative schedule, see 125 CONG. REC. 412, 96th Cong. 1st Sess. (Jan. 18, 1979).

81. 144 CONG. REC. 27797–98, 105th Cong. 2d Sess.

Mr. Speaker, I should encourage Members to stay close to their offices. We would like to, on behalf of all the Members, be able to give you definitive word within that hour time period, and at that point, of course, each and every Member can follow up as they and their family's needs dictate.

If I may ask the indulgence of the Chamber, that we take that recess, come back within the hour, and make that announcement.

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would say to the gentleman from Texas, the majority leader, let me just state from the perspective of many on this side of the aisle, and I assume some even on the gentleman's side of the aisle, that we would look down upon any activity in this body to go forward with impeachment while American men and women are engaged in armed conflict.

I hope in your deliberations, I hope in your deliberations, that you consider the message that that will send to people around the world, and more particularly, those who are fighting on behalf of this country.

Mr. ARMEY. I thank the gentleman from Michigan for his advice.

Tradition Regarding Debate Time

§ 6.18 In response to a parliamentary inquiry, the Chair advised that the Minority Leader (who had been yielded only three minutes) was allowed to speak for an extended time, in consonance with the tradition of the House to allow the highest-ranking leaders of each party such latitude in important debates.

On December 18, 1998,⁽⁸²⁾ the following occurred:

Mr. [John] CONYERS [of Michigan]. Mr. Speaker, it is our plan to recognize our leadership, and then our members of the Committee on the Judiciary, and then the rest of our distinguished membership on this side.

Mr. Speaker, I am pleased to yield three minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), our minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, this vote today is taking place on the wrong day, and we are doing it in the wrong way. I am disappointed and I am saddened by the actions of the majority, in both the timing and in the method that we are considering the most important act that the Constitution asks us to perform. The actions of the majority, in my view, show a lack of common sense and decency, and is not befitting of our beloved House. . . .

Let me talk about the way we are doing this and how that can be that first step. We have articles of impeachment on the floor of this House. This is the most radical act that is called for in our Constitution.

In this debate, we are being denied a vote as an alternative to impeachment for censure and condemnation of our President for the wrongful acts that we believe have been performed.

⁸². 144 CONG. REC. 27831, 27834, 105th Cong. 2d Sess.

We all say that this is a vote of conscience. You get to vote your vote of conscience, and I respect that right. All we are asking for is that we get to vote our conscience. And it is not just our conscience, it is the conscience of millions of Americans who share this view.

I know what you say. You say that the Constitution does not allow this vote of censure. Constitutional scholars in the hundreds, some of the most respected, conservative constitutional scholars have opined in the days before, in the committee and through articles and through speeches, that, in their view, the Constitution does allow this vote; that the Constitution is silent on this question of what else we can do; that the Constitution in no way prevents us from doing this.

What do I conclude? I can only conclude that you do not want our Members to have this choice. I can only conclude that some are afraid of this vote. I can only conclude that this may be about winning a vote, not about high-minded ideals. . . .

PARLIAMENTARY INQUIRY

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. How much time was charged to the gentleman from Michigan (Mr. CONYERS) for the speech of the gentleman from Missouri (Mr. GEPHARDT)?

The SPEAKER pro tempore. The Chair will say this, because other Members have inquired about this. The Chair has in the past had a standing policy during important debates to allow for the highest-ranking party-elected Members of the House, the Speaker, the majority leader, the minority leader, and the minority whip, additional time during the time they are making important statements.

The answer to the gentleman's question is that while the gentleman from Missouri (Mr. GEPHARDT) took 12 minutes to make his remarks, the Chair extended the time to him as a courtesy, as has traditionally been done on both sides of the aisle.

§ 6.19 In response to a parliamentary inquiry, the Chair advised that the Majority Leader (who had been recognized for one minute) was allowed to speak for an extended time, in consonance with the tradition of the House to allow the highest-ranking leaders of each party such latitude in debate.

On May 18, 2004,⁽⁸³⁾ the following occurred:

TAXATION'S EVIL TWIN

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. . . .

PARLIAMENTARY INQUIRY

Mr. [James] McDERMOTT [of Washington]. Mr. Speaker, I have a parliamentary inquiry.

⁸³. 150 CONG. REC. 9944, 9945, 108th Cong. 2d Sess.

The SPEAKER pro tempore.⁽⁸⁴⁾ The gentleman will state it.

Mr. McDERMOTT. Are we in the 1-minute section of the calendar?

The SPEAKER pro tempore. The Chair is recognizing Members for 1-minute speeches.

Mr. McDERMOTT. And the Chair is keeping time?

The SPEAKER pro tempore. The Chair accords traditional treatment to the party leaders.

§ 6.20 In response to a parliamentary inquiry regarding the tradition of the House to allow the Speaker and the party floor leaders to address the House at their full length, the Chair declined to place a hypothetical limit on such “unclocked” time, and declined to announce how much actual time had been consumed during such recognition.

On June 26, 2009,⁽⁸⁵⁾ the following occurred:

Mr. [Michael] FORBES [of New York]. Madam Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

The SPEAKER pro tempore.⁽⁸⁶⁾ The gentleman from Ohio is recognized for 2 minutes.

Mr. [John] BOEHNER [of Ohio]. Let me thank my colleague for yielding. . . .

PARLIAMENTARY INQUIRIES

Mr. [Henry] WAXMAN [of California]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman yield for a parliamentary inquiry?

Mr. BOEHNER. I would be happy to yield to the gentleman.

Mr. WAXMAN. The Republican leader was yielded the balance of the time, which I think amounted to around 4 or 5 minutes. He has talked for around 20. I know we have this “magic” minute that gives leaders a lot of extra time to speak, but I’m just wondering if there is some limit under the rules on the time that a leader may take, even though the time yielded was not 20 or 30 minutes.

The SPEAKER pro tempore. It is the custom of the House to hear the leaders’ remarks.

Mr. WAXMAN. Further parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. BOEHNER. I will be happy to yield to the gentleman.

Mr. WAXMAN. I know it is the custom of the House to give a little extra latitude. Is there any outside limit to the amount of time a leader might take? And do we have historical records that might be broken tonight? Or is this an attempt to try to get some people to leave on a close vote?

The SPEAKER pro tempore. It is the custom of the House to hear to the leaders’ remarks.

84. Rob Bishop (UT).

85. 155 CONG. REC. 16732, 16734, 16738, 111th Cong. 1st Sess.

86. Ellen Tauscher (CA).

Mr. BOEHNER. Reclaiming my time, the gentleman has had his 30 years to put this bill together, and the House is going to spend a whopping 5 hours debating the most profound piece of legislation to come to this floor in 100 years. And the chairman has the audacity to drop a 300-plus-page amendment in the hopper at 3:09 a.m. this morning. And so I would ask my colleagues, don't you think the American people expect us to understand what is in this bill before we vote on it? . . .

Mr. WAXMAN. Madam Speaker, the minority leader was yielded 2½ minutes. Could you tell us how much time he consumed?

The SPEAKER pro tempore. The gentleman used a customary amount of time.

§ 6.21 In response to a parliamentary inquiry, the Chair advised that: (1) allowing the highest-ranking party leaders such time as they might consume with their remarks in debate is a long custom and not a positive rule; (2) the time thus consumed is unrelated to the nominal time yielded; and (3) the nominal time yielded is the amount deducted from the time of the yielding Member.

On June 24, 2010,⁽⁸⁷⁾ the following occurred:

Mr. [William] PASCRELL [of New Jersey]. Mr. Speaker, I yield 10 seconds to the majority leader, Mr. HOYER.

Mr. [Steny] HOYER [of Maryland]. I thank my friend for yielding, and I rise in strong support of this piece of legislation. . . .

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR.⁽⁸⁸⁾ The gentleman from California will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, in the years I've been here in the House, I know there is allowed under the rules a tradition that the leaders of either the majority or minority or the Speaker is granted 1 minute speaking time by their side, taken out of their time, and yet, shall we say, a judicious minute is allowed.

It was my understanding that under the rules and, as interpreted, the tradition that has developed, that it was predicated on a dedication of 1 minute out of the time of the side. And yet, as I understand it, the request has been made for just 10 seconds. My parliamentary inquiry is, is that allowed under the rules? And if it is, when did the rules change?

The Acting CHAIR. The Chair will advise that it is a matter of custom, not rules.

Mr. DANIEL E. LUNGREN of California. Well, then I would ask, if it's a matter of custom, when did the custom change from 1 minute to 10 seconds?

The Acting CHAIR. The Chair is honoring the custom of the various leaders speaking longer than the time allocated, and that is what happened today.

Mr. DANIEL E. LUNGREN of California. I understand that. My question is the time that's taken out of the side. I granted 1 minute to the Republican leader earlier in the

87. 156 CONG. REC. 11703, 11704, 111th Cong. 2d Sess.

88. José Serrano (NY).

debate because I was told that that is both under the rules allowed and that is the tradition.

I know I've only been a Member of this House now for 16 years, but I have never seen this in my time, and I am just wondering whether this is the new rule or the new tradition.

And further parliamentary inquiry, whether I would have been recognized to grant 10 seconds to the distinguished leader of the Republican side and therefore had only 10 seconds taken out of my time.

The Acting CHAIR. The Chair will advise the gentleman that the nominal time granted is unrelated to the time that the leaders might speak, and here the leader spoke for the longer time that he wished to speak.

Mr. DANIEL E. LUNGREN of California. I appreciate that. I think the Chair misunderstands my inquiry. My inquiry isn't about the amount of time graciously granted to either leader or the Speaker, but rather the time subtracted from that that appears in the rule given to the side granting the time to the leader.

The Acting CHAIR. The nominal amount that a Member chooses to yield to the leader to speak for the time that he or she wishes is not a matter of regulation.

Mr. DANIEL E. LUNGREN of California. Is that amount of time deducted from the side which grants the speaker the time?

The Acting CHAIR. Yes, the nominal amount of time is deducted.

Mr. DANIEL E. LUNGREN of California. So if I would say 5 seconds, it would be 5 seconds rather than if I had said 1 minute; is that correct?

The Acting CHAIR. The gentleman is correct. That is a matter of technique or choice.

Mr. DANIEL E. LUNGREN of California. I see. I shall be much more judicious in my grant of time in the future now that I have had this information conveyed. Thank you.

Consultation with Floor Leaders

§ 6.22 The Speaker's announced policy of conferring recognition upon Members to call up measures by unanimous consent, when assured that the majority and minority floor and committee leadership has no objection, was interpreted to extend only to the Minority Leader and not to the entire hierarchy of minority floor leadership (in this case the Minority Whip) when the Minority Leader had been consulted.

On April 25, 1985,⁽⁸⁹⁾ the following occurred:

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 130,
EXPRESSING SENSE OF CONGRESS WITH RESPECT TO PRESIDENT'S
VISIT TO FEDERAL REPUBLIC OF GERMANY

Mr. [Dante] FASCELL [of Florida]. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of a concurrent resolution (H. Con. Res. 130) expressing the sense of the Congress with respect to the President's visit to the Federal Republic of Germany in May 1985, which I send to the desk.

89. 131 CONG. REC. 9415, 99th Cong. 1st Sess.

If consent is granted, I would yield 15 minutes to the gentleman from Michigan [Mr. BROOMFIELD] and reserve 15 minutes to myself.

The SPEAKER pro tempore.⁽⁹⁰⁾ The Clerk will report the title of the concurrent resolution.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. [Trent] LOTT [of Mississippi]. Reserving the right to object, Mr. Speaker, I understood that the policy that had been announced by the Speaker was that the House was directed that it was not in order to bring up legislation by unanimous consent unless that request had been cleared with the leadership on both sides, to wit: it also says that should include the majority and minority floor leadership, and committee and subcommittee chairmen and ranking minority members.

I was not notified. I am under the impression the gentleman from Texas, the majority floor leader, was not notified, and, therefore, I presume that the Speaker, the Chair, in this case, would not recognize this unanimous consent request.

