

**PRECEDENTS**  
OF THE  
**United States**  
**House of Representatives**

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**VOLUME 1**

COVERING PRECEDENTS THROUGH THE OPENING DAY OF  
THE 115TH CONGRESS AND EMPLOYING CITATIONS TO THE  
RULES AND TO THE HOUSE RULES AND MANUAL OF THAT  
CONGRESS



## Preface to New Precedent Series

This book marks the inaugural volume in the fourth series of the precedents of the United States House of Representatives. This series continues the efforts of the Office of the Parliamentarian, pursuant to law, to compile and publish the parliamentary precedents of the House.

The overarching role of the Office of the Parliamentarian is to facilitate the orderly conduct of business in the House by applying pertinent precedent to each procedural question as it arises, striving always to achieve consistency and regularity in parliamentary practice. In resolving questions of order, the Speaker and other presiding officers of the House adhere to the jurisprudential principle of *stare decisis*—a commitment to stand by earlier decisions. This fidelity to precedent promotes analytic consistency and procedural predictability, and thereby fosters legitimacy in parliamentary practice. To quote Lewis Deschler, former Parliamentarian: “If the precedents of the House can be said to have an overriding function, it is to enable the Members to govern themselves democratically and fairly and at the same time execute the will of the majority.”

The compilation of the parliamentary precedents of the House is as important as any other function of the Office of the Parliamentarian. This compilation process begins when parliamentary or procedural events occur on the floor of the House. These events are recorded in the *Congressional Record*, which is reviewed and notated regularly by the Parliamentarian. From these notations, a parliamentary syllabus is prepared, stating the substance of the decision and its legal rationale in suitably narrow terms. These “headnotes” are then logged in an internal database and compiled annually into scrapbooks for use by the Office. Finally, following years of analysis and review, the formal precedents are published in works such as this—extracting the most pertinent parliamentary events, and organizing them into a coherent and logical framework. Each precedent is presented with *Congressional Record* excerpts and annotated with descriptive procedural narratives that concisely state the applicable legal principles at issue. The published precedents thus represent for the House the most critical element of what Thomas Jefferson referred to in 1800 as the “parliamentary branch of the law.”

The first series of House precedents, compiling the early precedents of the House from the First Congress through 1907, were published at the beginning of the 20th century in the five-volume work of Asher Hinds. The second series, compiled by Clarence Cannon, updated Hinds’ work by publishing precedents from 1908 to 1936 in three additional volumes. The third series was commenced in 1974 by House Parliamentarian Lewis Deschler. The Deschler series continued with publications during the tenures of Parliamentarians William H. Brown, Charles W. Johnson III, and John V. Sullivan, with a final volume of the series published in 2013. The Deschler series, made up of 18 volumes, was published over a 35-year period, reflecting a broad span of precedents dependent on the publication date of each individual volume.

This fourth series of House precedents will maintain the overall organizational structure of the preceding series. Thus, each chapter in this new series will have a counterpart in the Deschler series, covering the same general subject matter, and will analyze procedural events occurring since the prior publication. The reasoning for this

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editorial decision is perhaps best illustrated by a quote from Henry H. Smith, a former Journal Clerk of the House, who wrote in 1890 that, “[U]niformity of arrangement of matter in a work of this character is of the first importance, and except for manifest reasons, should not be changed.”

The series will continue the tradition of earlier volumes by presenting not only binding precedents but also the institutional history of the House. Thus, while the focus will typically be on formal procedural decisions of the Chair, the series will examine a broader range of House proceedings—from parliamentary rulings on discrete points of order to customary usages that attend ceremonial occasions and other non-legislative events.

The naming of this series (“Precedents of the United States House of Representatives”) is a movement toward the original convention found in the United States Code (2 U.S.C. §28) and an acknowledgment of the evolution of the Office of Compilation of Precedents—a division of the Office of the Parliamentarian. The manual record-keeping methods of the 1920s, when the Office of the Parliamentarian first began compiling parliamentary rulings, have given way to the sophisticated tools of the digital age. Paper files and handwritten notations have now been supplanted by an internal electronic database consisting of over 20,000 entries. The completion of the Deschler series and this inaugural volume of the new series would not have been possible without the two editors that anchor the Office of Compilation of Precedents—Andrew Neal and Max Spitzer. The contributions of these excellent attorneys to the development of that office and the unyielding drive for consistent analysis and publication of the precedents are gratefully acknowledged.

One challenge of this series will be to document the procedural change that has occurred at a rapid pace since the publication of the initial volumes of the Deschler series in the 1970s. Parliamentarian Charles W. Johnson invoked this rapidity in his retirement letter of 2004, following forty years of service in the Office of the Parliamentarian. He wrote: “One need only refer to the prefaces of Hinds, Cannon’s, and Deschler’s Precedents to gain a sense of the extent of the procedural evolution in the House for the first 190 years of the Republic, and then compare with that documented history the nature and pace of more recent changes, to understand the enormity of contemporary developments.”

Among the most fundamental developments has been the expanding role of ad hoc special orders of business reported by the Committee on Rules in the daily business of the House. The growth in the use of special rules to provide for the consideration of otherwise privileged business and the increased structuring of those rules will be documented in this series. The series will also detail the decreased use of conference committees as a means of resolving differences between the legislative products of the two chambers. Evolving transparency requirements will be addressed as the rules of the House have been modified to account for technological change—for example, the ability to make House documents available to Members and staff in electronic form. The series will also illuminate continuity of Congress provisions adopted after the terrorist attacks of September 11, 2001.

Finally, the goal of this series is to preserve a foundation for future parliamentary decision-making in the body closest to the people in our Federal government. The

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highly-organized structure and illustrated citations will guide the sophisticated researcher of parliamentary procedure and foster the transparency that is an essential element of prudent lawmaking. Through the publication, distribution, and use of this fourth series of precedents, the House continues its commitment to its founding ideals of regularity and consistency in parliamentary practice.

THOMAS J. WICKHAM, JR.  
Parliamentarian

DECEMBER 1, 2017



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DECEMBER 2017



## **Citation Notes for Precedents of the United States House of Representatives**

For Precedents of the United States House of Representatives, cite to Parliamentary last name, chapter, section number:

Precedents (Wickham) Ch. 1 § 1.1

For Hinds' and Cannon's Precedents, cite to volume, series, section number:

1 Hinds' Precedents § 101; 7 Cannon's Precedents § 3900

For Deschler's Precedents, Deschler–Brown Precedents, Deschler–Brown–Johnson Precedents, and Deschler–Brown–Johnson–Sullivan Precedents, cite to Deschler's Precedents, chapter, section number:

Deschler's Precedents Ch. 11 § 1.1



## TABLE OF ABBREVIATIONS AND TERMS

A. (or A.2d)	Atlantic Reporter
ad hoc	For a particular purpose or end
A.L.R.	American Law Reports Annotated
Am Jur	American Jurisprudence
amend.	Amendment to the Constitution
Annals of Cong.	Annals of Congress (1789–1824)
App. D.C.	Appeal Cases, District of Columbia
App. Div.	Appellate Division
art.	Article of the Constitution
C.A.	Court of Appeals
cert.	Certiorari
<i>cf.</i>	Compare with
CFR	Code of Federal Regulations
Ch.	Chapter
Cir.	Circuit Court of Appeals (federal)
Cir. Ct. App.	Circuit Court of Appeals (state)
cl.	clause
Comm.	Committee
Cong.	Congress
Cong. Deb.	Congressional Debates (1824–1837)
Cong. Globe	Congressional Globe (1833–1873)
Cong. Rec.	Congressional Record
<i>contra</i>	Contradictory authority
Crim. App.	Court of Criminal Appeals
Ct. Cl.	Court of Claims
D.	District Court (federal)
Daily Ed.	Daily edition of Record
<i>e.g.</i>	For example
<i>et al.</i>	Omission of party in case name
<i>et seq.</i>	And the following
<i>ex rel.</i>	On the relation of . . .
Exec. Comm.	Executive Communication
F.2d	Federal Reporter
FCA	Federal Code Annotated
Fed. Reg.	Federal Register
FRD	Federal Rules Decisions
F. Supp.	Federal Supplement
H. Con. Res.	House Concurrent Resolution
H. Doc.	House Document
H.J. Res.	House Joint Resolution
H. Jour.	House Journal
H.R.	House Bill
H. Rept.	House Report
H. Res.	House Resolution

## TABLE OF ABBREVIATIONS AND TERMS

<i>Id.</i>	Citation to same authority as in immediately preceding citation
<i>i.e.</i>	That is
<i>In re</i>	In the matter of . . .
<i>infra</i>	Subsequent section or chapter
<i>inter alia</i>	Among others
L.Ed (or L.Ed2d)	Lawyers' Edition, U.S. Supreme Court Reports
L.J.	Law Journal
L. Rev.	Law Review
<i>Mem.</i>	Disposition of case without opinion
N.E. (or N.E.2d)	North Eastern Reporter
N.W. (or N.W.2d)	North Western Reporter
Op. Att'y Gen.	Attorney General's Opinions
P. (or P.2d)	Pacific Reporter
<i>Per Curiam</i>	Disposition of case with short opinion
Priv. L.	Private Law
P.L.	Uncodified Statute or Session Law
S.	Senate Bill
S. Con. Res.	Senate Concurrent Resolution
S. Ct.	Supreme Court Reporter
S. Doc.	Senate Document
S.E. (or S.E.2d)	South Eastern Reporter
Sess.	Session
[ <i>sic</i> ]	Mistake in original of quoted material
S.J. Res.	Senate Joint Resolution
S. Jour.	Senate Journal
S. Rept.	Senate Report
S. Res.	Senate Resolution
So. (or So.2d)	Southern Reporter
Stat.	Statutes at large
Sup. Ct.	Supreme Court
<i>supra</i>	Prior section or chapter
S.W. (or S.W.2d)	South Western Reporter
U.S.	United States Supreme Court Reports
U.S.C. (or U.S.C.A.)	United States Code (or United States Code Annotated)
U.S. Code Cong. & Ad. News	United States Code Congressional and Administrative News
U.S. Const.	United States Constitution
U.S.L.W.	United States Law Week

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## CHAPTER 1

# *Assembly of Congress*

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# ***Assembly of Congress***

## **A. Sessions of Congress**

### **§ 1. In General**

An understanding of the rules and proceedings of the United States House of Representatives begins with an examination of the first day of a new Congress. This series of parliamentary precedents will proceed from that opening day when the House first assembles, through an exploration of procedures that are used both on a regular basis as well as those used less frequently (including historical usages), and will end with a discussion of adjournments of the House, including the final adjournment *sine die* of a congressional session.

This chapter is primarily concerned with the procedural steps and principles involved in organizing the House of Representatives as a parliamentary body at the opening of a new Congress. The customs, traditions, and precedents of the House mandate the proceedings (and the order in which they occur) that must take place when the House first assembles. The first division of this chapter is a general introduction to the terms and concepts used throughout this chapter and other chapters in this series. It distinguishes between different types of meetings that the House conducts, how the term “session” is used in different contexts, and what it means to convene the House for legislative activity. It also addresses the initial date of convening, including the constitutional requirements surrounding the setting of that date and the ability of Congress to set a different date by law.

The second division deals primarily with the rules and customs adhered to on opening day of a new Congress. It proceeds roughly chronologically through the various steps of organization, including the initial quorum call of Members–elect, the election of the Speaker, and the administration of the oath of office. It further covers the procedural landscape prior to the adoption of the standing rules of the House and the customs and precedents incident to their adoption. It concludes with a discussion of organization at a second (or subsequent) session of the House, and analysis of legislative business that carries over from one session to another or from one Congress to another.

The third division addresses other convening issues, such as distinguishing legislative days from calendar days and setting the daily hour at

which the House is to meet for a given session. It also discusses the constitutional requirement regarding the place of meeting and the ability of Congress to assemble at a different location. Finally, it examines the procedures involved in recalling the House from an adjournment so that it may reassemble and conduct legislative business, as well as emergency convening authorities and how they are exercised.

### ***Terms and Concepts***

The term “session” in the context of meetings of Congress can have a variety of meanings, so it is important to distinguish one type of session from another. The “lifespan” of a Congress encompasses the two-year term for which Members of the House are elected, beginning on the constitutionally-required January 3 start date<sup>(1)</sup> (even if the House delays its formal convening until a later date)<sup>(2)</sup> and typically ending with *sine die* adjournment (although the House may still take actions through its committees until noon on January 3).<sup>(3)</sup> Within that two-year period, Congress usually meets in two separate sessions. The President also has the authority to call special sessions of Congress, though this power has not been exercised in many years.

The term “session” may also refer to particular kinds of meetings of the House or of Congress. For example a *joint* session occurs when both the House and Senate meet together in the House Chamber. Joint sessions are typically used when Congress wishes to hear an address from the President (including the annual address on the state of the Union),<sup>(4)</sup> and every four years Congress meets in joint session to count the electoral votes for President.<sup>(5)</sup> Joint sessions should be distinguished from joint *meetings*, which are typically used when the House and Senate wish to meet together to hear an address from a foreign dignitary or other personages.<sup>(6)</sup>

The House will occasionally meet in what is termed a *pro forma* session. This type of meeting generally does not involve the conduct of any legislative business, and may last as little as a few minutes before the House adjourns. Such meetings are typically used when the two Houses are unable

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1. U.S. Const. amend. XX; *House Rules and Manual* § 242 (2017).
  2. See § 2, *infra*.
  3. For more on adjournment, see Deschler’s Precedents Ch. 40 and Precedents (Wickham) Ch. 40.
  4. For more on joint sessions of Congress to receive presidential messages, see Deschler’s Precedents Ch. 35 §§ 4, 5 and Precedents (Wickham) Ch. 35.
  5. For more on presidential elections and the electoral college, see Deschler’s Precedents Ch. 10 and Precedents (Wickham) Ch. 10.
  6. For more on ceremonial joint meetings, see Deschler’s Precedents Ch. 36 § 23 and Precedents (Wickham) Ch. 36.

to agree to an adjournment resolution and the House needs to conduct a meeting pursuant to the constitutional requirement of convening every third day.<sup>(7)</sup>

The House also (though rarely) conducts *secret* sessions pursuant to clause 10 of rule XVII.<sup>(8)</sup> These special meetings of the House are closed to the public, and only Members who have signed an oath of secrecy may attend.<sup>(9)</sup>

## § 2. The Date of Convening

As noted above, the 20th amendment to the U.S. Constitution requires Congress to assemble at least once a year and provides that such assembly take place at noon on January 3 unless Congress has, by law, appointed a different day.<sup>(1)</sup> Since the ratification of the 20th amendment in 1933, Congress has traditionally conducted one session each year. The only exceptions occurred in the 75th and 76th Congresses,<sup>(2)</sup> when President Franklin Roosevelt exercised his power under article II, section 3, of the Constitution, to convene two special sessions of Congress.<sup>(3)</sup>

Congress has frequently changed the date of convening by joint resolution enacted into law.<sup>(4)</sup> In most cases, this action was simply a matter of convenience—for example, the desire of Members to avoid conducting an opening-day session on a weekend or other inconvenient time. Because of the relatively uncontroversial nature of such laws, the House has typically considered joint resolutions to change the convening date by unanimous consent<sup>(5)</sup> or suspension of the rules<sup>(6)</sup> (though special orders of business have

7. U.S. Const. art. I, § 5, cl. 4; *House Rules and Manual* § 84 (2017).

8. *House Rules and Manual* § 969 (2017).

9. For more on secret sessions of the House, see Deschler's Precedents Ch. 29 § 85 and Precedents (Wickham) Ch. 29.

1. For the first assembly of Congress pursuant to the 20th amendment, see Deschler's Precedents Ch. 1 § 3.5.

2. See Deschler's Precedents Ch. 1 §§ 2.1–2.3.

3. *Parliamentarian's Note*: President Franklin Roosevelt's exercise of these convening authorities occurred after *sine die* adjournment of the first session of the 75th and 76th Congresses in 1937 and 1939 respectively. Thus, upon reconvening pursuant to the presidential proclamation, the House and Senate met in a second session of each respective Congress (with the subsequent regular session constituting a third session of those Congresses). By contrast, President Harry Truman convened Congress on two occasions (in 1947 and 1948) during a regular adjournment period (not *sine die*). Thus, those meetings of Congress constituted extensions of the first and second sessions of the 80th Congress.

4. A complete list of all public laws since the 74th Congress in 1937 changing the date of convening for a session of Congress can be found at: *House Rules and Manual* § 243 (2017). For an example of "precall" authority provided in a joint resolution changing the date of convening, see § 11.9, *infra*.

5. See § 2.4, *infra*.

6. See § 2.2, *infra*.

also been used).<sup>(7)</sup> Though rare, amendments to such joint resolutions are in order.<sup>(8)</sup> The Chair does not normally interpret constitutional provisions in response to parliamentary inquiries, but the Chair has provided to Members a constitutional citation for the authority of Congress to change the date of convening.<sup>(9)</sup>

### ***Expiration of a Session***

A session of Congress formally ends or expires when both Houses agree to a concurrent resolution providing for adjournment *sine die* (literally “without day”).<sup>(10)</sup> An adjournment *sine die* takes the House into a period of adjournment until the next session, which will either occur at noon on January 3 or on a different date should Congress enact a law changing the date of convening. In the absence of a concurrent resolution providing for *sine die* adjournment, a session of Congress will “naturally” expire at noon on January 3, as that is the constitutionally-prescribed date on which the terms of Senators and Representatives begin.<sup>(11)</sup> Thomas Jefferson, in his *Manual of Parliamentary Practice*, describes this form of termination as the “dissolution of the efflux of their time.”<sup>(12)</sup> If the House is still in session on January 3, the Chair will typically declare the House adjourned *sine die* a few moments prior to noon. Alternatively, the Chair may await a motion to adjourn from the floor.<sup>(13)</sup>

Pursuant to section 132(a) of the Legislative Reorganization Act of 1946,<sup>(14)</sup> Congress is technically obligated to adjourn *sine die* by July 31 (in even-numbered years). However, while the term “shall” is used, the act specifically states that such provision is applicable “[u]nless otherwise provided

7. See § 2.3, *infra*.

8. See Deschler’s Precedents Ch. 1 § 3.8.

9. See § 2.1, *infra*.

10. For adjournments *sine die* generally, see Deschler’s Precedents Ch. 40 §§ 14–18 and Precedents (Wickham) Ch. 40.

11. For an example of the expiration of a first session on January 3, see § 2.5, *infra*. See also 125 CONG. REC. 37773, 37774, 96th Cong. 1st Sess. (Jan. 3, 1980); 137 CONG. REC. 36367, 102d Cong. 1st Sess. (Jan. 3, 1992); 141 CONG. REC. 38609, 38610, 104th Cong. 1st Sess. (Jan. 3, 1996); and 157 CONG. REC. 21498 112th Cong. 1st Sess. (Jan. 3, 2012). For an example of the expiration of a second session on January 3, see § 2.6, *infra*. See also 154 CONG. REC. 24811–13, 110th Cong. 2d Sess. (Jan. 3, 2009). For a similar expiration of the final session of the 76th Congress in the Senate, see Deschler’s Precedents Ch. 1 § 2.4.

12. *House Rules and Manual* § 590 (2017).

13. See 137 CONG. REC. 36367, 102d Cong. 1st Sess. (Jan. 3, 1992).

14. P.L. 79–601, 60 Stat. 812 (as amended by the Legislative Reorganization Act of 1970, P.L. 91–510, § 461, 84 Stat. 1140).

by the Congress.” This language has been interpreted to authorize a waiver of this law via concurrent resolution (which may provide for an alternate adjournment schedule), and such resolutions have used the phrase “in consonance with section 132(a)” to formally indicate a waiver of that provision.<sup>(15)</sup> This provision of law is inapplicable in cases of national emergency.<sup>(16)</sup>

### ***Pro Forma Sessions***

As noted above, a pro forma session of the House is a regular legislative session of the House at which no substantive business is expected to occur. Under the Constitution, neither House of Congress may adjourn for more than three days without the consent of the other body. In cases where an adjournment for a longer period is desired—but the two Houses are unable to agree on a concurrent resolution of adjournment—the House may provide for one or more pro forma sessions to bridge the gap between the date of adjournment and the date of next convening.<sup>(17)</sup>

It is not uncommon for the House to provide for one or more pro forma sessions to begin a second session of Congress. At such sessions, an order of the House provides that no organizational business occurs, and the initial quorum call to begin the second session will be delayed until the date when regular legislative activities are scheduled to commence.<sup>(18)</sup>

In the event that a concurrent resolution providing for *sine die* adjournment of both Houses is unable to be adopted, the House may (by simple resolution) provide for a series of pro forma sessions to end the legislative session instead.<sup>(19)</sup> The House may also authorize a series of recesses of the House that continue a single legislative day through a number of calendar days, but which do not violate the three-day limit imposed by the Constitution.<sup>(20)</sup>

### ***Date of Convening***

**§ 2.1 While the Chair does not construe the constitutionality of a proposed action of the House, the Chair may cite for the information of Members the provision of the Constitution pursuant to which a joint resolution setting a convening day for the next Congress will be considered.**

15. See Deschler’s Precedents Ch. 40 § 16.

16. See Deschler’s Precedents Ch. 1 § 3.7.

17. See § 2.11, *infra*. See also Deschler’s Precedents Ch. 1 § 3.9.

18. See §§ 2.8, 2.9, *infra*.

19. See § 2.12, *infra*.

20. See § 2.9, *infra*.

On November 26, 1974,<sup>(21)</sup> Members of the House debated the ability of the House and Senate to set the date of convening for the following Congress:

Mr. [Garry] BROWN of Michigan. Mr. Speaker, if this Congress can set a different date than January 3 for the convening of the new Congress why cannot this Congress set a convening day of August 15, or even December 31 of 1975, since the Constitution stipulates that the Congress meet once each year?

Mr. [Thomas] O'NEILL [of Massachusetts]. I suppose we could do that if we wanted to do it. I know that the 90th Congress convened on January 19. So we are following the will of the House and the Senate.

Mr. BROWN of Michigan. I know that there has been a precedent established by the Congress of passing a bill and being signed by the President, so, in the terms of the Constitution a new date for convening has been set by the Congress, but, may I ask, has that issue ever been contested, and judicially determined, so that the procedure can properly be called a precedent?

Mr. O'NEILL. I would have to say to the gentleman from Michigan that the gentleman would have to ask the Speaker that question as a parliamentary inquiry, or perhaps the Parliamentarian.

Mr. BROWN of Michigan. If the gentleman will yield still further, and I do not intend to be difficult on this issue, because I recognize that that could make me persona non grata, but I have pursued this subject and raised this issue before. I frankly do not believe that this Congress can set a different date for the convening of the House and the Senate other than the day set by the Constitution, and that is January 3.

The SPEAKER.<sup>(22)</sup> The gentleman is not stating a parliamentary inquiry, but if he wants the constitutional citation, the Chair is prepared to give it.

Mr. BROWN of Michigan. I would appreciate if the Chair would.

The SPEAKER. Clause 2, section II of the 20th amendment:

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Mr. BROWN of Michigan. Mr. Speaker, that language appertains to that Congress. The logic is there and clear. This Congress, accordingly, can say to the next Congress, "You cannot meet until December 31, 1975." Obviously, that is not a logical objective of Congress.

The SPEAKER. This has been the congressional interpretation of that provision of the Constitution. The Chair does not want to get involved in this, but the Chair thinks if the Constitution meant something else, it would state "meet every other year."

Mr. BROWN of Michigan. Mr. Speaker, I wish the Speaker would cite other precedents than his own precedents.

I thank the Speaker.

**§ 2.2 A joint resolution providing for the convening of the second session of the 93d Congress on January 21, 1974, was considered and passed under suspension of the rules.**

21. 120 CONG. REC. 37407-408, 93d Cong. 2d Sess.

22. Carl Albert (OK).

On December 17, 1973,<sup>(23)</sup> the following occurred:

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 180) relative to the convening of the second session of the 93d Congress.

The Clerk read as follows:

S.J. RES. 180

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-third Congress shall begin at noon on Monday, January 21, 1974, or at noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.*

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate, or the Majority Leader of the Senate and the Majority Leader of the House of Representatives, or the Minority Leader of the Senate and the Minority Leader of the House of Representatives, shall notify the Members of the Senate and the House of Representatives, respectively, to reassemble whenever in their opinion the public interest shall warrant it.

**§ 2.3 A joint resolution providing for the convening of the second session of the 107th Congress on January 23, 2002, was considered and passed pursuant to a special order of business resolution reported by the Committee on Rules.**

On December 20, 2001,<sup>(24)</sup> the following occurred:

PROVIDING FOR CONSIDERATION OF H. RES. 322, APPOINTING DAY FOR THE CONVENING OF THE SECOND SESSION OF THE 107TH CONGRESS

The Clerk read the resolution, as follows:

H. RES. 322

*Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the second session of the One Hundred Seventh Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.*

The SPEAKER pro tempore.<sup>(25)</sup> The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. [Richard (Doc)] HASTINGS of Washington. . . .

Mr. Speaker, House Resolution 322 is a closed rule providing for consideration of a joint resolution appointing the day for the convening of the second session of the 107th Congress. The joint resolution shall be considered as read for amendment.

The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) 1 hour of debate, equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

Mr. Speaker, we had hoped to bring this resolution to the floor under unanimous consent agreement, but were unable to secure such an agreement. Accordingly, in the interest of completing the work of the House as expeditiously as possible, I encourage my colleagues to support both this rule and the resolution that it makes in order.

23. 119 CONG. REC. 42059, 93d Cong. 1st Sess.

24. 147 CONG. REC. 27578, 107th Cong. 1st Sess.

25. David Camp (MI).

Mr. Speaker, I reserve the balance of my time.

Mr. [Jonas] FROST [of Texas]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule makes in order a joint resolution which sets the date for convening of the second session of the 107th Congress as January 23, 2002. This is a totally noncontroversial rule and joint resolution, and I urge adoption of both.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

**§ 2.4 A joint resolution providing for the convening of the first session of the 114th Congress on January 6, 2015, was considered and passed by unanimous consent.**

On November 14, 2014,<sup>(26)</sup> the following occurred:

APPOINTING THE DAY FOR THE CONVENING OF THE FIRST SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

Mr. [Kevin] MCCARTHY of California. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 129) appointing the day for the convening of the first session of the One Hundred Fourteenth Congress, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore.<sup>(27)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 129

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Fourteenth Congress shall begin at noon on Tuesday, January 6, 2015.*

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

***Expiration of Sessions***

**§ 2.5 The House convened for the final meeting of the first session of the 113th Congress on January 3, 2014, at which (following a brief recess) the Chair declared the House adjourned *sine die* pursuant to the 20th amendment to the Constitution.**

On January 3, 2014,<sup>(28)</sup> the House convened at 11:00 a.m., approved the Journal, recessed until 11:55 a.m., and then adjourned *sine die* as follows:

26. 160 CONG. REC. H7985 [Daily Ed.], 113th Cong. 2d Sess.

27. Steve Womack (AR).

28. 159 CONG. REC. H8137 [Daily Ed.], 113th Cong. 1st Sess. For similar *sine die* adjournment of the Senate, see 159 CONG. REC. S9121 [Daily Ed.], 113th Cong. 1st Sess. (Jan. 3, 2014).

## THE JOURNAL

The SPEAKER pro tempore.<sup>(29)</sup> Pursuant to section 6(a) of House Resolution 438, the Journal of the last day's proceedings is approved. . . .

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MESSER) at 11 o'clock and 55 minutes a.m. . . .

## SINE DIE ADJOURNMENT

The SPEAKER pro tempore.<sup>(30)</sup> Pursuant to the 20th amendment to the Constitution, the Chair declares the first session of the 113th Congress adjourned sine die. Accordingly (at 11 o'clock and 56 minutes a.m.), the House adjourned.

**§ 2.6 The House convened for the final meeting of the second session of the 112th Congress on January 3, 2013, at which the Chair declared the House adjourned *sine die* pursuant to the 20th Amendment to the Constitution.**

On January 3, 2013,<sup>(31)</sup> the House convened at 11:00 a.m., approved the Journal, recessed until 11:55 a.m., and then adjourned *sine die* as follows:

## THE JOURNAL

The SPEAKER.<sup>(32)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

The House met at 11 a.m. and was called to order by the Speaker. . . .

## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House stood in recess.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. [Robert] DOLD [of Illinois]) at 11 o'clock and 55 minutes a.m. . . .

29. Thomas Petri (WI)

30. Luke Messer (IN)

31. 158 CONG. REC. H7587, H7588, H7589 [Daily Ed.], 112th Cong. 2d Sess.

32. John Boehner (OH).

## SINE DIE ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the 20th amendment to the Constitution of the United States, the Chair declares the 112th Congress adjourned sine die.

Thereupon (at 11 o'clock and 56 minutes a.m.), the House adjourned.

*Pro Forma Sessions*

**§ 2.7 The House by unanimous consent vacated a previous order providing that the House meet in pro forma sessions on certain days for the remainder of the session until otherwise ordered by the House, and instead agreed to meet on the following day.**

On November 2, 1977,<sup>(33)</sup> the House agreed to the following unanimous-consent request regarding meeting dates for the remainder of the session:

PERMISSION FOR THE HOUSE TO MEET ON TUESDAYS AND FRIDAYS UNTIL  
FURTHER ORDER

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I ask unanimous consent that from and after November 4, 1977, during the remainder of this session, the House shall meet only on Tuesdays and Fridays of each week until the further order of the House.

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

Mr. [Robert] BAUMAN [of Maryland]. Reserving the right to object, from the date that the gentleman uses, does he contemplate a session this Friday?

Mr. WRIGHT. If the gentleman will yield, there will be a pro forma session the day after tomorrow.

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

There was no objection.

However, on November 29, 1977,<sup>(34)</sup> the House agreed by unanimous consent to vacate the previous order so that the House could meet the next day (a Wednesday):

VACATING ORDER OF THE HOUSE OF WEDNESDAY, NOVEMBER 2, 1977,  
PROVIDING FOR THE HOUSE TO MEET ONLY ON TUESDAYS AND FRIDAYS

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that the order of the House of Wednesday, November 2, 1977, providing for the House to meet only on Tuesdays and Fridays, be vacated and that when the House adjourns today, it adjourn to meet at noon on Wednesday, November 30, 1977. . . .

The SPEAKER pro tempore.<sup>(35)</sup> Is there objection to the request of the gentleman from Washington?

33. 123 CONG. REC. 36659, 95th Cong. 1st Sess.

34. 123 CONG. REC. 38003, 95th Cong. 1st Sess.

35. James Wright (TX).

There was no objection.

**§ 2.8 Pursuant to a concurrent resolution agreed to in the first session of the 102d Congress, the Speaker announced on January 3, 1992, that no organizational or legislative business would be conducted in the House until January 22, 1992 (unless the two Houses were recalled by the joint leaderships).**

On January 3, 1992,<sup>(36)</sup> the House convened to begin the second session of the 102d Congress, but, pursuant to a previously-adopted concurrent resolution, organizational business was postponed and the House conducted a pro forma session only:

This being the date fixed by the 20th amendment of the Constitution of the United States for the annual meeting of the Congress of the United States, the Members of the 102d Congress met in their Hall and, at 12 noon, were called to order by the Speaker of the House of Representatives, Hon. THOMAS S. FOLEY.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At the beginning of this new day, we are grateful as individuals and as a nation, O God, for all the blessings we have been given. As we anticipate the opportunities and difficulties that are . . .

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#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(37)</sup> Pursuant to the provisions of House Concurrent Resolution 260, 102d Congress, the House shall conduct no organizational or legislative business until January 22, 1992, or until the House is notified of legislative business pursuant to section 3 of that concurrent resolution.

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#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. [Gillespie V. (Sonny)] MONTGOMERY) please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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#### A PROPOSAL TO REINVIGORATE THE ECONOMY

(Mr. [Bill] RICHARDSON [of New Mexico] asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.) . . .

**36.** 138 CONG. REC. 2, 9, 25, 102d Cong. 2d Sess.

**37.** Thomas Foley (WA).

## FROM CAPE HOPE TO CAPE FEAR AND BACK AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, when the House last met, shortly before Thanksgiving, the President was unable to settle on a plan for ending the recession. There was confusion over whether he wanted the Congress to stay in session during December, or to wait for his economic proposals in the State of the Union Address.

Members of the White House staff and the Cabinet communicated directly to our leadership that the President would not be submitting a recovery plan in December, and that he wanted Congress to go into recess. . . .

## ADJOURNMENT TO WEDNESDAY, JANUARY 22, 1992

Mr. [Robert] WALKER [of Pennsylvania]. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 260 of the 102d Congress, the House stands adjourned until 12 noon Wednesday, January 22, 1992.

Thereupon (at 2 o'clock and 50 minutes p.m.), pursuant to House Concurrent Resolution 260, the House adjourned until Wednesday, January 22, 1992, at 12 noon.

**§ 2.9 The House agreed to a privileged resolution reported by the Committee on Rules authorizing the Speaker to declare the House in recesses subject to calls of the Chair during three discrete periods, each consistent with the constitutional constraint that neither House recess or adjourn for more than three days without the consent of the other House.**

On December 21, 1995,<sup>(38)</sup> the following occurred:

RESOLUTION AUTHORIZING THE SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR FROM DECEMBER 23, 1995, THROUGH DECEMBER 27, 1995

Ms. [Deborah] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

*Resolved*, That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995. A recess declared pursuant to this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

The SPEAKER pro tempore.<sup>(39)</sup> The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

38. 141 CONG. REC. 38141, 38149, 38150, 104th Cong. 1st Sess.

39. William Barrett (NE).

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 320 is a simple, straightforward resolution that allows the Speaker of the House to declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995. The resolution further provides that any such recess may not extend beyond the calendar day of Wednesday, December 27, 1995. . . .

Mr. [John] MOAKLEY [of Massachusetts]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment so that this House does not recess until we adopt a clean continuing resolution keeping the Government running until January 26.

I include for the RECORD my proposed amendment.

#### PREVIOUS QUESTION AMENDMENT TO RECESS RESOLUTION

At the end of the resolution, add the following:

"SEC. . Immediately upon the adoption of this resolution the House shall without intervention of any point of order consider in the House the joint resolution (H.J. Res. 131) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . The recess authority provided in the previous sections of this resolution shall be effective only on or after the date on which H.J. Res. 131 is presented to the President for approval."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, House Resolution 320 was reported by the Committee on Rules last night by voice vote authorizing the Speaker to declare recesses subject to the call of the Chair.

The amendment I will offer would authorize the Speaker to declare recesses subject to the call of the Chair on calendar day Thursday, December 28, through Saturday, December 30.

The amendment would further provide that after the House has been in session on calendar day Saturday, December 30, the Speaker may declare recesses subject to the call of the Chair on calendar day Saturday, December 30, through Wednesday, January 3.

Mr. Speaker, the Speaker needs this authority to keep the House in recess next week subject to the call of the Chair, pending the ongoing negotiations over the budget.

Members should be aware that the House will not be adjourned, but rather in recess on standby, should budget negotiations prove successful.

#### AMENDMENT OFFERED BY MS. PRYCE

Ms. PRYCE. Mr. Speaker, I offer an amendment authorized by the Committee on Rules.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: Strike all after the Resolved clause and insert:

That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995.

SEC. 2. The Speaker may declare recesses subject to the call of the Chair on the calendar days of Thursday, December 28, 1995, through Saturday, December 30, 1995.

SEC. 3. After the House has been in session on the calendar day of Saturday, December 30, 1995, the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 30, 1995, through Wednesday, January 3, 1996.

SEC. 4.(a) A recess declared pursuant to the first section of this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

(b) A recess declared pursuant to section 2 of this resolution may not extend beyond the calendar day of Saturday, December 30, 1995.

(c) A recess declared pursuant to section 3 of this resolution may not extend beyond 11:55 a.m. on the calendar day of Wednesday, January 3, 1996.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. PRYCE. 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.

The vote was taken by electronic device, and there were—yeas 228, nays 179, not voting 26, as follows:

[Roll No. 878] . . .

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentlewoman from Ohio [Ms. PRYCE].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Ms. PRYCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 879]

**§ 2.10 The House agreed to a special order of business resolution reported by the Committee on Rules authorizing for a pro forma session to begin the second session of the Congress by providing that no organizational or legislative business be conducted on the first day of such session.**

On December 16, 2005,<sup>(40)</sup> the House adopted a resolution providing, *inter alia*, that no organizational or legislative business be conducted on the first day of the next session of Congress, as follows:

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ  
RESOLUTION

Mr. [David] DREIER [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. On the first legislative day of the second session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

The SPEAKER pro tempore.<sup>(41)</sup> The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only. . . .

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT) for a unanimous consent request.

Mr. [Lloyd] DOGGETT [of Texas]. Mr. Speaker, given the stated interest in democracy here in the House, I would ask unanimous consent to amend the rule to permit for division of the question so that we could express our unanimous support for the various provisions of this resolution, except for that on which we have disagreement as to the best way to achieve success in Iraq. At this point, so that we can have the kind of democracy that occurred this week in Iraq, of which the majority seems so proud, and actually have it right here on the floor of the House, I ask unanimous consent for a division of the question on the provisions of this resolution.

The SPEAKER pro tempore. The majority manager of the resolution has not yielded for the purpose of such a request.

Mr. DOGGETT. Given his professed interest in democracy, I am sure he will yield for that unanimous consent.

The SPEAKER pro tempore. Does the gentleman from California yield? The gentleman from California is indicating that he does not yield for that purpose.

On December 18, 2005,<sup>(42)</sup> the order of the House regarding pro forma sessions to begin the second session of the 108th Congress was expanded

40. 151 CONG. REC. 29054–55, 29061, 109th Cong. 1st Sess.

41. Lee Terry (NE).

42. 151 CONG. REC. 30378, 109th Cong. 1st Sess.

(by a subsequent special order of business resolution) to authorize the Speaker to dispense with organizational and legislative business on any day over a set period:

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1932,  
DEFICIT REDUCTION ACT OF 2005

Mr. [Adam] PUTNAM [of Florida], from the Committee on Rules, submitted a privileged report (Rept. No. 109–363) on the resolution (H. Res. 640) waiving points of order against the conference report to accompany the Senate bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006, which was referred to the House Calendar and ordered to be printed.

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. Section 2 of House Resolution 619 is amended to read as follows: “On any legislative day of the second session of the One Hundred Ninth Congress from January 3, 2006, through January 30, 2006, the Speaker may dispense with organizational and legislative business.”

The SPEAKER pro tempore.<sup>(43)</sup> The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour. . . .

**§ 2.11 The House agreed to a special order of business resolution reported by the Committee on Rules providing, *inter alia*, for an August recess period by: (1) fixing the dates to which the House would adjourn during a discrete period (to a time designated by the Speaker in declaring the adjournment) as the third constitutionally-permitted day hence; (2) providing for pro forma sessions at which the Chair would be authorized to dispense with legislative business; (3) providing for automatic approval of the Journal for each pro forma session; (4) providing for automatic adjournment after the third order of business on each pro forma day (without motion or unanimous consent); and (5) authorizing the Speaker, in his discretion, to conduct legislative business on any day during the recess period should circumstances warrant.**

On July 28, 2011,<sup>(44)</sup> the House adopted the following resolution:

PROVIDING FOR CONSIDERATION OF S. 627, BUDGET CONTROL ACT OF 2011

Mr. [David] DREIER [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

43. Ray H. LaHood (IL).

44. 157 CONG. REC. 12338, 112th Cong. 1st Sess.

The Clerk read the resolution, as follows:

H. RES. 375

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 627) to establish the Commission on Freedom of Information Act Processing Delays. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendments printed in part B of that report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Rules, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

SEC. 2. (a) It shall be in order at any time through the calendar day of July 31, 2011, for the Speaker to entertain motions that the House suspend the rules if the legislative text that is the object of the motion was available to Members, Delegates, and the Resident Commissioner on the legislative day before consideration, except that a motion described in subsection (b) may not be entertained until the third legislative day on which the legislative text that is the object of the motion is available to Members, Delegates, and the Resident Commissioner.

(b) If the Speaker entertains a motion to suspend the rules relating to a measure proposing a balanced budget amendment to the Constitution under subsection (a) debate under clause 1(c) of rule XV shall be extended to two hours.

SEC. 3. When the House adjourns by operation of section 4 of this resolution on any legislative day during the period from August 1, 2011, through September 6, 2011, it shall stand adjourned until the third constitutional day thereafter at a time to be announced by the Speaker in declaring the adjournment (except that when the House adjourns on September 6, 2011, it shall stand adjourned until 2 p.m. on September 7, 2011).

SEC. 4. On each legislative day during the period addressed by section 3 of this resolution:

(a) the Speaker may dispense with legislative business, in which case the House shall stand adjourned pursuant to section 3 of this resolution after the third daily order of business under clause 1 of rule XIV; and

(b) if the Speaker does not dispense with legislative business, the Speaker may at any time declare the House adjourned pursuant to section 3 of this resolution.

SEC. 5. On each legislative day during the period addressed by section 3 of this resolution (except a day before August 8, 2011, on which the Speaker does not dispense with legislative business pursuant to section 4), the Journal of the proceedings of the previous day shall be considered as approved.

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 7. Bills and resolutions introduced during the period addressed by section 3 of this resolution shall be numbered, included in the Congressional Record, and printed with the date of introduction, but may be referred by the Speaker at a later time.

The SPEAKER pro tempore.<sup>(45)</sup> The gentleman from California is recognized for 1 hour. . . .

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Ms. [Louise] SLAUGHTER [of New York]. 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 238, nays 186, not voting 8, as follows: . . .

45. Daniel Webster (FL).

§ 2.12 The House agreed to a special order of business resolution reported by the Committee on Rules providing, *inter alia*, for two discrete periods of adjournment spanning the first and second sessions of the 112th Congress by: (1) authorizing the Speaker to fix the date (and time) to which the House would adjourn during such periods within the three-day limit imposed by the Constitution; (2) providing for pro forma sessions at which the Chair would be authorized to dispense with legislative business; and (3) providing for automatic approval of the Journal for each pro forma session.

On December 14, 2011,<sup>(46)</sup> the House adopted the following resolution:

CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2012

Mr. [Robert] BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 2. It shall be in order at any time through the remainder of the first session of the One Hundred Twelfth Congress for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, if the text of the measure proposed in a motion is made available to Members, Delegates, and the Resident Commissioner (including pursuant to clause 3 of rule XXIX) on the calendar day before consideration.

SEC. 3. On any legislative day of the first session of the One Hundred Twelfth Congress after December 16, 2011—

(a) the Journal of the proceedings of the previous day shall be considered as approved; (b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. On any legislative day of the second session of the One Hundred Twelfth Congress before January 17, 2012—

(a) the Speaker may dispense with organizational and legislative business; (b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 3 and 4 as though under clause 8(a) of rule I.

The SPEAKER pro tempore (Mr. [Kevin] YODER [of Kansas]). The gentleman from Utah is recognized for 1 hour. . . .

<sup>46</sup> 157 CONG. REC. 20039, 20040, 112th Cong. 1st Sess.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a standard conference report rule and other end-of-the-year housekeeping provisions.

## B. Meeting and Organization

### § 3. Clerk as Presiding Officer

When a new Congress first convenes, the House does not yet have officers (including a Speaker), who must first be elected by the membership of the House. By statute as well as tradition, the Clerk of the House from the prior Congress presides over the House at the organization of a first session. At a second session, the officers of the House are already in place, and the House is called to order by the Speaker or a Speaker pro tempore.

In the absence of the Clerk on opening day of a new Congress, other officers preside over the House at organization.<sup>(1)</sup> If the Clerk is absent, the Sergeant-at-Arms from the prior Congress presides, and such officer has done so on several occasions.<sup>(2)</sup> Under a prior form of the statute, in the absence of both the Clerk and the Sergeant-at-Arms, the Doorkeeper of the House would preside.<sup>(3)</sup> However, the position of Doorkeeper was abolished in the 104th Congress<sup>(4)</sup> in 1995 and the statute amended to remove the reference to that officer.<sup>(5)</sup> A Clerk from a prior Congress who was not elected, but instead appointed by the Speaker<sup>(6)</sup> to temporarily fill a vacancy in the office of Clerk, has presided over organization of the House at the next Congress.<sup>(7)</sup>

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1. 2 U.S.C. § 26.

2. For instances of the Sergeant-at-Arms presiding on opening day, see 127 CONG. REC. 93–96, 97th Cong. 1st Sess. (Jan. 5, 1981) and 129 CONG. REC. 29–33, 98th Cong. 1st Sess. (Jan. 3, 1983).

3. See Deschler's Precedents Ch. 1 § 5.2.

4. For more on the former position of Doorkeeper of the House, see Deschler's Precedents Ch. 6 § 20 and Precedents (Wickham) Ch. 6.

5. P.L. 104–186, 110 Stat. 1718.

6. *Parliamentarian's Note*: An appointed Clerk is treated the same as an elected Clerk, and exercises all of the authorities of that office until a new Clerk is elected. By contrast, a Clerk pro tempore, designated under clause 2(g) of rule II (*House Rules and Manual* § 651 (2017)) may only exercise certain limited authorities, and may not exercise any authorities provided by statute. Such an individual would therefore be precluded from presiding over the House at organization.

7. See 145 CONG. REC. 42–45, 106th Cong. 1st Sess. (Jan. 6, 1999).

In modern times, only two Speakers have resigned the speakership during a session of Congress.<sup>(8)</sup> In both instances, the Speaker tendered his resignation to become effective upon election of a successor, and in both instances, the resigning Speaker presided over the election of his successor.<sup>(9)</sup> Under former practice, when a Speaker died in office, the Clerk would preside on the next legislative day and the House would move immediately to the election of a new Speaker.<sup>(10)</sup> However, in the 108th Congress, the House amended clause 8(b) of rule I<sup>(11)</sup> to require the Speaker to provide to the Clerk a list of Members to serve as Speaker pro tempore in the case of death or incapacity of the Speaker. Although the need to use this authority has not yet arisen, were a Speaker to die or become incapacitated during his or her term of office, a designated Speaker pro tempore, pursuant to this rule, would preside over the election of a new Speaker.

When the Clerk presides on opening day, such individual performs the traditional functions of the presiding officer of the House, which include ruling on points of order<sup>(12)</sup> and answering parliamentary inquiries from Members–elect.<sup>(13)</sup> Unanimous–consent requests, usually related to the pending organizational business, may be entertained by the Clerk.<sup>(14)</sup> The Clerk may also make announcements to the body as to pertinent events, such as the death of a Member–elect.<sup>(15)</sup> On one occasion, the Clerk (who was not expected to be renominated for that position in the new Congress) gave brief farewell remarks to the body.<sup>(16)</sup>

The Clerk’s primary function on opening day of a new Congress is to preside over the initial quorum call of Members–elect and the election of

8. Speaker James Wright of Texas resigned on June 6, 1989. See § 4.6, *infra*. Speaker John Boehner of Ohio resigned on October 29, 2015. 161 CONG. REC. H7336–40 [Daily Ed.], 114th Cong. 1st Sess. See also Precedents (Wickham) Ch. 6.
9. For more on officers of the House generally, see Deschler’s Precedents Ch. 6 and Precedents (Wickham) Ch. 6. For the resignation of Speakers of the House, see Deschler’s Precedents Ch. 37 § 9.1 and Precedents (Wickham) Ch. 37.
10. The last Speaker to die in office was Speaker Sam Rayburn of Texas in the 87th Congress (1961). See Deschler’s Precedents Ch. 1 §§ 6.6, 6.8.
11. *House Rules and Manual* § 632 (2017). For the first announcement regarding the delivery of this letter to the Clerk of the House, see 149 CONG. REC. 6118, 108th Cong. 1st Sess. (Mar. 13, 2003). An announcement is also made when the Speaker makes changes to the list of Members to be designated as Speaker pro tempore and delivers a new letter to the Clerk. See 151 CONG. REC. 28767, 109th Cong. 1st Sess. (Dec. 15, 2005) and 160 CONG. REC. H7177 [Daily Ed.], 113th Cong. 2d Sess. (July 31, 2014).
12. See § 3.4, *infra*.
13. See § 3.5, *infra*.
14. See § 3.6, *infra*.
15. See § 3.7, *infra*. See also 125 CONG. REC. 4, 96th Cong. 1st Sess. (Jan. 15, 1979) and 135 CONG. REC. 67, 101st Cong. 1st Sess. (Jan. 3, 1989).
16. See § 3.8, *infra*.

Speaker.<sup>(17)</sup> Prior to convening the House on opening day, the Clerk receives certificates of election from state officials and prepares the Clerk's roll of Members-elect.<sup>(18)</sup> This roll serves as evidence that the named individuals have been duly elected to the House and are thus entitled to take the oath of office. The quorum call of Members-elect establishes the presence of such individuals in the Chamber and that a quorum is present to conduct business (as required by the Constitution).<sup>(19)</sup> Beginning with the 97th Congress, the electronic voting system has been used for the initial quorum call of Members-elect.<sup>(20)</sup>

### ***Clerk Presiding at Organization***

**§ 3.1 At the beginning of a new Congress, the Clerk from the previous Congress serves as interim presiding officer and, after calling the House to order, takes the following organizational steps: calls on the returning Chaplain for a prayer; leads a recitation of the pledge of allegiance; announces the receipt of credentials of Members-elect; causes a quorum to be established by states by electronic device; announces the filing of credentials of Delegates-elect (and the Resident Commissioner-elect for a four year term); announces the establishment of a quorum; and makes announcements regarding events occurring during *sine die* adjournment.**

On January 3, 2013,<sup>(21)</sup> the House convened for the first session of the 113th Congress:

This being the day fixed by the 20th amendment to the Constitution of the United States, for the meeting of the 113th Congress of the United States, the Representatives—

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17. *Parliamentarian's Note*: Prior to the initial quorum call, the only preliminary activity traditionally undertaken by the House is the prayer offered by the returning Chaplain of the House and (as of the 101st Congress in 1989) a recitation of the pledge of allegiance.
  18. For more on the Clerk's roll of Members-elect, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2. See also Precedents (Wickham) Ch. 6. For more on certificates of election, generally, see Deschler's Precedents Ch. 8 §§ 15–17.
  19. U.S. Const. art. I, § 5; *House Rules and Manual* § 52 (2017).
  20. *Parliamentarian's Note*: In the 97th Congress, the use of the electronic voting system for the initial quorum call by states was authorized by unanimous consent. 127 CONG. REC. 93, 97th Cong. 1st Sess. (Jan. 5, 1981). Beginning in the 110th Congress, unanimous consent was no longer required, as use of the electronic voting system prior to the adoption of standing rules was considered authorized under general parliamentary law. 153 CONG. REC. 1–3, 110th Cong. 1st Sess. (Jan. 4, 2007). For more on general parliamentary law, see § 6, *infra*; Deschler's Precedents Ch. 1 § 8; and Precedents (Wickham) Ch. 5.
  21. 159 CONG. REC. H1–H5 [Daily Ed.], 113th Cong. 1st Sess. For an earlier example of the Clerk presiding at organization, see Deschler's Precedents Ch. 1 § 5.1.

elect met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Karen L. Haas.

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

We gather on this most significant day, when once again we celebrate the peaceful transition of democratic government. Though many return from the 112th Congress, this people’s House is a new legislative assembly.

May the service of all the Members here gathered give You glory, and acquit well the charge entrusted to them by their fellow citizens.

Give each Member an abundance of wisdom, knowledge, and understanding, that they might know best how to proceed in the work they have to do, as well as the courage to act once they have discerned where Your Spirit might lead them.

And may all that is done this day, and all the days of the 113th Congress, be for Your greater honor and glory.

Amen.

PLEDGE OF ALLEGIANCE

The CLERK.<sup>(22)</sup> The Representatives–elect and their guests will please remain standing and join in the Pledge of Allegiance.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. As directed by law, the Clerk of the House has prepared the official roll of the Representatives–elect.

Certificates of election covering 435 seats in the 113th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accord with the laws of their respective States or of the United States will be called.

The Representatives–elect will record their presence by electronic device and their names will be reported in alphabetical order by State, beginning with the State of Alabama, to determine whether a quorum is present.

Representatives–elect will have a minimum of 15 minutes to record their presence by electronic device.

Representatives–elect who have not obtained their voting ID cards may do so now in the Speaker’s lobby.

The call was taken by electronic device, and the following Representatives–elect responded to their names:

[Roll No. 1] . . .

The CLERK. Four hundred twenty–nine Representatives–elect have recorded their presence. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. Credentials, regular in form, have been received showing the election of:

22. Karen Haas.

The Honorable PEDRO R. PIERLUISI as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2013;

The Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia;

The Honorable MADELEINE Z. BORDALLO as Delegate from Guam;

The Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands;

The Honorable ENI F. H. FALDOMAVAEGA as Delegate from American Samoa; and

The Honorable GREGORIO SABLAN as Delegate from the Commonwealth of the Northern Mariana Islands.

The Clerk is in receipt of letters from the Honorable Jesse L. Jackson, Jr., of Illinois and the Honorable Tim Scott of South Carolina indicating that they will not serve in the House in the 113th Congress. Without objection, the letters will be placed in the RECORD.

*December 13, 2012.*

DEAR MADAM CLERK, I am aware that you have received a certificate for my election as Representative of the Second Congressional District of the State of Illinois in the 113th Congress. This letter serves to notify you that I do not intend to serve in the 113th Congress.

Sincerely,

JESSE JACKSON, JR.

U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 30, 2012.*

HON. JOHN BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER BOEHNER, I am writing to inform you that I have notified the Governor of South Carolina of my resignation from the U.S. House of Representatives effective January 2, 2013. A copy of that letter is attached. I do not intend to take the office of Representative for the First Congressional District of South Carolina in the 113th Congress.

It has truly been an honor to serve the First District of South Carolina, and I look forward to continuing that service in my new role as United States Senator. I have enjoyed working with you, Majority Leader Cantor, and all of our colleagues in the House, and wish you the best of luck in the future.

Sincerely,

TIM SCOTT,  
*Member of Congress.*

**§ 3.2 Pursuant to clause 8(b)(3)(B) of rule I,<sup>(23)</sup> the Speaker deposits with the Clerk a letter designating certain Members to act as Speaker pro tempore in the case that the Speaker is unable to perform the duties of the office, and the House is informed that the requisite letter has been delivered to the Clerk.<sup>(24)</sup>**

<sup>23</sup>. *House Rules and Manual* § 632 (2017).

<sup>24</sup>. For an announcement that such letter had been revised later in the same Congress, see 160 CONG. REC. H7177 [Daily Ed.], 113th Cong. 2d Sess. (July 31, 2014).

On January 3, 2013,<sup>(25)</sup> the Chair laid before the House a communication as follows:

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

THE SPEAKER'S ROOMS  
HOUSE OF REPRESENTATIVES  
*Washington, DC, January 3, 2013.*

Hon. KAREN L. HAAS,  
*Clerk of the House of Representatives,*  
*Washington, DC.*

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative Eric Cantor of Virginia to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

JOHN A. BOEHNER,  
*Speaker.*

***Others Presiding in the Absence of Clerk***

**§ 3.3 Pursuant to statute,<sup>(26)</sup> when the Clerk of the preceding Congress is unable to preside over the House on opening day of a new Congress,<sup>(27)</sup> the Sergeant-at-Arms performs this function and takes all necessary organizational steps that would otherwise be performed by the Clerk.**

On January 3, 1983,<sup>(28)</sup> the Sergeant-at-Arms served as interim presiding officer in the absence of the Clerk, and presided over the organization of the House as follows:

25. 159 CONG. REC. H27 [Daily Ed.], 113th Cong. 1st Sess.

26. 2 U.S.C. § 26.

27. *Parliamentarian's Note*: The Clerk of the House for the 97th Congress, Edmund Henshaw, had suffered a stroke during his term of office in the 96th Congress and had been incapacitated to the extent that he was not able to fully perform all of his duties as Clerk. Thus, the Sergeant-at-Arms for the 96th Congress presided over the organization of the House at the commencement of both the 97th and 98th Congresses. See 127 CONG. REC. 93–96, 97th Cong. 1st Sess. (Jan. 5, 1981).

28. 129 CONG. REC. 29–33, 98th Cong. 1st Sess. For a similar instance of the Sergeant-at-Arms presiding at the opening of a Congress, see 127 CONG. REC. 93–96, 97th Cong.

This being the day fixed by the 20th amendment of the Constitution of the United States for the annual meeting of the Congress of the United States, the Members-elect of the 98th Congress met in their Hall, and, at 12 o'clock noon, were called to order by the Sergeant at Arms of the House of Representatives, Hon. Benjamin J. Guthrie.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we implore Your blessing upon this assembly and upon all for whom the authority of government is given. We pray that Your spirit of reconciliation and peace, of good will and understanding will prevail in our hearts and in our lives. Encourage us, O God, to use our abilities and talents in ways that bring righteousness to this Nation and to all the people. Ever remind us of the needs of the poor, the homeless or forgotten, those who live without freedom or liberty, that we will be instruments of justice for all citizens and ease the hurt of every person. May Your spirit live with us each day and may Your grace surround us and those we love that in all things we may be the people You would have us be and serve this Nation as we ought to serve. In Your name, we pray. Amen.

The SERGEANT AT ARMS.<sup>(29)</sup> Representatives-elect to the 98th Congress, this being the day fixed by the 20th amendment of the Constitution for the meeting of the 98th Congress, the Clerk of the 97th Congress has prepared the official roll of the Representatives-elect. Pursuant to 2 U.S.C. §26, the Sergeant at Arms of the 97th Congress will make the following announcement:

Certificates of election covering the 435 seats in the 98th Congress have been received by the Clerk of the House of Representatives, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States and of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device, and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The SERGEANT AT ARMS. The Chair would like to state that any Member-elect who has not received his or her voting card may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names: . . .

The SERGEANT AT ARMS. The quorum call discloses that 416 Representatives-elect have answered to their names. A quorum is present.

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#### ANNOUNCEMENTS BY THE SERGEANT AT ARMS

The SERGEANT AT ARMS. The Sergeant at Arms will state that the credentials are on file showing the election of the Honorable BALTASAR CORRADA as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1981; the election of the Honorable WALTER E. FAUNTROY as Delegate from the District of Columbia; the election of the Honorable ANTONIO BORJA WON PAT as Delegate from Guam;

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1st Sess. (Jan. 5, 1981). For an earlier example of the Doorkeeper of the House (a position since abolished) presiding at organization, see Deschler's Precedents Ch. 1 §5.2.  
**29.** Benjamin Guthrie.

the election of the Honorable RON DE LUGO as Delegate from the Virgin Islands; and the election of the Honorable FOFO I. F. SUNIA, as Delegate from American Samoa.

The Sergeant at Arms regrets to announce the death of the Honorable JACK SWIGERT on December 27, 1982, a Member-elect from the 6th District of Colorado.

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#### ELECTION OF SPEAKER

The SERGEANT AT ARMS. The next order of business is the election of the Speaker of the House of Representatives for the 98th Congress.

Nominations are now in order.

The Sergeant at Arms recognizes the gentleman from Louisiana (Mr. LONG).

Mr. [Gillis] LONG of Louisiana. Mr. Sergeant at Arms, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 98th Congress the name of the Honorable THOMAS O'NEILL, JR., a Representative-elect from the Commonwealth of Massachusetts.

The SERGEANT AT ARMS. The Chair now recognizes the gentleman from New York (Mr. KEMP).

Mr. [Jack] KEMP [of New York]. Mr. Sergeant at Arms, as chairman of the Republican Conference and by the authority and direction and unanimous vote of the Republican Conference, it is my honor to nominate for Speaker of the House of Representatives the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois to the 98th Congress.

The SERGEANT AT ARMS. The Honorable THOMAS O'NEILL, JR., a Representative-elect from the Commonwealth of Massachusetts and the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Sergeant at Arms will appoint tellers.

The Sergeant at Arms appoints the gentleman from California (Mr. HAWKINS), the gentleman from Minnesota (Mr. FRENZEL), the gentlewoman from Colorado (Mrs. SCHROEDER), and the gentlewoman from Maryland (Mrs. HOLT).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote: . . .

The SERGEANT AT ARMS. The tellers agree in their tallies that the total number of votes cast is 417, of which the Honorable THOMAS O'NEILL, JR., of Massachusetts, has received 260, and the Honorable ROBERT H. MICHEL, of Illinois, has received 155, with 2 voting "present."

Therefore, the Honorable THOMAS O'NEILL JR., of Massachusetts, is duly elected Speaker of the House of Representatives for the 98th Congress, having received a majority of the votes cast. . . .

Mr. O'NEILL. I ask that the dean of the House, the Honorable JAMIE L. WHITTEN of Mississippi, administer the oath of office.

Mr. [Jamie] WHITTEN [of Mississippi] then administered the oath of office to Mr. O'NEILL, of Massachusetts.

[Applause, the Members rising.]

### *Points of Order and Parliamentary Inquiries*

**§ 3.4 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk may rule on points of order regarding the priority of business, such points of order may be appealed, and any such appeal is subject to the motion to lay on the table.**

On January 7, 1997,<sup>(30)</sup> the Clerk presided at organization of the 105th Congress, and was called upon to rule on a point of order regarding the priority of a resolution raised as a question of the privileges of the House:

This being the day fixed by the 20th amendment of the Constitution of the United States, and Public Law 104–296 for the meeting of the Congress of the United States, the Members–elect of the 105th Congress met in their Hall, and at 12 noon were called to order by the Clerk of the House of Representatives, Hon. Robin H. Carle.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Oh, gracious God, from whom we have come and to whom we belong, we offer this prayer of thanksgiving and gratitude for all the blessings You have freely bestowed on us and the people of this Nation, and also for the responsibilities that You have entrusted to those who serve in this place.

On this first day of a new Congress, we speak with the words of the Psalmist: Oh, give thanks to the Lord for He is good, for His steadfast love endures forever. Grant us, oh God, a keen awareness of the areas of life where we can serve the people of the land, and, as the scripture says, let justice flow down as waters and righteousness like an ever flowing stream.

May we continue to build on the foundations laid down from the early days of the Nation, that in all things we may do Justice, love mercy, and ever walk humbly with you.

May Your benediction, oh God, that is new every morning and is with us all the days of our lives, be upon all who serve in this place now and evermore, amen.

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### PLEDGE OF ALLEGIANCE

The CLERK.<sup>(31)</sup> The Members–elect and their guests will please rise and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives–elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 104–296 for the meeting of the 105th Congress and,

**30.** 143 CONG. REC. 114–20, 105th Cong. 1st Sess.

**31.** Robin H. Carle.

as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 105th Congress have been received by the Clerk of the House, and the names of those persons whose Credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1] . . .

The CLERK. The quorum call discloses that 432 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable CARLOS ROMERO-BARCELÓ as Resident Commissioner from the commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1997; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTIAN-GREEN as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable ROBERT A. UNDERWOOD as Delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 105th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. [John] BOEHNER [of Ohio]. Madam Clerk, as chairman of the Republican Conference, I am honored and privileged to welcome my colleagues, their families, and the American people to this historic day. . . .

With pride in what we have accomplished in the past and anticipation of what we can do together in the future, I am directed by a unanimous vote of the Republican Conference to present the name of the Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, for election to the office of Speaker of the House of Representatives for the 105th Congress.

QUESTION OF PRIVILEGE OFFERED BY MR. FAZIO OF CALIFORNIA

The CLERK. The Clerk now recognizes the gentleman from California [Mr. FAZIO] for a nomination.

Mr. [Victor] FAZIO of California. Madam Clerk, I rise to a question of the highest constitutional privilege. I offer a resolution which calls for the postponement of the election of the Speaker of the House until the Committee on Standards of Official Conduct completes its work on the matters concerning Representative NEWT GINGRICH of Georgia. The resolution requires the House to proceed immediately to the election of an interim Speaker who will preside over the House until that time.

I ask for the immediate consideration of the resolution.

The CLERK. Section 30 of the Revised Statutes of the United States, which is codified in section 25 of title 2, United States Code, reads in part as follows:

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all Members and Delegates present, and to the Clerk, previous to entering on any other business.

This has been the law since June 1, 1789.

The precedent recorded in Hinds' Precedents of the House at volume 1, section 212, recites that, "at the organization of the House the motion to proceed to the election of a Speaker is of the highest privilege." On that occasion, the Clerk stated that "the duty of the House to organize itself is a duty devolved upon it by law, and any matter looking to the performance of that duty takes precedence in all parliamentary bodies of all minor questions."

The Clerk cites both the statute and the precedent as controlling her decision, consistent with the modern practice of the House, to recognize nominations for Speaker.

Mr. FAZIO of California. Madam Clerk, given the unprecedented nature of the circumstance, I urge that the Clerk permit the Representatives—elect a vote on the motion that I have submitted.

The CLERK. Is the gentleman from California appealing the ruling of the Clerk?

Mr. [Vic] FAZIO of California. Madam Clerk, if the gentlewoman does not permit a vote under the extraordinary circumstance we face today, I would appeal the ruling of the Clerk.

The CLERK. The gentleman may appeal from the Clerk's ruling on the question of order as to the priority of business.

The question is, Shall the decision of the Clerk stand as the judgment of the House?

Mr. BOEHNER. Madam Clerk, I move to lay the appeal on the table.

Mr. FAZIO of California. Madam Clerk, on that I demand the yeas and nays on the motion to table made by the majority.

The CLERK. The question is on the motion offered by the gentleman from Ohio [Mr. BOEHNER] to lay the appeal on the table.

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

Mr. FAZIO of California. Madam Clerk, 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 222, nays 210, not voting 0, as follows:

[Roll No. 2] . . .

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 3.5 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk may respond to parliamentary inquiries from Members–elect, such as those addressing the inability of Delegates–elect to vote in the election of Speaker.**

On January 6, 1999,<sup>(32)</sup> the Clerk presided over organization of the 106th Congress, and, during the election of Speaker, answered parliamentary inquiries regarding the voting status of Delegates–elect and the Resident Commissioner–elect:

ELECTION OF SPEAKER

The CLERK.<sup>(33)</sup> Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 106th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Oklahoma (Mr. WATTS).

Mr. [Julius Caesar (J.C.)] WATTS of Oklahoma. Mr. Clerk, happily for our country and happily for you and me, Republicans and Democrats, DENNIS HASTERT has answered his Nation’s call. This common man will bring his strong common sense, sharpened in the school of adversity, to bear on the Speakership. He has many qualities of another Congressman from Illinois, the Great Emancipator, Abraham Lincoln, and he will not hesitate, he will not doubt and he will not falter. We are grateful that he has resolved at whatever peril, at whatever cost, the most wonderful Nation in the world should be preserved.

As Chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives for the 106th Congress, the name of the Honorable J. DENNIS HASTERT, a Representative–elect from the State of Illinois.

The CLERK. The Clerk recognizes the gentleman from Texas (Mr. FROST).

Mr. [Jonas Martin] FROST [of Texas]. Mr. Clerk, as Chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 106th Congress the name of one of most articulate and thoughtful Members of this Congress, the Honorable RICHARD A. GEPHARDT, a Representative–elect from the State of Missouri.

The CLERK. The Honorable J. DENNIS HASTERT, a Representative–elect from the State of Illinois, and the Honorable RICHARD A. GEPHARDT, a Representative–elect from the State of Missouri, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from California (Mr. THOMAS), the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from New Jersey (Mrs. ROUKEMA), and the gentlewoman from Ohio (Ms. KAPTUR).

The tellers will come forward and take their seats at the desk in front of the Speaker’s rostrum.

**32.** 145 CONG. REC. 41–43, 106th Cong. 1st Sess. See also 163 CONG. REC. H4 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

**33.** Jeff Trandahl.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

PARLIAMENTARY INQUIRY

Mr. [Carlos A.] ROMERO–BARCELÓ [of Puerto Rico] (during the vote). Have we been eliminated already? Have we been eliminated from the voting procedure?

The CLERK. Delegates and the Resident Commissioners are not qualified to vote.

Mr. ROMERO–BARCELÓ. We have always been qualified to vote.

The CLERK. That is not the case.

Mr. ROMERO–BARCELÓ. What is that?

The CLERK. That is not the case.

Mr. ROMERO–BARCELÓ. Yes. We voted the last time.

PARLIAMENTARY INQUIRY

Mr. [Patrick Joseph] KENNEDY of Rhode Island. Mr. Clerk, would the Clerk respond to a parliamentary inquiry?

The CLERK. The gentleman will state his inquiry.

Mr. KENNEDY of Rhode Island. The parliamentary inquiry for the Clerk is for the delegates who represent American citizens. Where does that vote come today? Will they not be allowed to vote for Speaker of this House? The Member from Puerto Rico represents 4 million American citizens.

The CLERK. Representatives–elect are the only individuals qualified to vote in the election of the Speaker.

### *Unanimous–Consent Requests*

**§ 3.6 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk may entertain unanimous–consent requests from Members–elect, including requests to allow Members–elect lacking certificates of election to participate in the initial quorum call and the election of Speaker.<sup>(34)</sup>**

On January 4, 1995,<sup>(35)</sup> the Clerk presided over the organization of the 104th Congress, and entertained a unanimous–consent request regarding the status of Members–elect from the state of Alabama:<sup>(36)</sup>

34. For more on certificates of election and the administration of the oath of office, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2. See also Deschler's Precedents Ch. 8 §§ 15–17.

35. 141 CONG. REC. 439–46, 104th Cong. 1st Sess.

36. *Parliamentarian's Note*: The Secretary of State for the state of Alabama withheld the certificates of election for the entire delegation until a contested state–level election was resolved. In lieu of the certificates, the Secretary of State sent a letter unofficially informing the House that the members of the delegation had received a majority of

This being the day fixed by the 20th amendment to the Constitution for the annual meeting of the Congress of the United States, the Members–elect of the 104th Congress met in their Hall, and at 12 noon, were called to order by the Clerk of the House of Representatives, the Honorable Donald K. Anderson.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise and with a sense of duty and honor, we express our thanksgivings, O gracious God, that we have the opportunity to serve at this time and place. When we contemplate the demands of justice and the high calling to public service, we pray that Your spirit will illumine our minds, strengthen our resolve and give us hearts of wisdom, tolerance, and compassion. May each person be faithful to the vocation of Government service, that we will be good stewards of the resources of the land, hold to the standards of integrity and loyalty and do all those good things that honor You and serve people everywhere. May Your benediction, O God, that is new every morning and is with us in all the moments of life, continue to bless us and keep us in Your grace, now and evermore. As the prophet Micah has said, “And what does the Lord require of you, but to do justice, to love mercy, and to walk humbly with your God.” Amen.

PLEDGE OF ALLEGIANCE

The CLERK.<sup>(37)</sup> Will the Members–elect and their guests please remain standing and join with us in the Pledge of Allegiance to the Flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives–elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 103–395 for the meeting of the 104th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives–elect.

Certificates of election covering 428 seats in the 104th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House the following communication from the Secretary of the State of the State of Alabama.

STATE OF ALABAMA,  
OFFICE OF THE SECRETARY OF STATE,  
*Montgomery, AL, December 19, 1994.*

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votes. The official certificates of election were not received until a month later. Unanimous consent was required to permit the delegation to participate in the quorum call and to vote for the Speaker because a Member–elect has the right to be included on the Clerk’s roll only if a certificate of election, in due form, is on file with the Clerk; and only those Members whose names appear on the Clerk’s roll are entitled to vote for a new Speaker or to participate in organizational proceedings prior to the administration of the oath. A claimant not on the roll, however, may take the oath and be admitted to membership. See Deschler’s Precedents Ch. 2 §2 and Precedents (Wickham) Ch. 2 §2.

37. Donald K. Anderson.

Hon. DONNARD K. ANDERSON,  
*Clerk, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. ANDERSON: According to the unofficial results of the election held on November 8, 1994, in the state of Alabama, the following individuals received a majority of the votes for a term of two years beginning on January 3, 1995, to the United States House of Representatives:

Sonny Gallahan—1st District.  
 Terry Everett—2d District.  
 Glen Browder—3d District.  
 Tom Beville—4th District.  
 Robert E. (Bud) Cramer, Jr—5th District.  
 Spencer Bachus—6th District.  
 Earl F. Hilliard—7th District.

The official results and certificates of election will be transmitted to you as soon as I am authorized to do so. Should the official results differ from this in any way, I will notify you immediately.

Sincerely,

JIM BENNETT,  
*Secretary of State.*

The CLERK. Without objection, the Representatives—elect from the State of Alabama will be allowed to record their presence by electronic device and also to vote on the election of the Speaker.

There was no objection.

The CLERK. Without objection, the Representatives—elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

### ***Announcements***

**§ 3.7 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk makes various announcements to the body regarding events taking place during *sine die* adjournment, including announcements regarding the death of Members—elect.**

On January 3, 2001,<sup>(38)</sup> during organization of the 107th Congress, the Clerk announced the death of a Member—elect:

This being the day fixed by the 20th amendment to the Constitution of the United States for the meeting of the Congress of the United States, the Members—elect of the

**38.** 147 CONG. REC. 19, 20, 107th Cong. 1st Sess. For similar announcements, see 125 CONG. REC. 4, 96th Cong. 1st Sess. (Jan. 15, 1979) and 135 CONG. REC. 67, 101st Cong. 1st Sess. (Jan. 3, 1989).

107th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl.

The Chaplain, the Rev. Daniel P. Coughlin, offered the following prayer:

Lord God, Almighty, by Your Divine Providence You have brought us to this new day. Bless us in our gathering, form us by Your Word, guide us by Your Spirit.

The people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for themselves and posterity, have acted according to the Constitution of this country and by lawful elections they have elected their representatives to serve in this House as the 107th Congress.

Give this body an outpouring of Your Holy Spirit, that they may be wise in their judgments and serve freely the best interests of all of the people of this Nation.

Broaden their personal concerns that they may seek the common good and always be attuned to the helpless sighs of the most vulnerable in our society.

Clarify their vision, as they work together in the search for the best ideas and strategies to meet the greatest needs of our times.

Bless all Members of this House, new and experienced. May their faith in You, Lord God, and in the destiny of this Nation, keep them humble in Your service.

May their families remain their deepest love and lasting joy.

May all here who assist them in this Chamber, in congressional offices and in committee responsibilities, be wise in their counsel and gracious in their service.

May this Congress, Lord God, be a sign of unity and confidence to this Nation; good news to the poor and an instrument of peace in the world.

Lord God, in You we trust now and forever. Amen.

#### PLEDGE OF ALLEGIANCE

The CLERK. The Members—elect and their guests will please rise and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives—elect, this is the day fixed by the 20th amendment to the Constitution for the meeting of the 107th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives—elect.

Certificates of election covering 435 seats in the 107th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives—elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives—elect responded to their names:

[Roll No. 1] . . .

The CLERK. The quorum call discloses that 429 Representatives—elect have responded to their name. A quorum is present.

## ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable ANÍBAL ACEVEDO-VILÁ as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2001; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALÉOMAVAEGA as Delegate from American Samoa; and the election of ROBERT A. UNDERWOOD as Delegate from Guam.

## ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that since the last regular election of Representatives to the 107th Congress, a vacancy now exists in the 32d District of the State of California, occasioned by the death of the late Honorable Julian C. Dixon.

**§ 3.8 The Clerk of the prior Congress, who was not expected to be reelected to the position due to a change in party majorities, gave brief farewell remarks to the body as presiding officer prior to the election of Speaker.**

On January 4, 1995,<sup>(39)</sup> at the organization of the 104th Congress, the Clerk from the 103d Congress called the House to order and after establishing the presence of a quorum of Members-elect, addressed the House as follows:

## FAREWELL REMARKS OF THE HONORABLE DONNALD K. ANDERSON

The CLERK.<sup>(40)</sup> Ladies and gentlemen of the House, if you will indulge me for just one moment, I will shortly take leave of this Chamber after 35 years in your service, the last 8 in the high stewardship as your Clerk.

My heart is filled with the happy reflections of those years, a deep sense of fulfillment, and profound gratitude for your unfailing confidence and friendship. Indeed, I am grateful above all to the one Nation which affords opportunity for an ordinary citizen to achieve extraordinary responsibility. You will remain constantly in my thoughts and in my prayers that God will bless each of you in the work which you are about and may He forever prosper this House and the United States of America.

I bid you an affectionate farewell.

(Applause, the Members rising.)

## TRIBUTE TO THE HONORABLE DONNALD K. ANDERSON

(Mr. [John] BOEHNER [of Ohio] asked and was given permission to address the House for 1 minute.)

39. 141 CONG. REC. 440-41, 104th Cong. 1st Sess.

40. Donald K. Anderson.

Mr. BOEHNER. Mr. Clerk, before we proceed with the nominations for Speaker of the House, on behalf of Republican Members of the House, we want to thank you for your 35 years of service to this institution, and your 35 years of service to the American people. You have done your job ably on behalf of all Members on both sides of the aisle.

And to the other officers of the House, who have served the House so ably and the American people so ably, we want to thank them as well for their service in this House. Farewell, and best wishes from all of us.

Mr. [Victor] FAZIO [of California]. Will the gentleman yield?

Mr. BOEHNER. I yield to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I appreciate my friend yielding.

I, too, would like to add a few words of tribute to our friend.

When the 103d Congress came to an official close on noon Tuesday, the House literally lived on for the next 24 hours in the person of the gentleman from Sacramento, CA, the Clerk of the House, Donald K. Anderson. In serving as the first presiding officer for the purpose of organizing the 104th Congress, he fulfilled his last ministerial duty to this institution. After four successive terms as Clerk and a career with the House that began as a Page when Dwight Eisenhower was President and Sam Rayburn sat in the Speaker's chair, Donn Anderson now leaves a distinguished career of public service.

On a personal level for many of us in this Chamber, it was only natural for Donn Anderson to have been the thread of continuity from one Congress to the next. For over 30 years, Donn has embodied every good virtue of this House. He has been its memory, its defender, its champion and often its conscience. He understood perhaps better than anyone here the meaning of the word "bipartisanship" and he lived it daily in his work with the Members. In his 8 years as the second highest-ranking officer of the House, he worked tirelessly to move the House into the information age and so greatly benefited our constituents, the American people.

As chairman of the Subcommittee on Legislative Appropriations, I looked forward to our annual ritual of hearings knowing that I could always count on the Clerk for the most splendid testimony. Although Donn himself admitted to his preference for Victorian manners, there was nothing old-fashioned about the direction of his office. He was thoroughly modern in his vision for the future of the House, and he fought hard to keep us current with the times. Just as Donn could explain the artistic nuances of paintings in the Rotunda, he could just as easily give you the technical lowdown of cameras in this Chamber and on this floor. As the House moves forward today with the institutional reforms and the reorganization, we do so with the solid foundation left behind by Donn Anderson.

Perhaps in parting we can borrow a phrase from our late and great Speaker Tip O'Neill. He simply said on so many occasions, "So long, old pal."

Thank you, Donn Anderson.

## § 4. Election of Speaker

Following the initial quorum call of Members-elect, the House proceeds immediately to the election of the Speaker of the House. The election of Speaker is a matter of the highest privilege and has precedence over virtually any other business that could occur. For example, the election of

Speaker takes precedence over a resolution raised as a question of the privileges of the House.<sup>(1)</sup> Until 1839, the House elected the Speaker by ballot, but current practice is a roll call vote with tellers in which Members–elect are called in alphabetical order by surname and orally announce their choice for Speaker. The electronic voting system has never been used to elect a Speaker. A majority vote of Members–elect, a quorum being present, is necessary to elect a Speaker. Delegates–elect and the Resident Commissioner–elect are ineligible to vote for Speaker.<sup>(2)</sup> By unanimous consent, the House may permit Members–elect lacking certificates of election to vote for Speaker.<sup>(3)</sup>

The election of Speaker begins with formal nominations from the floor. Traditionally, the chairs of the respective party caucus or conference will be recognized by the Clerk to place each party’s selection in nomination. However, there is no prohibition on other Members–elect nominating additional candidates for the office.<sup>(4)</sup> After the roll call vote, the Clerk announces to the House which candidate has been elected, and appoints a committee of Members–elect to escort the Speaker–elect to the Chair. By custom, the Minority Leader presents the Speaker–elect to the body, bestows upon the Speaker–elect the Chair’s gavel, and the Speaker–elect requests the “Dean of the House” (the Member–elect with the longest continuous service in the House) to administer the oath of office to the Speaker.<sup>(5)</sup>

If the speakership becomes vacant during a Congress, due to the death, resignation, or incapacity of the Speaker, the election of a new Speaker follows the same basic procedures as are used on opening day of a new Congress. However, pursuant to clause 8(b) of rule I,<sup>(6)</sup> a previously–designated Speaker pro tempore (rather than the Clerk) would perform the duties of the Chair.<sup>(7)</sup> The last Speaker to die in office was Speaker Sam Rayburn

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1. See § 4.1, *infra*. See also § 3.4, *supra*.