The SPEAKER pro tempore. Would the gentleman from Florida advise the Chair what clearance he has?

Mr. FASCELL. If the gentleman would yield——

Mr. LOTT. Further reserving the right to object, I will be glad to yield.

Mr. FASCELL. The matter was cleared on our side.

Mr. LOTT. Was it cleared with the majority leader on your side, the majority floor leader?

Mr. FASCELL. And it was cleared on your side, with your leader, and ranking member of the full committee. Well, I am not sure who the leader is over there. And also with the chairman of the subcommittee.

Mr. LOTT. Further reserving the right to object, now, Mr. Chairman, let's don't start that kind of stuff.

Mr. FASCELL. I am trying to give the gentleman, as I gave my colleagues on the committee and the leadership on the minority side, absolute assurance, because the Speaker would not take this matter up until I had given him that assurance. I got that assurance on your side. After getting that done, you came on the floor and objected. I respect your position, and I assume you are part of the leadership and you have a right to object if you want to. But do not question my integrity when I say it was cleared.

Mr. LOTT. Mr. Speaker, further reserving the right to object, I am going to respond to that. Further reserving the right to object, it says, on page 476, House Rules and Manual:

The Chair has established a policy of conferring recognition of all Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership * * *.

I am under the impression that the majority leader was not notified.

Is the Chair prepared to rule on whether or not this is going to be recognized for a unanimous-consent request, based on that?

Mr. FASCELL. Regular order, Mr. Speaker.

It seems to me that the gentleman is on his feet either to object or not object, and I wish he would go on and do something.

90. Tommy Robinson (AR).

Mr. LOTT. Mr. Speaker, as I understand it, it is not in order, based on this rule, that I understand is in place, and I am inquiring if the Chair is going to rule that way itself. It would not be necessary for anybody else to object.

The SPEAKER pro tempore. The Chair feels there is sufficient assurance of clearance. Is there objection to the request of the gentleman from Florida?

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

§ 6.23 In response to a parliamentary inquiry, the Chair explained the announced policy of the Speaker to confer recognition on Members seeking unanimous consent to call up measures only when assured that the floor and committee leadership have no objection.

On September 9, 1988,⁽⁹¹⁾ parliamentary inquiries were made regarding recognition to offer unanimous-consent requests for the consideration of legislation:

Mr. [Jerry] LEWIS of California. Mr. Speaker, it was my intention, when all the Members were present in the body and the Speaker was before us, to make an inquiry of the Speaker and request that he ask unanimous consent to change the rules of the House to make it standard operating procedure that we have the Pledge of Allegiance following the prayer before each session. The Speaker at the time of applause left the Chamber, so that is not feasible.

It is my understanding, Mr. Speaker, that in order to discharge a bill before the Rules Committee—and there is such a bill, H. Res. 501, introduced by the gentleman from New York [Mr. SOLOMON], which is in print—in order to discharge that bill so it could come to the floor where we could debate it here and have a vote yes or no on the Pledge of Allegiance question, I would have to have previously gotten the approval of the majority leader and the majority whip on that, as well as the approval of the minority leader and the minority whip.

Would the Chair clarify precisely for me what kind of exercise I must go through to get that approval?

The SPEAKER pro tempore.⁽⁹²⁾ In answer to the gentleman's inquiry, the Chair would state that the Speaker's announcement is in accordance with the rules of the House, and that that procedure will be followed next Tuesday.

The Chair will further state to the gentleman from California, that to make any unanimous-consent request now would require the approval of both sides, to bring up the resolution to which he alluded.

Mr. LEWIS of California. Mr. Speaker, would the Chair clarify this for me?

The SPEAKER pro tempore. Is the gentleman propounding a parliamentary inquiry?

Mr. LEWIS of California. Yes, Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

PARLIAMENTARY INQUIRIES

Mr. LEWIS of California. Mr. Speaker, is the Speaker's ruling essentially this, that I would have to get the approval of the majority leader and the majority whip—I already

91. 134 CONG. REC. 23312, 100th Cong. 2d Sess.

92. Kenneth Gray (IL).

have the approval of the minority leader the minority whip—in order to seek recognition for that purpose? Is that correct?

The SPEAKER pro tempore. The Chair would state that the Speaker's announced guidelines on making a unanimous-consent request to consider an unreported measure, regardless of what committee is involved, require that it be cleared on both sides of the aisle, floor and committee leadership, including the chairman. In this case it would be the chairman of the Rules Committee. That is why the Chair was stating to the gentleman, in response to his inquiry, that all of the Speaker's guidelines must be followed by contacting both the minority leader and the majority leader and the chairman and ranking minority member of the Rules Committee. The Chair could then recognize a Member for that purpose once it had been cleared.

Mr. LEWIS of California. Mr. Speaker, I appreciate the latter comment. The Chair has indicated that once I have gotten the permission essentially or had gotten the approval of the Speaker, the chairman of the Rules Committee, the majority leader, and the majority whip to request withdrawal of House Resolution 501, which would bring this issue of a Pledge of Allegiance to us, then unanimous consent could be requested for that item to come to the floor and to be debated and voted upon?

The SPEAKER pro tempore. The gentleman has stated the situation accurately. It would be handled in the ordinary fashion that we handle resolutions here on the floor that have been cleared on both sides with the floor leadership and the leadership of the committee. The gentleman states it correctly.

Mr. LEWIS of California. Mr. Speaker, I might mention to the Members of the House that the Speaker has helped us a lot by, first of all, indicating that he was going to call upon a Member to lead the Pledge of Allegiance on the first legislative day of next week, and then upon myself for the second legislative day. I presume that means Tuesday and Wednesday of next week.

Beyond that point, let it be said that it is my intention to seek their approval for a request to withdraw House Resolution 501 from the Rules Committee so that we can bring this issue to the floor and have a full-scale debate on the question of a Pledge of Allegiance and a vote up or down on the measure.

The SPEAKER pro tempore. The gentleman knows that this body has that right.

§ 7. Party Whips

Each party organization in the House elects an official known as the “whip”—the Majority Whip (for the majority party) and the Minority Whip (for the minority party). Like the floor leaders, these officials are not officers of the House but are party officials responsible to their respective caucuses. Thus, the whips are not elected by the House, but their election (by their party organizations) is customarily announced to the membership on the floor.⁽¹⁾ A vacancy in the office of whip is filled by the respective caucus and the selection typically announced to the House.⁽²⁾ The whip organization of

1. See, e.g., 163 CONG. REC. H6 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017). See also Deschler's Precedents Ch. 3 §§ 3.7, 6.6, 23.1, and 23.3.

2. See §§ 7.3, 7.4, *infra*.

each caucus may employ subsidiary officials such as deputy whips, assistant whips, floor whips, or regional whips.⁽³⁾

The primary function of a whip operation is to gauge the attitudes of members of the party caucus and attempt to unify the party behind legislative measures. The whips are thus conduits between the rank-and-file members of the caucus and the caucus's leadership—informing leadership as to the sentiments of the caucus as a whole, and conveying leadership strategies and goals to caucus members. Much of the whip's operation thus involves communicating information and ideas within the caucus and keeping members of the caucus abreast of the legislative schedule and other developments in the House. As party leaders, the whips may also take on special responsibilities on the floor of the House (such as offering certain resolutions or motions, or making announcements),⁽⁴⁾ or serve as Speaker pro tempore.⁽⁵⁾ The whips are frequently included in ceremonial delegations.⁽⁶⁾

§ 7.1 The party selections of the Majority and Minority Leaders and Whips (and one other minority position) were announced to the House by the chairs of the respective party caucuses.

On January 3, 2013,⁽⁷⁾ the following announcements were made:

MAJORITY LEADER

Mrs. [Cathy] McMORRIS RODGERS [of Washington]. Mr. Speaker, as chair of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from California, the Honorable KEVIN MCCARTHY.

MINORITY LEADER

Mr. [Xavier] BECERRA [of California]. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority leader the gentlewoman from California, the Honorable NANCY PELOSI.

MAJORITY WHIP

Mrs. McMORRIS RODGERS. Mr. Speaker, as chair of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority whip the gentleman from Louisiana, the Honorable STEVE SCALISE.

3. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 11. See § 7.2, *infra*. See also Deschler's Precedents Ch. 3 §§ 23.2, 23.4.

4. See Deschler's Precedents Ch. 3 §§ 24.3, 24.4.

5. See Deschler's Precedents Ch. 3 § 23.5.

6. See § 3, *supra*. See also Deschler's Precedents Ch. 3 § 24.2.

7. 159 CONG. REC. H5–H6, 113th Cong. 1st Sess.

MINORITY WHIP AND ASSISTANT DEMOCRATIC LEADER

Mr. BECERRA. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority whip the gentleman from Maryland, the Honorable STENY HOYER, and as assistant Democratic leader, the gentleman from South Carolina, the Honorable JAMES CLYBURN.

§ 7.2 The Majority Leader announced to the House the selections of the Democratic Caucus⁽⁸⁾ for the Majority Whip, the Chief Deputy Whip, three Deputy Whips, and three at-large Whips to represent specific constituencies.

On January 23, 1975,⁽⁹⁾ the following announcement was made regarding choices for the Democratic Caucus's whip operation:

APPOINTMENT OF MAJORITY WHIP, CHIEF DEPUTY WHIP, DEPUTY WHIPS,
AND WHIPS AT LARGE

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I take this time to announce that after consultation with the Speaker I am appointing John McFall, of California, as majority whip; JOHN BRADEMAS, of Indiana, as chief deputy whip; JIM WRIGHT, of Texas, as deputy whip; RICHARD H. FULTON, of Tennessee, as deputy whip; and SPARK MATSUNAGA, of Hawaii, as deputy whip.

In addition, for the first time, I am appointing three at-large whips to represent women Members, black Members, and freshmen Members. These appointees are BELLA ABZUG, of New York, CARLISS COLLINS, of Illinois, and JOHN JENRETTE, of South Carolina.

§ 7.3 The Majority Leader having been elected Speaker of the House and the Majority Whip having resigned from the House, the selections of the new Majority Leader and Majority Whip by the Democratic Caucus were announced to the House by the vice chair of that caucus.

For the *Congressional Record* proceedings of the June 14, 1989,⁽¹⁰⁾ announcement, see § 6.3, *supra*.

§ 7.4 The party selection of a new Minority Whip was announced to the House by the Minority Leader.

8. *Parliamentarian's Note*: These proceedings reflect the composition of the Democratic whip organization during the 94th Congress. That composition has changed over the years and many of these positions are no longer in existence.

9. 121 CONG. REC. 1159, 94th Cong. 1st Sess.

10. 135 CONG. REC. 11747, 11748, 101st Cong. 1st Sess. For farewell remarks by the retiring Majority Whip, see 135 CONG. REC. 11952, 101st Cong. 1st Sess. (June 15, 1989).

On January 23, 2002,⁽¹¹⁾ the following announcement was made:

MINORITY WHIP

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, as leader of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as their minority whip the gentlewoman from California, the Honorable NANCY PELOSI.

As a matter of information to the Members of the House, it is my understanding that this is the highest position to which a woman has been elected in the history of the House of Representatives.

C. Committee Assignments

§ 8. Electing Members to Committees

For many decades, the party organizations have played a significant role in assigning Members of the House to standing committees. Before the 20th century, the Speaker exercised a great deal of authority in assigning Members to committees. Following the “revolt” against Speaker Joseph Cannon of Illinois in 1910, this authority was taken away from the Speaker.⁽¹⁾ Since that time, committee assignments in the House have been made by the adoption of a simple resolution of the House that specifies which Members are to be assigned to which committees, who shall chair such committees, and the rank of each Member on those committee.⁽²⁾

The content of these committee election resolutions is developed by the party organizations. Essentially, each party is responsible for advancing a slate of nominees to fill open committee seats.⁽³⁾ These committee election resolutions are privileged for consideration pursuant to clause 5(a) of rule

11. 148 CONG. REC. 16, 107th Cong. 2d Sess.