2. See § 4.2, *infra*. See also § 3.5, *supra*.

3. See § 4.3, *infra*. See also § 3.6, *supra*.

4. See, e.g., 161 CONG. REC. H3–H7 [Daily Ed.], 114th Cong. 1st Sess. (Jan. 6, 2015).

5. The statutorily–prescribed oath is the same taken by all Members–elect. 5 U.S.C. § 3331. For more on the oath of office, see Deschler’s Precedents Ch. 2 and Precedents (Wickham) Ch. 2.

6. Pursuant to clause 8(b)(3)(B) of rule I, the Speaker delivers to the Clerk a list of Members designated to preside as Speaker pro tempore in the case of a vacancy in the office of Speaker. *House Rules and Manual* § 632 (2017).

7. *Parliamentarian’s Note*: Since 1869, only two individuals have resigned from the office of Speaker. Speaker James Wright of Texas resigned the office on June 6, 1989, and Speaker Boehner resigned the office on October 29, 2015. See § 4.6, *infra*; and Precedents (Wickham) Ch. 6. In each case, the resigning Speaker presided over the election of his successor (the resignation becoming effective upon election of a new Speaker).

of Texas in 1961.<sup>(8)</sup> Under the procedures then in place, the Clerk convened the House on the next scheduled legislative day (which happened to be opening day of the second session of the 87th Congress) and presided over both the initial quorum call for that session<sup>(9)</sup> and the election of a new Speaker.<sup>(10)</sup>

Although there is no rule requiring newly-elected Speakers to resign their committee assignments, Speakers have traditionally done so upon their election.<sup>(11)</sup>

### *Precedence*

**§ 4.1 The election of the Speaker has long been recognized as a matter of high privilege related to the organization of the House, and the election of Speaker takes precedence over a resolution raised as a question of the privileges of the House.**

On January 7, 1997,<sup>(12)</sup> during organization of the 105th Congress, the Clerk ruled on a point of order regarding the priority of business. The ruling (which was sustained on appeal) cited both statute and precedent for the proposition that the election of Speaker is a matter of high privilege and takes precedence over a resolution raised as a question of the privileges of the House. For the *Congressional Record* excerpt of these proceedings, see § 3.4, *supra*.

### *Voting by Delegates*

**§ 4.2 Only Members-elect are eligible to cast votes in the election of the Speaker, and, in response to parliamentary inquiries, the Clerk confirmed that Delegates-elect may not vote in the election of Speaker.**

On January 6, 1999,<sup>(13)</sup> during the election of Speaker for the 106th Congress, the Clerk answered parliamentary inquiries regarding the inability of

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Thus, as of this writing, the provisions of clause 8(b)(3)(A) of rule I have not yet been utilized.

8. *Parliamentarian's Note*: Four Speakers prior to Speaker Rayburn also died in office: Speaker Michael Kerr of Indiana in 1876, Speaker Henry Rainey of Illinois in 1934, Speaker Joseph Byrns, Jr. of Tennessee in 1936, and Speaker William Bankhead of Alabama in 1940. In the latter two instances, a new Speaker was elected by resolution. See Deschler's Precedents Ch. 1 § 6.3.
9. See Deschler's Precedents Ch. 1 § 6.8.
10. See Deschler's Precedents Ch. 1 § 6.6.
11. Deschler's Precedents Ch. 1 § 6.5. See also 161 CONG. REC. H7340 [Daily Ed.], 114th Cong. 1st Sess. (Oct. 29, 2015).
12. 143 CONG. REC. 114–20, 105th Cong. 1st Sess.
13. 145 CONG. REC. 41–45, 106th Cong. 1st Sess. See also 163 CONG. REC. H3 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

Delegates–elect (and the Resident Commissioner–elect) to vote for Speaker. For the *Congressional Record* excerpt of these proceedings, see § 3.5, *supra*.

### ***Voting by Members–elect Lacking Certificates***

**§ 4.3 By unanimous consent, the House may permit Members–elect lacking official certificates of election to be recorded during the initial quorum call and to vote in the election of Speaker.<sup>(14)</sup>**

On January 7, 2003,<sup>(15)</sup> during organization of the 108th Congress, the House agreed (by unanimous consent) to allow a Member–elect from the state of Hawaii lacking a certificate of election to be counted in the initial quorum call and to vote for Speaker:

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 107–328 for the meeting of the Congress of the United States, the Members–elect of the 108th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl. . . .

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#### PLEDGE OF ALLEGIANCE

The CLERK.<sup>(16)</sup> The Members–elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives–elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 107–328 for the meeting of the 108th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives–elect.

Certificates of election covering 434 seats in the 108th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House a facsimile of a communication from the Chief Election Officer of the State of Hawaii.

JANUARY 5, 2003.

Hon. JEFF TRANDAHL,  
*Clerk, House of Representatives,*

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14. For more on certificates of election and the administration of the oath of office, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2. See also Deschler's Precedents Ch. 8 §§ 15–17.
  15. 149 CONG. REC. 1, 108th Cong. 1st Sess. See also Precedents (Wickham) Ch. 2 § 2.2. For similar proceedings, see § 3.6, *supra*.
  16. Jeff Trandahl.

*Washington, DC.*

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Saturday, January 4, 2003 for Representative in Congress from the Second Congressional District of Hawaii show that Ed Case (D) received 33,002 of votes of the total number cast for that office.

It would appear from the unofficial results that Ed Case (D) was elected Representative from the Second Congressional District of Hawaii. We are unaware of any election contest at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law . . .

Very truly yours,

DWAYNE D. YOSHINA,  
*Chief Election Officer.* . . .

The CLERK. Without objection, the Representative-elect from the Second District of the State of Hawaii will be allowed to record his presence and also to vote on the election of the Speaker.

There was no objection.

### ***Procedure for Election of Speaker***

**§ 4.4 After establishing a quorum at the organizational session of a new Congress, the Clerk: (1) recognizes for nominations for the office of Speaker (typically by the chairs of the major party caucuses); (2) appoints tellers for the election of Speaker; (3) calls the roll of Members-elect (in which they indicate their choices by surname); (4) announces the result of the vote; and (5) appoints a committee to escort the Speaker-elect to the Chair.**

On January 3, 2013,<sup>(17)</sup> the election of Speaker for the 113th Congress proceeded as follows:

#### ELECTION OF SPEAKER

The CLERK.<sup>(18)</sup> Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 113th Congress.

Nominations are now in order.

The Clerk recognizes the gentlewoman from Washington (Mrs. MCMORRIS RODGERS). Mrs. [Cathy] MCMORRIS RODGERS [of Washington]. Madam Clerk, the 113th Congress gives us a chance to try once again to make a better America than the one we inherited from our parents—and from the 112 Congresses that came before us. That is the hope of every Member here, on both sides of the aisle: to restore this land of freedom and opportunity for our families and our children. . . .

**17.** 159 CONG. REC. H2–H4 [Daily Ed.], 113th Cong. 1st Sess. For an earlier example of the procedure for electing the Speaker of the House, see Deschler's Precedents Ch. 1 § 6.1.

**18.** Karen Haas.

So it is with great optimism and hope for the great work that we can accomplish together that, as chair of the Republican Conference—on a unanimous vote of the conference—I present for election to the Office of the Speaker of the House of Representatives for the 113th Congress the name of the Honorable JOHN A. BOEHNER.

The CLERK. The Clerk now recognizes the gentleman from California (Mr. BECERRA).

Mr. [Xavier] BECERRA [of California]. Madam Clerk, this is the people's House, and every 2 years the populace of this country gives those duly-elected Representatives of the people an opportunity to decide who will lead here in the Chamber of the people's House. . . .

I am tasked, as chairman of the Democratic Caucus, through the vote of that caucus, to present for election to the Office of Speaker of the House of Representatives to the 113th Congress the name of the Right Honorable NANCY PELOSI, a Representative for the people, duly elected from the State of California.

The CLERK. The names of the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio, and the Honorable NANCY PELOSI, a Representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk appoints the following tellers:

The gentlewoman from Michigan (Mrs. MILLER);

The gentleman from Pennsylvania (Mr. BRADY);

The gentlewoman from Ohio (Ms. KAPTUR); and

The gentlewoman from Florida (Ms. ROS-LEHTINEN).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll now will be called, and those responding to their names will indicate by surname the nominee of their choosing.

The Reading Clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2] . . .

The CLERK. The tellers agree in their tallies that the total number of votes cast is 426, of which the Honorable JOHN A. BOEHNER of the State of Ohio has received 220 votes, and the Honorable NANCY PELOSI of the State of California has received 192 votes, the Honorable Raul Labrador of the State of Idaho has received 1, the Honorable JOHN LEWIS of the State of Georgia has received 1, the Honorable ERIC CANTOR of the State of Virginia has received 3, the Honorable ALLEN WEST has received 2, Colin Powell has received 1, the Honorable JIM JORDAN of the State of Ohio has received 1, David Walker has received 1, the Honorable JIM COOPER of the State of Tennessee has received 2, the Honorable JUSTIN AMASH of the State of Michigan has received 1, the Honorable JOHN DINGELL of the State of Michigan has received 1, with 1 recorded as "present."

Therefore, the Honorable JOHN A. BOEHNER of the State of Ohio, having received a majority of the votes cast, is duly elected Speaker of the House of Representatives for the 113th Congress.

### *Administration of Oath*

#### **§ 4.5 At the beginning of a new Congress, the Clerk serves as interim presiding officer and presides over the election of the Speaker of**

**the House, after which the oath of office is administered to the Speaker-elect by the Dean of the House (the Member-elect with the longest continuous service in the House).**

On January 3, 2013,<sup>(19)</sup> after Members-elect had concluded voting for Speaker, the following occurred:

The CLERK.<sup>(20)</sup> The tellers agree in their tallies that the total number of votes cast is 426, of which the Honorable JOHN A. BOEHNER of the State of Ohio has received 220 votes, and the Honorable NANCY PELOSI of the State of California has received 192 votes, the Honorable Raul Labrador of the State of Idaho has received 1, the Honorable JOHN LEWIS of the State of Georgia has received 1, the Honorable ERIC CANTOR of the State of Virginia has received 3, the Honorable ALLEN WEST has received 2, Colin Powell has received 1, the Honorable JIM JORDAN of the State of Ohio has received 1, David Walker has received 1, the Honorable JIM COOPER of the State of Tennessee has received 2, the Honorable JUSTIN AMASH of the State of Michigan has received 1, the Honorable JOHN DINGELL of the State of Michigan has received 1, with 1 recorded as “present.”

Therefore, the Honorable JOHN A. BOEHNER of the State of Ohio, having received a majority of the votes cast, is duly elected Speaker of the House of Representatives for the 113th Congress.

The Clerk appoints the following committee to escort the Speaker-elect to the chair:

The gentleman from Virginia (Mr. CANTOR)

The gentlewoman from California (Ms. PELOSI)

The gentleman from California (Mr. MCCARTHY)

The gentleman from Maryland (Mr. HOYER)

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS)

The gentleman from South Carolina (Mr. CLYBURN)

The gentleman from Oregon (Mr. WALDEN)

The gentleman from California (Mr. BECERRA)

The gentleman from Oklahoma (Mr. LANKFORD)

The gentleman from New York (Mr. CROWLEY)

The gentlewoman from Kansas (Ms. JENKINS)

The gentleman from New York (Mr. ISRAEL)

The gentlewoman from North Carolina (Ms. FOXX)

The gentlewoman from Connecticut (Ms. DELAURO)

The gentlewoman from Missouri (Ms. WAGNER)

The gentleman from New Jersey (Mr. ANDREWS)

The gentleman from Texas (Mr. SESSIONS)

The gentleman from Maryland (Mr. VAN HOLLEN)

The gentleman from Illinois (Mr. ROSKAM)

The gentlewoman from New Mexico (Ms. LUJAN GRISHAM)

19. 159 CONG. REC. H4–H5 [Daily Ed.], 113th Cong. 1st Sess. For earlier examples of the Minority Leader presenting the Chair’s gavel to the newly-elected Speaker and the administration of the oath by the Dean of the House, see Deschler’s Precedents Ch. 1 §§ 6.2, 6.4.

20. Karen Haas.

And the Members of the Ohio delegation:

Ms. KAPTUR

Mr. TIBERI

Mr. RYAN

Mr. TURNER

Mr. LATTA

Mr. JORDAN

Ms. FUDGE

Mr. CHABOT

Mr. GIBBS

Mr. JOHNSON

Mr. RENACCI

Mr. STIVERS

Ms. BEATY

Mr. JOYCE, and

Mr. WENSTRUP

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 113th Congress, who was escorted to the chair by the Committee of Escort.

Ms. [Nancy] PELOSI [of California]. To my fellow Members of the House of Representatives, it is a high honor to welcome you to the 113th Congress.

To our newest Members of Congress, it is a special privilege and honor to welcome you and your families and extend congratulations to the newest Members of Congress. Welcome. . . .

With respect for our Constitution, with faith in the American people, with hope for the future of our country, I present the people's gavel to the Speaker of the House, JOHN BOEHNER.

May God bless you.

May God bless you, Speaker BOEHNER. May God bless this Congress. May God always bless the United States of America.

My colleagues, the Speaker of the House, JOHN BOEHNER.

Mr. [John] BOEHNER [of Ohio]. Leader PELOSI, thank you for your kind words . . .

I am now ready to take the oath of office.

I ask the Dean of the House of Representatives, the Honorable JOHN D. DINGELL of Michigan, to administer the oath of office.

Mr. DINGELL then administered the oath of office to Mr. BOEHNER of Ohio, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

(Applause, the Members rising.)

Mr. [John] DINGELL [of Michigan]. Congratulations, Mr. Speaker.

### ***Resignation of Speaker***

**§ 4.6 The Speaker, having previously announced to the House his intention to resign the office upon election of his successor, recognized nominations from the floor for the office of Speaker and presided over the election of a new Speaker of the House.**

On June 6, 1989,<sup>(21)</sup> the following occurred:

#### PLEDGE OF ALLEGIANCE

The SPEAKER.<sup>(22)</sup> Will all Members rise and permit the Chair to lead us in the Pledge of Allegiance to our flag.

The Speaker, Mr. WRIGHT, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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#### ELECTION OF SPEAKER

The SPEAKER. Pursuant to the Speaker's announcement of Wednesday, May 31, 1989,<sup>(23)</sup> the Chair will receive nominations for the Office of Speaker.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

Mr. [William] GRAY [of Pennsylvania]. Mr. Speaker, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable THOMAS S. FOLEY, a Representative from the State of Washington.

The SPEAKER. The Chair now recognizes the gentleman from California [Mr. LEWIS].

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. [Jerry] LEWIS of California. Mr. Speaker, as chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois.

Mr. Speaker, it is a time of great tribulation and turbulence as this House celebrates its 200th anniversary. Radical changes in the structure of power are always that. But it is a credit to the strength of this institution that in the midst of this upheaval, we are all joined together in the common goal of determining who will lead us. . . .

The SPEAKER. The Honorable THOMAS S. FOLEY, a Representative from the State of Washington, and the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Chair will appoint tellers.

The Chair appoints the gentleman from Illinois [Mr. ANNUNZIO]; the gentleman from California [Mr. THOMAS]; the gentlewoman from Colorado [Mrs. SCHROEDER]; and the gentlewoman from Nebraska [Mrs. SMITH].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

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21. 135 CONG. REC. 10800–803, 101st Cong. 1st Sess. See also Deschler's Precedents Ch. 37 §9.1. For Speaker Boehner's resignation from the office in the 114th Congress, see Precedents (Wickham) Ch. 6.

22. James Wright (TX).

23. For the text of the Speaker's remarks (made under a question of personal privilege), see 135 CONG. REC. 10431–41, 101st Cong. 1st Sess. (May 31, 1989).

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 73] . . .

The SPEAKER. The tellers agree in their tallies that the total number of votes cast is 417, of which the Honorable THOMAS S. FOLEY, of Washington, has received 251 and the Honorable ROBERT H. MICHEL, of Illinois, has received 164, with 2 voting "present."

Therefore, the Honorable THOMAS S. FOLEY, of Washington, is duly elected Speaker of the House of Representatives, having received a majority of the votes cast.

The Chair appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois [Mr. MICHEL], the gentleman from Pennsylvania [Mr. GRAY], the gentleman from California [Mr. LEWIS], the gentleman from Washington [Mr. DICKS], the gentleman from Washington [Mr. SWIFT], the gentleman from Washington [Mr. MORRISON], the gentleman from Washington [Mr. CHANDLER], the gentleman from Washington [Mr. MILLER], the gentleman from Washington [Mr. MCDERMOTT], and the gentleman from Washington [Mrs. UNSOELD].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 101st Congress, who was escorted to the chair by the committee of escort.

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker-elect, my colleagues, guests of the House.

Once again, I hold in my hand—temporarily, alas—a symbol of the authority of the Speaker of the House.

We are taught it is better to give than receive. I believe that. When it comes to Speaker's gavels, I have become distressingly expert at it, having now gone down to defeat for the sixth time on a straight party-line vote.

I look forward to the day when someone on the other side of the aisle learns the joys of such selfless behavior.

My colleagues, I know you are anxious to hear from the Speaker, but before formally presenting him to you, I would ask your forbearance that I might make a few comments of my own.

During the recent past we have taken part in a number of ceremonies commemorating the bicentennial of the House of Representatives.

We had a marvelous celebration on this floor in which many of us got the chance to say what we believe about this great institution.

But in a curious irony of history—some might say a tragedy of history—the very year in which we celebrated the great traditions and the glories of the House, it has been blighted by unprecedented crises, personal and institutional.

Today we have that rare, most precious and improbable of gifts—a second chance for comprehensive, bipartisan institutional reform that will set the course for a new century.

Let me turn to my friends on the other side of the aisle for a moment—and I hope that you will take what I have to say in the spirit in which it is intended.

First, no political party—no man or woman in the House, no faction, no ideology—has a monopoly on virtue. Human folly is an equal-opportunity employer.

No, there is no monopoly on virtue, but for over 35 years there has been a monopoly of power in the House.

Thirty-five years of uninterrupted power can act like a corrosive acid upon the restraints of civility and comity.

Those who have been kings of the Hill for so long may forget that majority status is not a divine right—and minority status is not a permanent condition.

At the heart of our crises are not personal faults of individual Members. After 32 years as a Member and over 40 years on the Hill, it is my belief that the personal integrity of the overwhelming number of Members of this institution is and has been as good or better than that of any group in our society—especially those who criticize the most. [Applause.]

I believe that the processes of the House, as established to deal with ethics cases, have to proceed.

The former Speaker said in his farewell address to the House that “this mindless cannibalism has got to stop.”

Now, it is a catchy phrase, but the distinguished members of the committee on ethics, equally divided from both parties, are neither mindless nor cannibals. [Applause.]

In fact, it is their reasoned judgment, under extraordinary pressure, that stands between us and the cannibalism which the Speaker referred to.

I am all for putting an end to bitterness.

I am all in favor of putting our House in order—but we do not do so by sweeping things under the rug.

This House is in a convulsive state. We have experienced some really dark days, but I take heart in the strengths that are built into this institution to cope with the times.

I also take heart from the fact that TOM FOLEY, for whom I have the greatest admiration, will be the new Speaker and, yes, we are going to have our marked differences. That is the nature of this place, but that need not intrude upon the mutual respect and the trust that we have for one another as leaders.

TOM FOLEY, coming from the great Pacific Northwest, reminds me of the line of poetry that says:

“But westward, look, the land is bright.”

Congratulations, Mr. Speaker-elect. Let me hand over to you this symbol of the great power and the great responsibilities you have just been given by the House.

Ladies and gentlemen of the House, what a privilege for me to present to you the new Speaker-elect of the House of Representatives.

[Applause, Members rising.]

The SPEAKER. Mr. Speaker, BOB MICHEL, my fellow Members, friends, guests, ladies and gentlemen, article I, section 2 of the Constitution of the United States states simply that the House of Representatives shall choose their Speaker and other officers. Those are simple words, but there are no simple words that can convey my deep gratitude to you for having chosen me to be the Speaker of this House.

It is also a great honor to be presented by the distinguished Republican leader and my good friend, BOB MICHEL. We have two great political parties that have nourished our political tradition and served it so well throughout our history. The Republican Party could not choose a more able or talented or distinguished a leader than the gentleman from Illinois [Mr. MICHEL]. [Applause.]

He would make a great Speaker himself, but I prefer him as the Republican leader.

Although I know and expect that BOB MICHEL will, as he has been in the past, be an outspoken leader and champion for his party, for its programs and its philosophy, I am confident that whatever disagreements arise between us over policy will never interfere with our friendship or with the deep and abiding respect I have for you, BOB. I look forward to working with you in a spirit of cooperation and increased consultation as we address the problems facing this House and the Nation.

It has been the proudest accomplishment of my life to represent the people of the Fifth Congressional District of Washington, and I must say a word of gratitude and thankfulness to them for having allowed me to serve for so many years in their behalf.

There are so many people to whom I am grateful, but first and foremost is my wife and my loving companion for 24 years, 21 years, will be 24. [Applause.]

No words can express my love and gratitude to you.

To my surviving mother and sister and love of my family, to the staff of all of the offices I have held here in the Congress for so many years who have been a part of everything that I have tried to do in public life, to my teachers, to my friends, to those who first inspired me to public service, most of all my father who convinced me that public service was a great trust and the highest possible calling; to those who gave me an opportunity for public service, to people like Henry M. Jackson and Warren G. Magnuson, who taught me that the public office can contribute so much to the public good. To the Speakers with whom I have served, John McCormack and Carl Albert and Tip O'Neill, who served longer than any Speaker of this House in continuous service, and to you, Mr. Speaker, because I believe that the great accomplishments of the last Congress will go down in history as a tribute to your leadership and dedication. [Applause.]

And to the great Republican leaders, Gerald R. Ford, who left this place to assume the Presidency of the United States as a healing President at a difficult time in our country's history. I was in the Democratic Cloakroom when Gerald Ford took the oath of office as President of the United States. You may remember he asked the country to pray for him, and in the silence of the Democratic Cloakroom, a single voice said, "We will, Jerry. God bless you."

To John Rhodes, who I had the pleasure of seeing this last week, and to BOB MICHEL, with whom I look forward to the closest cooperation, and to all of you, all of my colleagues, who though you have different visions for the future of this country, share a common commitment to public service, a common concern for the public good, and a love of this House.

We are proud to call this the People's House, the fundamental institution of American democracy. Although it is not the oldest parliament in the world, it has existed longer as an independent, popularly elected legislature than any other in the history of mankind.

And as we watch the remarkable struggles of the Chinese people, as we see the growing aspirations of those in the Soviet Union and in Poland and elsewhere, we can take pride that the values that gave this institution its birth and have sustained it for 200 years now sweep round the world.

This body reflects most closely the Nation at large. It is not, as many have suggested, a fixed, unchangeable body. We have even been called the House of Lords. The fact of the matter is that there is constantly a refreshment from every part of the country as new Members come from all quarters, from every background, of every race and creed and color and commitment to serve here.

Since 1965, when I first came, 93 percent of this body have changed. Since 1974, 81 percent have changed, and in the years since 1980, fully 55 percent of the House has changed its membership.

We benefit by this infusion of new ideas, new personalities, new principles. But it remains ultimately the choice of the American electorate.

We need to strengthen this House. I do not share the views of some that we should attempt to tear it down. On the contrary, I think we must strengthen and build it. [Applause.]

And in that task I pledge to all of you, Democrats and Republicans, Members from every part of the country, that I understand the responsibility of the Speaker of the House, as other Speakers have understood it and practiced it, to be a responsibility to the whole House and to each and every individual Member, undivided by that center aisle. [Applause.]

I take great pride, as all of you do, in our public service. I have spent 25 years in the Congress, and it has been for me the great and abiding pride of my life. I believe that public service is a free gift of a free people, and a challenge for all of us in public life to do what we can to make that service useful for those who have sent us here.

I am confident, as is BOB MICHEL, in the fundamental honesty and integrity of the Members who serve here. I believe the standard of public conduct is higher and the performance of that standard is better in this House today than at any other time in the history of our Nation. But questions must be discussed and answered.

I have asked BOB MICHEL to join with me in asking the bipartisan task force on ethics reform to report at an early date their recommendations to us and to the House so that the House may consider what recommendations they may make and other recommendations and proposals in this session of Congress this year.

I am a proud Democrat, but I appeal specifically to our friends on the Republican side that we should come together and put away bitterness and division and hostility. We need to debate public issues vigorously sometimes, even passionately sometimes, and decide for the country what should be done; but we need to debate and decide with reason and without rancor. I will do what I can, and every day that I serve in this office, to insure that the rights and privileges of each Member of the House are respected and to insure that the procedure is fair for all.

I applaud the desire of the President of the United States to work with the Congress and with both parties, and we extend, warmly, our offer of cooperation with him.

We have elections every 4 years, but we have one President at a time, and he who does not wish the President of the United States, President Bush, well is no friend of the Republic. We wish him well. We wish to work with him. We wish to serve the common interests of this country and its interests abroad.

A dozen years ago my great friend and yours, Thomas O'Neill, stood here to take the oath of office as Speaker for the first time. In his speech he reminded us in a paraphrased way of the words of Henry Clay, a great and former Speaker of the House. In promising to be prompt and impartial in deciding parliamentary questions, he pledged to be patient, good-tempered, and courteous toward individual Members. He pledged his best to employ the talent, the great talent of this House for full and fair consideration of those issues that come before it. He pledged in those moments of agitation from which no assembly is entirely exempt to remain cool and unshaken, gathering the permanent laws and rules of the House and guarding them from being sacrificed to temporary passions, prejudices, or interests. I repeat that pledge.

You have bestowed upon me a great honor and a great responsibility. I will devote every ability I have to justify and maintain your confidence and the integrity of this House of Representatives and protect the rights and welfare of all Members so that we can fulfill our high responsibility in representing the people of this Nation.

With God’s help, with your understanding and support, I am now prepared to take the oath of office.

[Applause, the Members rising.]

The SPEAKER–ELECT.<sup>(24)</sup> Will the gentleman from Mississippi [Mr. WHITTEN] please come forward to administer the oath of office?

Mr. [Jamie] WHITTEN [of Mississippi] then administered the oath of office to Mr. FOLEY of Washington.

[Applause, the Members rising.]

## § 5. Speaker as Presiding Officer

Once the Speaker has been elected and the oath of office administered, the Speaker presides over the completion of other organizational steps at the beginning of a new Congress. These steps proceed pursuant to constitutional and statutory requirements and occur in a prescribed order that derives from precedents and customs established over the course of many decades of prior practice. Three matters of organizational business are required by the Constitution. First, the Speaker must administer the oath of office to Members–elect.<sup>(1)</sup> Second, the Speaker presides over the election of other officers of the House.<sup>(2)</sup> Third, the House must formally adopt the standing rules to govern proceedings for that Congress.<sup>(3)</sup> Another organizational step that is required by statute (rather than the Constitution) is the administration of the oath of office to the newly–elected officers of the House.<sup>(4)</sup>

Finally, other organizational business occurs traditionally as a matter of custom or precedent. For example, the House will formally notify the Senate that a quorum of the House has assembled and that officers of the House have been elected.<sup>(5)</sup> The House will also notify the President that a quorum

24. Thomas Foley (WA).

1. “The Senators and Representatives before mentioned...shall be bound by Oath or Affirmation, to support this Constitution...” U.S. Const. art. VI, cl. 3; *House Rules and Manual* § 196–206 (2017). The form of the oath of office is provided by law. 5 U.S.C. § 3331.
2. “The House of Representatives shall chuse their Speaker and other Officers...” U.S. Const. art. I, § 2, cl. 5; *House Rules and Manual* § 26–30 (2017).
3. “Each House may determine the Rules of its Proceedings...” U.S. Const. art. I, § 5, cl. 2; *House Rules and Manual* § 58 (2017).
4. *Parliamentarian’s Note*: Officers of the House take the same oath as Members of the House. 5 U.S.C. § 3331. Technically, the law only requires the Speaker to administer the oath of office to the Clerk of the House (2 U.S.C. § 26), but by long custom the oath is administered to all officers of the House. 1 Hinds’ Precedents § 81. For more on the administration of the oath of office to officers of the House, see Deschler’s Precedents Ch. 6 § 17 and Precedents (Wickham) Ch. 6.
5. See, e.g., 163 CONG. REC. H6 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

of the House has assembled,<sup>(6)</sup> as well as the House's selection of Speaker and Clerk.<sup>(7)</sup> The House customarily adopts a privileged resolution to establish the daily hours of meeting for that session of Congress.<sup>(8)</sup> Though not necessarily part of the organization of the House, a resolution authorizing a joint session to hear the President's address on the state of the Union is commonly adopted on opening day (or soon thereafter).<sup>(9)</sup> The Speaker also makes various announcements to the House on opening day concerning the transaction of business during *sine die* adjournment.<sup>(10)</sup> Formerly, the House would often authorize the Speaker to declare recesses during organization,<sup>(11)</sup> but the Chair's discretion to call recesses of the House has expanded considerably in recent years, and thus such authorization is now generally not needed.<sup>(12)</sup> Unanimous-consent requests may be entertained during organization,<sup>(13)</sup> and the House may also receive messages.<sup>(14)</sup>

With respect to a second (or subsequent) session of the same Congress, the Speaker presides over the organization of the House for that session,

6. *Parliamentarian's Note*: Prior to the 104th Congress, the Dean of the House (the Member with the longest continuous service in the House) would customarily offer these resolutions of notification. However, beginning in 1995, the Majority Leader has typically performed this function.
7. *Parliamentarian's Note*: The House informs the President that a quorum has assembled by establishing a select committee to formally transmit the message. On opening day of the 63d Congress (1913), Members debated the ability of the House to take certain actions prior to the adoption of rules (specifically, whether a motion to commit was available under general parliamentary law). Speaker Champ Clark of Missouri, in response to the suggestion that the resolution establishing a committee to notify the President of the assembly of the House was adopted by unanimous consent, stated that such resolution was in fact raised as a privileged question. Rep. Thomas Hardwick of Georgia elaborated that the privileged nature of said resolution must stem from the fact that "it is a necessary part of the organization work of this House." Since that time, it has been accepted that the notification to the President of the assembly of the House is a matter of privilege that does not require unanimous consent. 50 CONG. REC. 72, 63d Cong. 1st Sess. (Apr. 7, 1913).
8. See § 9.2, *infra*.
9. Deschler's Precedents Ch. 1 § 3.4.
10. See § 5.2, *infra*. For other examples of announcements made by the Speaker during organization, see Deschler's Precedents Ch. 1 §§ 7.7–7.10.
11. Deschler's Precedents Ch. 1 §§ 7.2, 7.3.
12. For more on recess authority generally, see Deschler's Precedents Ch. 39 and Precedents (Wickham) Ch. 39.
13. Deschler's Precedents Ch. 1 §§ 8.1, 8.2. For examples of unanimous-consent requests entertained during organization of a second session, see 124 CONG. REC. 111, 95th Cong. 2d Sess. (Jan. 19, 1978) and 126 CONG. REC. 216, 96th Cong. 2d Sess. (Jan. 22, 1980).
14. Deschler's Precedents Ch. 1 § 8.3.

though the number of required steps is necessarily fewer than on opening day of a new Congress. At a second (or subsequent) session, the Speaker and other officers have already been elected, Members have already taken the oath of office, and standing rules have already been adopted. What remains are primarily administrative, informational, and ceremonial functions for the Speaker to perform. For example, the Speaker makes announcements to the body regarding actions taken or other matters occurring during *sine die* adjournment. The Senate and the President are informed that a quorum of the House has assembled for that session of Congress. The standing order regarding the daily hour of meeting must be adopted for the new session.<sup>(15)</sup>

### ***Speaker Presiding at Organization***

**§ 5.1 Following the election of Speaker at the opening of a new Congress, the Speaker<sup>(16)</sup> presides over the following organizational steps: (1) administration of the oath of office to Members–elect; (2) election of officers of the House and the administration of the oath of office to such individuals; (3) adoption of a resolution informing the Senate that a quorum of the House has assembled and officers have been elected; (4) adoption of a resolution authorizing the appointment of a committee to inform the President that a quorum of the House has assembled and officers have been elected; (5) adoption of the rules of the House; and (6) adoption of a resolution establishing the daily hour of meeting for the first session of the Congress.**

On January 3, 2013,<sup>(17)</sup> the following organizational steps were taken with the newly–elected Speaker of the House presiding:

#### SWEARING IN OF MEMBERS

The SPEAKER.<sup>(18)</sup> According to precedent, the Chair will swear in the Members–elect en masse.

The Members–elect will rise and raise their right hands.

15. See § 9.2, *infra*.

16. *Parliamentarian’s Note*: While the Speaker generally presides over most of the organizational steps described here, the Speaker may appoint a Speaker pro tempore to preside instead. Typically, a Speaker pro tempore assumes the Chair following the administration of the oath of office to the elected officers of the House.

17. 159 CONG. REC. H5, H6, H20–H22, H24 [Daily Ed.], 113th Cong. 1st Sess. For an earlier example of the Speaker presiding at organization, see Deschler’s Precedents Ch. 1 § 5.1.

18. John Boehner (OH).

The Members—elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now Members of the 113th Congress. . . .

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#### ELECTING OFFICERS OF THE HOUSE OF REPRESENTATIVES

Mrs. [Cathy] McMORRIS RODGERS [of Washington]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

*Resolved* That Karen L. Haas of the State of Maryland; be, and is hereby, chosen Clerk of the House of Representatives;

That Paul D. Irving of the State of Florida be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives;

That Daniel J. Strodel of the District of Columbia be, and is hereby, chosen Chief administrative Officer of the House of Representatives; and

That Father Patrick J. Conroy of the State of Oregon, be, and is hereby, chosen Chaplain of the House of Representatives.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield to the gentleman from California (Mr. BECERRA) for the purpose of offering an amendment.

Mr. [Xavier] BECERRA [of California]. I thank the gentlelady for yielding.

Mr. Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

A motion to reconsider was laid on the table.

#### AMENDMENT OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Speaker, I offer an amendment to the remainder of the resolution.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BECERRA:

That Catlin W. O'Neill of the District of Columbia be, and is hereby, chosen Clerk of the House of Representatives;

That Diane Dewhirst of the District of Columbia be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives; and

That Richard Meltzer of the State of Illinois be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentlewoman from Washington.

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House.

The officers presented themselves in the well of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

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TO INFORM THE SENATE THAT A QUORUM OF THE HOUSE HAS ASSEMBLED  
AND OF THE ELECTION OF THE SPEAKER AND THE CLERK

Mr. [Eric] CANTOR [of Virginia]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

*Resolved*, That the Senate be informed that a quorum of the House of Representatives has assembled; that John A. Boehner, a Representative from the State of Ohio, has been elected Speaker; and that Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Thirteenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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AUTHORIZING THE SPEAKER TO APPOINT A COMMITTEE TO NOTIFY THE  
PRESIDENT OF THE ASSEMBLY OF THE CONGRESS

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

The Clerk read the resolution, as follows:

H. RES. 3

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE ELECTION  
OF THE SPEAKER AND THE CLERK

Mr. [John] DINGELL [of Michigan]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

*Resolved*, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected John A. Boehner, a Representative from the State of Ohio as Speaker, and Karen L. Haas, a citizen of the State of Maryland as Clerk, of the House of Representatives of the One Hundred Thirteenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

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

Mr. GEORGE MILLER of California (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 229, not voting 6, as follows: . . .

The SPEAKER pro tempore (Mr. [Thomas] LATHAM [of Iowa]). The question is on the resolution.

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

Ms. [Louise] SLAUGHTER [of New York]. 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 228, nays 196, not voting 5, as follows: . . .

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APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT,  
PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER pro tempore.<sup>(19)</sup> Without objection, pursuant to House Resolution 3, the Chair announces the Speaker's appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Virginia (Mr. CANTOR) and

The gentlewoman from California (Ms. PELOSI).

There was no objection. . . .

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FIXING THE DAILY HOUR OF MEETING OF THE FIRST SESSION OF THE 113TH  
CONGRESS

Mr. [Pete] SESSIONS [of Texas]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

*Resolved*, That unless otherwise ordered, the hour of daily meeting of the House shall be 2 p.m. on Monday; noon on Tuesdays (or 2 p.m. if no legislative business was conducted on the preceding Monday); noon on Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Announcements***

**§ 5.2 Following the election of the Speaker of the House on opening day of a new Congress, the Speaker may make announcements to the body regarding events occurring during *sine die* adjournment, such as the appointment of individuals to boards and commissions.**

On January 4, 1995,<sup>(20)</sup> the following announcement was made:

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19. Jo Ann Emerson (MO).

20. 141 CONG. REC. 559, 104th Cong. 1st Sess.

## APPOINTMENTS AFTER SINE DIE ADJOURNMENT AND FOLLOWING THE PUBLICATION OF THE FINAL ADDITION OF THE CONGRESSIONAL RECORD OF THE 103RD CONGRESS

Pursuant to the provisions of section 303(a) of Public Law 103–3, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to appoint commissions, boards and committees authorized by law or by the House, the Speaker on Thursday, December 22, 1994 did appoint to the Commission on Leave the following Member of the House to fill the existing vacancy thereon:

Mrs. SCHROEDER of Colorado.

Pursuant to the provisions of section 270002 of Public Law 103–322, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to appoint commissions, boards and committees authorized by law or by the House, the Speaker on Thursday, December 22, 1994, did appoint to the National Commission on Crime Prevention and Control the following members on the part of the House:

Mr. Thomas F. Railsback, Moline, IL.

Mr. Werner W. Brandt, Arlington, VA.

And on January 3, 1995 did also appoint:

Mr. Jeffrey A. Teitz, Newport, RI.

Mr. Larry Erickson, Spokane, WA.

Mr. Jonathan R. Yarowsky, Washington, DC.

Mr. Michael J. O’Neill, Oakton, VA.

Pursuant to the provisions of section 1 of 2 U.S.C. 154, as amended by section 1 of Public Law 102–246, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, December 23, 1994 did appoint to the Library of Congress Trust Fund Board the following members on the part of the House:

Mr. Peter Lynch, Boston, MA to fill the unexpired term of Mr. Robert Rubin.

Mr. Thomas S. Foley, Washington, DC, to a 4–year term.

and on Tuesday, January 3, 1995 did also appoint:

Mr. Lawrence Tisch, New York, NY, to a 2–year term.

## § 6. Adoption of Rules

After the House has completed the initial organizational steps of conducting the quorum call for Members–elect, electing the Speaker (and other officers), and administering the oath of office to the membership, it is ready to proceed to the adoption of standing rules.<sup>(1)</sup> Before the standing rules are adopted, the House is not technically bound by any particular rules of procedure (apart from those required under the Constitution). The rules of the

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1. *Parliamentarian’s Note*: The adoption of rules usually proceeds after the adoption of resolutions notifying the Senate and the President that the House has assembled, but there have been variations in this practice. See Deschler’s Precedents Ch. 1 § 10.3.

prior Congress are no longer applicable in the new Congress.<sup>(2)</sup> Instead, the House proceeds under what is termed “general parliamentary law.”<sup>(3)</sup> General parliamentary law is not a written set of procedures but represents instead the customs and precedents common to all legislative bodies. The House will look to a variety of sources to determine the scope of general parliamentary law, including Thomas Jefferson’s *Manual of Parliamentary Practice*, the rules and precedents of the House in prior Congresses, and the experience of other parliamentary bodies such as state legislatures.