1. See DE ALVA STANWOOD ALEXANDER, HISTORY AND PROCEDURE OF THE HOUSE OF REPRESENTATIVES, 41 (1916). Under the current rules, the Speaker is still authorized to appoint Members to all joint, select, and conference committees. See rule I, clause 11, *House Rules and Manual* § 637 (2017).
2. For more on committee assignments generally, see Deschler's Precedents Ch. 17 §§ 8–12 and Precedents (Wickham) Ch. 17.
3. For an unusual instance of a bipartisan committee election resolution, see Deschler's Precedents Ch. 3 § 11.1.

X,⁽⁴⁾ if offered by the direction of the relevant party caucus.⁽⁵⁾ Similarly, vacancies on committees are filled by the adoption of a committee election resolution offered at the direction of the appropriate party caucus.⁽⁶⁾ Pursuant to clause 5(c)(1) of rule X,⁽⁷⁾ committee chairs are elected on the nomination of the majority party caucus (by designating the individual to serve as chair in a committee election resolution). Traditionally, neither the Speaker nor the floor leaders serve on committees, though there have been exceptions.⁽⁸⁾

As noted above,⁽⁹⁾ each of the two major party organizations maintains an internal committee to develop committee election resolutions to assign its members to standing committees of the House. For the Republican Conference, this committee is known as the Republican Steering Committee.⁽¹⁰⁾ For the Democratic Caucus, this committee is known as the Democratic Steering and Policy Committee.⁽¹¹⁾ Formerly, the two organizations each maintained a “Committee on Committees” to determine party membership on committees of the House.⁽¹²⁾ The internal Caucus and Conference rules have provided a variety of different mechanisms by which Members are assigned to committees, but the House only takes cognizance of the final product of those deliberations: the committee election resolutions offered on the floor.⁽¹³⁾

Members of the House who desire not to be affiliated with either of the two major political parties will nevertheless generally associate with one for purposes of being assigned to standing committees. In prior years, the majority party would customarily assume responsibility for assigning third-

4. *House Rules and Manual* § 757 (2017).

5. For parliamentary inquiries regarding the privilege of such a resolution, see § 8.2, *infra*.

6. Rule X, clause 5(e), *House Rules and Manual* § 762 (2017). The House does not take cognizance of “temporary” resignations from committees (which may be used for internal caucus seniority purposes). See § 8.3, *infra*.

7. *House Rules and Manual* § 761 (2017).

8. See Deschler’s Precedents Ch. 3 § 17.18. Under Democratic Caucus rules, a “leadership member” is appointed to the Committee on the Budget (pursuant to clause 5(a)(2)(A) of rule X, which provides that two members of the committee be designated by “the elected leadership” of each party). *House Rules and Manual* § 758 (2017). For an example of the Majority Leader being elected to fill this committee slot, see § 8.1, *infra*. The Minority Leader also serves as ex officio member of the Permanent Select Committee on Intelligence, pursuant to 11(a)(3) of rule X. *House Rules and Manual* § 785 (2017).

9. See § 4, *supra*.

10. Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 11.

11. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 13.

12. For a description of these earlier committees, see Deschler’s Precedents Ch. 3 §§ 8, 9. For many years, Democratic Members of the Committee on Ways and Means would serve as that party’s “Committee on Committees.” See Deschler’s Precedents Ch. 3 §§ 3.11, 9.1–9.3, and 19.7.

13. See § 1, *supra*.

party or independent Members to committees.⁽¹⁴⁾ More recently, it has been left to the independent or third-party Member to decide which caucus (that of the majority party or the minority party) is most appropriate to advance the required committee election resolution.⁽¹⁵⁾

While the discussion of committee assignments above covers virtually all standing committees, the rules of the House provide special committee membership rules for three committees: the Committee on Ethics,⁽¹⁶⁾ the Committee on the Budget,⁽¹⁷⁾ and the Permanent Select Committee on Intelligence.⁽¹⁸⁾ Thus, committee election resolutions offered by the party caucuses must adhere to the specific membership requirements imposed for those committees.⁽¹⁹⁾ The Committee on Ethics is a bipartisan committee, with equal representation from each of the two major parties.⁽²⁰⁾ The Committee on the Budget permits the elected leadership of each party to designate one member of the committee.⁽²¹⁾ Membership requirements of the

14. See Deschler's Precedents Ch. 3 § 9.4. Under even earlier practice, all Members not associating with the majority party were deemed minority Members and committee assignments for all such Members (even those not affiliating with the minority party) were made by the minority party. See 8 Cannon's Precedents §§ 2184, 2185.
15. For an example of an independent Member choosing to align with the Democratic Caucus for committee election purposes, see § 8.5, *infra*. For an example of an independent Member choosing to align with the Republican Conference for committee election purposes, see § 8.4, *infra*.
16. Rule X, clause 5(a)(3)(A), *House Rules and Manual* § 759 (2017). Additionally, investigative subcommittees of the Committee on Ethics are chosen from a pool of Members chosen by the Speaker and the Minority Leader, pursuant to clause 5(a)(4)(A) of rule X.
17. Rule X, clause 5(a)(2)(A), *House Rules and Manual* § 758 (2017).
18. Rule X, clause 11(a), *House Rules and Manual* § 785 (2017). Membership on the Permanent Select Committee on Intelligence is determined by the Speaker, pursuant to clause 11 of rule I, *House Rules and Manual* § 637 (2017). For parliamentary inquiries regarding an informal practice of consulting with the Minority Leader regarding such appointments, see § 8.6, *infra*.
19. *Parliamentarian's Note*: During the 102d and 103d Congresses, the Committee on House Administration maintained a Subcommittee on Administrative Oversight with unique bipartisan membership requirements. See H. Res. 423, 138 CONG. REC. 9039–79, 102d Cong. 2d Sess. (Apr. 9, 1992). See also Precedents (Wickham) Ch. 6. However, this subcommittee was eliminated in the 104th Congress. For more on committee membership generally, see Deschler's Precedents Ch. 17 §§ 8–12 and Precedents (Wickham) Ch. 17.
20. *Parliamentarian's Note*: At the beginning of the 105th Congress, the House created a temporary Select Committee on Ethics whose provisions allowed a vacancy on the committee to be filled by the respective party leaders. See H. Res. 5, 143 CONG. REC. 122, 105th Cong. 1st Sess. (Jan. 7, 1997). For an example of filling a vacancy on this select committee by the Majority Leader, see § 8.7, *infra*.
21. *Parliamentarian's Note*: Formerly, two seats on the Committee on the Budget were reserved for Members of the elected leadership of the two major parties. In the 109th

Permanent Select Committee on Intelligence, including how many members from each major political party may serve on the committee, have varied over the years. Currently, membership on the Permanent Select Committee stands at 22 Members, of whom not more than 13 may be members of the same political party.⁽²²⁾

Certain joint committees of the House and the Senate have membership rules that involve partisan affiliation.⁽²³⁾ For example, the Joint Economic Committee's ten House members are appointed by the Speaker—six from the majority party and four from the minority party.⁽²⁴⁾ The Joint Committee on Taxation's five House members (chosen by the Committee on Ways and Means from members of that committee) are divided on a partisan basis as well—three from the majority party and two from the minority party.⁽²⁵⁾ The Joint Congressional Committee on Inaugural Ceremonies is established quadrennially by concurrent resolution of both Houses and its three House members are traditionally the Speaker, the Majority Leader, and the Minority Leader.⁽²⁶⁾

In the 98th Congress in 1983, the standing rules of the House were amended to provide that service on a standing committee be contingent on the Member concerned continuing to affiliate with the party organization that nominated him or her to the position.⁽²⁷⁾ Under this rule, when a Member ceases to be a member of the caucus that nominated him or her, any committee assignments for that Member are automatically vacated. The chair of the respective party caucus is required to inform the Speaker whenever a member of that caucus ceases his or her affiliation, and the Speaker in turn is required to inform the chairs of all affected committees that the Member's election to those committees has been vacated. Letters from the

Congress, this rule was amended to provide only that these seats be filled by Members *designated* by the elected leaderships of the two parties. Rule X, clause 5(a)(2)(A), *House Rules and Manual* § 758 (2017).

22. Rule X, clause 11(a), *House Rules and Manual* § 785 (2017). For an example of changing the Permanent Select Committee on Intelligence's membership requirements by unanimous consent, see § 8.8, *infra*.
23. Pursuant to clause 11 of rule I, the Speaker appoints Members to joint committees. *House Rules and Manual* § 637 (2017). For an older example of the Majority Leader offering a resolution to place a Member on two joint committees, see Deschler's Precedents Ch. 3 § 17.12.
24. 15 U.S.C. § 1024(a).
25. 26 U.S.C. § 8002(a)(2).
26. *House Rules and Manual* § 1112 (2017).
27. Rule X, clause 5(b), *House Rules and Manual* § 760 (2017). Clause 10(a) of rule X extends this requirement to select and joint committees as well. *House Rules and Manual* § 782 (2017).

caucus chair and the Speaker regarding these actions are laid before the House for the information of Members.⁽²⁸⁾

When Members switch parties, their membership on committees is first vacated pursuant to the rules described above. Subsequently, the switching Members are again elected to committees via new committee election resolutions—this time offered at the direction of the new party with which they now affiliate. Independent or third-party Members are not required to formally join either of the major party caucuses in order to maintain their committee assignments, but they must continue their affiliation with the caucus that nominated them to those positions.

In General

§ 8.1 A newly-elected Majority Leader resigned from one committee position (in consonance with the tradition that the party floor leaders do not serve on committees) but was elected to another committee position that, by rule, was reserved for a Member from the leadership of the majority party.

On October 16, 1989,⁽²⁹⁾ the following occurred:

RESIGNATION AS MEMBER OF COMMITTEE ON WAYS AND MEANS

The SPEAKER laid before the House the following resignation as a member of the Committee on Ways and Means:

*House of Representatives,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, October 5, 1989.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives,
H-209, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I am writing to formally offer my resignation, effective immediately, from my seat on the House Ways and Means Committee.

28. For the first instance of the application of this rule regarding continued party affiliation, see 130 CONG. REC. 24790, 24791, 98th Cong. 2d Sess. (Sept. 11, 1984). For the most recent instance at the time of this writing, see § 8.9, *infra*. For other examples, see: 135 CONG. REC. 2500, 101st Cong. 1st Sess. (Feb. 22, 1989); 141 CONG. REC. 12396, 104th Cong. 1st Sess. (May 10, 1995); 141 CONG. REC. 14424, 104th Cong. 1st Sess. (May 25, 1995); 141 CONG. REC. 18252, 18253, 104th Cong. 1st Sess. (July 10, 1995); 141 CONG. REC. 24717, 104th Cong. 1st Sess. (Sept. 12, 1995); 141 CONG. REC. 32627, 104th Cong. 1st Sess. (Nov. 15, 1995); 141 CONG. REC. 36172, 36173, 104th Cong. 1st Sess. (Dec. 12, 1995); 145 CONG. REC. 16586, 106th Cong. 1st Sess. (July 19, 1999); 146 CONG. REC. 401, 106th Cong. 2d Sess. (Feb. 1, 2000); 146 CONG. REC. 17832, 17833, 106th Cong. 2d Sess. (Sept. 13, 2000); 150 CONG. REC. 65, 108th Cong. 2d Sess. (Jan. 20, 2004); and 150 CONG. REC. 17535, 17536, 108th Cong. 2d Sess. (Sept. 7, 2004).

29. 135 CONG. REC. 24714, 101st Cong. 1st Sess.

I offer this resignation with mixed emotions. Since 1977 I have been a member of the Committee. These years have been very exciting and productive with the passage of Tax Reform, the Omnibus Trade Bill, Welfare Reform and other major legislation. I am proud of my contributions in these areas and will be sad to resign my position.

At the same time, I am excited about my recent election to the post of Majority Leader. I feel that great days lie ahead for the House and our Nation. I believe that my new responsibilities will require all my time and energy.