Formerly, the resolution adopting the standing rules was offered by the Member who served as chair of the Committee on Rules in the prior Congress.<sup>(4)</sup> However, beginning in the 94th Congress in 1975, this role has been assumed by the Majority Leader.<sup>(5)</sup> The resolution adopting the standing rules may be withdrawn as a matter of right (unanimous consent is not required)<sup>(6)</sup> or postponed to a date certain.<sup>(7)</sup> As the resolution adopting rules constitutes a question of privilege, the Chair has the discretion to recognize a Member to offer such resolution over another Member attempting to raise a different question of privilege.<sup>(8)</sup>

The resolution adopting the standing rules is most often considered under the “hour rule,” which permits the offeror one hour of debate and the ability to offer certain motions recognized under general parliamentary law (such as the motion for the previous question). Traditionally, the offeror will yield half of the time to a Member from the minority party for debate only. When debate has concluded, the offeror will move the previous question on the resolution, and, if ordered, the House will come to a final vote on adopting the standing rules.<sup>(9)</sup> However, in two recent instances, the House first adopted

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2. *Parliamentarian’s Note*: From 1860 to 1890, the standing rules of the House contained a provision purporting to extend their authority into “succeeding” Congresses as well. The efficacy of this provision was occasionally questioned by Members. Today, only certain provisions recognized as part of general parliamentary law are considered applicable prior to the adoption of rules. See 5 Hinds’ Precedents §§ 6743–6748.

3. See Deschler’s Precedents Ch. 1 § 10.2.

4. See Deschler’s Precedents Ch. 1 § 10.4.

5. See, e.g., 163 CONG. REC. H7 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

6. See Deschler’s Precedents Ch. 1 § 10.6.

7. See Deschler’s Precedents Ch. 1 § 10.7.

8. See § 6.9, *infra*.

9. *Parliamentarian’s Note*: Prior to the 97th Congress in 1981, the minority party would often seek to offer changes to the standing rules by advocating the defeat of the previous question so that a motion to amend would then be in order. See Deschler’s Precedents Ch. 1 §§ 10.9, 10.10. Beginning in the 97th Congress, the procedural mechanism for suggesting amendments to the rules switched to a motion to commit the resolution adopting rules to a select committee composed of Members from the leadership of each

a separate resolution constituting a special order of business for consideration of the resolution adopting the standing rules.<sup>(10)</sup> In both cases, the special order provided for consideration of the resolution adopting rules in portions (such resolution normally being indivisible).<sup>(11)</sup>

Traditionally, the legislative text adopting the standing rules of the House will take the form of a resolution declaring that the rules of the prior Congress shall be the rules of the current Congress.<sup>(12)</sup> However, it is virtually always the case that the House in the new Congress will wish to make various amendments to the standing rules, in which case the resolution will typically propose that the rules of the prior Congress be adopted with a series of discrete amendments.

Until the Legislative Reorganization Act of 1946, there were few procedural rules of the House contained in public law. However, that act and the subsequent Legislative Reorganization Act of 1970 were both enacted into law as part of Congress's rulemaking authority, and thus certain provisions of those statutes operate as rules of the House. Because the House is not bound by rules in existence prior to the convening of a Congress (even rules contained in law),<sup>(13)</sup> such rulemaking contained in statute must be formally accepted and reaffirmed by each subsequent Congress. The House does this by affirmatively acknowledging such rulemaking in the resolution adopting the standing rules of the House, and in doing so accepts as binding those rules contained in law.<sup>(14)</sup>

Over time, the number of laws containing congressional rulemaking provisions gradually expanded. Beginning with the 95th Congress, the resolution adopting the standing rules specified that "all applicable provisions of law

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party. Beginning in the 113th Congress in 2013, the minority party began to employ both of these procedural tactics for advocating changes to the standing rules. See Precedents (Wickham) Ch. 5 § 5.

10. See §6.10, *infra*.

11. See Deschler's Precedents Ch. 1 § 10.8.

12. For example, the resolution adopting the standing rules of the 79th Congress (1945) simply stated that: "*Resolved*; that the rules of the Seventy-eighth Congress be, and they are hereby adopted as the rules of the Seventy-ninth Congress." 91 CONG. REC. 10, 79th Cong. 1st Sess. (Jan. 3, 1945). See also Deschler's Precedents Ch. 1 § 10.5.

13. See Deschler's Precedents Ch. 1 §§ 10.1, 12.9.

14. For example, the resolution adopting the rules for the 92d Congress (1971) contained the following language: "*Resolved*, That the Rules of the House of Representatives of the Ninety-first Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, and the Legislative Reorganization Act of 1970, as amended, be, and they are hereby adopted as the Rules of the House of Representatives for the Ninety-second Congress." 117 CONG. REC. 14, 92d Cong. 1st Sess. (Jan. 21, 1971).

which constituted the Rules of the House” at the end of the prior Congress shall be considered rules of the House for the current Congress, and this language has been used in adopting the standing rules in every subsequent Congress.<sup>(15)</sup>

Beginning in the 104th Congress, the House began to incorporate free-standing orders of the House into the resolution adopting the standing rules. Such orders are functionally equivalent to rules of the House and operate with the same binding effect.<sup>(16)</sup> They are customarily contained in a separate section (or sections) of the resolution adopting the standing rules.<sup>(17)</sup> The resolution adopting the standing rules has also contained language proposing a special order of business for the consideration of legislative measures.<sup>(18)</sup>

In the 106th Congress, the resolution adopting the standing rules took a slightly different form than the one traditionally used, due to the fact that the rules were substantially reorganized to present a more coherent arrangement. Thus, the standing rules of the prior Congress were carried forward, but amended “to read as follows” (with the text of the standing rules then presented in their newly reorganized form).<sup>(19)</sup>

During consideration of the resolution to adopt the standing rules, the Speaker may rule on points of order (such as enforcing the requirement of relevancy in debate),<sup>(20)</sup> but the Speaker does not rule on the constitutionality of any of the proposed rules.<sup>(21)</sup> As a matter of general parliamentary law,<sup>(22)</sup> the Speaker may enforce rules of decorum,<sup>(23)</sup> including admonishing guests in the gallery for inappropriate behavior.<sup>(24)</sup>

15. *Parliamentarian’s Note*: In the 99th Congress, language was added to cover rulemaking contained in concurrent resolutions of both Houses, in addition to rulemaking contained in statute. 131 CONG. REC. 393, 99th Cong. 1st Sess. (Jan. 3, 1985).

16. For more on the rules of the House generally, see Deschler’s Precedents Ch. 5 §§ 1–7 and Precedents (Wickham) Ch. 5.

17. The resolution adopting the standing rules for the 114th Congress (2015) contained the following language: “*Resolved*, That the Rules of the House of Representatives of the One Hundred Thirteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Thirteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Fourteenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.” 161 CONG. REC. H7 [Daily Ed.], 114th Cong. 1st Sess. (Jan. 6, 2015).

18. See, e.g., 141 CONG. REC. 462–69, 104th Cong. 1st Sess. (Jan. 4, 1995) and 153 CONG. REC. 19–24, 110th Cong. 1st Sess. (Jan. 4, 2007).

19. 145 CONG. REC. 47–223, 106th Cong. 1st Sess. (Jan. 6, 1999).

20. See § 6.7, *infra*.

21. See § 6.8, *infra*.

22. See Precedents (Wickham) Ch. 5. For earlier discussions of general parliamentary law, see Deschler’s Precedents Ch. 1 §§ 1, 10.

23. See § 6.5, *infra*.

24. See § 6.6, *infra*.

The Speaker may participate in debate on the resolution adopting rules,<sup>(25)</sup> and in one instance, a newly-elected Speaker (in his opening remarks to the body) addressed proposed changes in the rules regarding committee jurisdiction.<sup>(26)</sup>

Following adoption of the resolution adopting the standing rules, the House may authorize the Clerk to make technical changes in the engrossment to correct errors.<sup>(27)</sup>

### *House Rules and General Parliamentary Law*

#### **§ 6.1 On opening day of a new Congress, following the election of Speaker, the swearing in of the membership *en masse*, and the adoption of resolutions to notify the Senate and President that a quorum of the House has assembled, the Chair recognizes a Member to offer a resolution adopting the standing rules of the House.**

On January 3, 2013,<sup>(28)</sup> the Majority Leader was recognized to offer a resolution adopting the standing rules of the House:

#### RULES OF THE HOUSE

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

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

The SPEAKER pro tempore (Mr. [Patrick (Pat)] TIBERI [of Ohio]). Is there objection to the request of the gentleman from Virginia?

There was no objection.

### *Announcements*

#### **§ 6.2 Prior to the adoption of rules, the Speaker may make announcements regarding policies for the conduct of votes by electronic device.**

25. Deschler's Precedents Ch. 1 § 10.11.

26. 149 CONG. REC. 4–6, 108th Cong. 1st Sess. (Jan. 7, 2003).

27. Deschler's Precedents Ch. 1 § 10.12.

28. 159 CONG. REC. H6, H9 [Daily Ed.], 113th Cong. 1st Sess.

On January 4, 1995,<sup>(29)</sup> during organization of the 104th Congress, the following announcement was made by the Speaker:

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(30)</sup> The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary roll call vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. On occasion, the Chair has announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that those examples be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

***Unanimous–Consent Requests***

**§ 6.3 Prior to the adoption of rules, the Majority Leader offered a unanimous–consent request to establish a procedure for consideration of the resolution adopting the standing rules of the House (a request that drew objection).**<sup>(31)</sup>

On January 4, 1995,<sup>(32)</sup> the following unanimous–consent request was made by the Majority Leader:

MAKING IN ORDER IMMEDIATE CONSIDERATION OF HOUSE RESOLUTION  
ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE  
104TH CONGRESS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that it be in order immediately to consider in the House a resolution adopting the rules of the House

29. 141 CONG. REC. 457, 104th Cong. 1st Sess.

30. Newt Gingrich (GA).

31. *Parliamentarian's Note*: After this unanimous–consent request drew objection, the Majority Leader offered a resolution that was effectively a special order of business to structure consideration of the resolution adopting the standing rules. See § 6.10, *infra*.

32. 141 CONG. REC. 447–48, 104th Cong. 1st Sess.

of Representatives for the 104th Congress; that the resolution be considered as read; that the resolution be debatable initially for 30 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees; that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question, except that the question of adopting the resolution shall be divided among nine parts, to wit: Each of the eight sections of title I, and then title II; each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees, and shall be disposed of in the order stated, but if the yeas and nays are ordered on the question of adopting any portion of the divided question, the Speaker may postpone further proceedings on that question until a later time during the consideration of the resolution; and, pending the question of adopting the ninth portion of the divided question, it shall be in order to move the previous question thereon, and if the previous question is ordered, to move that the House commit the resolution to a select committee, with or without instructions, and that the previous question be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER.<sup>(33)</sup> Is there objection to the request of the gentleman from Texas?

Mr. [David] BONIOR [of Michigan]. Reserving the right to object, Mr. Speaker, under my reservation I would like to ask the gentleman from Texas [Mr. ARMEY] several questions about his unanimous-consent request.

First of all, does the gentleman's request allow us to offer an amendment to ban gifts by lobbyists?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I say to the gentleman. You are entitled under the rules to offer a germane amendment in your motion to commit if it is ruled by the Parliamentarian that such an amendment is germane.

Mr. BONIOR. Further reserving the right to object. Mr. Speaker, I would propound to my distinguished friend from Texas another question:

Is your request an open amendment process which allows Members the opportunity to offer germane amendments? We have the opportunity to offer germane amendments?

Mr. ARMEY. If the gentleman would yield, I am advised by the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, that the rule is more open than any we have ever had in the past.

Mr. BONIOR. Is the gentleman saying that no amendments are in order under the request and this is a closed rule?

Mr. ARMEY. If the gentleman would yield, there are plenty of amendments in order.

Mr. BONIOR. Does this afford the minority a right to offer an amendment. I would ask the gentleman from Texas?

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, I am again advised by the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, that my colleague can include any amendment he wants in the motion to commit so long as it meets the test of germaneness.

Mr. BONIOR. Will we have time to debate the motion to commit?

33. Newt Gingrich (GA).

Mr. ARMEY. I believe under the rules of the House it is a nondebatable motion.

Mr. BONIOR. So we can offer the motion and we cannot debate it?

Mr. ARMEY. If the gentleman would yield, there will be about 3½, hours of debate, and it is the judgment of this Member that there will be plenty of opportunity within that time since time will be allocated to the minority for debate purposes to make the points that the gentleman might want to make related to their motion to commit.

It is a common practice that we used many times when we were in the minority exercising our prerogative to make a motion to commit.

Mr. BONIOR. Mr. Speaker, it is my understanding we will not be able to offer amendments on the motion the gentleman has put forward, and that we will not be able, for instance, to offer the amendment that we wish to offer on the gift ban.

In fact, I would ask another question of my friend. Does this request envision a division of the open-amendment process for the Congressional Accountability Act to be considered at the end of the day?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Perhaps at this point I might address the Speaker and express my wonderment as to whether or not the gentleman is going to make an objection.

Mr. BONIOR. Mr. Speaker, reserving my right to object, let me just say that given that the gentleman has informed the House that he is requesting two completely closed rules, two gag rules, I might add, on the first day of the Congress, I object.

The SPEAKER. An objection has been heard.

The Chair now recognizes the distinguished gentleman from New York [Mr. SOLOMON].

**§ 6.4 Prior to the adoption of rules, a motion to commit a pending resolution is in order after the previous question has been ordered thereon, and a unanimous-consent request to dispense with the reading of the motion is also in order.**

On January 3, 2013,<sup>(34)</sup> the following motion was made with respect to the resolution adopting the standing rules of the House:

MOTION TO COMMIT

Mr. GEORGE MILLER of California. Madam Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore (Mrs. [Jo Ann] EMERSON [of Missouri]). The Clerk will report the motion.

The Clerk read as follows:

Mr. GEORGE MILLER of California moves that the resolution (H. Res. 5) be committed to a select committee composed of the Majority Leader and the Minority Leader with instructions to report it forthwith back to the House with the following amendment:

At the end of the resolution, add the following new sections:

SEC. 6. TO SHORTEN VOTING LINES AND PROTECT EARLY VOTING OPPORTUNITIES.

Not later than January 31, 2013, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text specified in section 8 of this resolution, to amend the Help America Vote Act of 2002 to promote early voting in elections

34. 159 CONG. REC. H20–H21 [Daily Ed.], 113th Cong. 1st Sess.

for Federal office and to prevent unreasonable waiting times for voters at polling places used in such elections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 8 of this resolution.

SEC. 8. The text referred to in section 6 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Streamlined and Improved Methods at Polling Locations and Early (SIMPLE) Voting Act of 2013”.

**SEC. 2. MINIMUM REQUIREMENTS FOR EARLY VOTING AND FOR REDUCING WAITING TIMES FOR VOTERS IN FEDERAL ELECTIONS.**

(a) REQUIREMENTS FOR STATES.—

(1) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(A) by redesignating sections 304 and 305 as sections 306 and 307; and

(B) by inserting after section 303 the following new sections:

**“SEC. 304. EARLY VOTING.**

“(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office on each day occurring during the 15-day period which ends on the second day immediately preceding the date of the election, in the same manner as voting is allowed on such date.

“(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the date of a Federal election pursuant to subsection (a) shall—

“(1) allow such voting for not less than 10 hours on each day; and

“(2) have uniform hours each day for which such voting occurs.

“(c) LOCATION OF POLLING PLACES NEAR PUBLIC TRANSPORTATION.—To the greatest extent practicable, a State shall ensure that each polling place which allows voting prior to the date of a Federal election pursuant to subsection (a) is located within reasonable walking distance of a stop on a public transportation route.

“(d) STANDARDS.—

“(1) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the date scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

“(2) DEVIATION.—The standards described in paragraph (1) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.

“(e) EFFECTIVE DATE.—This section shall apply with respect to elections held on or after January 1, 2014.

**“SEC. 305. PREVENTING UNREASONABLE WAITING TIMES FOR VOTERS.**

“(a) PREVENTING UNREASONABLE WAITING TIMES.—

“(1) IN GENERAL.—Each State shall provide a sufficient number of voting systems, poll workers, and other election resources (including physical resources) at a polling place used in any election for Federal office, including a polling place at which individuals may cast ballots prior to the date of the election, to ensure—

“(A) a fair and equitable waiting time for all voters in the State; and

“(B) that no individual will be required to wait longer than one hour to cast a ballot at the polling place.

“(2) CRITERIA.—In determining the number of voting systems, poll workers, and other election resources provided at a polling place for purposes of paragraph (1), the State shall take into account the following factors:

“(A) The voting age population.

“(B) Voter turnout in past elections.  
 “(C) The number of voters registered.  
 “(D) The number of voters who have registered since the most recent Federal election.  
 “(E) Census data for the population served by the polling place, such as the proportion of the voting-age population who are under 25 years of age or who are naturalized citizens.

“(F) The needs and numbers of voters with disabilities and voters with limited English proficiency.

“(G) The type of voting systems used.

“(H) The length and complexity of initiatives, referenda, and other questions on the ballot.

“(I) Such other factors, including relevant demographic factors relating to the population served by the polling place, as the State considers appropriate.

“(3) GUIDELINES.—Not later than 180 days after the date of the enactment of this section, the Commission shall establish and publish guidelines to assist States in meeting the requirements of this subsection.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to authorize a State to meet the requirements of this subsection by closing any polling place, prohibiting an individual from entering a line at a polling place, or refusing to permit an individual who has arrived at a polling place prior to closing time from voting at the polling place.

“(b) DEVELOPMENT AND IMPLEMENTATION OF CONTINGENCY PLANS.—

“(1) IN GENERAL.—Each State shall develop, and implement to the greatest extent practicable, a contingency plan under which the State shall provide additional poll workers, machines, ballots, and other equipment and supplies (as the case may be) on the date of the election to any polling place used in an election for Federal office, including a polling place at which individuals may cast ballots prior to the date of the election, at which waiting times exceed one hour.

“(2) APPROVAL OF PLAN BY COMMISSION.—The State shall ensure that the contingency plan developed under paragraph (1) is approved by the Commission prior to the date of the election involved, in accordance with such procedures as the Commission may establish.

“(c) EFFECTIVE DATE.—This section shall apply with respect to elections held on or after January 1, 2014.”

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(A) by redesignating the items relating to sections 304 and 305 as relating to sections 306 and 307; and

(B) by inserting after the item relating to section 303 the following new items:

“**SEC. 304. EARLY VOTING.**

“**SEC. 305. PREVENTING UNREASONABLE WAITING TIMES FOR VOTERS.**”

(b) REPORT BY ELECTION ASSISTANCE COMMISSION.—Not later than June 30 of each odd-numbered year, the Election Assistance Commission shall submit to Congress a report assessing the impact of sections 304 and 305 of the Help America Vote Act of 2002 (as added by subsection (a)) on the administration of elections for Federal office during the preceding 2-year period, and shall include in the report such recommendations as the Commission considers appropriate.

(c) NO EFFECT ON AUTHORITY OF STATE TO PROVIDE FOR LONGER PERIODS OF EARLY VOTING OR GREATER AMOUNT OF RESOURCES AT POLLING PLACES.—Nothing in this section or in any amendment made by this section may be construed to prohibit a State, with respect to any election for Federal office—

(1) from providing (in an equitable and nondiscriminatory manner) a longer period for early voting than the minimum period required under section 304 of the Help America Vote Act of 2002 (as added by subsection (a)); or

(2) from providing (in an equitable and nondiscriminatory manner) a greater number of systems, poll workers, and other election resources at any polling place than the minimum number required under section 305 of such Act (as added by subsection (a)).

**SEC. 3. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS; ESTABLISHMENT OF UNIFORM AND NONDISCRIMINATORY STANDARDS.**

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(4), notwithstanding the precinct or polling place at which a provisional ballot is cast within the State, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2014.

“(e) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

“(1) IN GENERAL.—Consistent with the requirements of this section, each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2014.”.

(b) CONFORMING AMENDMENT.—Section 302(f) of such Act (42 U.S.C. 15482(f)), as redesignated by subsection (a), is amended by striking “Each State” and inserting “Except as provided in subsections (d)(2) and (e)(2), each State”.

**SEC. 4. AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION TO ENFORCE HELP AMERICA VOTE ACT OF 2002.**

(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended to read as follows:

**“SEC. 401. ENFORCEMENT.**

“(a) ACTION BY ATTORNEY GENERAL.—

“(1) IN GENERAL.—The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the requirements of subtitle A of title III.

“(2) ASSESSMENT OF CIVIL MONEY PENALTY.—In a civil action brought under paragraph (1), if the court finds that the State or jurisdiction violated any provision of subtitle A of title III, it may, to vindicate the public interest, assess a civil penalty against the State or jurisdiction—

“(A) in an amount not to exceed \$110,000 for each such violation, in the case of a first violation; or

“(B) in an amount not to exceed \$220,000 for each such violation, for any subsequent violation.

“(3) INTERVENTION.—Upon timely application, a person aggrieved by a violation of subtitle A of title III with respect to which a civil action is commenced under paragraph (1) may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under subsection (b) with respect to that violation, along with costs and a reasonable attorney fee.

“(4) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

“(b) PRIVATE RIGHT OF ACTION.—

“(1) AVAILABILITY.—A person who is aggrieved by a State’s or jurisdiction’s violation of subtitle A of title III may bring a civil action in an appropriate United States District Court for such declaratory or injunctive relief as may be necessary to carry out the requirements of such subtitle.

“(2) COSTS AND ATTORNEY FEES.—The court may award to a person aggrieved by a violation of subtitle A of title III who prevails in an action brought under paragraph (1) the costs of the action, including a reasonable attorney fee.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 401 to read as follows:

**“SEC. 401. ENFORCEMENT.”.**

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

Mr. GEORGE MILLER of California (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

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

## Recorded Vote

Mr. GEORGE MILLER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 229, not voting 6, as follows: . . .

**Admonitions**

**§ 6.5 Prior to the adoption of rules, the Speaker may maintain decorum by directing a Member who had not been recognized in debate beyond an allotted time to be removed from the well, and by directing the Sergeant-at-Arms to present the mace as the traditional symbol of order.**

On January 3, 1991,<sup>(35)</sup> the following occurred during consideration of the resolution adopting the standing rules:

## RULES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) 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 First Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the Rules of the House at the end of the One Hundred First Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the One Hundred Second Congress, with the following amendments included therein as part thereof, to wit: . . .

The SPEAKER pro tempore.<sup>(36)</sup> The gentleman from New York [Mr. SOLOMON] has 1 minute remaining.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. [Nancy Lee] JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the substance of this proposal, and with deep concern for the subversion of the legislative process contained in this package.

The substance strikes at the heart of the budget agreement. The process strikes at the heart of democracy, and so I am going to use such time as I may consume, and I am not going to recognize the authority of the Speaker's gavel, because I want to make very clear the implications of what is happening here.

First of all, this House is operating under precedent, not under rule. Precedent is something that we honor because we hold ourselves to a standard of ethical conduct that requires honoring our rules.

If we do not hold ourselves to that standard of ethical conduct, then the line between self-government and chaos disintegrates. If we cannot operate ethically, we cannot govern ourselves as a free nation. So, honor is everything; word is bond.

35. 137 CONG. REC. 39, 58, 59, 102d Cong. 1st Sess.

36. Steny Hoyer (MD).

I choose not to be governed by the gavel, because I want to demonstrate that where word is not bond, democracy cannot survive. . . .

If we were doing that here today, democracy in its gut and at the level of trust that it demands would not be at risk; but the majority party is not proposing a statutory change for which they could be held accountable.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. JOHNSON of Connecticut. The majority party is proposing a rules change.

The SPEAKER pro tempore. The Chair would state to the gentlewoman that whatever point she is trying to make that the Chair is going to make a point.

Mrs. JOHNSON of Connecticut. It does not change the law.

The SPEAKER pro tempore. The House will operate under proper decorum.

Mrs. JOHNSON of Connecticut. Rather through the rule, they are intending to abrogate the content and meaning of the law. One could ask one's self, why is this happening today? It is happening for a very simple reason. It is happening for the same simple reason that Wall Street was crippled by greed. On Wall Street individual greed took precedence over that code of conduct that had in the past regulated business decisions, the conduct of business, on Wall Street.

What is happening here is that individual desire for spending programs is overriding the public interest in deficit reduction.

Mr. [Gerald] SIKORSKI [of Minnesota]. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentlewoman is out of order. The gentlewoman is making the point of not following the rules.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am sorry. I know this is unpleasant.

The SPEAKER pro tempore. The gentlewoman will remove herself from the well within 30 seconds. . . .

#### POINT OF ORDER

Mr. [Henry] GONZALEZ [of Texas]. Mr. Speaker, I rise to a point of order. I rise to a point of order, Mr. Speaker.

Mrs. JOHNSON of Connecticut. As I said, I am not going to talk at length but only for the very few minutes necessary to make clear my concern with the substance and process violations in this rules proposal.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GONZALEZ. The gentlewoman is out of order and is defying the Chair's ruling and, therefore, I am imploring the Chair to exercise its authority to enforce the rules of the House by summoning the Sergeant at Arms and presenting the mace.

The SPEAKER pro tempore. The Chair may do that.

Mrs. JOHNSON of Connecticut. I regret that the majority party on such an important matter refused to allow Members the time we need, and I particularly regret this demonstration of oppression of the minority as democracy simply cannot survive if the minority's right to debate is deeply compromised. We must do better than this in the months ahead. We must reject these rules. We must come back with a rules package that honors statutory law and that does not seek to change law through the subterfuge of rules changes. We must come back with a package that honors the standard of ethical conduct on which this House has always depended.

I thank the Speaker.

### § 6.6 Prior to adoption of the rules, the Speaker quells demonstrations of approval or disapproval by visitors in the gallery.

On January 4, 1995,<sup>(37)</sup> the Speaker made the following announcement during consideration of the resolution adopting the standing rules of the House:

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(38)</sup> There are to be no demonstrations in the gallery. Those in the gallery are here as guests of the House.

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

*Points of Order and Parliamentary Inquiries*

**§ 6.7 Debate on a resolution providing for adoption of the standing rules of a new Congress must relate to rules of the House, including all applicable provisions of law and concurrent resolutions constituting rules of the House, and may not include debate on whether an entity tangentially related to Congress must disclose its past campaign contributions.**

On January 4, 1995,<sup>(39)</sup> during consideration of the resolution adopting the standing rules, the Chair addressed parliamentary inquiries and a point of order regarding relevancy in debate:<sup>(40)</sup>

The SPEAKER pro tempore (Mrs. [Nancy Lee] JOHNSON of Connecticut). Section 105 of the resolution is now debatable for 20 minutes. The gentleman from Ohio [Mr. CREMEANS] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CREMEANS].

Mr. [Frank] CREMEANS [of Ohio]. Madam Speaker, I yield myself such time as I may consume.

Today I offer an amendment numbered section 105 to the House rules mandating public access to committee proceedings. The American people have spoken. Less than 2 months ago I was chosen to represent over a half million Ohioans, and today I become their Representative to this body. . . .

Mr. [David] BONIOR [of Michigan]. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House of Representatives is supposed to be the people's House. This is where the business of the American people is conducted, and the more sunshine that we can shine on these Chambers and these committee rooms, the better off the American people will be.

37. 141 CONG. REC. 454, 104th Cong. 1st Sess.

38. Newt Gingrich (GA).

39. 141 CONG. REC. 499, 502, 503, 104th Cong. 1st Sess.

40. For more on the concept of relevancy in debate, see Deschler's Precedents Ch. 29 §§ 35-39 and Precedents (Wickham) Ch. 29.

The days of backroom deals are over. We make decisions in this building every day that affect every man, woman, and child in this country, and I think the American people have a right to see those decisions being made. But it is also time to shut out the influence of special interests.

I support this amendment, and I commend those who are offering it, but I do not think it is enough merely to open all meetings to the public. We should be held accountable for all aspects of public life, and that means all political contributions should be disclosed as well. We are required by law to disclose the names of the people who contribute to out political campaigns, and we do. But there are some organizations which have an influence on this body which refuse to disclose who they contribute to, where they get their money from, and I think it is time to change that as well.

Let me give you one example: There is an organization called GOPAC, which, by some accounts, has played a role in electing over 200 Members of this institution. Over the past 9 years, GOPAC has raised between \$10 million and \$20 million. Many of these contributions come from people who have a direct interest in Federal legislation. We do not know who these people are, where this money came from, because GOPAC has not disclosed the list of its past contributors.

With deals like this, is it any wonder that the American people think that this Congress is for sale? I think the public has a right to know who these people are, and we should open our meetings and GOPAC needs to open all of its meetings.

#### PARLIAMENTARY INQUIRY

Mr. [Gerald] SOLOMON [of New York]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Madam Speaker, is this germane to section 105 of the bill that we are debating, this discussion?

Mr. BONIOR. Madam Speaker, if I could finish my remarks, I will address my colleague's comments because I think they are good comments. I think it is directly germane.

Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The remarks should pertain specifically to this portion of the resolution adopting the rules.

Mr. BONIOR. This portion of the bill deals with open meetings, and that deals with open Government. And if we are going to have open Government, we should make sure that the contributions of the people are reviewed, that we know where they come from, especially as they affect legislation. It seems to me if GOPAC has nothing to hide, then they should have nothing to be afraid of. If GOPAC will not come clean and will not open their books, I think the American people have a right to ask, "What are they trying to hide?"

Mr. [William] THOMAS of California. Madam Speaker, the gentleman is not germane.

#### POINT OF ORDER

Mr. THOMAS. Madam Speaker, I have a point of order.

The SPEAKER pro tempore. (Mrs. JOHNSON of Connecticut). The gentleman will state his point of order.

Mr. THOMAS. The gentleman is not germane.

The SPEAKER pro tempore. We will proceed. The gentleman from Ohio [Mr. CREMEANS] is recognized.

**§ 6.8 The Chair does not rule on the constitutionality of a proposed rule, even as a matter of general parliamentary law before adoption of the rules, that being a matter appropriately decided by way of the question of consideration of the resolution or the question of adopting the resolution.**

On January 4, 2005,<sup>(41)</sup> consideration of the resolution adopting the standing rules was interrupted by a point of order, as follows:

RULES OF THE HOUSE

Mr. [Thomas] DELAY [of Texas]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) 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 Eighth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Eighth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Ninth Congress, with amendments to the standing rules as provided in section 2 and with other orders as provided in section 3. . . .

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

The SPEAKER.<sup>(42)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. [Brian] BAIRD [of Washington]. Mr. Speaker, I rise for a constitutional point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAIRD. Mr. Speaker, the resolution we are preparing to consider, the proposed rules for the 109th Congress, in my judgment violates the United States Constitution which we were just sworn to uphold and defend. It does so by allowing a very limited number of Members, potentially only a handful, to constitute the House of Representatives.

Article 1, section 5 of the Constitution states that “each House shall be the Judge of the Elections, Returns and Qualifications of its Members, and a majority of each shall constitute a Quorum to do Business; but a small Number adjourn from day to day, and may be authorized to compel the attendance of absent Members.”

Unfortunately, H. Res. 5 seeks to allow a small number not just to adjourn or compel attendance, as the Constitution stipulates, but to enact laws, declare war, impeach the President, and fulfill all other article I responsibilities.

The very first act of the very first Congress of the United States was to recess day after day after day because they lacked a quorum. Just moments ago everyone in this

41. 151 CONG. REC. 42–46, 109th Cong. 1st Sess.

42. Dennis Hastert (IL).

body took an oath to uphold and defend the Constitution, and now our first official vote is by rule to undermine a fundamental principle of that Constitution, i.e., what is a quorum. It is my understanding that the Speaker is reluctant to judge on matters of constitutionality. I respect that. But I would reserve and inform the Speaker it is my intent to ask the question of consideration to be put.

The SPEAKER. Does any other Member wish to be heard on the point of order?

The gentleman from California (Mr. DREIER).

Mr. [David] DREIER [of California]. Mr. Speaker, let me respond by saying that the gentleman is absolutely right when he states that the Chair does not rule on questions of constitutionality.

I would also like to say that on this question that is being brought forward by my friend, it is very clear to me based on statements that have been made by a wide range of constitutional scholars that what we are doing in the rules package that we are about to consider is in fact constitutional. In fact, before the Committee on Rules the very distinguished former Solicitor General Walter Dellinger said the following: "It is simply inconceivable that a Constitution established to provide for the common defense and promote the general welfare would leave the Nation unable to act in precisely the moment of greatest peril. No constitutional amendment is required to enact the proposed rule change because the Constitution as drafted permits the Congress to ensure the preservation of government."

Let me further, Mr. Speaker, say that the Committee on Rules intends to conduct further examination of the best way for the House to assure a continuity of government during a national emergency, and it is our hope that as we proceed with this work that further discussions will take place with the members of that very distinguished panel, the Continuity Commission, which included our former colleague, Senator Simpson, and Speakers Foley and Gingrich and former minority leader Bob Michel, Leon Panetta, Kwasi Mfume, and I believe we will have a chance to proceed with this; but I think it would be very appropriate for us to proceed with consideration of the rules package that we have.

The SPEAKER. Does any other Member wish to be heard on the point of order?

The gentleman from New York (Mr. NADLER).

Mr. [Jerrold] NADLER [of New York]. Mr. Speaker, I rise in support of the point of order. The Constitution defines a quorum to conduct business as the majority of each House.

The question of course before us in this debate is, a majority of what? What is the denominator in that equation?

The precedent holds that the total number of the membership of the House is those Members who are chosen, sworn and living and whose membership has not been terminated by action of the House. Removal by action of the House is also a defined term, expulsion by a vote of two-thirds in article 1, section 5.

The Constitution also gives the House the authority to compel attendance when Members do not answer the call of the Chair in such manner and under such penalties as each House may provide. And, in fact, the Sergeant at Arms has been sent to gather Members by force on prior occasions.

This amendment before us to the rules gives the Speaker nearly unfettered authority to change the number of the Members of the whole House to exclude Members who are chosen, sworn, and living but who do not answer the call of the Chair. This would seem to amount to a constructive expulsion without a two-thirds vote of the whole House.

For example, suppose the House is at its full complement of 435 Members. A quorum would then be 218. Now, suppose only 400 Members answer the Speaker's call for whatever reason. They are still living. They are still chosen. They are still sworn. They have not been expelled. Now a quorum by order of the Speaker would be 200. The House may conduct its business with only 200 Members present. If this is triggered in a time of national emergency, the consequences could be dire.

Mr. Speaker, we heard the distinguished chair, or maybe he is only the presumptive chair, of the Committee on Rules, at this point; but in any event, the gentleman from California (Mr. DREIER) said a moment ago that this proposed rules change is constitutional because the Constitution could not have contemplated that the House could not function. But the Constitution did not contemplate that the majority of the Members of the House might in fact be the victims of an act of mass terrorism. Those things were not contemplated at the time.

The fact is we do need to amend the Constitution to take care of this very serious question; but this provision for the reasons stated by the gentleman from Washington (Mr. BAIRD), for the reasons that I stated a moment ago, is clearly unconstitutional. Certainly, before we take such a measure, it deserves much more extensive debate and hearings and discussion than it can have by three or four speakers in this context now.

So I urge that Members take careful consideration to the question of constitutionality here. This may provoke court action, and we should not adopt this now in the context of an overall rules change with this very serious amendment to the Constitution, which is what it amounts to; it cannot receive adequate consideration in terms of its constitutionality either in terms of its merit.

The SPEAKER. Does any other Member wish to be heard on this point of order?

The gentleman from Mississippi (Mr. TAYLOR).

Mr. [Gary Eugene (Gene)] TAYLOR of Mississippi. Mr. Speaker, I realize that September 11 was a tragic day in America, certainly a wake-up call within the States.

I also remind the Members of this body that in the War of 1812 this building was occupied by a foreign army. So for the gentleman from California (Mr. DREIER) to say that they could not have foreseen these circumstances taking place, what in the heck is he talking about? This building was occupied and set on fire by a foreign army. And yet the Congress at that time did not try to change the rules so that a minority within a minority could govern.

If we are going to amend the Constitution, the gentleman from Washington (Mr. BAIRD) is exactly right: someone should offer a constitutional amendment. If we are going to change the law, then someone should offer a change to the law; but let us not through the House rules try to rewrite the Constitution of this Nation.

This Nation has been around for a long time. It is going to be around for a long time, but only if we continue to do things as the Founding Fathers would have wanted us to do them and not some backdoor-approach like this.

The SPEAKER. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Washington makes a point of order that the resolution adopting the rules of the House for the 109th Congress is not in order because it contains a provision that the House does not have the constitutional authority to propose.

As recorded in section 628 of the House Rules and Manual, citing numerous precedents including volume 2 of Hinds' Precedents at sections 1318-1320, the Chair does not determine the constitutionality of a proposition or judge the constitutional competency of the

House to take a proposed action, nor does the Chair submit such a question to the House as a question of order. Rather, it is for the House to determine such a question by its disposition of the proposition, such as by voting on the question of its consideration, as recorded in volume 2 of Hinds' Precedents of section 1255, or by voting on the question of its adoption, as recorded in volume 2 of Hinds' Precedents at section 1320. The Chair would apply these precedents even before the adoption of the Rules of the House as a matter of general parliamentary law.

As such, the House may decide the issues raised by the gentleman by way of the question of consideration of the resolution or the question of adopting the resolution. The point of order is not cognizable.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Before the gentleman proceeds, the Chair would like to announce that any Member-elect who failed to take the oath of office may present himself or herself in the well of the House prior to any vote.

## SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Will the gentlewoman from New York (Ms. SLAUGHTER), the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Florida (Ms. CORRINE BROWN), kindly come to the well of the House and take the oath of office at this time.

Ms. SLAUGHTER, Mrs. MALONEY and Ms. CORRINE BROWN of Florida appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

Mr. [Brian] BAIRD [of Washington]. Mr. Speaker, consistent with the oath of office that I just took, I would request that the question of consideration be put to the body.

The SPEAKER. The question is, Will the House now consider House Resolution 5.

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

Mr. BAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Without objection, this will be an electronic vote on the question of consideration.

There was no objection.

*Questions of Privilege*

**§ 6.9 The Speaker has discretion to recognize a Member to offer a resolution providing for the adoption of standing rules (itself constituting a question of privilege) prior to recognizing another Member to offer, as a question of privilege, another resolution calling into question the constitutionality of the resolution adopting the standing rules.**<sup>(43)</sup>

43. *Parliamentarian's Note*: The constitutional issue raised by the purported question of privilege concerned a provision of the resolution adopting the standing rules that would

On January 5, 1993,<sup>(44)</sup> the following occurred:

RULES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I have a preferential resolution at the desk involving a question of privileges of the House, and ask for its immediate consideration.

The SPEAKER.<sup>(45)</sup> Prior to the adoption of the rules, the gentleman from Missouri [Mr. GEPHARDT] has offered a privileged resolution under the Constitution and the Chair, in his discretion, recognizes the gentleman from Missouri for that purpose.

The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the One Hundred Second Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Second Congress, are adopted as the Rules of the House of Representatives of the One Hundred Third Congress, with the following amendments to the standing rules, to wit:

**§ 6.10 Before the House adopts the standing rules, a Member may offer for immediate consideration a privileged resolution comprising a special order of business for the consideration of the resolution adopting the standing rules.**<sup>(46)</sup>

On January 4, 1995,<sup>(47)</sup> prior to the adoption of the standing rules, a resolution was offered as follows:

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, by direction of the House Republican Conference, since there is no Committee on Rules yet, and the Committee on Rules has not met yet to organize and will not until tomorrow, by direction of the Republican Conference, I call up a privileged resolution and ask for its immediate consideration.

The SPEAKER.<sup>(48)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (T1H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress. The resolution shall be considered as read. The resolution shall be debatable initially for 30 minutes to be equally divided and controlled

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allow Delegates and the Resident Commissioner to vote in the Committee of the Whole. The constitutionality of such provision was upheld in *Michel v. Anderson*, 14 F.3d 623 (D.C. Cir. 1994). For more on the status of Delegates and the Resident Commissioner generally, see Deschler's Precedents Ch. 7 § 3 and Precedents (Wickham) Ch. 7.

44. 139 CONG. REC. 49, 103d Cong. 1st Sess.

45. Thomas Foley (WA).

46. For an early example of a special order of business resolution being offered prior to the adoption of the standing rules, see 5 Hinds' Precedents § 5450.

47. 141 CONG. REC. 448, 456, 104th Cong. 1st Sess.

48. Newt Gingrich (GA).

by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among nine parts, to wit: each of the eight sections of title I; and title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the ninth portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER. The resolution is a matter of privilege. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished minority leader, or in this case the minority whip, or his designee, pending which I yield myself such time as I may consume. . . .

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I rise to urge every Member of the House to vote “no” on the previous question and “yes” on the motion to commit.

The Republican leadership would have us believe that they can pass eight or nine bills in a flurry of legislative accomplishment and debate.

In fact, there can be no debate; there can be no discussion; there can be no effort to amend, or strengthen, or truly consider any of their proposals.

Similarly, on January 4, 2007,<sup>(49)</sup> prior to the adoption of the standing rules, a resolution was offered as follows:

#### RULES OF THE HOUSE

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Tenth Congress. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except as specified in sections 2 through 4 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among five parts, to wit: each of its five titles. The portion of the divided question comprising title I shall be debatable for 30 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title II shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title III shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title IV shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title V shall be debatable for 10 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. Each portion of the divided question shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the final portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee

49. 153 CONG. REC. 7, 110th Cong. 1st Sess.

with or without instructions. The previous question shall be considered as ordered on the motion to commit to its adoption without intervening motion.

SEC. 4. During consideration of House Resolution 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. [Steny] HOYER [of Maryland]). The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the minority leader or his designee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution that I am calling up on this historic day, H. Res. 5, provides for the consideration of a rules package, H. Res. 6, that we hope will begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation.

The resolution we are now debating will allow the House to consider and vote on the Democratic rules package in five separate parts. The first title contains the rules package our Republican colleagues adopted in the 109th Congress, while the second through fifth titles contain amendments that will begin a reformation of this body that is long overdue.

I also include for the RECORD at this time a detailed summary of the changes H. Res. 6 will make to the standing House rules of the 109th Congress. . . .

## *Form*

**§ 6.11 The resolution adopting the standing rules at the beginning of a new Congress traditionally takes the form of a simple resolution proposing to carry forward the rules of the prior Congress (including applicable provisions of law or concurrent resolution), with a series of discrete amendments to such rules, and often with additional sections of the resolution carrying separate (free-standing) orders of the House that are applicable for the duration of that Congress.**

On January 3, 2013,<sup>(50)</sup> the resolution adopting the standing rules of the House was offered as follows:

### RULES OF THE HOUSE

Mr. [Eric] CANTOR [of Virginia]. 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 Twelfth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Twelfth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Thirteenth 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.

(a) COMMITTEE ACTIVITY REPORTS.—In clause 1(d) of rule XI—

**50.** 159 CONG. REC. H6–H9 [Daily Ed.], 113th Cong. 1st Sess.

(1) in subparagraph (1), strike “the 30th day after June 1 and December 1” and insert “January 2 of each year” and strike “semiannual”;

(2) in subparagraph (2)(B), insert “in each Congress” after “first such report”; and

(3) in subparagraph (3), strike “second or fourth semiannual”.

(b) VOTING.—

(1) In clause 6 of rule XVIII—

(A) in subparagraph (b)(3), strike “five minutes” and insert “not less than two minutes”; and

(B) amend paragraph (g) to read as follows:

“(g) The Chair may postpone a request for a recorded vote on any amendment. The Chair may resume proceedings on a postponed request at any time. The Chair may reduce to not less than two minutes the minimum time for electronic voting—

“(1) on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes; or

“(2) on any postponed question taken without intervening debate or motion after the Committee of the Whole resumes its sitting if in the discretion of the Chair Members would be afforded an adequate opportunity to vote.”.

(2) In rule XX—

(A) amend clause 8(c) to read as follows:

“(c) The Speaker may reduce to five minutes the minimum time for electronic voting on a question postponed under this clause, or on a question incidental thereto, that—

“(1) follows another electronic vote without intervening business, so long as the minimum time for electronic voting on the first in any series of questions is 15 minutes; or

“(2) follows a report from the Committee of the Whole without intervening debate or motion if in the discretion of the Speaker Members would be afforded an adequate opportunity to vote.”; and

(B) amend clause 9 to read as follows:

“(9) The Speaker may reduce to five minutes the minimum time for electronic voting—

“(a) on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the preceding electronic vote;

“(b) on any question arising after a report from the Committee of the Whole without debate or intervening motion; or

“(c) on the question of adoption of a motion to recommit (or ordering the previous question thereon) arising without intervening motion or debate other than debate on the motion.”.

(c) CLARIFICATIONS IN RULE X.—In clause 1 of rule X—

(1) in paragraph (j)(2), strike “Organization and administration” and insert “Organization, administration, and general management”; and

(2) in paragraph (m)(9), strike “Insular possessions” and insert “Insular areas”.

(d) MODIFICATION OF THE RAMSEYER RULE.—In clause 3(e)(1)(B) of rule XIII, insert “and adjacent provisions if useful to enable the intent and effect of the amendment to be clearly understood,” before “showing”.

(e) CHANGES TO THE CODE OF CONDUCT AND THE COMMITTEE ON ETHICS.—

(1) In clause 3(b)(8) of rule XI—

(A) amend subdivision (A)(ii) to read as follows:

“(ii) upon the day of such decision or vote, make a public statement that the matter, relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, officer, or employee of the House who is the subject of the applicable referral, has been extended.”; and

(B) in subdivision (B)(ii)—

(i) strike “the committee votes to extend the matter” and insert “the matter is extended”; and

(ii) strike “the committee has voted to extend the matter” and insert “the matter has been extended”.

(2) In clause 8(c) of rule XXIII—

(A) strike “spouse” in each place it appears and insert (in each instance) “relative”;

(B) in subparagraph (2), strike “One Hundred Seventh Congress” and insert “One Hundred Thirteenth Congress”; and

(C) add the following new subparagraph:

“(3) As used in this paragraph, the term ‘relative’ means an individual who is related to the Member, Delegate, or Resident Commissioner as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandson, or granddaughter.”.

(3) In clause 13 of rule XXIII, strike “Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the House.” and insert “Copies of the executed oath (or affirmation) shall be retained as part of the records of the House, in the case of a Member, Delegate, or the Resident Commissioner, by the Clerk, and in the case of an officer or employee of the House, by the Sergeant-at-Arms.”.

(4) In clause 15 of rule XXIII—

(A) in paragraph (a), strike “paragraph (b)” and insert “paragraphs (b) and (c)” ;

(B) in paragraph (b)—

(i) amend subparagraph (3) to read as follows:

“(3) the flight consists of the personal use of an aircraft by a Member, Delegate, or the Resident Commissioner that is supplied by—

“(A) an individual on the basis of personal friendship; or

“(B) another Member, Delegate, or the Resident Commissioner;”;

(ii) in subparagraph (4), strike the period and insert “; or”; and

(iii) add the following:

“(5) the owner or operator of the aircraft is paid a pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size as determined by dividing such cost by the number of Members, Delegates, or the Resident Commissioner, officers, or employees of Congress on the flight.”; and

(C) redesignate paragraph (c) as paragraph (d) and insert after paragraph (b) the following new paragraph:

“(c) An advance written request for a waiver of the restriction in paragraph (a) may be granted jointly by the chair and ranking minority member of the Committee on Ethics, subject to such conditions as they may prescribe.”.

(f) TECHNICAL AND CLARIFYING CHANGES.—

(1) In clause 12(b)(2) of rule I, strike “Chair of the Committee of the Whole” and insert “chair of the Committee of the Whole”.

(2) In clause 6(c)(4) of rule II, before “the Committee on House Administration” insert “the Committee on Appropriations and”.

(3) In rule V—

(A) in clause 1, strike “telecommunications” each place it appears and insert (in each instance) “communications”;

(B) in clause 2(a), strike “recording of the proceedings” and insert “recording of the floor proceedings”; and

(C) in clause 2(c)(1), strike “political purpose” and insert “partisan political campaign purpose”.

(4) In clause 2(b) of rule XI, strike “unless otherwise provided by written rule adopted by the committee” and insert “if notice is given pursuant to paragraph (g)(3)”.

(5) In clause 2(c)(2) of rule XI, before the last sentence, insert “Such notice shall also be made publicly available in electronic form and shall be deemed to satisfy paragraph (g)(3)(A)(ii).”.

(6) In clause 2(e)(1)(A)(ii) of rule XI, strike “record vote is demanded” and insert “record vote is taken”.

(7) In clause 2(e)(2)(A) of rule XI, strike “all committee hearings, records, data, charts, and files” and insert “all committee records (including hearings, data, charts, and files)”.

(8) In clause 2(1) of rule XI—

(A) strike “that member shall be entitled” and insert “all members shall be entitled”; and

(B) strike “to file such views, in writing and signed by that member,” and insert “to file such written and signed views”.

(9) In clause 3(h) of rule XI—

(A) strike “(h)(1)” and insert “(h)”;

(B) redesignate subdivisions (A) and (B) as subparagraphs (1) and (2), respectively.

(10) In clause 6(g) of rule XIII, strike “it shall (to the maximum extent possible) specify in the resolution the object of” and insert “it shall to the maximum extent possible specify in the accompanying report”.

(11) In clause 2 of rule XV, strike “standing” each place it appears.

(12) In clause 6 of rule XV, add the following new paragraph:

“(d) Precedents, rulings, or procedures in effect before the One Hundred Eleventh Congress regarding the priority of business and the availability of other business on Wednesday shall be applied only to the extent consistent with this clause.”.

(13) In clause 5(c)(3)(B) of rule XX, after “Minority Leader” each place it appears insert (in each instance) “(or their respective designees)”.

(14) In clause 8(a)(1) of rule XXII—

(A) in subdivision (A), after “in the Congressional Record” insert “or pursuant to clause 3 of rule XXIX”; and

- (B) in subdivision (B), before “copies” insert “printed or electronic”.
- (15) In clause 2 of rule XXIV, strike “Clerk” and insert “Chief Administrative Officer”.
- (16) In clause 1 of rule XXVI, strike the second sentence.

**SEC. 3. SEPARATE ORDERS.**

(a) INDEPENDENT PAYMENT ADVISORY BOARD.—Section 1899A(d) of the Social Security Act shall not apply in the One Hundred Thirteenth Congress.

(b) BUDGET MATTERS.—

(1) During the One Hundred Thirteenth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Thirteenth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Thirteenth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Thirteenth Congress, except as provided in subparagraph (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subparagraph (A) is sustained, the Chair shall put the question: “Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?”. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subparagraph (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subparagraph (B) on a given bill.

(D) If a question under subparagraph (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chair or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(5) During the first session of the One Hundred Thirteenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2014, the provisions of House Concurrent Resolution 112, One Hundred Twelfth Congress, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution, and the allocations of spending authority printed in tables 11 and 12 of House Report 112-421 (One Hundred Twelfth Congress) shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974.

(c) DETERMINATIONS FOR PAYGO ACTS.—In determining the budgetary effects of any legislation for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010 (including the required designation in PAYGO Acts), the chair of the Committee on the Budget may make adjustments to take into account the exemptions and adjustments set forth in section 503(b)(1) of House Concurrent Resolution 112, One Hundred Twelfth Congress.

(d) SPENDING REDUCTION AMENDMENTS IN APPROPRIATIONS BILLS.—

(1) During the reading of a general appropriation bill for amendment in the Committee of the Whole House on the state of the Union, it shall be in order to consider en bloc amendments proposing only to transfer appropriations from an object or objects in the bill to a spending reduction account. When considered en bloc under this paragraph, such amendments may amend portions of the bill not yet read for amendment (following disposition of any points of order against such portions) and are not subject to a demand for division of the question in the House or in the Committee of the Whole.

(2) Except as provided in paragraph (1), it shall not be in order to consider an amendment to a spending reduction account in the House or in the Committee of the Whole House on the state of the Union.

(3) It shall not be in order to consider an amendment to a general appropriation bill proposing a net increase in budget authority in the bill (unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI).

(4) A point of order under clause 2(b) of rule XXI shall not apply to a spending reduction account.

(5) A general appropriation bill may not be considered in the Committee of the Whole House on the state of the Union unless it includes a spending reduction account as the last section of the bill. An order to report a general appropriation bill to the House shall constitute authority for the chair of the Committee on Appropriations to add such a section to the bill or modify the figure contained therein.

(6) For purposes of this subsection, the term "spending reduction account" means an account in a general appropriation bill that bears that caption and contains only a recitation of the amount by which an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of new budget authority proposed by the bill.

(e) ESTIMATES OF DIRECT SPENDING.—

(1) It shall not be in order to consider any concurrent resolution on the budget, or amendment thereto or conference report thereon, unless it contains a separate heading entitled "Direct Spending", which shall include a category for "Means-Tested Direct Spending" and a category for "Nonmeans-Tested Direct Spending" and sets forth—

(A) the average rate of growth for each category in the total amount of outlays during the 10-year period preceding the budget year;

(B) estimates for each such category under current law for the period covered by the concurrent resolution; and

(C) information on proposed reforms in such categories.

(2) Before the consideration of a concurrent resolution on the budget by the Committee on the Budget for a fiscal year, the chair of the Committee on the Budget shall submit for printing in the Congressional Record a description of programs which shall be considered means-tested direct spending and nonmeans-tested direct spending for purposes of this subsection.

(f) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Thirteenth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(g) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Thirteenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term "Member" includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

(h) NUMBERING OF BILLS.—In the One Hundred Thirteenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker and the second 10 numbers for bills (H.R. 11 through H.R. 20) shall be reserved for assignment by the Minority Leader.

(i) INCLUSION OF UNITED STATES CODE CITATIONS.—To the maximum extent practicable and consistent with established drafting conventions, an instruction in a bill or joint resolution proposing to repeal or amend any law or part thereof not contained in a codified title of the United States Code shall include, if available, the applicable United States Code citation in parenthesis immediately following the designation of the matter proposed to be repealed or amended.

(j) DUPLICATION OF FEDERAL PROGRAMS.—

(1) The chair of a committee may request that the Government Accountability Office perform a duplication analysis of any bill or joint resolution referred to that committee. Any such analysis shall assess whether, and the extent to which, the bill or joint resolution creates a new Federal program, office, or initiative that duplicates or overlaps with any existing Federal program, office, or initiative.

(2) The report of a committee on a bill or joint resolution shall include a statement, as though under clause 3(c) of rule XIII, indicating whether any provision of the measure

establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program. The statement shall at a minimum explain whether—

(A) any such program was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139; or

(B) the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169), identified other programs related to the program established or reauthorized by the measure.

(k) DISCLOSURE OF DIRECTED RULE MAKINGS.—

(1) The report of a committee on a bill or joint resolution shall include a statement, as though under clause 3(c) of rule XIII, estimating the number of directed rule makings required by the measure.

(2) For purposes of this subparagraph, the term “directed rule making” means a specific rule making within the meaning of section 551 of title 5, United States Code, specifically directed to be completed by a provision in the measure, but does not include a grant of discretionary rule making authority.

#### SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.

(a) LITIGATION MATTERS.—

(1) CONTINUING AUTHORITY FOR THE BIPARTISAN LEGAL ADVISORY GROUP.—

(A) The House authorizes the Bipartisan Legal Advisory Group of the One Hundred Thirteenth Congress—

(i) to act as successor in interest to the Bipartisan Legal Advisory Group of the One Hundred Twelfth Congress with respect to civil actions in which it intervened in the One Hundred Twelfth Congress to defend the constitutionality of section 3 of the Defense of Marriage Act (1 U.S.C. 7) or related provisions of titles 10, 31, and 38, United States Code, including in the case of *Windsor v. United States*, 833 F. Supp.2d 394 (S.D.N.Y. June 6, 2012), *aff’d*, 699 F.3d 169 (2d Cir. October 18, 2012), cert. granted, No. 12-307 (Dec. 7, 2012), cert. pending No. 12-63 (July 16, 2012) and 12-785 (Dec. 28, 2012);

(ii) to take such steps as may be appropriate to ensure continuation of such civil actions; and

(iii) to intervene in other cases that involve a challenge to the constitutionality of section 3 of the Defense of Marriage Act or related provisions of titles 10, 31, and 38, United States Code.

(B) Pursuant to clause 8 of rule II, the Bipartisan Legal Advisory Group continues to speak for, and articulate the institutional position of, the House in all litigation matters in which it appears, including in *Windsor v. United States*.

(2) CONTINUING AUTHORITIES FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM AND THE OFFICE OF GENERAL COUNSEL.—

(A) The House authorizes—

(i) the Committee on Oversight and Government Reform of the One Hundred Thirteenth Congress to act as the successor in interest to the Committee on Oversight and Government Reform of the One Hundred Twelfth Congress with respect to the civil action Committee on Oversight and Government Reform, United States House of Representatives v. Eric H. Holder, Jr., in his official capacity as Attorney General of the United States, filed by the Committee on Oversight and Government Reform in the One Hundred Twelfth Congress pursuant to House Resolution 706; and

(ii) the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform, and the Office of General Counsel to take such steps as may be appropriate to ensure continuation of such civil action, including amending the complaint as circumstances may warrant.

(B) The House authorizes the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform and until such committee has adopted rules pursuant to clause 2(a) of rule XI, to issue subpoenas related to the investigation into the United States Department of Justice operation known as “Fast and Furious” and related matters.

(C) The House authorizes the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform, and the Office of General Counsel to petition to join as a party to the civil action referenced in paragraph (1) any individual subpoenaed by the Committee on Oversight and Government Reform of the One Hundred Twelfth Congress as part of its investigation into the United States Department of Justice operation known as “Fast and Furious” and related matters who failed to comply with such subpoena, or any successor to such individual.

(D) The House authorizes the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform, and the Office of General Counsel, at the authorization of the Speaker after consultation with the Bipartisan Legal Advisory Group, to initiate judicial proceedings concerning the enforcement of subpoenas issued to such individuals.

(b) HOUSE DEMOCRACY PARTNERSHIP.—House Resolution 24, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such resolution applied in the One Hundred Tenth Congress except that the commission concerned shall be known as the House Democracy Partnership.

(c) TOM LANTOS HUMAN RIGHTS COMMISSION.—Sections 1 through 7 of House Resolution 1451, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such provisions applied in the One Hundred Tenth Congress, except that—

(1) the Tom Lantos Human Rights Commission may, in addition to collaborating closely with other professional staff members of the Committee on Foreign Affairs, collaborate closely with professional staff members of other relevant committees; and

(2) the resources of the Committee on Foreign Affairs which the Commission may use shall include all resources which the Committee is authorized to obtain from other offices of the House of Representatives.

(d) OFFICE OF CONGRESSIONAL ETHICS.—Section 1 of House Resolution 895, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such provision applied in the One Hundred Tenth Congress, except that—

(1) the Office of Congressional Ethics shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i));

(2) references to the Committee on Standards of Official Conduct shall be construed as references to the Committee on Ethics;

(3) the second sentence of section 1(b)(6)(A) shall not apply; and

(4) members subject to section 1(b)(6)(B) may be reappointed for a second additional term.

(e) EMPANELING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—The text of House Resolution 451, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such provision applied in the One Hundred Tenth Congress.

#### SEC. 5. ADDITIONAL ORDERS OF BUSINESS.

(a) READING OF THE CONSTITUTION.—The Speaker may recognize a Member for the Reading of the Constitution on any legislative day through January 15, 2013.

(b) MOTIONS TO SUSPEND THE RULES.—It shall be in order at any time on the legislative day of January 4, 2013, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to a measure addressing flood insurance.

## § 7. Organization at a Second Session

The opening day of a second session of Congress differs considerably from the opening day of a first session.<sup>(1)</sup> At the opening of a second (or any subsequent) session, the membership of the House has been established (*i.e.*, Members have taken the oath of office), officers have been elected, rules have been adopted, and most organizational business already completed in the first session. Therefore, it is unnecessary for the House to reprise these actions in the second session. Instead, the Speaker (or Speaker pro tempore)<sup>(2)</sup> calls the House to order and proceeds to the initial quorum call of

1. See § 7.2, *infra*. For earlier treatment of the procedures at organization of a second session, see Deschler's Precedents Ch. 1 §§ 7.5, 7.6.

2. *Parliamentarian's Note*: Although the Speaker traditionally presides at the opening of a second session of Congress, there is no requirement that the Speaker do so, and Speakers in the past have designated Speakers pro tempore to preside at the opening of a second session. See § 7.1, *infra*.

Members for the second session.<sup>(3)</sup> As in the first session, the House formally notifies the Senate and the President that a quorum of the House has assembled for the second session,<sup>(4)</sup> and the Chair may make announcements regarding actions taken or events occurring between sessions.<sup>(5)</sup> The oath of office may be administered to newly-elected Members following the initial quorum call.<sup>(6)</sup>

The House may also transact additional organizational business in the second session, where authorities from the first session have expired with the end of that session.<sup>(7)</sup> For example, the resolution adopted in the first session setting the daily hour of meeting for that session is inapplicable to the second session, and the House adopts a similar resolution at the outset of the second session.<sup>(8)</sup> Similarly, the customary unanimous-consent order setting the format for “morning-hour debate” is agreed to by the House once per session.<sup>(9)</sup>

It is fairly common for organizational business of a second session to be postponed until Members are ready to return for legislative business. The House has provided authority to conduct pro forma sessions of the House to begin a second session, at which no organizational or legislative business is expected to occur.<sup>(10)</sup> The authority for the Speaker to dispense with organizational or legislative business at the beginning of a second session may be provided by simple resolution of the House<sup>(11)</sup> or by unanimous consent.<sup>(12)</sup> In such circumstances, the initial quorum call of Members will not take place until the date chosen to resume legislative activity.

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3. See U.S. Const. amend. XX; *House Rules and Manual* § 242 (2017). As with the first session, the initial quorum call for a second session is now conducted using the electronic voting system. For an example of a malfunction of the system’s display panels during organization of a second session, see 154 CONG. REC. 10, 11, 110th Cong. 2d Sess. (Jan. 15, 2008).
  4. See, e.g., 162 CONG. REC. H4 [Daily Ed.], 114th Cong. 2d Sess. (Jan. 5, 2016).
  5. See §§ 7.6–7.8, *infra*.
  6. See § 7.5, *infra*.
  7. *Parliamentarian’s Note*: For many years, the House has provided broad authority for Members to revise and extend their remarks in the *Congressional Record*. Between the 106th Congress and the 111th Congress, this authority was provided once each session. Beginning with the 112th Congress, this authority was extended to cover the duration of the entire Congress. For more, see *Precedents* (Wickham) Ch. 5 § 20.
  8. See, e.g., 162 CONG. REC. H4 [Daily Ed.], 114th Cong. 2d Sess. (Jan. 5, 2016). For more on the hour of meeting, see § 9, *infra*.
  9. See, e.g., 162 CONG. REC. H4 [Daily Ed.], 114th Cong. 2d Sess. (Jan. 5, 2016).
  10. See § 7.3, *infra*. See also 126 CONG. REC. 3, 96th Cong. 2d Sess. (Jan. 3, 1980); 126 CONG. REC. 25, 96th Cong. 2d Sess. (Jan. 7, 1980); 126 CONG. REC. 47, 96th Cong. 2d Sess. (Jan. 17, 1980); 138 CONG. REC. 2, 102d Cong. 2d Sess. (Jan. 3, 1992); 138 CONG. REC. 148, 149, 102d Cong. 2d Sess. (Jan. 22, 1992); and 138 CONG. REC. 421, 102d Cong. 2d Sess. (Jan. 24, 1992).
  11. See § 7.3, *infra*. See also 151 CONG. REC. 29055, 109th Cong. 1st Sess. (Dec. 16, 2005).
  12. See § 7.4, *infra*.

***Speaker Pro Tempore Presiding***

**§ 7.1 While it is customary for the Speaker to preside over organization of a second session of a Congress, a designated Speaker pro tempore may also preside.<sup>(13)</sup>**

On January 12, 2010,<sup>(14)</sup> the opening of the second session of the 111th Congress proceeded as follows:

The House met at noon and was called to order by the Speaker pro tempore (Mr. MORAN of Virginia).

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DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
*January 12, 2010.*

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

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PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As the 111th Congress reassembles to meet its constitutional commitments in its second session, may the prophetic cry of Israel, from the prophet, be heard in the hearts of all Members and in the attitude of all America's people:

As the Lord has called you  
for the victory of justice,  
I have grasped you by the hand.  
I formed you and set you  
as a covenant of the people;  
a light for all the nations.

Accomplish great deeds in and through us, Lord, and make these days a time of great promise and fulfilled blessings. Amen.

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**13.** *Parliamentarian's Note:* In this instance from the 111th Congress, a Speaker pro tempore opened the House and declared a recess. Following the recess, the Speaker herself initiated the quorum call of Members for the second session, and another Speaker pro tempore assumed the Chair to announce the result.

**14.** 156 CONG. REC. 6, 111th Cong. 2d Sess.

RECESS

The SPEAKER pro tempore.<sup>(15)</sup> Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess until approximately 6:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 32 minutes p.m.

CALL OF THE HOUSE

The SPEAKER.<sup>(16)</sup> The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1] . . .

The SPEAKER pro tempore (Mr. [William] OWENS [of New York]). On this rollcall, 373 Members have recorded their presence.

A quorum is present.

***Procedure***

**§ 7.2 At the opening of a second session of Congress, the House is called to order by the Speaker (or Speaker pro tempore),<sup>(17)</sup> and, following the prayer and pledge of allegiance, the Chair initiates a call of Members to establish a quorum for the session, makes various announcements as to events taking place during *sine die* adjournment, and causes the President and Senate to be notified that a quorum of the House has assembled.**

On January 7, 2014,<sup>(18)</sup> organizational business of the second session of the 113th Congress proceeded as follows:

CALL OF THE HOUSE

The SPEAKER.<sup>(19)</sup> The Clerk will use the electronic system to ascertain the presence of a quorum.

15. James Moran (VA).

16. Nancy Pelosi (CA).

17. See § 7.1, *supra*.

18. 160 CONG. REC. H3–H5 [Daily Ed.], 113th Cong. 2d Sess.

19. John Boehner (OH).

Members will record their presence by electronic device.  
The SPEAKER. On this roll call, 316 Members have recorded their presence.  
A quorum is present.

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THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the proceedings of January 3, 2014, and announces to the House his approval thereof.  
Pursuant to clause 1, rule I, the Journal stands approved.

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PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. [Ted] POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all. . . .

---

PROVIDING FOR A COMMITTEE TO NOTIFY THE PRESIDENT OF THE  
ASSEMBLY OF THE HOUSE OF REPRESENTATIVES

Mr. [Pete] SESSIONS of Texas]. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to notify the President of the United States that a quorum of the House has assembled and that the House is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT,  
PURSUANT TO HOUSE RESOLUTION 450

The SPEAKER. Pursuant to House Resolution 450, the Chair appoints the following Members to the committee to notify the President of the United States that a quorum of the House has assembled and that the House is ready to receive any communication that he may be pleased to make:

The gentleman from Virginia (Mr. CANTOR) and the gentlewoman from California (Ms. PELOSI).

TO INFORM THE SENATE THAT A QUORUM OF THE HOUSE HAS ASSEMBLED

Mr. SESSIONS. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

*Resolved*, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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### *Pro Forma Sessions*

**§ 7.3 The House has adopted a resolution providing for, *inter alia*, the conduct of pro forma sessions of the House (at which no legislative or organizational business would take place) spanning the end of the first session of the Congress and the beginning of the second session, and authorizing: (1) the automatic approval of the Journal on each pro forma day; and (2) the Chair to adjourn the House and set the date of next convening within the three-day constitutional limit.**

On December 12, 2013,<sup>(20)</sup> the following resolution was offered (and later adopted):

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 59, CONTINUING APPROPRIATIONS RESOLUTION, 2014; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM DECEMBER 14, 2013, THROUGH JANUARY 6, 2014; AND FOR OTHER PURPOSES

Mr. [Rob] WOODALL [of Georgia]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 438

*Resolved*, That upon adoption of this resolution it shall be in order to take 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, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on the Budget or his designee that the House recede from its amendment and concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution modified by the amendment printed in part B of that report. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for 70 minutes, with 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

<sup>20</sup> 159 CONG. REC. H7702 [Daily Ed.], 113th Cong. 1st Sess.

SEC. 2. The chair of the Committee on the Budget may insert in the Congressional Record at any time during the remainder of the first session of the 113th Congress such material as he may deem explanatory of the motion specified in the first section of this resolution.

SEC. 3. In the engrossment of the House amendment to the Senate amendment to House Joint Resolution 59, the Clerk may conform division, title, and section numbers and conform cross-references and provisions for short titles.

SEC. 4. The chair of the Committee on Armed Services may insert in the Congressional Record at any time during the remainder of the first session of the 113th Congress such material as he may deem explanatory of defense authorization measures for the fiscal year 2014.

SEC. 5. It shall be in order at any time on the legislative day of December 12, 2013, or December 13, 2013, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

SEC. 6. On any legislative day of the first session of the One Hundred Thirteenth Congress after December 13, 2013—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 7. On any legislative day of the second session of the One Hundred Thirteenth Congress before January 7, 2014—

(a) the Speaker may dispense with organizational and legislative business;

(b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 8. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 6 and 7 as though under clause 8(a) of rule I.

SEC. 9. Each day during the period addressed by sections 6 and 7 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 10. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3695) to provide a temporary extension of the Food, Conservation, and Energy Act of 2008 and amendments made by that Act, as previously extended and amended and with certain additional modifications and exceptions, to suspend permanent price support authorities, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in part C of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) 40 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture; and (2) one motion to recommit with or without instructions.

SEC. 11. The requirement of clause 6(a) of rule XIII 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 through the legislative day of December 13, 2013.

The SPEAKER pro tempore.<sup>(21)</sup> The gentleman from Georgia is recognized for 1 hour. . . .

At the commencement of the second session of the 113th Congress on January 3, 2014,<sup>(22)</sup> the Chair exercised the authorities permitted by the resolution above:

**21.** Chris Collins (NY).

**22.** 160 CONG. REC. H1 [Daily Ed.], 113th Cong. 2d Sess.

This being the day fixed pursuant to the 20th amendment to the Constitution for the meeting of the second session of the 113th Congress, the House met at noon and was called to order by the Speaker pro tempore (Mr. MESSER). . . .

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(23)</sup> Pursuant to section 7(a) of House Resolution 438, no organizational or legislative business will be conducted on this day.

Messages requiring action will be laid before the House on a subsequent day.

Bills and resolutions introduced today will receive a number but will not be referred to committee or noted in the RECORD until a subsequent day. Executive communications, memorials, and petitions likewise will be referred and numbered on a subsequent day.

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ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 7(c) of House Resolution 438, the House stands adjourned until 2 p.m. on Tuesday, January 7, 2014.

Accordingly (at 12 o'clock and 4 minutes p.m.), the House adjourned until Tuesday, January 7, 2014, at 2 p.m.

**§ 7.4 The House by unanimous consent authorized the Speaker to dispense with organizational or legislative business on the first legislative day of the second session.**

On December 8, 2003,<sup>(24)</sup> the House transacted the following unanimous-consent request:

AUTHORIZING SPEAKER TO DISPENSE WITH ORGANIZATIONAL AND LEGISLATIVE BUSINESS ON ANY DAY HOUSE CONVENES PURSUANT TO SECTION 2 OF HOUSE JOINT RESOLUTION 80

Mr. [Thaddeus] McCOTTER [of Michigan]. Mr. Speaker, I ask unanimous consent that on any day when the House convenes pursuant to section 2 of House Joint Resolution 80, the Speaker may dispense with organizational and legislative business.

The SPEAKER pro tempore (Mr. [Rick] RENZI [of Arizona]). Is there objection to the request of the gentleman from Michigan?

There was no objection.

***Administration of the Oath***

**§ 7.5 Following the initial quorum call at the beginning of a second session of a Congress, it is in order to administer the oath of office to any Member-elect who has not yet been sworn.**

<sup>23</sup>. Luke Messer (IN).

<sup>24</sup>. 149 CONG. REC. 32134, 108th Cong. 1st Sess.

On January 25, 1994,<sup>(25)</sup> the following occurred:

The House met at 12 o'clock noon.

The SPEAKER.<sup>(26)</sup> This being the day fixed by Public Law 103–207 of the 103d Congress, enacted pursuant to the 20th amendment of the Constitution for the meeting of the 2d session of the 103d Congress, the House will be in order.

The prayer will be offered by the Chaplain.

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PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, You are the creator of all that is and Your blessings abound . . .

RESIGNATION AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the U.S. House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 7, 1994.*

Hon. DAVID WALTERS,  
*Governor, State of Oklahoma, Oklahoma City, OK.*

DEAR GOVERNOR: In accordance with the laws of the State of Oklahoma, I am hereby notifying you that I resign from my duties as Representative of the Sixth Congressional District in the United States House of Representatives effective at 12 midnight, January 7, 1994.

Sincerely,

GLENN ENGLISH,  
*Member of Congress.*

---

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1] . . .

The SPEAKER. On this rollcall, 348 Members having recorded their presence by electronic device, a quorum is present.

Under the rule, further proceedings under the call were dispensed with.

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25. 140 CONG. REC. 86–87, 103d Cong. 2d Sess.

26. Thomas Foley (WA).

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. [Gillespie (Sonny)] MONTGOMERY [of Mississippi] led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

---

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

OFFICE OF THE CLERK,  
U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 25, 1994.*

Hon. THOMAS S. FOLEY,  
*The Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I have the honor to transmit herewith the certificate of election from the Secretary of State, State of Michigan, indicating that, according to the official returns of the Special Election held on December 7, 1993, the Honorable Vern Ehlers was elected to the Office of Representative in Congress from the Third Congressional District, State of Michigan.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,  
*Clerk, House of Representatives.*

STATE OF MICHIGAN CERTIFICATE OF ELECTION

We, the undersigned, State Canvassers, from an examination of the Election Returns received by the Secretary of State, determine that, at the General Election, held on the seventh day of December, nineteen hundred ninety-three, Vern Ehlers was duly elected Representative in Congress 3d District for the term ending January 2, nineteen hundred ninety-five.

In Witness Whereof, We have hereto subscribed our names, at Lansing, this third day of January, nineteen hundred ninety-four.

(Signed) BOARD OF STATE CANVASSERS.

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SWEARING IN OF THE HONORABLE VERNON J. EHLERS OF MICHIGAN AS A  
MEMBER OF THE HOUSE

The SPEAKER. Will the dean of the Michigan delegation, together with members of the delegation, escort the Member-elect from Michigan, Vernon J. Ehlers, to the well of the House.

Mr. VERNON J. EHLERS appeared at the bar of the House and took the following oath of office:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and truly discharge the duties of the office upon which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are a Member of the House of Representatives.

### ***Announcements***

#### **§ 7.6 During organization of a second session of a Congress, the Speaker (or Speaker pro tempore) may make various announcements regarding events occurring during *sine die* adjournment (such as the resignation of a Member from the House).<sup>(27)</sup>**

On January 20, 2004,<sup>(28)</sup> the following occurred during organizational business of the second session of the 108th Congress:

The House met at noon.

The SPEAKER.<sup>(29)</sup> This being the day fixed by Public Law 108–181, 108th Congress, enacted pursuant to the 20th amendment to the Constitution for the meeting of the second session of the 108th Congress, the House will be in order.

The prayer will be offered by the Chaplain. . . .

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#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. FLETCHER), as indicated in the RECORD of December 15, 2003, the whole number of the House is adjusted to 434.

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#### **§ 7.7 During assembly of the House at the second session of the 94th Congress, the Speaker made an announcement during organizational business regarding the bicentennial of the Declaration of Independence.**

On January 19, 1976,<sup>(30)</sup> the following occurred:

**27.** *Parliamentarian's Note:* In this instance, the resignation of Rep. Ernie Fletcher of Kentucky was effective prior to the commencement of the second session. Thus, the Member's name was removed from the roll of Members prior to the initial quorum call. This situation can be contrasted with a similar resignation of another Member later this same day, which was effective at midnight. That Member's name was left on the roll of Members for the initial quorum call. See 150 CONG. REC. 65, 108th Cong. 2d Sess. (Jan. 20, 2004).

**28.** 150 CONG. REC. 64–66, 108th Cong. 2d Sess.

**29.** Dennis Hastert (IL).

**30.** 122 CONG. REC. 140, 141, 94th Cong. 2d Sess.

This being the day fixed by House Joint Resolution 749, 94th Congress, enacted pursuant to the 20th amendment of the Constitution, for the meeting of the second session of the 94th Congress, the Members of the House of Representatives of the 94th Congress met in their Hall, and at 12 o'clock noon were called to order by the Speaker, the Honorable CARL ALBERT, a Representative from the State of Oklahoma.

The Chaplain, Rev. Edward G. Latch, D.D., L.H.D., offered the following prayer: . . .

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#### CALL OF THE HOUSE

The SPEAKER. The Clerk will call the roll to ascertain the presence of a quorum.

The Clerk called the roll, and the following Members answered to their names: . . .

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

---

#### ANNOUNCEMENT BY THE SPEAKER AT OPENING OF 2D SESSION OF 94TH CONGRESS

The SPEAKER. The Chair would like to take the liberty to state that today is both the first day of the 2d session of the 94th Congress and the first meeting of Congress in this historic Bicentennial Year.

As we enter the third century of our national existence, we Members of the 94th Congress, like our colleagues 200 years ago in the Continental Congress and those in the 44th Congress 100 years later have a special obligation to demonstrate to this Nation that representative government works and the Constitution of the United States lives.

Let us strengthen every constitutional resource at our command with the will to succeed, with the spirit to cooperate, and with the undivided devotion to the high moral principles on which this Nation was founded—as inscribed before you—“Union, Justice, Tolerance, Liberty, Peace.”

Building together in this workshop of democracy, this House of Representatives can leave behind a strong legacy for this great institution and for the American people to whom it belongs.

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#### MEMBERS SHOULD FOLLOW THE TRADITION OF THEIR FOREBEARS DURING 2D SESSION OF 94TH CONGRESS

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

Mr. [John Jacob] RHODES [of Arizona]. Mr. Speaker, I take this time to congratulate the Speaker on the great statement he has just made and to assure him that I concur in his words completely.

As we approach the second session of this Congress, I think it behooves all of us to recall our forebears in this legislative body, those who have gone before us, and to recall the examples which they have set so as to dedicate ourselves to conducting the second

session of this Congress with the idea and in the light of those who believed in the Republic and in its future.

We should do this not in a partisan sense but in a sense of working together for the great accomplishments which our great people deserve.

Mr. Speaker, I pledge to you and to all the Members of this body my cooperation and my belief that this not only is possible but necessary as we enter the tercentenary of the history of this great Republic.

**§ 7.8 During assembly of the House at the second session of the 101st Congress, the Chair laid before the House a communication from the Clerk transmitting an enrollment returned by the President during *sine die* adjournment (which was the subject of subsequent parliamentary inquiries).**

On January 23, 1990,<sup>(31)</sup> the first day of the second session of the 101st Congress, a veto message from the President was laid before the House:

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER<sup>(32)</sup> laid before the House the following communication from the Clerk of the House Representatives:

WASHINGTON, DC,  
*December 1, 1989.*

Hon. THOMAS S. FOLEY,  
*The Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit the returned enrollment of H.R. 2712, together with a memorandum from the President relating to said bill received in my office at 6:40 p.m. on Thursday, November 30, 1989.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,  
*Clerk, House of Representatives.*

EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989—MEMORANDUM  
OF DISAPPROVAL FROM THE PRESIDENT OF THE UNITED STATES (H.  
DOC. NO. 101-132)

The SPEAKER laid before the House the following memorandum of disapproval from the President of the United States:

MEMORANDUM OF DISAPPROVAL

In light of the actions I have taken in June and again today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." These actions make H.R. 2712 wholly unnecessary.

**31.** 136 CONG. REC. 4-5, 101st Cong. 2d Sess.

**32.** Thomas Foley (WA).

I share the objectives of the overwhelming majority in the Congress who passed this legislation. Within hours of the events of Tiananmen Square in June, I ordered the Attorney General to ensure that no nationals from the People's Republic of China be deported against their will, and no such nationals have been deported. Since June, my Administration has taken numerous additional and substantive actions to further guarantee this objective.

Today I am extending and broadening these measures to provide the same protections as H.R. 2712. I am directing the Attorney General and the Secretary of State to provide additional protections to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China. These protections will include: (1) irrevocable waiver of the 2-year home country residence requirement which may be exercised until January 1, 1994; (2) assurance of continued lawful immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired.