In advance, thank you for your consideration of this request.

Yours very truly,

RICHARD A. GEPHARDT.

The SPEAKER.⁽³⁰⁾ Without objection, the resignation is accepted.

There was no objection. . . .

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution (H. Res. 265) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

Resolved, That the following Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture, Gary Condit, California.

Committee on the Budget, Richard A. Gephardt, Missouri, to rank after Leon E. Panetta, Chairman.

Committee on Government Operations, Gary Condit, California.

Committee on House Administration, Thomas J. Manton, New York.

Committee on Interior and Insular Affairs, Tim Johnson, South Dakota.

Committee on Post Office and Civil Service, Charles A. Hayes, Illinois.

Committee on Public Works and Transportation, Pete Geren, Texas.

Committee on Ways and Means, Benjamin L. Cardin, Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 8.2 In response to a parliamentary inquiry, the Speaker stated that language included in a resolution electing the chair of a certain standing committee to provide that his powers and duties be exercised by the vice chair until otherwise ordered by the House was properly incidental to the ambit of the resolution, since relevant to the election and consequent empowerment of the chair, and thus did not affect the privilege of the resolution.

On February 6, 1991,⁽³¹⁾ the following parliamentary inquiries were raised regarding the privilege of a committee election resolution:

30. Thomas Foley (WA).

31. 137 CONG. REC. 3198, 3199, 102d Cong. 1st Sess.

PARLIAMENTARY INQUIRIES

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have parliamentary inquiries. The SPEAKER.⁽³²⁾ The gentleman will state his inquiries.

Mr. WALKER. Mr. Speaker, in further reference to my written inquiry to the Parliamentarian about the meaning of and the circumstances surrounding the inclusion in House Resolution 43 of a proviso which states that “the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs shall be exercised by the vice chairman thereof until otherwise ordered by the House,” does the inclusion of this proviso in any way affect the privileged nature of the resolution electing Members to standing committees of the House—and the reason I ask is that the correspondence I have received from the Parliamentarian cites one precedent, but that precedent involves a resolution that was called up by unanimous consent—is there any precedent for including language such as this in a privileged resolution?

The SPEAKER. The Chair knows of no precise precedent, but the Chair considers the provision incidental to the normal privileged resolution providing for the election and consequent empowerment of the chairman of the committee.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

As I understand it, clause 6(b) of rule XI provides that in the temporary absence of the chairman the vice chairman shall act as chairman—we have already had an automatic transfer of authority. The Parliamentarian stated in correspondence to me on this subject—correspondence which I would ask unanimous consent be included in the RECORD in its entirety at this point.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? There was no objection.

The correspondence referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 1991.

Hon. WILLIAM H. BROWN,
*Parliamentarian, House of Representatives,
The Capitol, Washington,
DC.*

DEAR BILL: I am writing with regard to H. Res. 43, providing for the election of Members of standing committees of the House, agreed to on Thursday, January 24. The paragraph listing Members elected to the Committee on Interior and Insular Affairs includes the following language:

Provided, That the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House.

In this connection, I am interested in receiving your responses to the following questions: (1) has this language or any similar language ever appeared in a resolution providing for the election of Members to House committees? (2) what precisely does this proviso mean? and (3) why wasn't the minority informed about the inclusion in the resolution of this language?

Your assistance will be appreciated. I look forward to hearing from you at your earliest opportunity.

32. Thomas Foley (WA).

Sincerely,

ROBERT S. WALKER.

The Speaker's Rooms,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 1991.

Hon. ROBERT S. WALKER,
House of Representatives,
Washington, DC.

DEAR BOB: In your letter of January 31, 1991, you inquire about the meaning of and the circumstances surrounding the inclusion in H. Res. 43 on January 24, 1991 of the proviso electing Members to the Committee on Interior and Insular Affairs which states that "the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House."

To my knowledge, a precedent for this type of resolution occurred on March 18, 1954 where the House agreed to a resolution permitting the powers and duties conferred on the chairman of a standing committee to be exercised during the absence of the chairman by the next ranking majority members thereof until otherwise ordered by the House. (Deschler's Precedents, Vol. 4, Ch. 17, sec.17.5). On that occasion, Speaker Martin recognized Majority Leader Halleck to call up the resolution by unanimous consent during the 83d Congress after the committees had been elected. The Parliamentarian's note following that precedent suggests that the resolution may have been necessary because the Chairman of the Committee on Merchant Marine and Fisheries was unable to perform the duties of signing subpoenas, vouchers, and appointing subcommittee due to illness.

While clause 6(b) of Rule XI provides that in the temporary absence of the chairman the Vice Chairman shall act as chairman, it would appear that the language included in H. Res. 43 would impose upon the House the responsibility of determining when the chairman of the Committee on Interior and Insular Affairs should resume his powers and duties. Although I am not aware of any precedent for inclusion of such language in an initial resolution electing members to committees, it does appear that the House has at least in one case taken this step when a chairman's disability developed during the course of a Congress after he had been elected. The inclusion of this provision in the resolution electing the majority members was the responsibility of the majority party caucus and was presumably undertaken as a matter incidental to the election and consequent empowerment of Representative Udall as chairman in that same resolution. I am not aware of the extent of consultation, if any, between the majority and minority leadership on this question, although it was presented as part of the privileged resolution electing members presented by the majority party caucus pursuant to clause 6(a), Rule X.

I will be glad to discuss this question with you further at your convenience.

Sincerely,

BILL BROWN.

Mr. WALKER. In that letter he says that the proviso included in House Resolution 43 imposed additionally on the House the responsibility to determine when the chairman of the committee should resume his powers and duties.

Who will make that decision?

The SPEAKER. It would, under this provision, require the House to make a determination as to the time at which the full authority of Mr. UDALL as chairman would

be restored. It is true that House rules provide that, in the temporary absence of the chairman, the vice chairman of the committee should assume responsibility. But in a situation with which the House is presently involved, the absence of the distinguished chairman of the committee is for a period of time that is presently not known and it was thought advisable to confer more specific authority on the vice chairman of the committee to carry on the duties of the chairman until the House should otherwise order and determine.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

We have established that a subsequent order of the House will be necessary to restore powers and duties to the chairman of the committee. Would such a subsequent order take the form of a privileged resolution that could be called up at the direction of the majority party caucus or the minority party conference?

The SPEAKER. If called by the direction of the majority caucus, it would be privileged under clause 6(a)(1) of rule X. Such a privilege attaches to the minority conference only when making recommendations with regard to the assignment of its Members to committees or the election of its members to committees.

Mr. WALKER. I thank the Chair.

§ 8.3 Although the party caucuses may have seniority rules regarding “temporary” resignations from committee assignments, the House does not take cognizance of such a distinction and will thus treat any resignation from a committee as permanent.⁽³³⁾

On May 19, 1994,⁽³⁴⁾ the following resignations were laid before the House:

TEMPORARY RESIGNATIONS AS MEMBERS OF COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignations as members of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 10, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a Member of the Committee on Science, Space, and Technology in order to serve on the Committee on the

33. *Parliamentarian’s Note:* A Democratic Caucus rule permitted “temporary” resignations from committees so that the resigning Member could serve on another committee without any loss of seniority with respect to the committee from which such Member resigned. However, the House does not accept any qualifications with respect to resignations from committees, and any return to a committee from which a Member “temporarily” resigned would need to be accomplished via a new committee election resolution. For a similar rule see Rules Committee Print 115–37, Democratic Caucus, 105th Cong., Rule 19(C).

34. 140 CONG. REC. 11040–41, 103d Cong. 2d Sess. See also Deschler’s Precedents Ch. 37 § 6.3.

Budget. It is my understand that my seniority status on the Committee on Science, Space, and Technology will be protected during my tenure on the Budget Committee.

Sincerely,

LYNN C. WOOLSEY.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1994.

Hon. THOMAS S. FOLEY,
*Speaker of the House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a member of the Committee on Science, Space and Technology in order that I may serve on the Committee on the Budget. It is my understanding that my seniority status on the Committee on Science, Space and Technology will be protected during my tenure on the Budget Committee.

Sincerely,

GLEN BROWDER.

The SPEAKER pro tempore. Without objection, the resignations are accepted.
There was no objection.

Independent and Third-Party Members

§ 8.4 The House agreed to a privileged resolution submitted by direction of the majority party caucus electing an independent Member who caucused with that party to a standing committee.

On January 6, 2001,⁽³⁵⁾ the following committee election resolution was agreed to:

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. [Porter] GOSS [of Florida]. Mr. Speaker, by direction of the Republican conference, I offer a privileged resolution (H. Res. 20) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 20

Resolved, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:
Committee on Appropriations: MR. GOODE.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 8.5 The House agreed to a privileged resolution submitted by direction of the minority party caucus electing an independent Member who caucused with that party to a standing committee.

On January 26, 2005,⁽³⁶⁾ the following committee election resolution was agreed to:

35. 147 CONG. REC. 116, 107th Cong. 1st Sess.

36. 151 CONG. REC. 808, 109th Cong. 1st Sess.

ELECTION OF MINORITY MEMBER TO COMMITTEE ON FINANCIAL SERVICES
AND COMMITTEE ON GOVERNMENT REFORM

Mr. [Robert] MENENDEZ [of New Jersey]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 50) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 50

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES.—Mr. Sanders (to rank immediately after Ms. Waters).

(2) COMMITTEE ON GOVERNMENT REFORM.—Mr. Sanders (to rank immediately after Mr. Kanjorski).

The resolution was agreed to.

A motion to reconsider was laid on the table.

Consultation

§ 8.6 In response to parliamentary inquiries, the Speaker indicated that, while there was no explicit rule requiring consultation, he would nevertheless consult with the Minority Leader before exercising his authority with respect to the removal of minority party Members from a conference committee.

On February 3, 1993,⁽³⁷⁾ the following occurred:

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON
INTELLIGENCE

The SPEAKER.⁽³⁸⁾ Pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair appoints as members of the Permanent Select Committee on Intelligence the following Members of the House.

PARLIAMENTARY INQUIRY

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, if I might be recognized to pose a question to the Speaker, I wonder, under the new rules of the House that were adopted on opening day, could the Speaker explain his authority for appointing and removing Members from this select committee?

The SPEAKER. The Chair would advise the Member that the rules of the House as adopted on the opening day provide, in section 6(f) of rule X, that—

(f) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time. At any time after an original appointment, the Speaker may remove Members or appoint additional Members to select and conference committees. In appointing members to conference committees the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker. The Speaker shall name Members who are primarily responsible

37. 139 CONG. REC. 1959, 103d Cong. 1st Sess.

38. Thomas Foley (WA).

for the legislation and shall, to the fullest extent feasible, include the principal proponents of the major provisions of the bill as it passed the House.

The Chair's interpretation of this rule is that, as in previous iterations of this rule in previous Congresses, there is in the appointment authority to conference and select committees by the Speaker no requirement, as such, for consultation with the minority or any other Members of the House, but it has been the constant practice of Speakers to consult with the minority leadership, particularly the minority or Republican leader, on the appointment of Members from the minority to such select and to such conference committees.

The view of the Chair is that although the rule is similar to previous rules in the terms of appointment, it adds an additional authority to remove Members or to add additional Members not found in previous rules.

It is the Chair's opinion that the practice of comity should be continued, and while the Chair will not state that there are no circumstances in which he would not remove a Member, including a minority Member, from a select or conference committee, it is the anticipation that the Chair would no more indulge in a removal without the consultation and the permission of the minority with respect to minority Members than he would appoint without consultation and the recommendation of the minority.

To state again, the Chair is not saying in every case he will never consider removing a Member, either of the majority or minority, but he would always do that with consultation, and for the vast majority, in virtually unanimous circumstances, it would be with the recommendation and/or the acquiescence or approval of the minority with respect to minority Members.

Mr. SOLOMON. Mr. Speaker, I certainly appreciate that clarification. Naturally we would prefer that there be never any circumstance, but we understand that it is your intention, then, to continue, as has been done in the past, to consult with the minority leader on either the appointment or the removal of any Republican member of any of those committees.

The SPEAKER. The gentleman is correct.

Mr. SOLOMON. I thank the Speaker.

The SPEAKER. The appointees are as follows: Mr. GLICKMAN of Kansas, chairman; Mr. RICHARDSON of New Mexico; Mr. DICKS of Washington; Mr. DIXON of California; Mr. TORRICELLI of New Jersey; Mr. COLEMAN of Texas; Mr. SKAGGS of Colorado; Mr. BILBRAY of Nevada; Ms. PELOSI of California; Mr. LAUGHLIN of Texas; Mr. CRAMER of Alabama; Mr. REED of Rhode Island; Mr. COMBEST of Texas; Mr. BEREUTER of Nebraska; Mr. DORNAN of California; Mr. YOUNG of Florida; Mr. GEKAS of Pennsylvania; Mr. HANSEN of Utah; and Mr. LEWIS of California.

Special Committee Membership Rules

§ 8.7 The Majority Leader, pursuant to clause 4(e)(3) of rule X,⁽³⁹⁾ appointed a Member to the Select Committee on Ethics to replace a resigning Member.

³⁹. *Parliamentarian's Note*: In the 105th Congress, a Select Committee on Ethics was established to resolve a specific inquiry regarding the Speaker of the House commenced in the prior Congress. By House rule (only applicable for part of the 105th Congress),

On January 9, 1997,⁽⁴⁰⁾ the following occurred:

COMMUNICATION FROM HON. JIM BUNNING, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable JIM BUNNING, Member of Congress:

*Congress of the United States,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 1997.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that I consider my service as a member of the Ethics Committee complete.

Best personal regards,

JIM BUNNING,
Member of Congress.

APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON ETHICS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, pursuant to clause 4(e)(3) of rule X, I hereby appoint the Honorable LAMAR SMITH of Texas to fill a vacancy on the Select Committee on Ethics.

§ 8.8 The House by unanimous consent prescribed the size of the Permanent Select Committee on Intelligence as not more than 20 (of whom not more than 11 may be from the same party) notwithstanding the committee membership requirements in clause 11(a)(1) of rule X.⁽⁴¹⁾

On January 6, 2001,⁽⁴²⁾ the following unanimous-consent request was transacted to alter the composition of the Permanent Select Committee on Intelligence:

COMPOSITION OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. [Porter] GOSS [of Florida]. Mr. Speaker, I ask unanimous consent that, notwithstanding the requirement of clause 11(a)1 of rule X, the Permanent Select Committee

any vacancy on the select committee was to be filled by the “Leader of the party concerned.” H. Res. 5, 143 CONG. REC. 122, 105th Cong. 1st Sess. (Jan. 7, 1997). The Speaker would normally appoint all members of select committees, but as the Speaker himself was the subject of the inquiry, this provision regarding filling vacancies by party floor leaders was included.

40. 144 CONG. REC. 278, 105th Cong. 1st Sess.

41. *House Rules and Manual* § 785 (2017).

42. 147 CONG. REC. 115, 107th Cong. 1st Sess.

on Intelligence be composed of not more than 20 Members, Delegates, or the Resident Commissioner, of whom not more than 11 be from the same party.

The SPEAKER pro tempore.⁽⁴³⁾ Is there objection to the request of the gentleman from Florida?

There was no objection.

Affiliation with Party Organization

§ 8.9 Under clause 5(b) of rule X,⁽⁴⁴⁾ membership on a standing committee is contingent on continuing membership in the party caucus that nominated the Member for election thereto, and when a Member ceases to be a member of a party caucus: (1) the chair of the caucus notifies the Speaker; (2) the Speaker notifies the chairs of each standing committee to which the Member was elected that the Member's election to the committee is automatically vacated; and (3) the Speaker lays before the House communications regarding these actions for the information of the body.

On December 23, 2009,⁽⁴⁵⁾ the following occurred:

COMMUNICATION FROM THE HON. JOHN B. LARSON, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN B. LARSON, Chairman, Democratic Caucus:

*Democratic Caucus,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 2009.*

Hon. NANCY PELOSI,
*Speaker of the House, U.S. Capitol,
Washington DC.*

DEAR MADAM SPEAKER: This is to notify you that the Honorable Parker Griffith of Alabama has resigned as a Member of the Democratic Caucus.

Sincerely,

JOHN B. LARSON,
Chairman.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
December 23, 2009.

43. Ray H. LaHood (IL).

44. *House Rules and Manual* § 760 (2017).

45. 155 CONG. REC. 33067, 111th Cong. 1st Sess. See also 130 CONG. REC. 24790, 24791, 98th Cong. 2d Sess. (Sept. 11, 1984).

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Best regards,

NANCY PELOSI,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
December 23, 2009.

Hon. NYDIA M. VELÁZQUEZ,
Chairman, Committee on Small Business, Rayburn House Office Building, Washington, DC.

DEAR MADAM CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Small Business has been automatically vacated pursuant to clause 5(b) of rule X effective today.

NANCY PELOSI,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
December 23, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Science and Technology has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Best regards,

NANCY PELOSI,
Speaker of the House.

§ 9. Committee Size and Ratios; Limitations on Service

The number of Members who serve on each standing committee of the House is not a matter set forth in the standing rules. Rather, the size of each committee is determined by the committee election resolution offered at the direction of each of the major party organizations. Thus, it is the content of those resolutions, rather than any rule or precedent of the House, that determines the total number of Members serving on each committee.⁽¹⁾

The party ratios on each standing committee are negotiated between the parties at the beginning of a Congress and generally reflect the overall party ratio of Members in the House.⁽²⁾ Like the overall size of a committee, the party ratio of a particular committee is determined on the basis of committee election resolutions adopted by the House (rather than being set forth in a rule or precedent of the House). Party ratios on subcommittees are not addressed by the rules of the House either, but typically reflect the overall party ratios in the House as well.⁽³⁾

Limitations on Service

The standing rules of the House provide two different types of limitations on Members' service on committees and subcommittees.⁽⁴⁾ First, there are restrictions on how many committees and subcommittees a Member may serve on simultaneously.⁽⁵⁾ Second, there are limitations on how long (*i.e.* how many Congresses) a Member may serve on committees. This latter restriction applies only to chairs of committees (with the exception of the

1. *Parliamentarian's Note*: As noted above, some committees of the House have specific membership requirements which may affect the overall number of Members serving on said committees, as well as the ratio of majority party to minority party members. See § 8, *supra*. For an example of an ad hoc adjustment to the composition of the Permanent Select Committee on Intelligence, see § 8.8, *supra*.

2. So, for example, if one party held 40% of all seats in the House, that party's members would traditionally occupy roughly 40% of the seats on each committee.

3. For a question of the privileges of the House regarding subcommittee ratios, see § 9.1, *infra*.

4. For more on committee service generally, see Deschler's Precedents Ch. 17 §§ 8–12 and Precedents (Wickham) Ch. 17.

5. Rule X, clause 5(b)(2)(A), *House Rules and Manual* § 760 (2017).

Committee on Rules),⁽⁶⁾ and to membership generally on three specific committees: the Committee on Ethics,⁽⁷⁾ the Committee on the Budget,⁽⁸⁾ and the Permanent Select Committee on Intelligence.⁽⁹⁾

These limitations on committee service mirror (and often derive from) similar restrictions put in place by each of the two major party organizations.⁽¹⁰⁾ Both parties have adopted Caucus or Conference rules that place additional restrictions on simultaneous service on committees and special limitations on service on the same committee over the course of multiple Congresses.⁽¹¹⁾ Thus, a Member may resign from (or be precluded from serving on) certain committees or subcommittees in consonance with party caucus rules, even though such Member would not be so restricted by the standing rules of the House.⁽¹²⁾

§ 9.1 A resolution asserting that the ratio of minority party representation on various subcommittees was less than the ratio of representation on full committees (to the disadvantage of constituents of minority party Members) and resolving that each subcommittee of the House should be constituted in a ratio proportionate to the membership on the full committees, was held to constitute a question of the privileges of the House.

6. Rule X, clause 5(c)(2), *House Rules and Manual* § 761 (2017).
7. A Member may not serve on the Committee on Ethics for more than three Congresses in a period of five successive Congresses. Rule X, clause 5(a)(3)(B), *House Rules and Manual* § 759 (2017).
8. Subject to certain exceptions, a Member may not serve on the Committee on the Budget for more than four Congresses in a period of six successive Congresses. Rule X, clause 5(a)(2)(B), *House Rules and Manual* § 758 (2017).
9. Subject to certain exceptions, a Member may not serve on the Permanent Select Committee on Intelligence for more than four Congresses in a period of six successive Congresses. Rule X, clause 11(a)(4), *House Rules and Manual* § 785 (2017).
10. *Parliamentarian's Note*: In the years leading up to the 104th Congress, the Republican Conference began to advocate for the idea of term limits for Members of Congress, including limitations on the the number of Congresses in which a Member could serve as Speaker of the House, and limitations on service for committee and subcommittee chairs. In the 104th Congress, the Republican party became the majority party and many of these provisions regarding term limits were codified in the standing rules of the House. Although some of these limitations have since been repealed (for example, term limits for the Speaker were eliminated in the 108th Congress), most committee service limitations from that time remain in place.
11. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 22 and Republican Conference, 115th Cong., Rule 15.
12. For examples of Members resigning from committees to comply with caucus rules (prior to the advent of similar House rules), see 121 CONG. REC. 2369, 94th Cong. 1st Sess. (Feb. 5, 1975) and 125 CONG. REC. 16964, 16965, 96th Cong. 1st Sess. (June 27, 1979). For an example of a Member resigning from the Permanent Select Committee on Intelligence to comply with caucus rules regarding simultaneous service on committees, see 147 CONG. REC. 6299, 107th Cong. 1st Sess. (Apr. 26, 2001).

On October 4, 1984,⁽¹³⁾ the following resolution was offered as a question of the privileges of the House:

PRIVILEGED RESOLUTION CONCERNING SUBCOMMITTEE RATIOS

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, I offer a privileged resolution (H. Res. 603) and ask for its immediate consideration.

The SPEAKER pro tempore.⁽¹⁴⁾ The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 603

Whereas the ratio of Republicans to Democrats on the full Committee on Energy and Commerce is 15 to 27;

Whereas the ratio of Republicans to Democrats on several subcommittees of the Committee on Energy and Commerce is 6 to 13;

Whereas the ratio of Republicans to Democrats on other subcommittees of the House is lower than that of their respective full committees;

Whereas disproportionate ratios of Republicans to Democrats deny Republican members fair representation on subcommittees of the House of Representatives:

Whereas denial of fair representation on subcommittees disadvantages the constituents of the Republican members of those subcommittees and is, therefore, inconsistent with the doctrine of "one man, one vote";

Whereas the House of Representatives is almost unique amongst the parliamentary bodies of the world in not having truly proportional representation on its subcommittees;

Whereas these disproportionate and inequitable subcommittee ratios can adversely affect the rights of all Members of the House, not just the Republicans; and

Whereas circumstances disadvantaging Members individually adversely affect the integrity of the proceedings generally: Now, therefore, be it

Resolved, That each subcommittee of each standing and select committee of the House should be constituted with its membership in a ratio which is proportionate to the membership of the two political parties in each committee of the House.

The SPEAKER pro tempore. The gentleman from California [Mr. DANNEMEYER] has stated a question of privilege.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

MOTION OFFERED BY MR. FOLEY

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I have a motion at the desk which I offer.

The Clerk read as follows:

Mr. FOLEY moves to lay the resolution of the gentleman from California [Mr. DANNEMEYER] on the table.

PARLIAMENTARY INQUIRIES

Mr. DANNEMEYER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Under the rules of the House, is the motion to table debatable?

The SPEAKER pro tempore. No, the Chair will state that a motion to table is not debatable.