In addition, I have directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection as would H.R. 2712 as presented to me on November 21, 1989. Indeed, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the statute would have required. My action today provides complete assurance that the United States will provide to Chinese nationals here the protection they deserve.

It has always been my view, and it is my policy as President, that the United States shall not return any person to a country where he or she faces persecution.

I have under current law sufficient authority to provide the necessary relief for Chinese students and others who fear returning to China in the near future. I will continue to exercise vigorously this authority. Waivers granted under this authority will not be revoked.

Maintaining flexibility in administering our productive student and scholar exchange program with China is important. As many as 80,000 Chinese have studied and conducted research in the United States since these exchanges began. I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs.

My actions today accomplish the laudable objectives of the Congress in passing H.R. 2712 while preserving my ability to manage foreign relations. I would note that, with respect to individuals expressing a fear of persecution related to their country's coercive family policies, my actions today provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals. Despite my strong support for the basic principles of international family planning, the United States cannot condone any policy involving forced abortion or coercive sterilization.

I deplore the violence and repression employed in the Tiananmen events. I believe that China, as its leaders state, will return to the policy of reform pursued before June 3. I further believe that the Chinese visitors would wish to return to China in those circumstances, in which case I would hope that the knowledge and experience gained by

the Chinese visitors temporarily in our country be applied to help promote China's reforms and modernization.

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *The Pocket Veto Case*, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

GEORGE BUSH.

THE WHITE HOUSE, *November 30, 1989.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the memorandum of disapproval and the bill be printed as a House document.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. [Jack Bascom] BROOKS [of Texas]. Mr. Speaker, I ask unanimous consent that further consideration of the veto of the bill, H.R. 2712, be postponed until Wednesday, January 24, 1990.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

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#### PARLIAMENTARY INQUIRY

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MICHEL. Mr. Speaker, the President in his memorandum of disapproval stated the following:

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law.

The President then cites the pocket veto case, 279 U.S. 655 (1929), and then, going on quoting the President,

Because of the questions raised in opinions issued by the U.S. Court of Appeals for the District of Columbia circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

Also the President headed his message a "Memorandum of Disapproval," and chose to return it to the Clerk in an unsealed envelope. It was not drafted as a message to the House of Representatives.

Mr. Speaker, I wonder if the Chair could enlighten the House as to the status of the veto.

The SPEAKER. In responding to the parliamentary inquiry of the minority leader, the Chair would note that the enrollment of the bill H.R. 2712 was received at the White House on November 21, 1989, and that the memorandum of disapproval was signed by the President and returned to the Clerk of the House on November 30, 1989. Thus, pursuant to article I, section 7, clause 2, of the Constitution, the enrolled bill was in fact returned by the President within 10 days—Sundays excepted—after it had been presented to him.

The bill was returned with the President's objections to the House in which it originated, his objections have been entered at large in the Journal, and the House is now in a position to proceed to reconsider the bill.

Both the Congress and the President have demonstrated that Congress did not prevent the return of the bill by its adjournment on November 22, 1989. The Congress demonstrated its position by adopting House Concurrent Resolution 239 on November 22, 1989, which included section 4 reaffirming that the adjournment of either House pursuant to that concurrent resolution shall not prevent the return by the President of any bill presented to him for approval. The President—who received a certified copy of House Concurrent Resolution 239—demonstrated that the Congress did not prevent the bill’s return by in fact returning the bill to the originating House through its agent, the Clerk.

The Chair, therefore, is constrained by the mandate of the Constitution and the precedents of the House to permit the House to proceed to reconsider the bill, the objections of the President to the contrary notwithstanding.

The Chair is not ruling on the constitutional prerogatives of the Congress and the President with respect to the exercise of a pocket veto during an intersession sine die adjournment. The Chair is responding only with respect to the responsibility of the Chair and of the House at this time in proceeding to reconsider the bill.

## § 8. Legislative Business of a Prior Session

Each Congress is a separate parliamentary body that comes into being at assembly and terminates upon *sine die* adjournment.<sup>(1)</sup> Thus, it is generally the case that business of one Congress does not continue as business of the next Congress. For example, bills and resolutions introduced in one Congress cannot be taken up in a subsequent Congress but must be formally reintroduced. Unfinished business pending at the close of one Congress does not remain unfinished business of a subsequent Congress.

However, with respect to different sessions of the same Congress, it is generally the case that authorities granted and business commenced in one session continue without interruption into the next session. Bills and resolutions introduced in one session may be taken up in a subsequent session, and unfinished business on the House’s various calendars remains available for the House to consider.<sup>(2)</sup> Signatures on a discharge petition are not affected by the close of a session of Congress, and Members need not re-sign discharge petitions in the new session.<sup>(3)</sup>

It is often the case that committee investigations require an extended period of time to complete, and there have been many instances where an investigation begun in one Congress is not completed before the expiration of

1. *Parliamentarian’s Note*: As noted elsewhere, adjournment *sine die* does not prevent the House from taking actions through its committees, and Members remain Members of that Congress until the constitutionally-required ending of their terms at noon on January 3. See U.S. Const. amend. XX; *House Rules and Manual* § 242 (2017).
2. For an example of resuming business on the (now abolished) Consent Calendar at the beginning of a second session, see Deschler’s Precedents Ch. 1 § 11.2.
3. See Deschler’s Precedents Ch. 1 § 3.2.

that Congress. In such circumstances, the House in the next Congress will formally reauthorize the investigation, thus conferring on the new Congress jurisdiction over the matter. This has been the case for impeachment investigations,<sup>(4)</sup> contempt proceedings,<sup>(5)</sup> ethics investigations,<sup>(6)</sup> and other inquiries.<sup>(7)</sup> Often, the formal continuation of these authorities occurs on opening day of the new Congress. In the 115th Congress, the House enabled continuing litigation authority in the standing rules,<sup>(8)</sup> allowing a committee or chair of a committee authorized during a prior Congress to act in a litigation matter to act as a successor in interest with respect to such litigation matter and to take steps to ensure continuation of the matter.

During *sine die* adjournment, the House may receive messages or reports of various kinds, which are often communicated to the membership on opening day of the next Congress or session.<sup>(9)</sup> For example, a Senate bill messaged to the House after *sine die* adjournment of a first session was referred to committee on opening day of the second session.<sup>(10)</sup> Veto messages from the President have been received during *sine die* adjournment and laid down on opening day of a subsequent session for disposition by the House (for instance, by postponing consideration of the veto message<sup>(11)</sup> or referring it to committee).<sup>(12)</sup> Committee reports have been filed and printed on a pro forma day to begin a second session of Congress.<sup>(13)</sup> A report filed by a commission after *sine die* adjournment of one Congress was printed as a report of the new Congress on opening day of that subsequent Congress.<sup>(14)</sup>

Given the numerous organizational steps required to be completed on opening day of a new Congress, it is rare for the House to take up regular

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4. See §§ 8.1, 8.2, *infra*. Impeachment proceedings though may continue from one Congress to the next Congress. See *House Rules and Manual* § 620 (2017).
  5. See § 8.3, *infra*.
  6. See § 8.4, *infra*.
  7. See Deschler's Precedents Ch. 1 § 11.1.
  8. Rule II, clause 8(c), *House Rules and Manual* § 670b (2017). Prior to the 115th Congress, the authority to continue judicial proceedings had been granted by separate orders for specific matters.
  9. *Parliamentarian's Note*: The *Congressional Record* for the first day of the new Congress will typically carry a separate heading to indicate business of the prior Congress occurring after *sine die* adjournment. See Precedents (Wickham) Ch. 5.
  10. See Deschler's Precedents Ch. 1 § 11.3.
  11. See § 7.8, *supra*.
  12. See § 8.5, *infra*.
  13. See § 8.6, *infra*.
  14. See § 8.7, *infra*.

legislative business on opening day.<sup>(15)</sup> However, nothing precludes the consideration of bills and resolutions on opening day, and there have been instances where the House has considered legislation during assembly<sup>(16)</sup>—even before the adoption of rules.<sup>(17)</sup> However, it is not possible to refer measures to committees prior to the adoption of rules that establish those committees.<sup>(18)</sup> It is common on opening day (following the adoption of rules) for Members to introduce numerous bills and resolutions to be taken up at some point during that Congress. The Speaker has traditionally made an announcement that, due to the large volume of measures introduced on opening day, referral of such measures to committees of the House may be delayed until each bill and resolution has had a chance to be properly examined, although such delay has not occurred in more recent Congresses.<sup>(19)</sup>

### *Continuation of Investigative or Other Authorities*

#### **§ 8.1 The House suspended the rules and considered a resolution authorizing the Committee on the Judiciary to continue an investigation commenced in the prior Congress regarding possible impeachment of a Federal judge and conferring on such committee special investigative authorities.**

On January 13, 2009,<sup>(20)</sup> a resolution was adopted by suspension of the rules as follows:

#### IMPEACHMENT INQUIRY OF JUDGE G. THOMAS PORTEOUS

Ms. [Doris] MATSUI [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana, as amended.

The Clerk read the title of the resolution.

15. For an earlier Senate custom of not considering legislation prior to the President's annual address on the state of the Union, see Deschler's Precedents Ch. 1 §§ 11.4, 11.5, and 12.10.
16. See § 8.8, *infra*. For action on measures during organization generally, see Deschler's Precedents Ch. 1 § 12.
17. See Deschler's Precedents Ch. 1 §§ 12.3–12.9.
18. See Deschler's Precedents Ch. 1 § 12.2.
19. See Deschler's Precedents Ch. 1 § 12.1. The Speaker has customarily reiterated a policy regarding the referral of bills and resolutions on opening day originally made on January 3, 1983. For the original statement, see 129 CONG. REC. 54, 98th Cong. 1st Sess. (Jan. 3, 1983). For a recent reiteration of the policy, see 163 CONG. REC. H34 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).
20. 155 CONG. REC. 568, 111th Cong. 1st Sess.

The text of the resolution is as follows:

H. RES. 15

*Resolved*, That in continuance of the authority conferred in House Resolution 1448 of the One Hundred Tenth Congress adopted by the House of Representatives on September 17, 2008, the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana.

SEC. 2. The Committee on the Judiciary or any subcommittee or task force designated by the Committee may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the Committee, pursuant to notice or subpoena.

SEC. 3. There shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary to assist the Committee in conducting the inquiry under this resolution until a primary expense resolution providing for the expenses of the Committee on the Judiciary for the first session of the One Hundred Eleventh Congress is adopted. Any of the amounts paid under the authority of this section may be used for the procurement of staff or consultant services.

SEC. 4. (a) For the purpose of the inquiry under this resolution, the Committee on the Judiciary is authorized to require by subpoena or otherwise—

(1) the attendance and testimony of any person (including at a taking of a deposition by counsel or consultant of the Committee); and

(2) the production of such things;

as it deems necessary to such inquiry.

(b) The Chairman of the Committee on the Judiciary, after consultation with the ranking minority member, may exercise the authority of the Committee under subsection (a).

(c) The Committee on the Judiciary may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee, including pursuant to subpoena.

## **§ 8.2 The House, by privileged resolution offered by the chair of the Committee on the Judiciary, provided for the continuation of certain impeachment authorities initiated in the prior Congress.**

On January 6, 1999,<sup>(21)</sup> a resolution continuing certain impeachment authorities was raised as a question of the privileges of the House as follows:

### PROVIDING FOR CERTAIN APPOINTMENTS AND PROCEDURES RELATING TO IMPEACHMENT PROCEEDINGS

Mr. [Henry] HYDE [of Illinois]. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

H. RES. —

*Resolved*, That in continuance of the authority conferred in House Resolution 614 of the One Hundred Fifth Congress adopted by the House of Representatives and delivered to the Senate on December 19, 1998, Mr. Hyde of Illinois, Mr. Sensenbrenner of Wisconsin, Mr. McCollum of Florida, Mr. Gekas of Pennsylvania, Mr. Canady of Florida, Mr. Buyer of Indiana, Mr. Bryant of Tennessee, Mr. Chabot of Ohio, Mr. Barr of Georgia, Mr. Hutchinson of Arkansas, Mr. Cannon of Utah, Mr. Rogan of California, and Mr. Graham of South Carolina are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on

21. 145 CONG. REC. 240, 245, 106th Cong. 1st Sess.

the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The SPEAKER pro tempore.<sup>(22)</sup> The Chair recognizes the gentleman from Illinois (Mr. HYDE) to call up the resolution.

The Clerk will report the resolution at this time under rule IX.

The Clerk read as follows:

H. RES. 10

*Resolved*, That in continuance of the authority conferred in House Resolution 614 of the One Hundred Fifth Congress adopted by the House of Representatives and delivered to the Senate on December 19, 1998, Mr. Hyde of Illinois, Mr. Sensenbrenner of Wisconsin, Mr. McCollum of Florida, Mr. Gekas of Pennsylvania, Mr. Canady of Florida, Mr. Buyer of Indiana, Mr. Bryant of Tennessee, Mr. Chabot of Ohio, Mr. Barr of Georgia, Mr. Hutchinson of Arkansas, Mr. Cannon of Utah, Mr. Rogan of California, and Mr. Graham of South Carolina are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The SPEAKER pro tempore (Mr. LAHOOD). The resolution offered by the chairman of the Committee on the Judiciary constitutes a question of the privileges of the House.

Pursuant to clause 2(a)(2) of rule XI, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

#### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us is a simple, straightforward housekeeping resolution which the House customarily adopts after adopting articles of the impeachment. Because this resolution is incidental to impeachment, the precedents of the House dictate that it is a question of privilege under rule IX.

On December 19, 1998, the House approved House Resolution 614, which appointed managers whose duty it was to exhibit the articles of impeachment in the Senate. On that day, the managers informed the Senate of the House's action. Because the House, unlike the Senate, is not a continuing body, it must again appoint managers in the 106th

**22.** Ray H. LaHood (IL).

Congress. This is not a new concept, notwithstanding some protestations from one law professor. This procedure has been used on three previous occasions regarding the impeachments of Judges Pickering, Louderback, and Hastings.

Section 620 of Jefferson's Manual states, and I quote, "An impeachment is not discontinued by the dissolution of parliament, but may be resumed by the new parliament."

The commentary on this section is instructive, and is as follows:

In Congress impeachment proceedings are not discontinued by a recess; and the Pickering impeachment was presented in the Senate on the last day of the Seventh Congress; and at the beginning of the eighth Congress the proceedings went on from that point. The resolution and articles of impeachment against Judge Louderback were presented in the Senate on the last day of the 72d Congress, and the Senate organized for and conducted the trial in the 73d Congress. The resolution and articles of impeachment against Judge Hastings were presented in the Senate during the second session of the 100th Congress but were still pending trial by the Senate in the 101st Congress, for which the House re-appointed managers.

This resolution is procedural in nature. It merely appoints 13 managers who will present the case in the Senate. It also directs that a message be sent to the Senate to inform the other body of these appointments, and authorizes the managers to exhibit the articles of impeachment to the Senate.

Because this resolution is procedural, it should be noncontroversial. It is imperative that the House take this action today so that the constitutional process may move forward. If the House were to postpone this vote, the trial could not proceed in the Senate. It is my intention to move this process as expeditiously and as fairly as possible, and the House's approval of this resolution today will help ensure that the Senate can fulfill its constitutional duty as quickly as possible.

Mr. Speaker, I urge the adoption of the pending question, and I reserve the balance of my time. . . .

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. [John] CONYERS [of Michigan]. 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 223, nays 198, not voting 7, as follows:

[Roll No. 6] . . .

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider is laid on the table.

Similarly, on January 3, 1989,<sup>(23)</sup> three resolutions relating to an impeachment inquiry were considered *en bloc* as follows:

<sup>23</sup>. 135 CONG. REC. 84, 85, 101st Cong. 1st Sess.

PROVIDING FOR CERTAIN APPOINTMENTS AND PROCEDURES RELATING TO IMPEACHMENT PROCEEDINGS

Mr. [Jack Bascom] BROOKS [of Texas]. Mr. Speaker, I offer three privileged resolutions (H. Res. 12, H. Res. 13, and H. Res. 14), and I ask unanimous consent that they be considered en bloc.

The SPEAKER pro tempore.<sup>(24)</sup> Without objection, the resolutions will be considered en bloc. . . .

PARLIAMENTARY INQUIRY

Mr. [George William] GEKAS [of Pennsylvania]. Mr. Speaker, as I understood it, these resolutions being privileged carry automatically within them debate time, and that time will be granted, is that correct?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 1 hour and he may yield to the gentleman from Pennsylvania.

Without objection, the resolutions will be considered en bloc.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read the resolutions, as follows:

H. RES. 12

*Resolved*, That Jack Brooks, John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish, Jr., and George W. Gekas, Members of the House of Representatives, are appointed managers to conduct the impeachment trial against Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida.

H. RES. 13

*Resolved*, That the managers on the part of the House of Representatives in the matter of the impeachment of Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida, are authorized to do the following in the preparation and conduct of the impeachment trial:

(1) To employ legal, clerical, and other necessary assistance and to incur such expenses as may be necessary. Expenses under this paragraph shall be paid out of the funds available to the Committee on the Judiciary under clause 5(f) of rule XI of the Rules of the House of Representatives on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) To send for persons and papers, and to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

(3) To take such other actions as are necessary to the preparation or conduct of the trial.

H. RES. 14

*Resolved*, That a message be sent to the Senate to inform the Senate that Jack Brooks, John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish, Jr., and George W. Gekas, have been appointed managers for the trial of the impeachment of Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the resolutions be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 1 hour. . . .

24. Dale Kildee (MI).

The SPEAKER pro tempore. The question is on the resolutions.  
The resolutions were agreed to.  
A motion to reconsider was laid on the table.

**§ 8.3 As a separate order contained in the resolution adopting the standing rules for the 111th Congress,<sup>(25)</sup> the House authorized the continuation of certain investigative authorities that had existed in the prior Congress, including authorizing the Committee on the Judiciary (as well as the office of General Counsel) to resume civil contempt proceedings against certain individuals.**

On January 6, 2009,<sup>(26)</sup> the following continuing authorities were adopted as part of the resolution establishing the standing rules for the 111th Congress:

(f) CONTINUING AUTHORITIES FOR THE COMMITTEE ON THE JUDICIARY AND THE OFFICE OF GENERAL COUNSEL.—

(1) The House authorizes—

(A) the Committee on the Judiciary of the 111th Congress to act as the successor in interest to the Committee on the Judiciary of the 110th Congress with respect to the civil action *Committee on the Judiciary v. Harriet Meirs et al.*, filed by the Committee on the Judiciary in the 110th Congress pursuant to House Resolution 980; and

(B) the chair of the Committee on the Judiciary (when elected), on behalf of the Committee on the Judiciary, and the Office of General Counsel to take such steps as may be appropriate to ensure continuation of such civil action, including amending the complaint as circumstances may warrant.

(2)(A) The House authorizes—

(i) the Committee on the Judiciary to take depositions by a member or counsel of the committee related to the investigation into the firing of certain United States Attorneys and related matters; and

(ii) the chair of the Committee on the Judiciary (when elected), on behalf of the Committee on the Judiciary, to issue subpoenas related to the investigation into the firing of certain United States Attorneys and related matters including for the purpose of taking depositions by a member or counsel of the committee.

(B) Depositions taken under the authority prescribed in this paragraph shall be governed by the procedures submitted for printing in the Congressional Record by the chair of the Committee on Rules (when elected) or by such other procedures as the Committee on the Judiciary shall prescribe.

(3) The House authorizes the chair of the Committee on the Judiciary (when elected), on behalf of the Committee on the Judiciary, and the Office of General Counsel to petition to join as a party to the civil action referenced in paragraph (1) any individual subpoenaed by the Committee on the Judiciary of the 110th Congress as part of its investigation into the firing of certain United States Attorneys and related matters who failed to comply with such subpoena or, at the authorization of the Speaker after consultation with the Bipartisan Legal Advisory Group, to initiate judicial proceedings concerning the enforcement of subpoenas issued to such individuals.

**§ 8.4 By unanimous consent, the House considered a resolution authorizing the Committee on Standards of Official Conduct (now the Committee on Ethics) to continue an investigation authorized by the House in the preceding Congress.**

25. *Parliamentarian's Note*: In the 115th Congress, the House enabled continuing litigation authority in the standing rules, allowing a committee or chair of committee authorized during a prior Congress to act in a litigation matter to act as a successor in interest with respect to such litigation matter and to take steps to ensure continuation of the litigation matter. See rule II, clause 8(c), *House Rules and Manual* § 670b (2017).

26. 155 CONG. REC. 10, 111th Cong. 1st Sess.

On January 3, 1983,<sup>(27)</sup> a resolution continuing an investigation regarding alleged sexual misconduct and illegal drug distribution by House Members and employees was considered as follows:

AUTHORIZING CONTINUATION OF INVESTIGATION BY COMMITTEE ON  
STANDARDS OF OFFICIAL CONDUCT

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 12) authorizing continuation of an investigation by the Committee on Standards of Official Conduct, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore.<sup>(28)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 12

*Resolved*, That the Committee on Standards of Official Conduct shall continue the inquiry and investigation and related activities authorized by House Resolution 518, Ninety-seventh Congress, agreed to July 13, 1982, in the manner prescribed in such resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Messages and Reports Between Sessions***

#### **§ 8.5 During assembly of a second session of Congress, the Chair laid before the House two veto messages from the President received during *sine die* adjournment, which were referred to committee.**

On January 21, 1986,<sup>(29)</sup> the following occurred:

ESTABLISHING THE EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE  
REFUGE AND THE NATIONAL FISH AND WILDLIFE SERVICE TRAINING  
CENTER AT CAPE CHARLES VETO MESSAGE FROM THE PRESIDENT OF  
THE UNITED STATES (H. DOC. NO. 99-146)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

Since the adjournment of the Congress has prevented my return of H.R. 1404 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. Notwithstanding what I believe to be my constitutional power regarding the use of the "pocket veto" during an adjournment of Congress, however, I am sending H.R. 1404 to the House of Representatives with my objections, consistent with the Court of Appeals decision in *Barnes v. Kline*, 759 F.2d 21 (D.C. Cir. 1985), *cert. pending sub nom. Burke v. Barnes*, No. 85-781. . . .

27. 129 CONG. REC. 52, 98th Cong. 1st Sess.

28. William Natcher (KY).

29. 132 CONG. REC. 2-3, 4, 99th Cong. 2d Sess.

Unfortunately, H.R. 1404 does not simply provide protection for this valuable habitat. It would also require the Secretary of the Interior to develop a training center at the refuge for use by the Service, other Federal and State agencies, educational institutions, and private organizations and Individuals,

In this time of fiscal constraint, the Federal Government must limit its expenditures to matters of significant national concern. The provisions of H.R. 1404 requiring establishment of a training facility do not meet this test, The Service has fully adequate training facilities already in place, including a facility at Leetown, West Virginia, as well as the use of various private sector facilities. In addition, the Service is actively supporting the effort to clean up the Chesapeake Bay by designating an existing Service field station in Annapolis, Maryland, as its primary center for work on this important program. I believe that it would be more appropriate for State or private entities to fund and develop a training center if they consider it essential.

For these reasons, I must return H.R. 1404 without my approval.

RONALD REAGAN.

THE WHITE HOUSE, *January 14, 1986.*

The SPEAKER.<sup>(30)</sup> The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. [Walter] JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 1404, be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? There was no objection.

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FEDERAL EMPLOYEES BENEFITS IMPROVEMENT ACT OF 1985—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-145)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

Since the adjournment of the Congress has prevented my return of H.R. 3384 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. Notwithstanding what I believe to be my constitutional power regarding the use of the "pocket veto" during an adjournment of Congress, however, I am sending H.R. 3384 to the House of Representatives with my objections, consistent with the Court of Appeals decision in *Barnes v. Kline*, 759 F.2d 21 (D.C. Cir. 1985), *cert. pending sub nom. Burke v. Barnes*, No. 85-781. . . .

In the meantime, I urge the Congress to act as soon as possible to enact acceptable legislation that will permit Federal annuitants to receive rebates of health insurance premiums without undue further delay.

RONALD REAGAN.

THE WHITE HOUSE, *January 17, 1986.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

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30. Thomas O'Neill (MA).

Ms. [Mary Rose] OAKAR [of Ohio]. Mr. Speaker, I ask unanimous consent that further consideration of the veto message of the President on the bill, H.R. 3384, be postponed until February 20, 1986.

The SPEAKER. Is there objection to tile request of the gentlewoman from Ohio?

Mr. [Robert] WALKER [of Pennsylvania]. Reserving the right to object, Mr. Speaker, it seems to me that the normal procedure for a message of this type would be to vote on the bill today. The President, I think, has made very clear that this is a matter which involves a good deal of additional Federal spending that he does not think we can afford at the present time. He has indicated that the cost may be as much as a billion dollars additional to the taxpayers in personnel costs. . . .

Reserving the right to object, if the gentlewoman wants to assign responsibilities, if we move forward with her motion, I will assign the responsibility to her in the same vein that she has just cost the taxpayers an extra billion dollars.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Ms. OAKAR. Mr. Speaker, I move that further consideration of the veto message on the bill, H.R. 3384, be postponed until February 20, 1986.

The SPEAKER. Will the gentlewoman withhold for a moment. The Chair would advise the gentlewoman to refer to committee. It is my understanding there was an agreement on both sides, but there is an objection. Why does the gentlewoman not go to committee and possibly report it out of the committee rather than taking an hour of debate and a further rollcall?

Ms, OAKAR. Mr. Speaker, if I might respond to the Speaker, we were trying to deal very expeditiously with the situation.

The SPEAKER. The gentlewoman may report it out of committee and bring it up on the date that you had agreed upon.

Ms. OAKAR. Mr. Speaker, I agree with that from the standpoint of the House, but we do not have the same kind of assurances from the other body's standpoint, and if we thought in conjunction with our colleagues in the other body we could just get a quick postponement, we could deal expeditiously with this difficulty.

The SPEAKER. In view of the fact that this is the first day back, and under the announced schedule there are no rollcalls anticipated, and there are over 100 Members out, the Chair would ask the gentlewoman to take the suggested course of action.

Ms. OAKAR. I agree, Mr. Speaker.

Mr. Speaker, I move that the veto message on the bill, H.R. 3384, be referred to the Committee on Post Office and Civil Service.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR].

The motion was agreed to.

**§ 8.6 During a pro forma session at the commencement of a second session of Congress, a standing committee of the House filed a legislative report which was printed but not referred to the appropriate Calendar of the House until the House resumed legislative activity.<sup>(31)</sup>**

31. *Parliamentarian's Note*: Pursuant to House Concurrent Resolution 232, no organizational or legislative business was authorized until January 22, 1980. 125 CONG. REC. 37317, 96th Cong. 1st Sess. (Dec. 20, 1979).

On January 17, 1980,<sup>(32)</sup> the *Congressional Record* noted the filing and printing (but not referral) of a committee report:

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. House Concurrent Resolution 204. Resolution approving the extension of nondiscriminatory treatment to the products of the People's Republic of China. (Rept. No. 96-733). And ordered to be printed.

**§ 8.7 The Speaker laid before the House communications from the chair of the Commission on Administrative Review transmitted following adjournment *sine die* of the prior Congress, which were ordered printed as House documents of the new Congress.**

On January 4, 1977,<sup>(33)</sup> the following communication was laid before the House:

COMMUNICATION FROM THE CHAIRMAN OF THE COMMISSION ON ADMINISTRATIVE REVIEW

The SPEAKER pro tempore (Mr. [George] DANIELSON [of California]) laid before the House the following communication from the Chairman of the Commission on Administrative Review, which was read and, without objection, ordered printed:

WASHINGTON, D.C.,  
December 20, 1976.

The SPEAKER,  
U.S. House of Representatives,  
Washington, D.C.

DEAR SIR: The Commission on Administrative Review, established by the House Resolution 1368 and incorporated into law by P.L. 94-440, was directed to study administrative operations and services of the House of Representatives. The Commission was requested by the Speaker to review and make recommendations to the House of Representatives regarding House scheduling.

Pursuant to this request the Commission on Administrative Review transmits herewith its initial report on scheduling with recommendations. This report is also intended to serve as the semi-annual report of the Commission mandated in the aforementioned resolution.

The Commission, in pursuing its responsibilities under H. Res. 1368, will continue to study and make recommendations in the following areas:

1. Scheduling of the House. Enclosed is a report and recommendations. Further scheduling changes will be considered later in the Commission study.
2. Financial Management and Accountability. This area is now being studied and the Commission plans to make recommendations to the House early in 1977.

**32.** 126 CONG. REC. 50, 96th Cong. 2d Sess.

**33.** 123 CONG. REC. 77, 95th Cong. 1st Sess.

3. Overall Organization of Administrative Units and Resource Management. The Commission is studying the organizational structure of administrative units as well as the resources available to the House.

4. Work Management. The Commission plans to look at the management of work in Member and committee offices and make recommendations to the House.

Sincerely,

DAVE R. OBEY,  
*Chairman.*

### ***Consideration of Legislation***

#### **§ 8.8 On opening day of the 104th Congress, following the adoption of the standing rules, the House considered a legislative measure pursuant to an order of the House contained in the resolution adopting the rules.**

On January 4, 1995,<sup>(34)</sup> a legislative measure was considered on opening day of the 104th Congress, as follows:

#### CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. [Christopher] SHAYS [of Connecticut]. Mr. Speaker, as the designee of the majority leader and pursuant to section 108 of House Resolution 6,<sup>(35)</sup> I call up the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1 is as follows:

H.R. 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Congressional Accountability Act of 1995". . .

**34.** 141 CONG. REC. 530, 534, 544, 545, 104th Cong. 1st Sess.

**35.** *Parliamentarian's Note:* House Resolution 6, the resolution adopting the standing rules for the 104th Congress, was adopted earlier on January 4, 1995. Section 108 of such resolution read: "The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendment: Consideration of the "Congressional Accountability Act" It shall be in order at any time after the adoption of this resolution to consider in the House, any rule of the House to the contrary notwithstanding, the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The bill shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit."

The SPEAKER pro tempore (Mr. [William] THOMAS [of California]). Pursuant to the provisions of section 108 and title I of House Resolution 6, it is now in order to consider H.R. 1, the Congressional Accountability Act. . . .

The SPEAKER pro tempore (Mr. [Vernon] EHLERS [of Michigan]). Pursuant to section 108 of House Resolution 6, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. [Christopher H.] SHAYS [of Connecticut]. 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 429, nays 0, not voting 5, as follows:

[Roll No. 15] . . .

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## C. Other Assembly and Convening Issues

### § 9. Hour of Meeting

Congress makes a distinction between regular calendar days and legislative days. Legislative days do not necessarily correspond to calendar days. A legislative day begins when the House convenes at the previously-determined time and the Chair calls the House to order. The legislative day ends when the House adjourns (most often by motion from the floor).<sup>(1)</sup> Such adjournment may take place on a different calendar day—for example, if the House were to adjourn after midnight on the day it convenes.<sup>(2)</sup> Thus, a single legislative day may span two or more calendar days. A mere recess of the House does not end the legislative day,<sup>(3)</sup> and the House has used recess

1. For adjournment generally, see Deschler's Precedents Ch. 40 and Precedents (Wickham) Ch. 40.

2. See Deschler's Precedents Ch. 1 § 3.1.

3. For recesses generally, see Deschler's Precedents Ch. 39 and Precedents (Wickham) Ch. 39.

authority to continue a single legislative day across a number of calendar days.<sup>(4)</sup>

When the House adjourns, it most often adjourns to meet on the next calendar day.<sup>(5)</sup> However, there have been instances where the House adjourned to meet on the same calendar day—perhaps just a few hours after the adjournment (often in the context of an order of the House to change the convening time of the next legislative day). This effectively creates two legislative days within a single calendar day.<sup>(6)</sup> The House has employed this method of convening usually to satisfy layover periods for the consideration of certain matters.

By long custom, Sundays are considered “*dies non*” and not treated as regular calendar days for purposes of convening or adjournment. For example, Sundays are not counted when evaluating the constitutional requirement that neither House may adjourn for more than three days without the consent of the other House (allowing, for instance, an adjournment from Friday to Tuesday).<sup>(7)</sup> If the House were in session on a Saturday, and a motion to adjourn agreed to, the House would next meet on Monday (assuming no other adjournment authorities were applicable).<sup>(8)</sup> To conduct a session of the House on a Sunday, the House would need to formally authorize that Sunday meeting (by unanimous consent,<sup>(9)</sup> simple resolution, or privileged motion under clause 4 of rule XVI).<sup>(10)</sup> It is not common for the House to meet on a Saturday, but if a motion to adjourn over a weekend (for example, from Friday to Monday) is rejected, the adoption of a simple motion to adjourn on a Friday would cause the House to meet for a Saturday session.<sup>(11)</sup> Legal public holidays, as defined in law,<sup>(12)</sup> are regular meeting days for Congress unless Congress provides otherwise.<sup>(13)</sup>

4. See Deschler’s Precedents Ch. 39 § 2.21.
5. *Parliamentarian’s Note*: Of course, any time the House adjourns after midnight to meet at the regularly scheduled time later that morning, it is technically adjourning from one calendar day to meet on the same calendar day. But this does not create two legislative days within one calendar day because each meeting would *begin* on a different calendar day.
6. See § 9.1, *infra*.
7. See 5 Hinds’ Precedents §§ 6673, 6674. Further, the Constitution provides that Sundays do not count for veto purposes. See U.S. Const. art. I, § 7; *House Rules and Manual* § 111 (2017).
8. See, *e.g.*, 109 CONG. REC. 24634, 87th Cong. 1st Sess. (Dec. 14, 1963).
9. See, *e.g.*, 156 CONG. REC. 4025, 111th Cong. 2d Sess. (Mar. 20, 2010).
10. *House Rules and Manual* § 913 (2017).
11. See § 9.5, *infra*.
12. 5 U.S.C. § 6103.
13. Deschler’s Precedents Ch. 1 § 3.6.

On opening day of a new session of Congress, the House will adopt a resolution setting the daily hour of meeting.<sup>(14)</sup> This resolution specifies the default times at which the House will meet on each calendar day. The House may change this schedule at any point, either altering the default convening times by agreeing to a new resolution (or amending the existing resolution)<sup>(15)</sup> or changing the next day's convening time on an ad hoc basis (most often by unanimous consent<sup>(16)</sup> or privileged motion).<sup>(17)</sup> A change to the next day's convening time may be vacated by unanimous consent.<sup>(18)</sup> The Committee of the Whole does not entertain requests to change the time for the next day's convening.<sup>(19)</sup> The resolution setting the daily hour of meeting is applicable to one session of Congress only, and a new resolution is required for each session.<sup>(20)</sup> When the House is recalled from an adjournment, absent other applicable adjournment authorities that may have been provided, the House would meet at the time established in the order providing for the daily hour of meeting.<sup>(21)</sup>

Beginning in the 103d Congress, the House has provided for so-called "morning-hour debate," in which the House would convene earlier than the regular convening time in order to allow Members to engage in non-legislative debate (similar to special-order speeches permitted after legislative business has been completed for the day).<sup>(22)</sup> On days when morning-hour debate is authorized, the House convenes at the prescribed earlier convening time, and the Chair recognizes Members who wish to deliver speeches at that time. Morning-hour debate continues until ten minutes before the time of regular convening (or sooner if no further Members wish to be recognized), and the Chair declares a recess until the resumption of regular legislative business.

When the time of convening is changed by unanimous consent, the provisions of the House order establishing morning-hour debate cease to apply. If the unanimous-consent request to alter the convening time does not specify a convening time for morning-hour debate,<sup>(23)</sup> or explicitly states

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14. See § 9.2, *infra*. See also Deschler's Precedents Ch. 1 § 3.10.

15. See § 9.3, *infra*.

16. See § 9.6, *infra*. See also Deschler's Precedents Ch. 1 §§ 3.3, 3.12.

17. See § 9.7, *infra*. See also Deschler's Precedents Ch. 1 § 3.11.

18. Deschler's Precedents Ch. 1 § 3.13.

19. Deschler's Precedents Ch. 1 § 3.14.

20. See § 9.2, *infra*. See also Deschler's Precedents Ch. 1 § 3.

21. See § 9.4, *infra*.

22. For more on non-legislative debate, see Deschler's Precedents Ch. 29 § 73 and Precedents (Wickham) Ch. 29.

23. 158 CONG. REC. 15526, 15527, 112th Cong. 2d Sess. (Nov. 27, 2012).

that the order for morning–hour debate shall not apply,<sup>(24)</sup> then the House will simply convene for regular legislative business at the time designated in the request. The request may, however, specify that morning–hour debate will take place—either at the time established by the original morning–hour order, or a different time.<sup>(25)</sup>

### *Two Legislative Days in One Calendar Day*

**§ 9.1 A motion under clause 4 of rule XVI<sup>(26)</sup> that when the House adjourns it stand adjourned to a day and time certain may provide that when the House adjourn it stand adjourned to a time certain later on the same calendar day, in which case the House will conduct two legislative days on a single calendar day.**

On October 29, 1987,<sup>(27)</sup> the House convened for two legislative days on one calendar day as follows:

#### MOTION TO ADJOURN UNTIL 3:15 P.M. TODAY

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move, pursuant to clause 4 of rule XVI, that when the House adjourns today it adjourn to meet at 3:15 p.m. today.

The SPEAKER pro tempore (Mr. [Harold Lee] VOLKMER [of Missouri]). The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. [Chester Trent] LOTT [of Mississippi]. 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.

The vote was taken by electronic device, and there were—yeas 243, nays 166, not voting 25, as follows:

[Roll No. 386] . . .

#### ADJOURNMENT

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

**24.** 159 CONG. REC. H1316 [Daily Ed.], 113th Cong. 1st Sess. (Mar. 6, 2013).

**25.** 158 CONG. REC. 5425, 112th Cong. 2d Sess. (Apr. 24, 2012).

**26.** *House Rules and Manual* § 911 (2017).

**27.** 133 CONG. REC. 29933, 29935, 100th Cong. 1st Sess. See Deschler's Precedents Ch. 40 § 9.3.

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

Mr. [Robert Smith] WALKER [of Pennsylvania]. 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 236, nays 171, not voting 27, as follows:

[Roll No. 387] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until today, Thursday, October 29, 1987, at 3:15 p.m. . . .

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## SECOND LEGISLATIVE DAY

The House met at 3:15 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us each day, O God, that the greatest gift that any of us might possess is the attitude of thanksgiving. From the rising of the Sun until the going down of the same, at all the times of life, may we treasure every moment to express praise and joy for all the wonderful gifts of life—the gifts of freedom and renewal, the gifts of family and friendships, and the gift of grace. Amen.

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## THE JOURNAL

The SPEAKER.<sup>(28)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Philip Miller] CRANE [of Illinois]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

## PARLIAMENTARY INQUIRY

Mr. [Robert Smith] WALKER [of Pennsylvania]. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair will take the parliamentary inquiry of the gentleman.

Mr. WALKER. I thank the Chair.

We are about to cast a vote. Is the Journal available for inspection by the Members?

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28. James Wright (TX).

The SPEAKER. The Journal is indeed available.

Mr. WALKER. I thank the Chair.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 161, answered “present” 2, not voting 25, as follows:

[Roll No. 388] . . .

So the Journal was approved.

The result of the vote was announced as above recorded.

Similarly, on November 17, 1981,<sup>(29)</sup> the House convened for two legislative days on the same calendar day as follows:

(FIRST LEGISLATIVE DAY)

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT). . . .

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. [John] MURTHA [of Pennsylvania]). This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar. . . . . . . vessel of the United States so as to be entitled to engage in the coastwise trade.”

A motion to reconsider was laid on the table.

Mr. [Edward] BOLAND [of Massachusetts]. Mr. Speaker, I ask unanimous consent that further reading of the Private Calendar be dispensed with.

Mr. [Robert Smith] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BOLAND. Mr. Speaker I move further reading of the Private Calendar be dispensed with.

POINT OF ORDER

Mr. [Frank James] SENSENBRENNER [of Wisconsin]. Mr. Speaker, I make a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, clause 6 of rule XXIV, the second paragraph says that—

On the third Tuesday of each month after the disposal of such business on the Speaker's table as requires reference only, the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar.

29. 127 CONG. REC. 27768, 27769–71, 97th Cong. 1st Sess. See also Deschler's Precedents Ch. 40 § 5.2.