13. 130 CONG. REC. 30042, 30043, 98th Cong. 2d Sess. For a similar resolution determined not to qualify as a question of the privileges of the House, see 130 CONG. REC. 78, 98th Cong. 2d Sess. (Jan. 23, 1984).

14. James Wright (TX).

Mr. DANNEMEYER. A further parliamentary inquiry, Mr. Speaker. Is the motion that the privileged resolution of the gentleman from California has filed at the desk in a form that would make it immune from the requests or the observation of the suggestion that it is subject to a point of order?

The SPEAKER pro tempore. The Chair has already stated no point of order was offered, that in the opinion of the Chair the resolution is indeed in such a form as to qualify as a question of privileges of the House.

Mr. DANNEMEYER. A further parliamentary inquiry, Mr. Speaker. What is the policy reason that would prevent a Member from this body consistent with the comments of our distinguished majority leader of yesterday talking about the fairness of this institution and all for which—

The SPEAKER pro tempore. The Chair would state that the question being propounded by the gentleman from California [Mr. DANNEMEYER] is not a parliamentary inquiry as surely the gentleman from California is aware.

Mr. DANNEMEYER. Well, it is a further parliamentary inquiry, Mr. Speaker, that sometimes it is difficult, the Speaker is such a bright and learned gentleman, I suppose it is no mystery that the gentleman that is the Speaker right now could figure out what I was going to say before I could say it in order to say that it is not a parliamentary inquiry. I am not surprised.

PARLIAMENTARY INQUIRY

Mr. [Robert] WALKER [of Pennsylvania]. I have a parliamentary inquiry, Mr. Speaker. The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Would it be possible, by unanimous consent, to get 30 minutes of debate time on the motion to table?

The SPEAKER pro tempore. The Chair will state that a motion to table under the rules of the House is not debatable, notwithstanding that fact, that would be possible by unanimous consent, of course.

Mr. WALKER. Therefore, Mr. Speaker, I ask unanimous consent that the motion to table be debated for 30 minutes.

Mr. FOLEY. Reserving the right to object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard to the request.

Mr. WALKER. Could the Chair indicate who objected, please?

The SPEAKER pro tempore. The Chair identifies several Members having objected and the question would occur—

Mr. WALKER. Parliamentary inquiry, Mr. Speaker.

Who will the RECORD show tomorrow, objected?

The SPEAKER pro tempore. The RECORD would show the gentleman from New York [Mr. WEISS], the gentleman from Massachusetts [Mr. DONNELLY], the gentleman from Maryland [Mr. MITCHELL], the gentleman from Illinois [Mr. DURBIN]; several Members have registered objections.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] to table the privileged resolution offered by the gentleman from California [Mr. DANNEMEYER].

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

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 251, nays 158, not voting 23, as follows:

[Roll No. 444] . . .

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

§ 10. Committee Procedures and Staff

The standing rules of the House regarding committee procedure often specify certain rights or privileges for minority party Members of the committee.⁽¹⁾ With respect to committee reports, House rules provide that Members who do not wish to endorse the report may instead file “supplemental, minority, additional, or dissenting views” on the underlying legislation.⁽²⁾ Similarly, separate views are permitted with respect to investigative or oversight reports filed at the end of a session of Congress under clause 1(b)(4) of rule XI.⁽³⁾ With respect to hearings, House rules provide that the minority members of the committee may request that one day of hearings be scheduled to call witnesses selected by the minority party.⁽⁴⁾

Other rules of the House regarding committees contemplate joint action by the chair and ranking minority member of the committee or joint notification procedures. For example, if the chair determines there is good cause to hold a hearing sooner than previously announced, the chair may, with the concurrence of the ranking minority member, schedule that hearing for an earlier date or time.⁽⁵⁾ Joint approval by the chair and ranking minority member of the Committee on House Administration is required for the release of funds to settle complaints under the Congressional Accountability

1. *Parliamentarian's Note*: Committee chairs are always members of the majority party and exercise many different authorities, particularly in the area of establishing the agenda for business of the committee. Thus, these rules regarding minority party members serve to protect their rights against those of the majority party.
2. Rule XI, clause 2(l), *House Rules and Manual* § 804 (2017). Clauses 2(c) and 3(a)(1)(A) provide that any such separate views be included in the report filed by the committee. *House Rules and Manual* §§ 836, 837 (2017). For more on committee reports generally, see Deschler's Precedents Ch. 17 §§ 58–64 and Precedents (Wickham) Ch. 17.
3. *House Rules and Manual* § 788 (2017).
4. Rule XI, clause 2(j)(1), *House Rules and Manual* § 802 (2017). For more on committee hearings generally, see Deschler's Precedents Ch. 15 §§ 6–16 and Precedents (Wickham) Ch. 15.
5. Rule XI, clause 2(g)(3)(B), *House Rules and Manual* § 798 (2017).

Act, pursuant to clause 4(d)(2) of rule X.⁽⁶⁾ Both the chair and the ranking minority member of the Committee on House Administration are informed by the Clerk when a determination is made that House records should not be made public, pursuant to clause 4(a) of rule VII.⁽⁷⁾

Several House rules regarding committee procedure provide that members of the minority party be permitted to participate in committee business on an equitable basis. Under clause 4(c) of rule X, the Committee on Oversight and Government Reform may adopt a rule regarding the taking of depositions by members and staff. If such a rule is adopted, it must provide that “minority members and staff are accorded equitable treatment with respect to notice of and reasonable opportunity to participate in” any such depositions.⁽⁸⁾ Pursuant to clause 2(j)(2) of rule XI, a committee may adopt a rule or motion allowing extended questioning of witnesses by Members or staff. If such procedures are adopted, they must provide that the time thus provided (to Members or staff) be “equal for the majority party and the minority party.”⁽⁹⁾ Clause 11(g)(2) of rule X permits the Permanent Select Committee on Intelligence to recommend to the House that certain classified material be disclosed to the public. If such a question comes before the House pursuant to the provisions of the rule, debate time on the question “shall be limited to two hours equally divided and controlled by the chair and ranking minority member of the select committee.”⁽¹⁰⁾

As noted elsewhere, the Committee on Ethics is a unique bipartisan committee of the House, and as such is required by House rules to undertake many of its functions on a bipartisan basis. Many of these rules contemplate joint actions by (or consultation between) the chair and ranking minority member of the committee prior to taking certain actions.⁽¹¹⁾ If a Member is disqualified (because of personal interest) from participating in certain matters before the committee, House rules provide that the Speaker replace that Member with another Member of the same political party.⁽¹²⁾

6. *House Rules and Manual* § 754 (2017).

7. *House Rules and Manual* § 695 (2017).

8. *House Rules and Manual* § 749a (2017).

9. *House Rules and Manual* § 802 (2017).

10. *House Rules and Manual* § 785 (2017).

11. Clauses 3(b), 3(f), 3(g), and 3(i)–(m) of rule XI all contain provisions requiring joint action or consultation between the chair and the ranking minority member of the Committee on Ethics. *House Rules and Manual* § 806 (2017). Under clause 15(c) of rule XXIII, the chair and ranking minority member of the Committee on Ethics may jointly waive the travel restrictions of that rule. *House Rules and Manual* § 1095 (2017). For more on the Committee on Ethics and its procedures, see Deschler’s Precedents Ch. 12 and Precedents (Wickham) Ch. 12.

12. Rule XI, clause 3(b)(3), *House Rules and Manual* § 806 (2017).

The House provides resources to its committees, which includes funding for staff, equipment, facilities, and other administrative expenses. Several House rules require that such resources be divided on a partisan basis to members of the committee. For example, clause 6(d) of rule X⁽¹³⁾ provides that the minority party be “treated fairly in the appointment” of subcommittee staff made available to the subcommittee by the chair of the committee. Clause 9(a)(1) of rule X⁽¹⁴⁾ provides that each professional staff of a committee be assigned to either the chair of the committee or the ranking minority member. Clause 9(a)(2) of rule X⁽¹⁵⁾ outlines procedures by which a majority of the minority party members of a committee may select one-third of the professional staff of the committee. Clause 9(d) of rule X⁽¹⁶⁾ provides special staffing requirements for the Committee on Appropriations, including the appointment of “assistants for the minority.” Clause 9(f) of rule X⁽¹⁷⁾ provides procedures for filling vacancies in minority party professional staff positions, while clause 9(g) of rule X⁽¹⁸⁾ provides that minority staff shall be accorded “equitable treatment” with regard to salaries, work facilities, and access to committee records. Clause 9(i) of rule X⁽¹⁹⁾ permits a committee to employ nonpartisan staff by an affirmative vote of a majority of the majority party committee members and a majority of the minority party committee members.

D. Party Affiliation and Debate

§ 11. Recognition for Debate Based on Party Affiliation

The standing rules of the House contain many provisions relating to the division of debate time among Members. In many cases, debate time is allocated to Members on the basis of their attitude towards the pending proposition—*i.e.*, proponents and opponents.⁽¹⁾ But certain rules explicitly allocate

13. *House Rules and Manual* § 767 (2017).

14. *House Rules and Manual* § 771 (2017).

15. *House Rules and Manual* § 773 (2017).

16. *House Rules and Manual* § 778 (2017).

17. *House Rules and Manual* § 779 (2017).

18. *Id.*

19. *House Rules and Manual* § 780 (2017).

1. *Parliamentarian's Note*: Dividing debate time between proponents and opponents often has the practical effect of dividing time between the two major parties. For example,

debate time on a partisan basis. These rules may give party leaders an exclusive right to claim debate time on a particular matter, or divide a set period of time for debate equally between the parties. Established precedents of the House may also confer priority in recognition to Members of the majority party or the minority party.

As noted above, the Majority Leader and the Minority Leader are sometimes granted exclusive authority by rule to claim debate time on a particular matter.⁽²⁾ Other rules provide that debate time be allocated on a partisan basis, but do not provide special privileges to the party floor leaders. For example, pursuant to clause 8(d)(1) of rule XXII,⁽³⁾ debate time on conference reports is “equally divided between the majority and minority parties.” The rule further provides that if both the majority Member and minority Member support the proposition, the time may be divided three ways and an opponent allowed to claim one-third of the time.⁽⁴⁾ The same basic scheme for allocating debate time applies to motions to instruct conferees under clause 7(b)(1) of rule XXII⁽⁵⁾—equal division between the parties, subject to a possible three-way split if neither party’s Member is in opposition to the motion.

With regard to Senate amendments reported in disagreement by a conference committee, the same rule regarding conference reports also explicitly divides debate time on motions to dispose of such amendments on a partisan basis.⁽⁶⁾ Further, the custom has developed to utilize this same scheme for control of debate time on *all* motions to dispose of amendments emerging from conference in disagreement, no matter how such amendments come before the House.⁽⁷⁾ Thus, division of debate time equally between the parties applies, for example, to amendments in disagreement before the House following rejection of a conference report (by a negative vote on the conference report, or point of order sustained against the conference report).⁽⁸⁾ A three-way division is also possible on such motions if both party Members support the motion.

The Congressional Budget Act contains many congressional procedures to expedite consideration of the concurrent resolution on the budget and other

the chair of the reporting committee (a majority party member) will often be recognized to manage general debate on a measure in the Committee of the Whole, while his or her counterpart on the committee (the ranking minority party member) will claim time allocated to the opposition. For more on managerial prerogatives regarding debate time, see Deschler’s Precedents Ch. 29 § 7, Precedents (Wickham) Ch. 29, and *House Rules and Manual* § 959 (2017).

2. See § 6, *supra*.

3. *House Rules and Manual* § 1086 (2017).

4. Rule XXII, clause 8(d)(2), *House Rules and Manual* § 1086 (2017).

5. *House Rules and Manual* § 1078 (2017).

6. Rule XXII, clause 8(d)(1), *House Rules and Manual* § 1086 (2017).

7. *House Rules and Manual* § 1086 (2017).

8. *Id.*

budget-related legislation.⁽⁹⁾ Some of these procedures explicitly contemplate partisan affiliation as a basis for allocating time for debate. For example, general debate on a concurrent resolution on the budget in the House is set at ten hours, “divided equally between the majority and minority parties.”⁽¹⁰⁾ Similarly, debate on a conference report on a budget resolution is set at five hours, “divided equally between the majority and minority parties.”⁽¹¹⁾

Other miscellaneous provisions in the standing rules of the House acknowledge the role of the two major party organizations in managing debate on the floor of the House. One such provision requires copies of amendments offered in the Committee of the Whole to be distributed to the party committee tables on the House floor and to the respective cloakrooms.⁽¹²⁾

Apart from explicit references to party affiliation in the standing rules of the House, many precedents of the House also acknowledge party affiliation as a basis on which to accord priority in recognition. Under clause 2(a) of rule XIX,⁽¹³⁾ priority to offer a motion to recommit is granted to any opponent of the underlying measure. However, under the established precedents, the Chair will look first to the Minority Leader or a designee to offer the initial motion.⁽¹⁴⁾ If the Minority Leader or a designee does not seek recognition, the Chair will accord priority in recognition first to minority members of the reporting committee (in the order of their rank on the committee), and then to noncommittee minority Members.⁽¹⁵⁾

Motions to instruct conferees are not explicitly a prerogative of the minority party under House rules, but under established precedents, the Chair will look to the ranking minority member of the reporting committee first to offer this motion.⁽¹⁶⁾ Minority committee Members have priority over both majority committee Members⁽¹⁷⁾ and noncommittee Members from the minority party.⁽¹⁸⁾ If two minority members of the committee seek recognition, the Chair will accord priority to the more senior member.⁽¹⁹⁾

9. For more on the Congressional Budget Act generally, see Deschler's Precedents Ch. 41.

10. 2 U.S.C. § 636(a)(2).

11. 2 U.S.C. § 636(a)(6).

12. Rule XVIII, clause 5(b), *House Rules and Manual* § 978 (2017).

13. *House Rules and Manual* § 1001 (2017).

14. *Parliamentarian's Note*: The preference given to the Minority Leader in this circumstance derives from clause 6(c) of rule XIII, which prohibits the Committee on Rules from reporting a special order of business that would prevent a motion to recommit from being offered by the Minority Leader. *House Rules and Manual* § 857 (2017).

15. *House Rules and Manual* § 1002c (2017).

16. See Deschler's Precedents Ch. 29 § 23.62 and Deschler's Precedents Ch. 33 § 11.1.

Parliamentarian's Note: Where conferees have been appointed for 45 calendar days and, concurrently 25 legislative days and have failed to file a report, motions to instruct House managers are in order. Recognition to offer such motion does not depend on party affiliation. See *House Rules and Manual* § 1079 (2017).

17. Deschler's Precedents Ch. 33 § 11.2.

18. Deschler's Precedents Ch. 33 § 11.3.

19. See § 11.1, *infra*.

With regard to motions to suspend the rules, debate time is allocated on the basis of attitude towards the motion: 20 minutes for a proponent and 20 minutes for an opponent.⁽²⁰⁾ Precedents established under this rule provide for resolving conflicts if more than one Member claims time in opposition. The Chair will first look to committee members (of either party), and then to minority party members.⁽²¹⁾

Finally, there are various circumstances in which the Chair will endeavor to alternate recognition between members of each party (rather than alternating between Members in support and Members in opposition).⁽²²⁾ When offering amendments in the Committee of the Whole (including pro forma amendments),⁽²³⁾ the Chair will generally recognize Members on a partisan basis, alternating recognition between the two parties.⁽²⁴⁾ Non-legislative debate in the House also tends to proceed on the basis of alternating recognition between the parties.⁽²⁵⁾ During debate in the Committee of the Whole under the five-minute rule, the Chair may announce an intention to give priority to the floor leaders should they seek recognition (as an exercise of the Chair's discretionary power of recognition).⁽²⁶⁾

§ 11.1 Where two minority members of the committee which had reported a bill seek recognition to offer a motion to instruct conferees, the Chair will recognize the senior minority member of that committee seeking recognition.

On February 17, 1988,⁽²⁷⁾ the following occurred:

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT
OF 1987

The SPEAKER.⁽²⁸⁾ For what purpose does the gentleman from California seek recognition?

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, I have a motion at the desk to instruct conferees.

20. Rule XV, clause 1(c), *House Rules and Manual* § 891 (2017).

21. See § 11.2, *infra*.

22. *Parliamentarian's Note*: The Chair is often unaware of a given Member's attitude toward the pending proposition, making alternation between sides of the question difficult as a practical matter. In such cases, alternating between the two parties serves as an imprecise but acceptable proxy.

23. See § 11.4, *infra*.

24. See § 11.3, *infra*.

25. See § 12, *infra*.

26. See § 11.5, *infra*.

27. 134 CONG. REC. 1583, 1584, 100th Cong. 2d Sess. For a similar instance, see 132 CONG. REC. 30181, 99th Cong. 2d Sess. (Oct. 10, 1986).

28. James Wright (TX).

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADIGAN] rise?

PARLIAMENTARY INQUIRIES

Mr. [Edward] MADIGAN [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADIGAN. Mr. Speaker, it was my understanding that before any consideration would be given to a motion to instruct conferees that the Speaker was going to conclude the 1-minute speeches.

The SPEAKER. The Chair would like to accommodate Members seeking to be heard on the 1-minute rule but under the rule a motion such as would be proposed, as the Chair understands it, to instruct conferees would take precedence if a Member sought to press that matter at this time and under the rule would be more privileged.

Mr. DANNEMEYER. Mr. Speaker, that is my request.

Mr. MADIGAN. Further pursuing my parliamentary inquiry, Mr. Speaker, does the Chair then as a matter of custom in the House recognize people on the basis of seniority with regard to committee assignments on matters such as this?

The SPEAKER. The gentleman is correct. If two or more Members seek recognition for motions of equal privilege, it would be the custom of the Chair to recognize the Member most senior on the committee of jurisdiction.

Mr. MADIGAN. Mr. Speaker, the Speaker has just described my situation. I am the senior member and pursuant to a previous order of the House I have a motion at the desk.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Since the Speaker previously recognized his Member and this Member responded that I have a motion at the desk to instruct conferees and I choose to go forward with it at this time pursuant to a unanimous-consent request of last week, does that not give this Member since I was recognized for that purpose priority to proceed at this time?

The SPEAKER. Well, the gentleman is correct, the gentleman did seek recognition for the purpose of making a motion and then the gentleman from Illinois rose with a parliamentary inquiry and the Chair recognized the gentleman from Illinois for that purpose. And it is the Chair's understanding that each of the two gentlemen standing desires to offer a motion to instruct conferees. Is that correct?

Mr. DANNEMEYER. That is correct, Mr. Speaker.

Mr. MADIGAN. That is correct, Mr. Speaker.

The SPEAKER. Well, the Chair, under those circumstances, following the general precedents of the House would recognize the more senior minority member of the two minority members on the committee of jurisdiction.

Mr. DANNEMEYER. Mr. Speaker, I have a further parliamentary inquiry. I appreciate that the Speaker is hesitating a little with respect to his tentative decision, but this Member actually was recognized before my colleague from Illinois was recognized and I would think on that basis that this Member should have priority for making this motion.

The SPEAKER. The gentleman's motion had not been placed before the House. The gentleman had sought recognition and the Chair had said, "For what purpose does the

gentleman seek recognition?" The gentleman from California had said, "For the purpose of offering a motion to instruct conferees."

Mr. DANNEMEYER. That is correct, Mr. Speaker.

The SPEAKER. And the Chair was about to ask the Clerk to report the motion when the gentleman from Illinois stood and sought recognition. The Chair said to the gentleman from Illinois, "For what purpose does the gentleman rise?"

Mr. DANNEMEYER. If I may further be heard on my inquiry, if I understand the gentleman from Illinois correctly, he achieved recognition on the basis of a parliamentary inquiry.

The SPEAKER. The gentleman is correct.

MOTION OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Speaker, pursuant to a previous order of the House, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MADIGAN moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem.

PARLIAMENTARY INQUIRIES

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, when a motion to instruct conferees is pending, as is the situation with the gentleman from California having made such a motion, is it in order for the House to then consider another motion to instruct conferees?

The SPEAKER. Is the gentleman asking would it be in order for him to offer an amendment to the motion?

Mr. [John] DINGELL [of Michigan]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The Chair is advised that the gentleman from California could offer an amendment to the motion of the gentleman from Illinois but only if the previous question were voted down. If the previous question on the motion of the gentleman from Illinois should be ordered, then his motion would have to be voted upon without intervening motion.

Mr. DANNEMEYER. Mr. Speaker, if I might be heard further on my parliamentary inquiry, I do not quite see how we could get to the point where we could consider the motion offered by the gentleman from Illinois to instruct conferees when, at the time the gentleman from Illinois is making his motion, there is already a motion by this gentleman from California to instruct conferees pending at the desk. And I have not withdrawn that motion.

The SPEAKER. The motion of the gentleman from California had not been stated and was not pending before the House. The gentleman had sought recognition for the purpose of offering a motion to instruct conferees. The gentleman from Illinois asked, on a parliamentary inquiry, in a situation involving two minority Members, each seeking recognition for the purpose of offering a motion to instruct conferees, as to which of the two Members under the precedents would be recognized. The Chair replied that the senior of the two on the Committee of Jurisdiction, under the precedents, would be recognized,

and the gentleman from Illinois offered a motion, he being the senior of those seeking recognition for the purpose of offering a motion.

Mr. DANNEMEYER. Mr. Speaker, I wonder if I could ask the indulgence of the House for the purpose of having the record read back for the purpose of determining whether this gentleman from California was recognized for the purpose of making a motion to instruct conferees.

Mr. DINGELL. I would have an objection, Mr. Speaker. I would have to observe that I think that is a unanimous-consent request, and it is taking a great amount of the time of the House at a time when we have other business pending. I would have to object.

The SPEAKER. The Chair has recognized the gentleman from Illinois, and the gentleman's motion has been read and is now pending before the House. The gentleman is entitled to 1 hour on the motion.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

What happened to my motion?

Mr. MADIGAN. It was never read.

Mr. DANNEMEYER. Yes. it was.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, he was recognized for the purpose of offering an amendment, and the record will show that.

The SPEAKER. The Chair will state again the situation.

The gentleman from California sought recognition. The Chair asked the purpose of his seeking recognition, and he said he sought recognition for the purpose of offering a motion to instruct conferees. The motion was not made prior to the rising of the gentleman from Illinois to ask by unanimous consent if it were proper to entertain such a motion before the completion of the 1-minute unanimous consent requests. The Chair replied that the Chair would prefer to accommodate Members seeking to be heard under the 1-minute rule first and then entertain the motion, but that the motion really does have priority under the rules to a unanimous-consent request to be heard for 1 minute, and that if the gentleman insists upon offering the motion at that time, the Chair would entertain the motion.

Then the gentleman from Illinois asked if two Members, each desiring to offer such a motion, were simultaneously to seek recognition, which of two Members should be recognized under the precedents of the House, and the Chair replied: The senior of the two on the Committee of Jurisdiction.

Mr. DANNEMEYER. At that point, Mr. Speaker, on the basis of the Chair's own analysis, with all due respect, when I stood for recognition, there was not someone else asking for recognition. It was not done simultaneously.

Mr. DINGELL. Mr. Speaker, may I call for the regular order?

The SPEAKER. The Chair is trying to preserve the regular order and thinks that the Members are entitled to understand exactly what is going on and are entitled to ask questions and to be accommodated to the extent of the Chair's ability to accommodate them.

The fact is that two Members sought recognition for the same kind of motion, for a motion to instruct conferees. The motions having equal precedence and priority, the question arose as to which of the two Members should be recognized for the purpose of making a motion. The Chair replied that the precedents hold that the senior of the two or more Members seeking recognition is entitled to be recognized. The gentleman from Illinois asked then to be recognized for the purpose of offering that motion. The Chair recognized the gentleman from Illinois. The motion has been read. The motion offered by the gentleman from Illinois to instruct conferees on H.R. 5 is the pending order of business.