There is a precedent that the Private Calendar may be dispensed with, but that was only before the first bill was called on the Private Calendar.

I would state that since the first bill has been called on the Private Calendar, in order to comply with clause 6 of rule XXIV, the complete Private Calendar must be called unless dispensed with by unanimous consent. The unanimous-consent request has been objected to.

I believe that the point of order should be sustained and the motion should be ruled out of order.

The SPEAKER pro tempore. The Chair will note that under clause 6, rule XXIV on the first Tuesday of each month, a two-thirds vote is required to dispense with the call of Private Calendar, that call being automatic. The Speaker's authority to direct the call is discretionary on the third Tuesday, and so the rule is silent on the motion to dispense with the call, and consistent with that discretionary authority and absent any precedent to the contrary, the point of order should be overruled.

Mr. SENSENBRENNER. Mr. Speaker, I appeal the decision of the Chair.

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I move that the motion to appeal the Chair's decision be laid on the table.

The SPEAKER pro tempore. The question is on the motion to lay the appeal from the Chair's decision on the table.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—yeas 75, nays, 37.

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

Mr. FOLEY. Mr. Speaker, I have a privileged motion at the desk.

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

The Clerk read as follows:

Mr. Foley moves that when the House adjourns today it adjourn to meet at 4 p.m. today.

Mr. WALKER. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. Under the last sentence of clause 4, rule XVI, that motion to adjourn is not debatable and therefore cannot be laid on the table.

The question is on the motion.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nay were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 172, not voting 70, as follows:

[Roll No. 306] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

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#### ADJOURNMENT

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

**Ch. 1 § 9**

**PRECEDENTS OF THE HOUSE**

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

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

Mr. WALKER. 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 188, nays 172, not voting 73, as follows:

[Roll No. 307] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 1 o'clock and 19 minutes p.m.) the House adjourned until 4 o'clock p.m. . . .

**(SECOND LEGISLATIVE DAY)**

The House met at 4 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*The sum of Thy word is truth; and every one of Thy righteous ordinances endures forever.*—Psalm 119: 160.

O God, as we move on with the necessary details that press upon us, we remember Your commandments and ordinances that speak the truth to people in every generation. With all the pressures of life, may we recognize our need to focus on the eternal verities and the timeless truths that have been the heritage of a free people. May all who seek to be truly human and desire to reflect Your love, bind together in harmony and peace that justice may roll down like waters and righteousness like an ever-flowing stream. Amen.

***Daily Hour of Meeting***

**§ 9.2 By privileged resolution, the House establishes as a standing order the daily hours of meeting for a session of a Congress.**

On January 3, 2013,<sup>(30)</sup> a privileged resolution establishing the daily hour of meeting for the first session of the 113th Congress was considered as follows:

**FIXING THE DAILY HOUR OF MEETING OF THE FIRST SESSION OF THE 113TH CONGRESS**

Mr. [Pete] SESSIONS of Texas]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

*Resolved*, That unless otherwise ordered, the hour of daily meeting of the House shall be 2 p.m. on Monday; noon on Tuesdays (or 2 p.m. if no legislative business was conducted

**30.** 159 CONG. REC. H24 [Daily Ed.], 113th Cong. 1st Sess.

on the preceding Monday); noon on Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Similarly, on January 7, 2014,<sup>(31)</sup> a privileged resolution establishing the daily hour of meeting for the second session of the 113th Congress was considered as follows:

#### PROVIDING FOR THE HOUR OF MEETING OF THE HOUSE

Mr. SESSIONS. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 452

*Resolved*, That unless otherwise ordered, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays (or 2 p.m. if no legislative business was conducted on the preceding Monday); noon on Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### § 9.3 The House adopted a special order of business resolution reported by the Committee on Rules providing, *inter alia*, for an amendment to the resolution establishing the daily hour of meeting for a session of a Congress.

On February 12, 2009,<sup>(32)</sup> the following occurred:

#### PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. [Ed] PERLMUTTER [of Colorado]. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 157 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

*Resolved*, That it shall be in order at any time through the legislative day of February 13, 2009, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 2. The matter after the resolved clause of House Resolution 10 is amended to read as follows: "That unless otherwise ordered, before Monday, May 18, 2009, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; 10 a.m. on Wednesday and Thursday, and 9 a.m. on all other days of the week; and from Monday, May 18, 2009, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week."

31. 160 CONG. REC. H5 [Daily Ed.], 113th Cong. 2d Sess.

32. 155 CONG. REC. 3832, 3833, 111th Cong. 1st Sess.

**§ 9.4 When the House reassembles from an adjournment as a continuation of that session of the Congress, its standing order for hours of meeting for that session remains effective.<sup>(33)</sup>**

On December 17, 1998,<sup>(34)</sup> the following motion was agreed to by the House:

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, December 18, 1998, at 9 a.m.

**§ 9.5 Following rejection of a motion under clause 4 of rule XVI<sup>(35)</sup> to adjourn for three days over a weekend, the Speaker indicated that the House would be required to convene at the established hour on Friday and, if a quorum were not present, at the same time on Saturday.**

On February 17, 1977,<sup>(36)</sup> the following occurred:

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER.<sup>(37)</sup> The question is on the motion.

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

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Does the gentleman demand the yeas and nays or object to the vote?

Mr. BAUMAN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. May the Chair announce so the Members may understand, this is a question on adjourning to Monday next. If the House fails to adjourn to Monday we will

**33.** *Parliamentarian's Note*: The resolution establishing the daily hour of meeting for the second session of the 105th Congress (House Resolution 337) provided for convening times (after May 18, 1998) of noon on Mondays, 10:00 a.m. on Tuesdays, Wednesdays, and Thursdays, and 9:00 a.m. on all other days. 144 CONG. REC. 75, 105th Cong. 2d Sess. (Jan. 27, 1998). On December 14, 1998, the Speaker sent a formal notification to Members to reassemble on December 17, 1998, pursuant to the recall authority contained in the resolution of adjournment (House Concurrent Resolution 353). See 144 CONG. REC. 27348, 105th Cong. 2d Sess. (Oct. 20, 1998) and 144 CONG. REC. 27770, 104th Cong. 1st Sess. (Dec. 17, 1998). The provisions of House Resolution 337 were thus still applicable when the House reassembled. So when the House adjourned on December 17, 1998, to meet again on December 18, 1998, the default convening time set by House Resolution 337 was used.

**34.** 144 CONG. REC. 27802, 105th Cong. 2d Sess.

**35.** *House Rules and Manual* § 911 (2017).

**36.** 123 CONG. REC. 4579–81, 95th Cong. 1st Sess.

**37.** Thomas O'Neill (MA).

meet tomorrow at 11 a.m. In the event there is no quorum tomorrow the House will meet on Saturday at 11 a.m. I just want the Members to understand the procedure and what may happen.

The gentleman from Maryland has asked for the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 109, nays 224, not voting 98, as follows:

[Roll No. 22] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that when the House adjourns today, it will adjourn to meet tomorrow. . . .

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. [Samuel] DEVINE [of Ohio]. Mr. Speaker, I make this parliamentary inquiry as a result of the vote not to adjourn over until Monday and the announcement that the House would reconvene at 11 o'clock tomorrow. Are there any circumstances that the Chair could perceive under which the pay raise legislation would be considered by the House tomorrow?

The SPEAKER. The only possibility would be if unanimous consent were asked, and the Chair would recognize a gentleman or gentlewoman for that purpose, and if there were not an objection, then there would be a vote. That would be the only possibility. The Chair has been informed that there will be objections.

Mr. DEVINE. I thank the Speaker.

### *Changing the Time of Convening*

#### **§ 9.6 The House by unanimous consent may change its convening time for the next day's session.**

On March 5, 2013,<sup>(38)</sup> the House transacted the following unanimous-consent request:

#### HOUR OF MEETING ON TOMORROW

Mr. [Tom] COLE [of Oklahoma]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore.<sup>(39)</sup> Is there objection to the request of the gentleman from Oklahoma?

**38.** 159 CONG. REC. H979 [Daily Ed.], 113th Cong. 1st Sess.

**39.** Rob Woodall (GA).

There was no objection.

**§ 9.7 Pursuant to clause 4(c)(1)(B) of rule XVI,<sup>(40)</sup> the Speaker may entertain, a motion that when the House adjourns it stand adjourned to a day and time certain, and the adoption of such motion will supersede the resolution establishing the daily hour of meeting for that particular day.<sup>(41)</sup>**

On December 20, 2011,<sup>(42)</sup> the following motion was agreed to:

HOUR OF MEETING ON TOMORROW

Mr. [Peter] ROSKAM [of Illinois]. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER.<sup>(43)</sup> The question is on the motion.

The motion was agreed to.

## § 10. Place of Meeting

In addition to the constitutional requirement regarding the *time* of adjournment (*i.e.*, that both Houses must agree if either House wishes to adjourn for longer than three days), a similar requirement is imposed regarding the *place* to which either House may adjourn.<sup>(1)</sup> Neither House, without the consent of the other, may adjourn to “any other Place than that in which the two Houses shall be sitting.”<sup>(2)</sup> The meaning of “place” in this clause of the Constitution has been interpreted as the seat of government, which is defined by law as the territory of the United States included within the limits of the District of Columbia.<sup>(3)</sup> Thus, the House may meet at another location within the District of Columbia without the consent of the Senate, but the House may not meet outside the District of Columbia without such consent.<sup>(4)</sup>

40. *House Rules and Manual* § 913 (2017).

41. *Parliamentarian’s Note*: The resolution setting the daily hour of meeting for the first session of the 112th Congress (House Resolution 10) established noon as the default convening time for the next day’s session (a Tuesday).

42. 157 CONG. REC. 21439, 112th Cong. 1st Sess.

43. John Boehner (OH).

1. See also Deschler’s *Precedents* Ch. 40 § 2 and *Precedents* (Wickham) Ch. 40.

2. U.S. Const. art. I, § 5, cl. 4.; *House Rules and Manual* § 84 (2017).

3. 4 U.S.C. § 71. In the earliest days of the United States, Congress met at several locations (including New York and Philadelphia) prior to establishing the District of Columbia as the permanent seat of government. Congress has met in Washington, D.C., for every session of Congress since the second session of the Sixth Congress (1800). Deschler’s *Precedents* Ch. 1 § 4.

4. In the 108th Congress, clause 12 of rule I was amended to provide standing authority for the Speaker to convene the House at a place within the seat of government other

In the 108th Congress, the House and Senate adopted a concurrent resolution providing authority for the Speaker of the House and the Majority Leader of the Senate (or their designees), in consultation with the minority leaders of each body, to notify Members and Senators to assemble outside the seat of government should circumstances warrant.<sup>(5)</sup> This authority was provided in response to the terrorist attacks of September 11, 2001, which raised the possibility of a potential attack upon the Capitol and the inability of Members and Senators to meet within the seat of government. In subsequent Congresses, the House has adopted similar concurrent resolutions providing this authority to meet outside the seat of government, but the Senate has not concurred since the 108th Congress.<sup>(6)</sup>

Beginning in the 107th Congress, concurrent resolutions of adjournment have provided authority for the House and Senate to be recalled to a different location should circumstances warrant.<sup>(7)</sup> The authority provided is the same as described above: the Speaker of the House and Majority Leader of the Senate (or their designees) may exercise recall authority (joint or separate) to another location, after consultation with the minority leaders of each body.<sup>(8)</sup> This language regarding possible recall to a location outside the seat of government is now standard for virtually all concurrent resolutions of adjournment.<sup>(9)</sup> However, beginning in the 113th Congress, concurrent resolutions also have provided for separate recall authority for the House and Senate.<sup>(10)</sup>

When the House assembles in the District of Columbia, it meets in the House Chamber of the United States Capitol building.<sup>(11)</sup> Throughout its history, the House has had occasion to meet elsewhere within the District of Columbia. For example, extensive renovations were performed on the House Chamber in the 76th and 81st Congresses, and the House met temporarily in one of the House office buildings until such renovations were complete.<sup>(12)</sup> In the 35th Congress, the Capitol wings were extended for the construction of new House and Senate chambers, and the House adjourned (by

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than the Hall of the House should circumstances warrant. *House Rules and Manual* § 639 (2017).

5. See § 10.2, *infra*.
6. See, e.g., 163 CONG. REC. H29 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).
7. See § 10.1, *infra*.
8. *Parliamentarian's Note*: While it was formerly the case that recall authorities in adjournment resolutions provided that such authority be exercised jointly by the Majority Leader of the Senate and the Speaker of the House, since the 113th Congress, recall authorities have typically provided that these officials may separately recall their respective Houses. For more on recalling the House from an adjournment, see § 11, *infra*. See also Deschler's Precedents Ch. 40 §§ 13, 15 and Precedents (Wickham) Ch. 40.
9. See § 11.2, *infra*.
10. See § 11.1, *infra*.
11. For more on the House Chamber, the Capitol, and the Capitol Grounds generally, see Deschler's Precedents Ch. 4 and Precedents (Wickham) Ch. 4.
12. See Deschler's Precedents Ch. 1 §§ 4.1, 4.2.

simple resolution) to meet in the new House Chamber on December 14, 1857.<sup>(13)</sup> During the War of 1812, the Capitol was nearly destroyed by the British army, and the House and Senate were forced to meet for several years in temporary accommodations.<sup>(14)</sup>

Presidential inauguration ceremonies, which take place quadrennially on the West Front of the Capitol,<sup>(15)</sup> are actual sessions of the House, and the resolution authorizing the House's participation in such ceremonies provides for an automatic adjournment of the House upon conclusion of the ceremonies.<sup>(16)</sup>

In addition to formal sessions of the House, the House may also meet for ceremonial or other informal occasions inside (or outside) the seat of government. A ceremonial "National Day of Reconciliation"<sup>(17)</sup> was held in the Capitol Rotunda on December 4, 2001.<sup>(18)</sup> Congress met for a ceremonial meeting at Federal Hall in New York City on September 6, 2002, in remembrance of the victims of the terrorist attacks of September 11, 2001.<sup>(19)</sup> Congress also met for a special ceremony in Philadelphia to celebrate the bicentennial of the United States Constitution.<sup>(20)</sup> On one occasion, the House was invited by the Senate to hear an address by Prime Minister Winston Churchill in the Senate Chamber.<sup>(21)</sup>

The House has also conducted a variety of closed security briefings and secret sessions,<sup>(22)</sup> both inside the House Chamber and at other locations. Security briefings of various kinds have taken place in the House Chamber

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13. See 5 Hinds' Precedents § 7271.

14. See Deschler's Precedents Ch. 1 § 4.

15. *Parliamentarian's Note*: Between 1829 and 1977, inauguration ceremonies took place on the East Portico of the Capitol. See Deschler's Precedents Ch. 36 § 25.

16. See Deschler's Precedents Ch. 1 § 4.7 and Deschler's Precedents Ch. 36 § 25.7.

17. *Parliamentarian's Note*: While the concurrent resolution that authorized this event used the term "assemble," this meeting was merely a ceremonial occasion and did not represent an actual session of either the House or the Senate.

18. See Deschler's Precedents Ch. 36 §§ 6.1, 6.2.

19. See Deschler's Precedents Ch. 36 § 16.4. For another ceremonial occasion in New York City (to celebrate the bicentennial anniversary of the meeting of the First Congress), see Deschler's Precedents Ch. 36 § 4.1.

20. See Deschler's Precedents Ch 36 § 4.5.

21. See Deschler's Precedents Ch. 1 § 4.6.

22. For more on secret sessions, see Deschler's Precedents Ch. 29 § 85.

itself,<sup>(23)</sup> the Capitol Visitor Center,<sup>(24)</sup> the Library of Congress,<sup>(25)</sup> and committee rooms.<sup>(26)</sup> Such meetings are not formal sessions of the House, and usually take place during a recess of the House or prior to convening for regular legislative business.

**§ 10.1 The House and Senate have adopted a concurrent resolution of adjournment that included authorization for the recall of both Houses (by the Speaker of the House and the Majority Leader of the Senate, acting jointly, after consultation with the minority leaders of each body), and provided that each House may reassemble at a location outside the seat of government.<sup>(27)</sup>**

On October 17, 2001,<sup>(28)</sup> a concurrent resolution of adjournment was adopted as follows:

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, OCTOBER 17, 2001, TO TUESDAY, OCTOBER 23, 2001, AND FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM WEDNESDAY, OCTOBER 17, 2001, OR THURSDAY, OCTOBER 18, 2001, TO TUESDAY, OCTOBER 23, 2001

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 251) and ask for its immediate consideration.

23. See, *e.g.*, 150 CONG. REC. 928, 929, 108th Cong. 2d Sess. (Feb. 3, 2004). For further examples of announcements regarding closed security briefings in the chamber (or recesses taken to accommodate such briefings), see: 144 CONG. REC. 17466, 17467, 105th Cong. 2d Sess. (July 27, 1998); 145 CONG. REC. 4338, 106th Cong. 1st Sess. (Mar. 11, 1999); 145 CONG. REC. 4863, 106th Cong. 1st Sess. (Mar. 18, 1999); 147 CONG. REC. 16761, 107th Cong. 1st Sess. (Sept. 11, 2001); 147 CONG. REC. 16947, 107th Cong. 1st Sess. (Sept. 13, 2001); 147 CONG. REC. 17918, 107th Cong. 1st Sess. (Sept. 25, 2001); 147 CONG. REC. 18657, 107th Cong. 1st Sess. (Oct. 3, 2001); 148 CONG. REC. 658, 107th Cong. 2d Sess. (Feb. 6, 2002); 148 CONG. REC. 4771, 107th Cong. 2d Sess. (Apr. 17, 2002); 148 CONG. REC. 10136, 107th Cong. 2d Sess. (June 12, 2002); 149 CONG. REC. 4474, 108th Cong. 1st Sess. (Feb. 26, 2003); 149 CONG. REC. 7537, 108th Cong. 1st Sess. (Mar. 26, 2003); and 149 CONG. REC. 10946, 108th Cong. 1st Sess. (May 8, 2003). See also Deschler's Precedents Ch. 1 § 3.19.
24. See Precedents (Wickham) Ch. 4 § 9.3.
25. See Deschler's Precedents Ch. 1 §§ 3.18, 4.3–4.5.
26. See 149 CONG. REC. 6927, 108th Cong. 1st Sess. (Mar. 20, 2003) and Precedents (Wickham) Ch. 4 § 1.15.
27. *Parliamentarian's Note*: This was the first adjournment resolution that included recall language authorizing reassembly at a place to be designated by the Speaker of the House and Majority Leader of the Senate. Language providing authority to reassemble at a place outside the seat of government is now a common feature of adjournment resolutions.
28. 147 CONG. REC. 20210–11, 107th Cong. 1st Sess. See also Deschler's Precedents Ch. 40 § 13.6.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 251

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, October 17, 2001, OR Thursday, October 18, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 10 a.m. on Tuesday, October 23, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate 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.

**§ 10.2 In the 108th Congress, the House and Senate agreed to a concurrent resolution providing anticipatory standing consent<sup>(29)</sup> for the two Houses to assemble at a place outside the seat of government whenever, in the opinion of the Speaker of the House and the Majority Leader of the Senate (or their designees), acting jointly and after consultation with the minority leaders of each body, circumstances warrant such assembly.**

On January 7, 2003,<sup>(30)</sup> the House adopted a concurrent resolution as follows:

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. [David] DREIER [of California]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

*Resolved by the House of Representatives (the Senate concurring),* That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

**29.** *Parliamentarian's Note:* This standing order of both Houses provided authority to assemble outside the seat of government during the entirety of the 108th Congress. As of this writing, the House has agreed to similar concurrent resolutions in each subsequent Congress, but the Senate has not. Resolutions of adjournment now typically provide ad hoc authority to assemble the House and Senate outside the seat of government should circumstances warrant. See, e.g., § 11.1, *infra*.

**30.** 149 CONG. REC. 21, 108th Cong. 1st Sess.

A motion to reconsider was laid on the table.

On February 13, 2003,<sup>(31)</sup> the Senate agreed to the concurrent resolution:

CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. [William] FRIST [of Tennessee]. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 1, which is at the desk.

The PRESIDING OFFICER.<sup>(32)</sup> The clerk will report the concurrent resolution by title. The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 1) regarding consent to assemble outside the seat of government.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 1) was agreed to.

## § 11. Recall, Reassembly, and Emergency Convening

The House has, for many years, provided authority for the Speaker to recall the House during certain periods of adjournment.<sup>(1)</sup> These reconvening or reassembly authorities have evolved considerably in recent years.<sup>(2)</sup> The various elements to such recall authority may be described as follows: first, the chamber (House or Senate, or both) to which the recall authority applies; second, the individuals vested with the authority to recall; and third, the time period covered by the recall authority. Recall authorities have varied over time with respect to all three elements.

Pursuant to the Constitution,<sup>(3)</sup> resolutions of adjournment for more than three days must be adopted by both Houses of Congress, and such resolutions have often provided ad hoc authority for the Speaker of the House and

31. 147 CONG. REC. 4080, 107th Cong. 1st Sess.

32. John Cornyn (TX).

1. For a previous discussion of recall authorities in the context of adjournment, see Deschler's Precedents Ch. 40 §§ 13, 15.
2. *Parliamentarian's Note*: The authority to recall the Houses of Congress during a period of adjournment appears to have its origin in the years following the entry of the United States into the Second World War. The exigencies of the war apparently furnished the impetus for providing this authority on an ad hoc basis in adjournment resolutions, on the assumption that Congress may need to quickly convene in order to attend to war-related emergencies. See Deschler's Precedents Ch. 1 §§ 3.16, 3.17.
3. U.S. Const. art. I, § 5, cl. 4; *House Rules and Manual* § 84 (2017).

the Majority Leader of the Senate to recall their respective chambers during the period of adjournment contemplated by the resolution. Because such concurrent resolutions of adjournment typically provide for the adjournment of both Houses, recall authorities included therein will usually authorize either House (or both) to be recalled.<sup>(4)</sup> Occasionally, Congress will adopt a concurrent resolution of adjournment for one House only (the other House choosing to remain in session), in which case the recall authorities provided by such resolution will apply only to the adjourning House.<sup>(5)</sup> On one occasion, a concurrent resolution of adjournment contained separate sections authorizing: (1) joint recall of both Houses; and (2) separate recall of the House only.<sup>(6)</sup> There have also been instances where the adjournment of both Houses was achieved by adopting two separate concurrent resolutions of adjournment—one for each House—with recall authorities in each resolution applicable to the House covered by that resolution.<sup>(7)</sup>

As noted, recall authority in modern practice is exercised by the Speaker of the House and the Majority Leader of the Senate.<sup>(8)</sup> The concurrent resolution of adjournment authorizing reassembly may provide that such recall authorities be exercised jointly<sup>(9)</sup> by the Speaker and Majority Leader, or separately.<sup>(10)</sup> If the adjournment resolution provides for joint recall by the Speaker of the House and the Majority Leader of the Senate, then both Houses must reassemble on the same date.<sup>(11)</sup> By contrast, if the recall authorities are to be exercised separately, each official may determine the dates of reassembly for each House (which need not be the same). The role of the Minority Leader of the House and the Minority Leader of the Senate has generally been consultative only, *i.e.*, the Speaker of the House and the Majority Leader of the Senate are required to consult with the minority leaders of their respective bodies before issuing a recall notice.<sup>(12)</sup>

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4. See §§ 11.1–11.3, *infra*.

5. See § 11.5, *infra*.

6. See § 11.6, *infra*.

7. See § 11.4, *infra*.

8. *Parliamentarian's Note*: Under earlier practice, exercise of recall authority in the Senate was vested in the President pro tempore of the Senate. See Deschler's Precedents Ch. 1 § 3.16.

9. See § 11.2, *infra*.

10. See § 11.1, *infra*.

11. For an example of an adjournment resolution contemplating joint recall but with the possibility that the Speaker of the House and the Majority Leader of the Senate could jointly authorize each House to reassemble on different dates, see § 11.3, *infra*.

12. *Parliamentarian's Note*: In some earlier examples of recall authority (prior to the 95th Congress), the minority leaders of each House were granted authority to exercise joint recall authority by filing written requests with the Secretary of the Senate and the

Following the terrorist attacks of September 11, 2001, the House and Senate recognized the danger of confining recall authority to the Speaker of the House and Majority Leader of the Senate, as the death or incapacity of such individuals would prevent recall authorities from being legitimately exercised. Thus, concurrent resolutions in the 107th Congress began to include authority for the Speaker of the House and Majority Leader of the Senate to designate alternate individuals to exercise recall authority should the need arise.<sup>(13)</sup> The system for designating Members of the House to exercise recall authorities in the case of death or incapacity of the Speaker has gradually been regularized. Ad hoc authority for the Speaker to name recall designees<sup>(14)</sup> was replaced by “durable” designations in the form of a letter filed with the Clerk and laid before the House.<sup>(15)</sup> Designations contained in such letter remain applicable for the duration of the Congress.

With respect to the time period covered by recall authority, such authority is typically confined to the period of adjournment established by the concurrent resolution. For adjournment periods of not more than three days, the Speaker has authority under clause 12(e) of rule I to reconvene the House at a time other than that previously appointed, should the public interest warrant such reassembly.<sup>(16)</sup> For adjournment periods longer than three days, the recall authority extends to the entire adjournment period. Adjournments *sine die*, which bring a session of a Congress to a close, previously did not regularly provide recall authority, as the possibility of reconvening for further legislative business is in tension with the declaration that the House has completed its work for the session and is ready to adjourn *sine die*. Nevertheless, recall authority has been included in *sine die* adjournment resolutions in the past, and such language is now commonplace.<sup>(17)</sup>

In addition to authorizing reassembly from periods of adjournment, Congress has also passed joint resolutions that contemplate convening the House (or Senate) earlier than otherwise scheduled at the beginning of a second session of Congress. Such authority is sometimes referred to as

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Clerk of the House. See, *e.g.*, 121 CONG. REC. 41973, 94th Cong. 1st Sess. (Dec. 19, 1975).

13. See § 11.5, *infra*.

14. See, *e.g.*, 148 CONG. REC. 15138, 15139, 107th Cong. 2d Sess. (July 26, 2002). See also Deschler's Precedents Ch. 40 § 13.5.

15. For the first example of such a letter, see 149 CONG. REC. 6123, 108th Cong. 1st Sess. (Mar. 13, 2003).

16. *House Rules and Manual* § 639 (2017).

17. See, *e.g.*, 161 CONG. REC. H10707, H10708 [Daily Ed.], 114th Cong. 1st Sess. (Dec. 18, 2015).

“precall” authority because the House (or Senate) is not being recalled to continue an existing session, but is instead accelerating the convening of a subsequent session. Thus, the joint resolution will provide for a change to the convening date of the new session (*i.e.* a later convening date than the default January 3 commencement) and also provide for the Speaker of the House and the Majority Leader of the Senate to convene their respective chambers earlier than this established date of assembly, should the public interest warrant it.<sup>(18)</sup>

As noted above,<sup>(19)</sup> the House and Senate may be recalled to a different place (other than the seat of government) when the resolution of adjournment permits such reassembly.<sup>(20)</sup> This language regarding recall to an alternate location has become standard in adjournment resolutions since the 107th Congress.

Since the 105th Congress, Congress has been recalled from a period of adjournment on seven separate occasions. In some cases, both the House and the Senate were recalled.<sup>(21)</sup> In other cases, only one House was recalled—either because the other House was still in session<sup>(22)</sup> or because the other House had already adjourned *sine die*.<sup>(23)</sup>

In addition to providing recall authority in resolutions of adjournment, the House has also adopted standing rules that provide special convening authority in emergency circumstances. Under clause 12(c) of rule I<sup>(24)</sup> (first adopted in the 108th Congress), during periods of adjournment of not more than three days, the Sergeant-at-Arms notifies the Speaker if there is “an imminent impairment” to reconvening at the time previously appointed. When notified of this impairment to convening, the Speaker may either delay reconvening (within the three-day constitutional limit) or reconvene the House earlier than the previously appointed time solely to declare a recess (again, within the limits imposed by the Constitution). The Speaker has exercised the authority under this rule both to postpone<sup>(25)</sup> and to accelerate<sup>(26)</sup> the time of reconvening. The Speaker has also exercised this authority to dispense with morning-hour debate and convene the House at the regular time for legislative business (the impairment to convening having

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18. See § 11.9, *infra*.

19. See § 10, *supra*.

20. See § 11.7, *infra*.

21. See §§ 11.11, 11.13, *infra*; and Deschler’s Precedents Ch. 40 §§ 13.12, 13.13.

22. See § 11.10, *infra*; and Deschler’s Precedents Ch. 40 §§ 13.8–13.11.

23. See Deschler’s Precedents Ch. 40 § 15.2.

24. *House Rules and Manual* § 639 (2017).

25. See §§ 11.12, 11.17, *infra*.

26. See §§ 11.14, 11.15, *infra*.

been resolved in the interim).<sup>(27)</sup> Under clause 12(e) of rule I,<sup>(28)</sup> if the public interest warrants, the Speaker may reconvene the House during any recess or adjournment of not more than three days, at a time other than that previously appointed, within the limits of the Constitution and after consultation with the Minority Leader.

### ***Recall Authority in Adjournment Resolutions***

**§ 11.1 The House and Senate agreed to a concurrent resolution of adjournment, providing, *inter alia*, separate recall authorities to be exercised by the Speaker of the House or Majority Leader of the Senate (or their designees) independently, after consultation with the minority leaders of their respective chambers.**

On December 26, 2013,<sup>(29)</sup> the following adjournment resolution was agreed to:

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE  
SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution (S. Con. Res. 30) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The Clerk read the concurrent resolution, as follows:

S. CON. RES. 30

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on any day from Friday, December 20, 2013, through Tuesday, December 31, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 11:45 a.m. on Friday, January 3, 2014, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Monday, December 23, 2013, through Tuesday, December 31, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 11:00 a.m. on Friday, January 3, 2014, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by the Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

27. See § 11.18, *infra*. For more on convening for morning-hour debate, see § 10.1, *supra*.

28. *House Rules and Manual* § 639 (2017).

29. 159 CONG. REC. H8133, H8134 [Daily Ed.], 113th Cong. 1st Sess. For previous instances of separate recall authorities for the House and the Senate, see 137 CONG. REC. 12256, 102d Cong. 1st Sess. (May 23, 1991) and 157 CONG. REC. 106, 112th Cong. 1st Sess. (Jan. 5, 2011). For an example of a *sine die* adjournment resolution with separate recall authorities, see 161 CONG. REC. H10707, H10708 [Daily Ed.], 114th Cong. 1st Sess. (Dec. 18, 2015).

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PRECEDENTS OF THE HOUSE

SEC. 3. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by the Speaker or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore.<sup>(30)</sup> Without objection, the concurrent resolution is concurred in.

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, reserving the right to object . . . , Therefore, Mr. Speaker, sadly, I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table. . . .

**§ 11.2 The House has adopted a concurrent resolution providing for an adjournment of both Houses of Congress, and further authorizing the Speaker of the House and the Majority Leader of the Senate, acting jointly and after consultation with the minority leaders of each body, to reassemble Congress should the public interest warrant it.**

On November 22, 2013,<sup>(31)</sup> a concurrent resolution of adjournment with joint recall authority was agreed to as follows:

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 21, 2013.*

Hon. JOHN A. BOEHNER,  
THE SPEAKER, HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 21, 2013 at 5:39 p.m.:

That the Senate agreed to S. Con. Res. 28.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

30. Fred Upton (MI).

31. 159 CONG. REC. H7340, H7359 [Daily Ed.], 113th Cong. 1st Sess. For concurrent resolutions providing for *sine die* adjournment but also authorizing joint recall, see 136 CONG. REC. 36850, 101st Cong. 2d Sess. (Oct. 27, 1990) and 152 CONG. REC. 23281, 109th Cong. 2d Sess. (Dec. 8, 2006). See also Deschler's Precedents Ch. 40 § 15.7.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE  
SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution:

S. CON. RES. 28

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns on any day from Thursday, November 21, 2013, through Friday, December 6, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, December 9, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 or section 3 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, November 21, 2013, through Tuesday, November 26, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 2, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SEC. 3. After the House reassembles pursuant to the first section of this concurrent resolution, the Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.  
A motion to reconsider was laid on the table.

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ADJOURNMENT

The SPEAKER pro tempore.<sup>(32)</sup> Without objection, pursuant to Senate Concurrent Resolution 28, 113th Congress, the House stands adjourned until 2 p.m. on Monday, December 2, 2013.

There was no objection.

Thereupon (at 10 o'clock and 5 minutes a.m.), the House adjourned until Monday, December 2, 2013, at 2 p.m.

**§ 11.3 The House adopted a concurrent resolution of adjournment (as amended by the Senate) containing authority for the Speaker of the House and the Majority Leader of the Senate (or their designees), acting jointly and after consultation with the minority leaders of each body, to recall the House or Senate (or both) during the period of adjournment.<sup>(33)</sup>**

32. Thomas Petri (WI).

33. *Parliamentarian's Note*: The Senate's amendment inserted the word "respective" before "time," thus allowing each House to reconvene on different dates. In prior iterations of such recall authority, the language provided only for joint recall to the same time, requiring each House to reassemble on the same date.

On October 2, 2008,<sup>(34)</sup> the House agreed to Senate amendments to a concurrent resolution of adjournment as follows:

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore.<sup>(35)</sup> The Chair lays before the House a privileged message from the Senate.

The Clerk read as follows:

In the Senate of the United States, October 2 (legislative day, September 17), 2008.

*Resolved*, That the resolution from the House of Representatives (H. Con. Res. 440) entitled “Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.”, do pass with the following amendments:

1. On page 1, line 3, strike “from Monday, September 29, 2008, through Friday, October 3, 2008,”
2. On page 2, line 2, strike “that” and all that follows through line 9 and insert “the Senate may adjourn or recess at any time from Thursday, October 2, 2008, through January 3, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee until such time as specified in that motion, but not beyond noon on January 3, 2009, and it may reassemble pursuant to section 2 of this concurrent resolution.”
3. On page 2, line 15, strike “time” and insert “respective time”

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

**§ 11.4 The House adopted two concurrent resolutions of adjournment (one for the House only and one for the Senate only) each containing recall authority, which, in the case of the adjournment resolution for the House, authorized the Speaker of the House (or a designee), after consultation with the Minority Leader, to recall the House during the period of adjournment.**

On March 26, 2015,<sup>(36)</sup> the House agreed to two concurrent resolutions of adjournment, each providing for the adjournment of one House only, and each providing recall authority for that House, as follows:

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I send to the desk a privileged concurrent resolution.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(37)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

34. 154 CONG. REC. 23766, 110th Cong. 2d Sess.

35. Yvette Clarke (NY).

36. 161 CONG. REC. H2092 [Daily Ed.], 114th Cong. 1st Sess. For similar consideration of complementary single-House adjournment resolutions, see 156 CONG. REC. 14604, 111th Cong. 2d Sess. (July 29, 2010).

37. Ted Poe (TX).

The text of the concurrent resolution is as follows:

H. CON. RES. 31

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on any legislative day from Thursday, March 26, 2015, through Friday, April 10, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, April 13, 2015, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.  
A motion to reconsider was laid on the table.

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#### PROVIDING FOR AN ADJOURNMENT OF THE SENATE

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I send to the desk a privileged 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 Illinois?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 32

*Resolved by the House of Representatives (the Senate concurring),* That when the Senate recesses or adjourns on any day from Friday, March 27, 2015, through Monday, March 30, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 13, 2015, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.  
A motion to reconsider was laid on the table.

### **§ 11.5 The House and Senate may agree to a concurrent resolution providing for an adjournment for the House only, and further providing for unilateral recall of the House during the period of adjournment by the Speaker of the House (or designee), after consultation with the Minority Leader.**

On May 12, 2011,<sup>(38)</sup> a concurrent resolution of adjournment was agreed to as follows:

<sup>38</sup>. 157 CONG. REC. 7204, 112th Cong. 1st Sess.

## PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. [Pete] SESSIONS [of Texas]. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 50

*Resolved by the House of Representatives (the Senate concurring),*

That when the House adjourns on the legislative day of Friday, May 13, 2011, or Saturday, May 14, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, May 23, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader, shall notify the Members to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore (Mr. [Richard] NUGENT [of Florida]). The question is on the concurrent resolution.

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

Mr. [Alcee] HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**§ 11.6 The House has adopted a concurrent resolution providing for *sine die* adjournment of Congress, and further authorizing the Speaker of the House, after consultation with the Minority Leader of the House, to reassemble the House should the public interest warrant it.**

On October 20, 1998,<sup>(39)</sup> a concurrent resolution providing for *sine die* adjournment, but also authorizing a recall of the House, was agreed to as follows:

PROVIDING FOR ADJOURNMENT SINE DIE OF THE CONGRESS ON WEDNESDAY, OCTOBER 21, 1998, OR THURSDAY, OCTOBER 22, 1998

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 353) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 353

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, or until a time designated pursuant to section 3 of this resolution; and that when the Senate

<sup>39</sup> 144 CONG. REC. 27348, 105th Cong. 2d Sess. See also Deschler's Precedents Ch. 40 § 15.3.

adjourns on Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon 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 and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. During any adjournment of the House pursuant to this concurrent resolution, the Speaker, acting after consultation with the Minority Leader, may notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it. After reassembling pursuant to this section, when the House adjourns on any day on a motion offered pursuant to this section by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 11.7 The House has adopted a concurrent resolution of adjournment providing authority for the Speaker of the House and the Majority Leader of the Senate, acting jointly and after consultation with the minority leaders of each body, to reassemble Congress at a place other than the seat of government, should the public interest warrant.**

On October 17, 2001,<sup>(40)</sup> the House agreed to a concurrent resolution of adjournment that, for the first time, contemplated reassembly at a location outside the seat of government (authority that has now become standard in adjournment resolutions). For the text of such House concurrent resolution (House Concurrent Resolution 251), see § 10.1, *supra*.

**§ 11.8 The Chair laid before the House the Speaker's letter to the Clerk designating a Member as an alternate individual authorized to recall the House pursuant to authority provided in a resolution of adjournment.**

On January 6, 2015,<sup>(41)</sup> the following communication was laid before the House:

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RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 6, 2015.*

<sup>40</sup>. 147 CONG. REC. 20210–11, 107th Cong. 1st Sess.

<sup>41</sup>. 161 CONG. REC. H35 [Daily Ed.], 114th Cong. 1st Sess. For an earlier example of a similar letter providing an ad hoc designation applicable to a single period of adjournment, see 148 CONG. REC. 15138–39, 107th Cong. 2d Sess. (July 26, 2002). See also Deschler's Precedents Ch. 40 § 13.5.

Hon. KAREN L. HAAS,  
*Clerk of the House of Representatives, The Capitol, Washington, DC.*

DEAR MADAM CLERK: I hereby designate Representative Kevin McCarthy of California to exercise any authority regarding assembly, reassembly, convening, or reconvening of the House pursuant to House Concurrent Resolution 1, clause 12 of rule I, and any concurrent resolutions of the current Congress as may contemplate my designation of Members to exercise similar authority.

In the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

*Sincerely,*  
 JOHN A. BOEHNER,  
*Speaker.*

**§ 11.9 The House passed a joint resolution appointing a day for the convening of the next session of Congress, and further providing for possible earlier assembly by direction of the Speaker of the House and the Majority Leader of the Senate (or their designees), acting jointly and after consultation with the minority leaders of each body.**

On November 21, 2003,<sup>(42)</sup> the following joint resolution was agreed to:

APPOINTING DAY FOR THE CONVENING OF THE SECOND SESSION OF THE  
 108TH CONGRESS

Mr. [Thomas] DELAY [of Texas]. Mr. Speaker, I offer a joint resolution (H.J. Res. 80), and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore.<sup>(43)</sup> The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 80

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DAY FOR CONVENING OF SECOND REGULAR SESSION OF ONE HUNDRED EIGHTH CONGRESS.**

The second regular session of the One Hundred Eighth Congress shall begin at noon on Tuesday, January 20, 2004.