The gentleman from Illinois [Mr. MADIGAN] is recognized for 1 hour . . .

§ 11.2 Under clause 1(c) of rule XV,⁽²⁹⁾ half of the 40 minutes allocated for a motion to suspend the rules is controlled by a Member opposed, and a majority party member may claim such time in opposition if the minority manager is not opposed to the motion.⁽³⁰⁾

On November 18, 1991,⁽³¹⁾ the following occurred:

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1991

Mr. [George] MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) providing for the concurrence of the House to the amendment of the Senate to the bill (H.R. 355) with an amendment.

The Clerk read as follows:

H. RES. 282

Resolved, That upon the adoption of this resolution, the bill (H.R. 355) to provide emergency drought relief to the Reclamation States, and for other purposes, be and is hereby taken from the Speaker's table to the end that the Senate amendment to the text of the bill be and is hereby agreed to with the following amendment:

In lieu of the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

Title I through XXXIII of this Act may be cited as the "Reclamation Projects Authorization and Adjustment Act of 1991".

SEC. 2. DEFINITION OF SECRETARY.

For the purposes of this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—BUFFALO BILL DAM AND RESERVOIR, WYOMING

The SPEAKER pro tempore.⁽³²⁾ Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. [Richard] LEHMAN of California. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEHMAN of California. Mr. Speaker, I am opposed to the bill and would like to find out how it might be possible for me to get time on this side from what is allocated.

The SPEAKER pro tempore. Is the gentleman from Utah [Mr. HANSEN] opposed to the motion?

Mr. [James] HANSEN [of Utah]. No, Mr. Speaker, I am not opposed to the motion, and I am not opposed to the bill.

29. *House Rules and Manual* § 891 (2017).

30. *Parliamentarian's Note*: Earlier precedents prescribe cascading priorities in recognition for control of time in opposition to a motion to suspend the rules. First, opponents are recognized over those who support the motion. Then, among opponents, committee members are recognized over noncommittee members. Finally, among committee members opposed, minority party Members have priority. See 5 Hinds' Precedents § 6802 and 9 Cannon's Precedents § 3415.

31. 137 CONG. REC. 32510, 102d Cong. 1st Sess.

32. Sonny Montgomery (MS).

The SPEAKER pro tempore. The gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

§ 11.3 The chair of the Committee of the Whole customarily accords priority in recognition to members of the reporting committee and otherwise endeavors to alternate recognition between majority party and minority party Members.

On July 20, 2000,⁽³³⁾ the following occurred:

Mr. [Charles] RANGEL [of New York]. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore.⁽³⁴⁾ Will the gentleman suspend?

Mr. [James] KOLBE [of Arizona]. Mr. Chairman, I believe the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the committee, was on his feet.

The CHAIRMAN pro tempore. The gentleman is correct. The Chair finds itself in the following position: I did not see the gentleman from New Jersey. We have just considered a Republican amendment and I was going to go to the most senior Democrat. But since the gentleman from New Jersey is a member of the committee and asks to be recognized, the gentleman from New Jersey will be recognized.

AMENDMENT NO. 6 OFFERED BY MR. FRELINGHUYSEN

Mr. [Rodney] FRELINGHUYSEN [of New Jersey]. Mr. Chairman, I offer an amendment No. 6.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

§ 11.4 In recognizing Members to offer pro forma amendments under the five-minute rule, the Chair: (1) endeavors to alternate between majority party and minority party members (giving priority of recognition to committee members); and (2) does not endeavor to alternate between both sides of the question (having no knowledge of whether specific Members oppose or support the pending proposition).

On March 21, 1994,⁽³⁵⁾ the following occurred:

Mr. [Charles] TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words. . . .

The CHAIRMAN.⁽³⁶⁾ The Chair recognizes the gentleman from California [Mr. CUNNINGHAM], a member of the committee.

Mr. TAYLOR of North Carolina. Mr. Chairman, is it possible to have some support statements made on the floor, since most have been negative?

33. 146 CONG. REC. 15735, 106th Cong. 2d Sess.

34. Edward Pease (IN).

35. 140 CONG. REC. 5730, 103d Cong. 2d Sess.

36. David Price (NC).

The CHAIRMAN. The Chair is to give priority to members of the committee and does not confer recognition by stated position on the issue. The gentleman will be recognized in due course.

Mr. [Duke] CUNNINGHAM [of California]. Mr. Chairman, I move to strike the requisite number of words.

§ 11.5 When the Committee of the Whole is reading a bill for amendment under the five-minute rule, the Chair customarily accords priority in recognition to members of the committee of jurisdiction, but otherwise exercises discretion and may give priority to the Majority Leader.

On July 28, 1993,⁽³⁷⁾ the following occurred:

Mr. [Bill] RICHARDSON [of New Mexico]. Mr. Chairman, I move to strike the requisite number of words.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.) . . .

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. [Dan] BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN.⁽³⁸⁾ The gentleman will state his inquiry.

Mr. BURTON of Indiana. Mr. Chairman, there is a common courtesy during debate under the 5-minute rule to go back and forth. I have nothing against the majority leader. We just had somebody from the majority side.

Mr. GEPHARDT. Mr. Chairman, I would be happy to yield back and allow the gentleman to proceed.

The CHAIRMAN. Recognition is at the discretion of the Chair. The Chair recognized the gentleman from Missouri as the majority leader.

Mr. GEPHARDT. Mr. Chairman, I would be happy to make my statement and then yield to the gentleman. . . .

Mrs. [Patsy] MINK [of Hawaii]. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, there is supposed to be a modicum of fairness. This is the second time in just a short period of time that the Chair recognized two Members on the Democrat side of the aisle. The minority deserves fairness. The Chair is not being fair.

If the Chair is not going to be fair, then we ought to just walk off this floor.

37. 139 CONG. REC. 17427, 17431, 103d Cong. 1st Sess.

38. Cleo Fields (LA).

The CHAIRMAN. Members of the reporting committee deserve the right to be heard prior to other Members on the floor under the precedent. The gentlewoman is on the committee. The other Member that the Chair recognized was the majority leader.

The Chair would extend that same privilege to the minority leader.

Mr. [William] FORD of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Michigan.

§ 12. Non-Legislative Debate

While most debate in the House occurs in reference to a pending legislative measure or matter, the House also observes periods of non-legislative debate during which Members may discuss any topic they desire. The House sets aside three periods for non-legislative debate: morning hour debate⁽¹⁾ (conducted on certain days prior to convening for legislative business); one-minute speeches⁽²⁾ (generally conducted after convening for legislative business but before such business commences); and special-order speeches⁽³⁾ (conducted at the end of the day, after legislative business has concluded). All such non-legislative debate is divided on the basis of party affiliation.⁽⁴⁾

Morning hour debate began in the 103d Congress in 1994 and proceeds pursuant to a unanimous-consent agreement negotiated by the party leaderships.⁽⁵⁾ Although the content of such agreements has varied over time, it has always been the case that the time is equally divided between the parties.⁽⁶⁾ Recognition is conferred by the Chair pursuant to lists submitted by the Majority Leader and Minority Leader. No Member may speak for more than five minutes, except for the Majority Leader, the Minority Leader, and the Majority and Minority Whips.

One-minute speeches occur at the discretion of the Speaker and generally take place when the House first convenes for legislative business (following

1. *House Rules and Manual* § 951 (2017).

2. *House Rules and Manual* § 950 (2017).

3. *Id.*

4. *Parliamentarian's Note*: In the 103d Congress, the House conducted a series of "Oxford-style" debates that included a predetermined schedule of topics and four participants from each of the two parties. See, e.g., 140 CONG. REC. 2244, 103d Cong. 2d Sess. (Feb. 11, 1994). A similar format had been used for a "Lincoln-Douglas-style" debate in the House, with one Member acting as moderator and yielding to Members from each party. See 139 CONG. REC. 27312, 103d Cong. 1st Sess. (Nov. 3, 1993). These special debate formats for conducting non-legislative debates between the parties have not been used since that time. *House Rules and Manual* § 952 (2017). See also Deschler's Precedents Ch. 29 § 73.24.

5. See Deschler's Precedents Ch. 29 § 73; Precedents (Wickham) Ch. 29; and *House Rules and Manual* § 951 (2017).

6. See, e.g., 163 CONG. REC. H29 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

the prayer, business regarding the Journal, and the pledge of allegiance).⁽⁷⁾ Since 1984, the Speaker has followed an announced policy of alternating recognition between the two parties⁽⁸⁾ (a policy reiterated in each subsequent Congress).⁽⁹⁾

Special-order speeches occur at the end of the legislative day, after legislative business has been concluded.⁽¹⁰⁾ As with one-minute speeches, special-order speeches proceed as an exercise of the Speaker's power of recognition, pursuant to policies announced to the House at the beginning of a Congress.⁽¹¹⁾ These policies have varied over time, but currently limit such speeches to four total hours, divided between the majority and minority parties. Each party may reserve its first hour for its respective leaderships. The remaining time is divided into 30-minute (or less) segments and the Chair alternates recognition between the two parties. The party leaderships organize lists of Members to be recognized for special-order speeches each day.

One-Minute Speeches

§ 12.1 In response to parliamentary inquiries, the Chair affirmed that the regular procedure for recognizing Members for one-minute speeches was to alternate between the two parties.⁽¹²⁾

On October 7, 1998,⁽¹³⁾ the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽¹⁴⁾ The Chair will entertain 15 1-minutes on each side.

PRESENTATION OF THE FREEDOM WORKS AWARD TO JOE WHITE, FOUNDER OF KIDS ACROSS AMERICA

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

7. For more on one-minute speeches generally, see Deschler's Precedents Ch. 21 § 6, Deschler's Precedents Ch. 29 §§ 73.1–73.11, Precedents (Wickham) Ch. 29, and *House Rules and Manual* § 950 (2017).
8. See 130 CONG. REC. 22963, 98th Cong. 2d Sess. (Aug. 8, 1984). See also § 12.1, *infra*.
9. See, e.g., 163 CONG. REC. H35 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).
10. For more on special-order speeches generally, see Deschler's Precedents Ch. 21 § 7, Deschler's Precedents Ch. 29 §§ 73.12–73.23, Precedents (Wickham) Ch. 29, and *House Rules and Manual* § 950 (2017).
11. See, e.g., 163 CONG. REC. H35 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).
12. *Parliamentarian's Note*: In this instance, the Majority Leader was recognized for one-minute, but the Chair granted additional time in consonance with the custom of allowing party leaders unfettered debate. See § 6, *supra*. The Majority Leader, in an unusual move, took advantage of this opportunity to yield to other members of his party, prompting the inquiry regarding the policy of alternating between the parties.
13. 144 CONG. REC. 24102, 24103, 105th Cong. 2d Sess.
14. Pete Sessions (TX)

Mr. [Richard] ARMEY [of Texas]. . . .

Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. [Roy] BLUNT [of Missouri]. Mr. Speaker, I am pleased to be here today as the Majority Leader recognizes Joe White, Joe White from my district in southwest Missouri, Joe White with a doctors degree from Southwest Baptist University, Joe White who has devoted his life to kids. . . .

Mr. ARMEY. Mr. Speaker, again with your continued indulgence and the graceful generosity of my colleagues on both sides of the aisle, I yield to the gentleman from Kansas (Mr. RYUN).

Mr. [Jim] RYUN [of Kansas]. Mr. Speaker, let me first of all add my congratulations to what Joe White has been able to do with the program in Missouri. . . .

POINT OF ORDER

Mr. [Frank] PALLONE [of New Jersey]. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PALLONE. No offense to the Majority Leader, Mr. Speaker, but the procedure the way I understand it is that these are 1 minute speeches that alternate with each side, and I would ask that the Speaker follow that procedure.

The SPEAKER pro tempore. The gentleman is correct. The Chair will follow that procedure.

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