**SEC. 2. AUTHORITY FOR CALLING SPECIAL SESSION BEFORE CONVENING OF SECOND REGULAR SESSION.**

If the Speaker of the House of Representatives (or the designee of the Speaker) and the Majority Leader of the Senate (or the designee of the Majority Leader), acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine it is in the public interest for Congress to assemble during the period between the end of the first regular session of the One Hundred Eighth Congress at noon on January 3, 2004, and the convening of the second regular session of the One Hundred Eighth Congress as provided in section 1—

(1) the Speaker and Majority Leader, or their respective designees, shall notify the Members of the House and Senate, respectively, of such determination and of the place and time for Congress to so assemble; and

(2) Congress shall assemble in accordance with that notification.

42. 149 CONG. REC. 30856–57, 108th Cong. 1st Sess.

43. Doc Hastings (WA).

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

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

### ***Exercising Recall Authorities***

**§ 11.10 Pursuant to notice issued by the Speaker and the Majority Leader of the Senate under the authority conferred in a concurrent resolution of adjournment, the House reassembled (twice) from an adjournment pursuant to that concurrent resolution (the Senate having yet to adjourn thereunder).<sup>(44)</sup>**

On November 19, 2008,<sup>(45)</sup> the House reassembled from an adjournment pursuant to authority provided in a concurrent resolution as follows:

Pursuant to section 2 of House Concurrent Resolution 440, 110th Congress, the House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. McNULTY).

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#### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
*November 19, 2008.*

I hereby appoint the Honorable MICHAEL R. McNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

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#### NOTICE OF REASSEMBLY

The SPEAKER pro tempore.<sup>(46)</sup> The Chair lays before the House the text of the formal notice of reassembly that was sent to Members on Friday, November 14, 2008.

CONGRESS OF THE UNITED STATES,  
*Washington, DC, November 13, 2008.*

*House of Representatives,  
Washington, DC.*

**44.** *Parliamentarian's Note:* The Senate was still in session as it had not yet adjourned pursuant to the concurrent resolution. Thus, only the House was recalled in this instance.

**45.** 154 CONG. REC. 24146, 110th Cong. 2d Sess.

**46.** Michael McMulty (NY).

DEAR REPRESENTATIVE: Pursuant to section 2 of House Concurrent Resolution 440, after consultation with the Minority Leader of the House and the Minority Leader of the Senate, we determine that the public interest requires that the House reassemble at 1 p.m. on Wednesday, November 19, 2008, the Senate already being in session.

The Sergeant at Arms is directed to notify all Members of the reassembly of the House of Representatives for additional legislative business during the second session of the One Hundred Tenth Congress.

Thank you for your attention to this urgent matter.

Best Regards,

NANCY PELOSI,  
*Speaker of the House.*  
HARRY REID,  
*Majority Leader of the Senate.*

On December 9, 2008,<sup>(47)</sup> the House once again reassembled pursuant to authority provided in the concurrent resolution as follows:

Pursuant to section 2 of House Concurrent Resolution 440, 110th Congress, the House met at 11 a.m.

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NOTICE OF REASSEMBLY

The SPEAKER.<sup>(48)</sup> The Chair lays before the House the text of the formal notice of reassembly that was sent to Members on Friday, December 5, 2008.

CONGRESS OF THE UNITED STATES,  
*Washington, DC, December 5, 2008.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: Pursuant to section 2 of House Concurrent Resolution 440, after consultation with the Minority Leader of the House and the Minority Leader of the Senate, we determine that the public interest requires that the House reassemble at 11 a.m. on Tuesday, December 9, 2008, the Senate already being in session.

The Sergeant-at-Arms is directed to notify all Members of the reassembly of the House of Representatives for additional legislative business during the second session of the One Hundred Tenth Congress.

Thank you for your attention to this urgent matter.

Best Regards,

NANCY PELOSI,  
*Speaker of the House.*  
HARRY REID,  
*Majority Leader of the Senate.*

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47. 154 CONG. REC. 24496, 110th Cong. 2d Sess.

48. Nancy Pelosi (CA).

**§ 11.11 Pursuant to notice issued by the Speaker under the authority conferred in a House-only concurrent resolution of adjournment, the House reassembled from an adjournment pursuant to that concurrent resolution.<sup>(49)</sup>**

On August 9, 2010,<sup>(50)</sup> the House reassembled from an adjournment pursuant to authority provided in a concurrent resolution as follows:

Pursuant to section 2 of House Concurrent Resolution 308, 111th Congress, the House met at 7 p.m. and was called to order by the Speaker pro tempore (Ms. PINGREE of Maine).

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DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
*August 9, 2010.*

I hereby appoint the Honorable CHELLIE PINGREE to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

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NOTICE OF REASSEMBLY

The SPEAKER pro tempore laid before the House the text of the formal notification sent to Members on Wednesday, August 4, 2010, of the reassembly of the House.

U.S. HOUSE OF REPRESENTATIVES,  
OFFICE OF THE SPEAKER,  
*August 4, 2010.*

DEAR COLLEAGUE: Pursuant to section 2(a) of House Concurrent Resolution 308, and after consultation with the Minority Leader of the House, I have determined that the public interest requires that the House reassemble at 7:00 p.m. on Monday, August 9, 2010. The expectation is that Monday will be a pro forma session and that votes will occur on Tuesday. Further announcements will be provided by the Majority Leader's office.

Thank you for your attention to this urgent matter.

Best regards,

NANCY PELOSI,  
*Speaker of the House.*

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**49.** *Parliamentarian's Note:* The applicable concurrent resolution of adjournment provided only for House adjournment. Thus, the recall authorities contained in said resolution applied only to the House. A separate concurrent resolution provided for the adjournment (and possible reassembly) of the Senate.

**50.** 156 CONG. REC. 15413, 111th Cong. 2d Sess.

**§ 11.12 Pursuant to notice issued by the Speaker under the authority conferred by a special order of business, the House reconvened from an adjournment of less than three days pursuant to that special order of business.**

On December 30, 2012,<sup>(51)</sup> the House was recalled from an adjournment pursuant to authority contained in a special order of business (such authority being limited to adjournments of not more than three days, but applicable for the remainder of the Congress):<sup>(52)</sup>

Pursuant to section 2 of House Resolution 479, 112th Congress, the House met at 2 p.m. and was called to order by the Speaker.

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NOTICE OF REASSEMBLY

The SPEAKER laid before the House the text of the formal notification sent to Members on Thursday, December 27, 2012, of the reassembly of the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 27, 2012.*

DEAR COLLEAGUE: Pursuant to section 2 of House Resolution 479, and after consultation with the Minority Leader of the House, I have determined that the public interest requires that the House reassemble at 2:00 PM on Sunday, December 30, 2012. Further announcements will be provided by the Majority Leader's office.

Thank you for your attention to this urgent matter.

Sincerely,

JOHN A. BOEHNER.

**§ 11.13 Pursuant to notice issued by the Speaker and the Majority Leader of the Senate under the authority conferred in a concurrent resolution of adjournment, the House (and Senate) reassembled from an adjournment pursuant to that concurrent resolution.**

On September 6, 2013,<sup>(53)</sup> the House reassembled from an adjournment as follows:

Pursuant to section 2 of Senate Concurrent Resolution 22, 113th Congress, the House met at noon and was called to order by the Speaker pro tempore (Mr. DENHAM). . . .

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**51.** 158 CONG. REC. 18381, 112th Cong. 2d Sess.

**52.** *Parliamentarian's Note*: In the 114th Congress, clause 12(e) was added to rule I, which provides authority for the Speaker to reconvene the House during *any* period of adjournment of not more than three days—essentially codifying the ad hoc authority provided here. See *House Rules and Manual* § 639 (2017).

**53.** 159 CONG. REC. H5407 [Daily Ed.], 113th Cong. 1st Sess.

## NOTICE OF REASSEMBLY

The SPEAKER pro tempore<sup>(54)</sup> laid before the House the text of the formal notification sent to Members on Thursday, September 6, 2013, of the reassembly of the House.

U.S. SENATE,  
Washington, DC, September 5, 2013.

DEAR COLLEAGUE: Pursuant to section 2 of Senate Concurrent Resolution 22 of the 113th Congress, after consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives, we hereby notify the Members of the Senate to reassemble at 12:00 noon on Friday, September 6, 2013, and the Members of the House of Representatives to reassemble at 12:00 noon on Friday, September 6, 2013.

Sincerely,

HARRY REID,  
*Majority Leader of the Senate.*  
JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

***Emergency Convening Authorities—Earlier Than Appointed Time***

**§ 11.14 When the Speaker is informed by the Sergeant-at-Arms of an imminent impairment to convening, the Speaker may exercise authority under clause 12(c) of rule I<sup>(55)</sup> to reconvene the House earlier than the appointed time (within the three-day limit imposed by the Constitution).**

On December 19, 2009,<sup>(56)</sup> the Speaker was informed that the originally-established convening time for the House would likely occur during a severe weather event. Thus, the House assembled earlier than the previously-appointed time so that the Chair could declare a recess for the duration of the impending snowstorm:

The House met at noon and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

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DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore<sup>(57)</sup> laid before the House the following communication from the Speaker:

WASHINGTON, DC.  
December 19, 2009.

**54.** Jeff Denham (CA).

**55.** *House Rules and Manual* § 639 (2017).

**56.** 155 CONG. REC. 32729, 111th Cong. 1st Sess.

**57.** Donna Edwards (MD).

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

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COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 18, 2009.*

Hon. NANCY PELOSI,  
*The Speaker,*  
*Washington, DC.*

DEAR MADAM SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is 6 p.m. on Saturday, December 19, 2009. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Respectfully,

WILSON LIVINGOOD,  
*Sergeant at Arms.*

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

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**§ 11.15 When the Speaker is informed by the Sergeant-at-Arms of an imminent impairment to convening, the Speaker may exercise authority under clause 12(c) of rule I<sup>(58)</sup> to reconvene the House earlier than the appointed time (within the three-day limit imposed by the Constitution).**

On January 21, 2014,<sup>(59)</sup> the House assembled earlier than the previously-appointed time in order to avoid a severe weather event:

The House met at 11:30 a.m. and was called to order by the Speaker pro tempore (Mr. MESSER).

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58. *House Rules and Manual* § 639 (2017).

59. 160 CONG. REC. H1247 [Daily Ed.], 113th Cong. 2d Sess.

## COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore<sup>(60)</sup> laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 21, 2014.*

DEAR MR. SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is 1 p.m. on Tuesday, January 21, 2014. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Sincerely,

PAUL D. IRVING,  
*Sergeant at Arms.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

***Emergency Convening Authorities—Later Than Appointed Time***

**§ 11.16 When the Speaker is informed by the Sergeant-at-Arms of an imminent impairment to convening, the Speaker may exercise authority under clause 12(c) of rule I<sup>(61)</sup> to reconvene the House later than the appointed time (within the three-day limit imposed by the Constitution).**

On October 30, 2012,<sup>(62)</sup> the House assembled later than the previously-appointed time due to a severe weather event:

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore<sup>(63)</sup> laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
*October 30, 2012.*

**60.** Luke Messer (IN).

**61.** *House Rules and Manual* § 639 (2017).

**62.** 158 CONG. REC. 15037, 112th Cong. 2d Sess.

**63.** Steven LaTourette (OH).

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

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COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

Hon. JOHN A. BOEHNER,  
*Speaker of the House, U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER: As you are aware, the time previously appointed for the next meeting of the House is 10 a.m. on Tuesday, October 30, 2012. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Respectfully,

PAUL D. IRVING,  
*Sergeant at Arms.*

---

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

**§ 11.17 When the Speaker is informed by the Sergeant-at-Arms of an imminent impairment to convening, the Speaker may exercise authority under clause 12(c) of rule I<sup>(64)</sup> to reconvene the House later than the appointed time (within the three-day limit imposed by the Constitution).**

On March 4, 2014,<sup>(65)</sup> the House assembled later than the previously-appointed time due to a serious weather event:

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. DENHAM). . . .

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COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore<sup>(66)</sup> laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE SERGEANT AT ARMS,  
*Washington, DC, March 2, 2014.*

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64. *House Rules and Manual* § 639 (2017).

65. 160 CONG. REC. H2101 [Daily Ed.], 113th Cong. 2d Sess.

66. Jeff Denham (CA).

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is noon on Monday March 3, 2014. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Sincerely,

PAUL D. IRVING,  
*Sergeant at Arms.*

---

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

***Dispensing With Morning–Hour Debate***

**§ 11.18 When the Speaker is informed by the Sergeant-at-Arms of an imminent impairment to convening, the Speaker may exercise authority under clause 12(c) of rule I<sup>(67)</sup> to reconvene the House either earlier or later than the appointed time (within the three-day limit imposed by the Constitution), and, pursuant to a separate order of the House, dispense with morning-hour debate.<sup>(68)</sup>**

On July 10, 2014,<sup>(69)</sup> the House dispensed with morning-hour debate and convened at the previously-appointed time for legislative business as follows:

The House met at noon and was called to order by the Speaker.

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COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 10, 2014.*

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**67.** *House Rules and Manual* § 639 (2017).

**68.** *Parliamentarian’s Note*: The impairment to convening (an asbestos spill within the Capitol) prevented the House from convening for morning-hour debate at 10:00 a.m. However, the incident was resolved by noon—the time the House was scheduled to convene for regular legislative business.

**69.** 160 CONG. REC. H6039 [Daily Ed.], 113th Cong. 2d Sess.

**Ch. 1 § 11**

PRECEDENTS OF THE HOUSE

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: As you are aware, the time previously appointed for the next meeting of the House is 10 a.m. today for morning hour debate. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to an industrial accident.

Sincerely,

PAUL D. IRVING,  
*Sergeant at Arms.*

---

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(70)</sup> Under clause 12(c) of rule I, and the order of the House of January 7, 2014,<sup>(71)</sup> the Speaker dispensed with morning-hour debate today and notified Members accordingly.

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**70.** John Boehner (OH).

**71.** *Parliamentarian's Note:* The order provided that, "...the Speaker may dispense with morning-hour debate upon receipt of a notification described in clause 12(c) of rule I and notify Members accordingly." 160 CONG. REC. H5 [Daily Ed.], 113th Cong. 1st Sess. (Jan. 7, 2014).

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## CHAPTER 2

# *Oaths*

- § 1. In General; Status of Members–elect and Delegates–elect
- § 2. Presentation of Credentials and the Clerk’s Roll
- § 3. Administering the Oath
- § 4. Challenging the Right to be Sworn



## *Oaths*

### **§ 1. In General; Status of Members–elect and Delegates–elect**

When the House of Representatives first convenes at the beginning of a new Congress, the membership initially consists only of Members–elect, and the House must take all necessary steps to make such individuals full legal Members of the House, with all attendant rights and privileges. This process consists of four basic steps: (1) the presentation of individual credentials; (2) the preparation of the Clerk’s roll; (3) the administration of the oath of office to qualified Members–elect; and (4) the resolution of any challenges to the right to be sworn. Only after the House has proceeded through these stages can it begin to fulfill its constitutional duties as a legislative body.

The oath of office is required by article VI, clause 3, of the Constitution.<sup>(1)</sup> The form of the oath is prescribed by statute as follows: “I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”<sup>(2)</sup>

The form of the oath dates from the First Congress in 1789 and was revised most recently in 1966.<sup>(3)</sup> The procedures for swearing in Members–elect are thus derived from a combination of constitutional and statutory requirements as well as traditions and customs of the House that have evolved over time. Because the oath of office is administered to Members–elect prior to the adoption of the standing rules of the House,<sup>(4)</sup> the procedures surrounding the administration of the oath are governed by general parliamentary law.<sup>(5)</sup>

Between the time an individual is elected to the House and the subsequent swearing in of said individual as a full Member, such person is accorded the status of Member–elect. Members–elect share many of the same

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1. *House Rules and Manual* § 196 (2017).

2. 5 U.S.C. § 3331.

3. P.L. 89–554, 80 Stat. 378.

4. See Deschler’s Precedents Ch. 1 and Precedents (Wickham) Ch. 1.

5. For more on general parliamentary law, see Deschler’s Precedents Ch. 1 §§ 8, 9; and Precedents (Wickham) Chs. 1, 5.

rights and privileges of full Members, with certain exceptions.<sup>(6)</sup> In order to organize the House, Members–elect participate in various proceedings prior to being sworn. Constitutional provisions provide the basis for three authorities exercised by Members–elect. First, Members–elect participate in the initial quorum call (by states) at the convening of a new Congress.<sup>(7)</sup> Second, Members–elect are entitled to vote for Speaker of the House.<sup>(8)</sup> Finally, Members–elect may demand the yeas and nays on questions presented to the body prior to the adoption of standing rules.<sup>(9)</sup> All three of these powers may be exercised by Members–elect prior to being sworn. However, a Member–elect must present appropriate credentials to the Clerk of the House for such Member–elect to be included on the Clerk’s roll<sup>(10)</sup> (regardless of whatever challenge may arise regarding a Member–elect’s right to take his or her seat).

Apart from these constitutional authorities, Members–elect possess certain inherent legislative rights without which the House could not complete its organizational business. So, for instance, Members–elect must be permitted to debate propositions, offer resolutions, propose motions, and raise points of order.<sup>(11)</sup> A Member–elect may challenge the right of another Member–elect to be sworn, and Members–elect are permitted to debate a proposition related to their right to a seat.<sup>(12)</sup> Contestants in election cases may also be granted admission to the floor of the House and the right to debate

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6. For parliamentary inquiries on the differences between a Member–elect and a full Member, see Deschler’s Precedents Ch. 2 § 2.1. Thomas Jefferson, in his *Manual of Parliamentary Practice*, described a Member–elect as “to every extent a Member except that he cannot vote until sworn.” *House Rules and Manual* § 300 (2017).
  7. U.S. Const. art. I, § 5, cl. 1; *House Rules and Manual* § 46 (2017). See also Deschler’s Precedents Ch. 1 § 5.1 and Precedents (Wickham) Ch. 1 § 3.
  8. U.S. Const. art. I, § 2, cl. 5; *House Rules and Manual* § 26 (2017). See also Deschler’s Precedents Ch. 1 § 6 and Precedents (Wickham) Ch. 1. For parliamentary inquiries regarding the inability of Delegates–elect to vote for Speaker, see Precedents (Wickham) Ch. 1 § 3.5.
  9. U.S. Const. art. I, § 5, cl. 3; *House Rules and Manual* § 75 (2017). See also Deschler’s Precedents Ch. 1 § 9.2 and Precedents (Wickham) Ch. 1 § 4.
  10. For composing the Clerk’s roll of Members–elect, see § 2, *infra*. The credentials of Delegates and the Resident Commissioner are handled differently (for example, the Resident Commissioner is elected to a four–year term) and are announced by the Clerk separately.
  11. See Deschler’s Precedents Ch. 2 § 2 (footnote 1) (describing the ability to participate in proceedings at organization as “unquestioned” despite an explicit lack of formal rulings on the issue). For more on what motions or other legislative actions may be taken prior to the adoption of rules, see Deschler’s Precedents Ch. 1 §§ 8, 9 and Precedents (Wickham) Ch. 5.
  12. See Deschler’s Precedents Ch. 2 § 2.5.

the issue of the election contest.<sup>(13)</sup> Although Members–elect have been elected to committees of the House in earlier times,<sup>(14)</sup> the modern practice is that only sworn Members may be elected to committees.<sup>(15)</sup> On occasion, a committee election resolution may specify that a certain Member–elect (who has yet to take the oath of office) is to be elected “when sworn.”<sup>(16)</sup>

By statute, Members–elect are entitled to compensation (salary and benefits) prior to being sworn.<sup>(17)</sup> Where a Member–elect has been unable to take the oath of office (due to incapacitating illness), the House has adopted a resolution allowing such individual to be compensated as if sworn.<sup>(18)</sup> Members routinely request leaves of absence from the House,<sup>(19)</sup> but leaves of absence have also been granted to Members–elect.<sup>(20)</sup> Where a Member–elect holds an incompatible office at the beginning of a Congress, such individual may elect to delay taking the oath of office in order to complete the service for that other office, and such individual is entitled to compensation as a Member–elect.<sup>(21)</sup>

**13.** For election contests generally, see Deschler’s Precedents Ch. 9 and Precedents (Wickham) Ch. 9. For exercising floor privileges generally, see Deschler’s Precedents Ch. 4 § 4 and Precedents (Wickham) Ch. 4 § 5.

**14.** 4 Hinds’ Precedents § 4483.

**15.** *House Rules and Manual* § 300 (2017). See also 157 CONG. REC. 227, 112th Cong. 1st Sess. (Jan. 7, 2011).

**16.** See, e.g., § 1.2, *infra*.

**17.** 2 U.S.C. § 5301 provides for compensation beginning with the Member–elect’s term until the beginning of the Congress. 2 U.S.C. § 5302 provides for compensation after the Member–elect has subscribed to the oath of office. Thus, Members–elect who are elected to fill vacancies are entitled to receive compensation from the date of their election (pursuant to 2 U.S.C. § 5304) but cannot receive compensation until sworn under 2 U.S.C. § 5302. See Precedents (Wickham) Ch. 7 for additional information on Members’ compensation.

**18.** See, § 1.6, *infra*.

**19.** 2 U.S.C. § 5306.

**20.** See, e.g., § 1.8, *infra*.

**21.** See § 1.7, *infra*. See Deschler’s Precedents Ch. 7 § 4.6 (describing an early opinion by the Attorney General (14 Op. Att’y Gen. 406 (1874)) proposing that a Member–elect, who is legally able to retain that status in addition to holding another office, may be compensated for both offices simultaneously). When similar circumstances arose in the Senate, the Senator–elect involved chose to waive his congressional salary until sworn. See Deschler’s Precedents Ch. 2 § 2.6.

The salary of a Member of Congress is fixed by statute and therefore cannot be waived without specific statutory authority. See 30 Op. Att’y Gen. 51, 56.; B–159835, Apr. 22, 1975; B–123424, Mar. 7, 1975; B–206396.2, Nov. 15, 1988 (nondecision letter). However, nothing prevents a Member from accepting the salary and then donating part or all of it back to the United States Treasury. GAO APPROPRIATIONS LAW REDBOOK 6–105. See also Precedents (Wickham) Ch. 7 for additional information on Members donating part or all of their compensation.

Pursuant to law,<sup>(22)</sup> the Clerk of the House is required to publish in the House Journal and in the *Congressional Record* a list of all individuals who have taken the oath of office as a Member of the House.<sup>(23)</sup> Such publication provides public evidence that such individuals have duly taken the oath of office in accordance with law.

The Member's oath of office should be distinguished from other types of oaths that Members, officers, or employees of the House may subscribe to in certain circumstances.<sup>(24)</sup> Pursuant to clause 13 of rule XXIII<sup>(25)</sup> (originally adopted in the 104th Congress), Members, officers, and employees must execute an oath of secrecy before being permitted to access classified information. Copies of such oaths are retained by either the Clerk (for Members) or the Sergeant-at-Arms (for officers and employees), and the signatories are made a matter of public record by the Clerk via publication in the *Congressional Record*.<sup>(26)</sup> In addition to weekly publication of new signatories in the *Congressional Record*, the Clerk also retains a cumulative list for public inspection.<sup>(27)</sup> When classified security briefings are conducted in the Chamber (or elsewhere in the Capitol complex), the location is appropriately prepared<sup>(28)</sup> and only Members who have taken the oath pursuant to clause 13 of rule XXIII may attend.<sup>(29)</sup> When the House meets in a secret session,<sup>(30)</sup> an oath of secrecy is subscribed to by essential staff who attend such secret session.<sup>(31)</sup>

This chapter focuses on the procedural steps in establishing individuals as full Members of the House. The reader is encouraged to refer to other chapters of this work for related topics, such as other procedural steps at initial assembly of the House (Chapter 1), elections and election campaigns (Chapter 8), and the procedures involved in resolving election contests (Chapter 9). The rights and privileges of Members generally are discussed more fully in Chapter 7.

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22. 2 U.S.C. § 25.

23. See § 1.1, *infra*.

24. For the oath of office administered to elected officers of the House, see Deschler's Precedents Ch. 6 § 17 and Precedents (Wickham) Ch. 6.

25. *House Rules and Manual* § 1095 (2017). Rule XXIII is the Code of Official Conduct.

26. See § 1.4, *infra*.

27. *House Rules and Manual* § 1095 (2017).

28. See Precedents (Wickham) Ch. 4 § 1.

29. See § 1.5, *infra*.

30. See Deschler's Precedents Ch. 29 § 85 and Precedents (Wickham) Ch. 1.

31. See 154 CONG. REC. 4154, 110th Cong. 2d Sess. (Mar. 13, 2008) and 129 CONG. REC. 19776, 98th Cong. 1st Sess. (July 19, 1983).

***Form of Oath; Evidence of Administration***

**§ 1.1 Pursuant to law,<sup>(32)</sup> the Clerk submits for printing in the House Journal and in the *Congressional Record* the list of Members, Delegates, and the Resident Commissioner who have taken the oath of office required by the Constitution, in the form prescribed by statute.<sup>(33)</sup>**

On September 17, 2015,<sup>(34)</sup> the following notification from the Clerk was printed in the *Congressional Record*:

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 106th Congress, pursuant to the provisions of 2 U.S.C. 25.

DARIN LAHOOD, Eighteenth District of Illinois

**32.** 2 U.S.C. § 25 reads as follows: “At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other business; and to the Members and Delegates who afterward appear, previous to their taking their seats. The Clerk of the House of Representatives of the Eightieth and each succeeding Congress shall cause the oath of office to be printed, furnishing two copies to each Member and Delegate who has taken the oath of office in accordance with law, which shall be subscribed in person by the Member or Delegate, who shall thereupon deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the *Congressional Record*; and such signed copies, or certified copies thereof, or of either of such records thereof, shall be admissible in evidence in any court of the United States, and shall be held conclusive proof of the fact that the signer duly took the oath of office in accordance with law.”

**33.** 5 U.S.C. § 3331.

**34.** 161 CONG. REC. H6134 [Daily Ed.], 114th Cong. 1st Sess. For similar notifications, see: 145 CONG. REC. 5771–73, 106th Cong. 1st Sess. (Mar. 25, 1999); 161 CONG. REC. H2866 [Daily Ed.], 114th Cong. 1st Sess. (May 12, 2015); and 161 CONG. REC. H3999 [Daily Ed.], 114th Cong. 1st Sess. (June 9, 2015).

***Election to Committees***

**§ 1.2 The House adopted two privileged resolutions offered by the chairs of the Democratic Caucus and the Republican Conference, respectively; (1) electing Members and Delegates to standing committees; (2) electing Members–elect only when sworn;<sup>(35)</sup> and (3) electing some for the first session only.**

On January 6, 1983,<sup>(36)</sup> the following committee election resolutions were agreed to:

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE  
HOUSE

Mr. [Gillis] LONG of Louisiana. Mr. Speaker, as Chairman of the Democratic Caucus and on the authority and by direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 26) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 26

*Resolved*, That the following named Members, Members–elect, Delegates and Resident Commissioner be, and they are hereby, elected (Members–elect effective when sworn) to the following standing committees of the House of Representatives:

Committee on Agriculture: E de la Garza, Texas (chairman); Thomas S. Foley, Washington; Walter B. Jones, North Carolina; Ed Jones, Tennessee; George E. Brown, Jr., . . . Committee on Foreign Affairs: Clement J. Zablocki, Wisconsin (chairman); Dante B. Fascell, Florida; Lee H. Hamilton, Indiana; . . . and Robert Garcia, New York (effective only for the First Session of the 98th Congress).

Committee on Post Office and Civil Service: William D. Ford, Michigan (chairman); Morris K. Udall, Arizona; William (Bill) Clay, Missouri; Patricia Schroeder, Colorado; . . . Ronald V. Dellums, California (effective only for the First Session of the 98th Congress); Thomas A. Daschle, South Dakota (effective only for the First Session of the 98th Congress); Ron de Lugo, Virgin Islands (effective only for the First Session of the 98th Congress); Charles E. Schumer, New York (effective only for the First Session of the 98th Congress); and Douglas H. Bosco, California (effective only for the First Session of the 98th Congress).

Mr. LONG of Louisiana. Mr. Speaker, this is the usual resolution at the beginning of each Congress designating members of the standing committees of the House. Committee assignments contained in the resolution have been approved by the Democratic Caucus.

- 35.** *Parliamentarian’s Note:* Although Members–elect have been elected to standing committees in the past (see, e.g., 4 Hinds’ Precedents §§ 4477, 4483, and Deschler’s Precedents Ch. 2 § 2.2), clause 5(b)(1) of rule X provides that only (sworn) Members who continue their affiliation with a party caucus may serve on standing committees. See *House Rules and Manual* § 760 (2017). As shown here, resolutions electing Members to standing committees may include language conditioning the election of Members–elect on such Members–elect taking the oath of office. For more on electing Members to committees, see Deschler’s Precedents Ch. 17 § 9 and Precedents (Wickham) Ch. 17.
- 36.** 129 CONG. REC. 132–34, 98th Cong. 1st Sess. *House Rules and Manual* § 300 (2017). See also: H. Res. 9, 133 CONG. REC. 20, 100th Cong. 1st Sess. (Jan. 6, 1987); H. Res. 8, 139 CONG. REC. 101, 103d Cong. 1st Sess. (Jan. 5, 1993); and H. Res. 13, 143 CONG. REC. 145, 105th Cong. 1st Sess. (Jan. 7, 1997). For an instance in which a privileged resolution called up by the chair of the Democratic Caucus electing minority Members to standing committees included eight Members–elect who had not yet taken the oath of office, see 161 CONG. REC. H28 [Daily Ed.], 114th Cong. 1st Sess. (Jan. 6, 2015).

I have no requests for time and I move the previous question on the resolution.

The SPEAKER.<sup>(37)</sup> Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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#### ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Jack] KEMP [of New York]. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution (H. Res. 27) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 27

*Resolved*, That the following named Members and Members-elect be, and they are hereby, elected (Members-elect effective when sworn) to the following standing committees of the House of Representatives:

Committee on Agriculture: Edward R. Madigan, Illinois; James J. Jeffords, Vermont; E. Thomas Coleman, Missouri; Ron Marlenee, Montana; Larry J. Hopkins, Kentucky; George Hansen, Idaho; Arlan Stangeland, Minnesota; Pat Roberts, Kansas; Bill Emerson, Missouri; Joe Skeen, New Mexico; Sid Morrison, Washington; Steve Gunderson, Wisconsin; Cooper Evans, Iowa; Gene Chappie, California; and Webb Franklin, Mississippi. . . .

### § 1.3 A Member-elect who has not yet taken the oath is elected to committees "when sworn."

On January 6, 1999,<sup>(38)</sup> the following committee election resolutions were agreed to:

#### ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Julius Caesar (J.C.)] WATTS of Oklahoma. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

*Resolved*, That the following named Members be, and are hereby elected to serve on standing committees as follows:

Committee on Agriculture: Mr. Combest, Chairman; Mr. Barrett of Nebraska; Mr. Boehner; Mr. Ewing; Mr. Goodlatte; Mr. Pombo; Mr. Canady; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas of Oklahoma; Mrs. Chenoweth; Mr. Hostettler; Mr. Chambliss; Mr. LaHood; Mr. Moran of Kansas; Mr. Schaffer; Mr. Thune; Mr. Jenkins; Mr. Cooksey; Mr. Calvert; Mr. Gutknecht; Mr. Riley; Mr. Walden; Mr. Simpson; Mr. Ose; Mr. Hayes; and Mr. Fletcher. . . .

Committee on International Relations: Mr. Gilman, Chairman; Mr. Goodling; Mr. Leach; Mr. Hyde; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mr.

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37. Thomas O'Neill (MA).

38. 147 CONG. REC. 235-37, 106th Cong. 1st Sess.

Gallegly (when sworn); Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Manzullo; Mr. Royce; Mr. King; Mr. Chabot; Mr. Sanford; Mr. Salmon; Mr. Houghton; Mr. Campbell; Mr. McHugh; Mr. Brady of Texas; Mr. Burr of North Carolina; Mr. Gillmor; Mr. Radanovich; Mr. Cooksey; and Mr. Tancredo.

Committee on the Judiciary: Mr. Hyde, Chairman; Mr. Sensenbrenner; Mr. McCollum; Mr. Gekas; Mr. Coble; Mr. Smith of Texas; Mr. Gallegly (when sworn); Mr. Canady; Mr. Goodlatte; Mr. Buyer; Mr. Bryant; Mr. Chabot; Mr. Barr of Georgia; Mr. Jenkins; Mr. Hutchinson; Mr. Pease; Mr. Cannon; Mr. Rogan; Mr. Graham; and Mrs. Bono.

Committee on Resources: Mr. Young of Alaska, Chairman; Mr. Tauzin; Mr. Hansen; Mr. Saxton; Mr. Gallegly (when sworn); Mr. Duncan; Mr. Hefley; Mr. Doolittle; Mr. Gilchrest; Mr. Calvert; Mr. Pombo; Mrs. Cubin; Mrs. Chenoweth; Mr. Radanovich; Mr. Jones; Mr. Thornberry; Mr. Cannon; Mr. Brady of Texas; Mr. Peterson of Pennsylvania; Mr. Hill of Montana; Mr. Schaffer; Mr. Gibbons; Mr. Souder; Mr. Walden; Mr. Sherwood; Mr. Hayes; Mr. Simpson, and Mr. Tancredo. . . .

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

The SPEAKER pro tempore.<sup>(39)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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#### ELECTION OF MINORITY MEMBERS, DELEGATES, AND RESIDENT COMMISSIONER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Jonas] FROST [of Texas]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

*Resolved*, That the following named Members, Delegates and the Resident Commissioner be, and are hereby, elected to serve on standing committees as follows:

Committee on Agriculture: Mr. Stenholm, Texas; Mr. Brown, California; Mr. Condit, California; Mr. Peterson, Minnesota; Mr. Dooley, California; Mrs. Clayton, North Carolina; Mr. Minge, Minnesota; Mr. Hillard, Alabama; Mr. Pomeroy, North Dakota; Mr. Holden, Pennsylvania; Mr. Bishop, Georgia; Mr. Thompson, Mississippi; Mr. Baldacci, Maine; Mr. Berry, Arkansas; Mr. Goode, Virginia; Mr. McIntyre, North Carolina; Ms. Stabenow, Michigan; Mr. Etheridge, North Carolina; Mr. John, Louisiana; Mr. Boswell, Iowa; Mr. Phelps, Illinois; Mr. Lucas, Kentucky; and Mr. Thompson, California.

Committee on Appropriations: Mr. Obey, Wisconsin; Mr. Murtha, Pennsylvania; Mr. Dicks, Washington; Mr. Sabo, Minnesota; Mr. Dixon, California; Mr. Hoyer, Maryland (When Sworn); Mr. Mollohan, West Virginia (When Sworn); Ms. Kaptur, Ohio; Ms. Pelosi, California; Mr. Visclosky, Indiana; Mrs. Lowey, New York; Mr. Serrano, New York; Ms. DeLauro, Connecticut; Mr. Moran, Virginia; Mr. Olver, Massachusetts; Mr. Pastor, Arizona; Mrs. Meeke, Florida; Mr. Price, North Carolina; Mr. Edwards, Texas; Mr. Cramer, Alabama; Mr. Clyburn, South Carolina; Mr. Hinchey, New York; Ms. Roybal-Allard, California; Mr. Farr, California (When Sworn); Mr. Jackson, Illinois; Ms. Kilpatrick, Michigan; Mr. Boyd, Florida. . . .

Committee on Education and the Workforce: Mr. Clay, Missouri; Mr. George Miller, California (when sworn); Mr. Kildee, Michigan; Mr. Martinez, California; Mr. Owens, New York; Mr. Payne, New Jersey; Mrs. Mink, Hawaii; Mr. Andrews, New Jersey; Mr. Roemer, Indiana; Mr. Scott, Virginia; Ms. Woolsey, California; Mr. Romero-Barcelo, Puerto Rico; Mr. Fattah, Pennsylvania; Mr. Hinojosa, Texas; Mrs. McCarthy, New York; Mr. Tierney, Massachusetts; Mr. Kind, Wisconsin; Ms. Sanchez, California; Mr. Ford, Tennessee; Mr. Kucinich, Ohio; Mr. Wu, Oregon; Mr. Holt, New Jersey.

Committee on Government Reform: Mr. Waxman, California; Mr. Lantos, California; Mr. Wise, West Virginia; Mr. Owens, New York; Mr. Towns, New York; Mr. Kanjorski,

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39. Ray H. LaHood (IL).

Pennsylvania; Mr. Condit, California; Mrs. Mink, Hawaii; Mrs. Maloney, New York; Mrs. Norton, District of Columbia; Mr. Fattah, Pennsylvania; Mr. Cummings, Maryland; Mr. Kucinich, Ohio; Mr. Blagojevich, Illinois; Mr. Davis, Illinois; Mr. Tierney, Massachusetts; Mr. Turner, Texas; Mr. Allen, Maine, Mr. Ford, Tennessee.

Committee on House Administration: Mr. Hoyer, Maryland (When Sworn). . . .

Committee on Resources: Mr. George Miller, California (When Sworn); Mr. Rahall, West Virginia; Mr. Vento, Minnesota; Mr. Kildee, Michigan; Mr. DeFazio, Oregon; Mr. Faleomavaega, American Samoa; Mr. Abercrombie; Hawaii; Mr. Ortiz, Texas; Mr. Pickett, Virginia; Mr. Pallone, New Jersey; Mr. Dooley, California; Mr. Romero-Barcelo, Puerto Rico; Mr. Underwood, Guam; Mr. Kennedy, Rhode Island; Mr. Smith, Washington; Mr. Delahunt, Massachusetts; Mr. John, Louisiana; Ms. Christian-Green, Virgin Islands; Mr. Kind, Wisconsin; Mr. Inslee, Washington; Ms. Napolitano, California; Mr. Udall, New Mexico; Mr. Udall, Colorado; Mr. Crowley, New York. . . .

Committee on Ways and Means: Mr. Rangel, New York; Mr. Stark (When Sworn); California; Mr. Matsui, California; Mr. Coyne, Pennsylvania; Mr. Levin, Michigan; Mr. Cardin, Maryland; Mr. McDermott, Washington; Mr. Kleczka, Wisconsin; Mr. Lewis, Georgia; Mr. Neal, Massachusetts; Mr. McNulty, New York; Mr. Jefferson, Louisiana; Mr. Tanner, Tennessee; Mr. Becerra, California; Ms. Thurman, Florida; Mr. Doggett, Texas.

Permanent Select Committee on Intelligence: Mr. Dixon, California.

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

The SPEAKER pro tempore. 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.

### ***Other Types of Oaths Distinguished***

#### **§ 1.4 Pursuant to clause 13 of rule XXIII,<sup>(40)</sup> the Clerk publishes the names of Members who have signed the oath required for access to classified information.<sup>(41)</sup>**

On February 14, 2001,<sup>(42)</sup> the following was published in the *Congressional Record*:

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Robert E. Andrews, Richard K. Armey, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Benjamin L. Cardin, Brad Carson, Michael N. Castle, Steve Chabot,

**40.** *House Rules and Manual* § 1095 (2017).

**41.** *Parliamentarian's Note*: This publication requirement was added in the 107th Congress. H. Res. 5, 147 CONG. REC. 24–26, 107th Cong. 1st Sess. (Jan. 3, 2001).

**42.** 147 CONG. REC. 2044, 2045, 107th Cong. 1st Sess.

Saxby Chambliss, Wm. Lacy Clay, Eva M. Clayton, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, Christopher Cox, William J. Coyne, Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Randy “Duke” Cunningham, Danny K. Davis, Jo Ann Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Lane Evans, Terry Everett, Sam Farr, Mike Ferguson, Jeff Flake, Ernie Fletcher, Mark Foley, Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoefel, Peter Hoekstra, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, Ray H. LaHood, Nick Lampson, James R. Langevin, Steve Largent, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Robert T. Matsui, Carolyn McCarthy, Jim McCrery, John McHugh, Scott McInnis, Howard P. McKeon, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, John L. Mica, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Tom Osborne, Doug Ose, C. L. Otter, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Rob Portman, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Chiffon, Edward L. Schlock, F. James Ensemble, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Mark Udall, Robert A. Underwood, Fred Upton, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, J.C. Watts, Jr., Henry A. Waxman, Curt Weldon, Dave Weldon, Jerry Weller, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young.

**§ 1.5 The Chair announced that a classified briefing<sup>(43)</sup> for Members would be presented in the Chamber of the House during a recess to be declared under clause 12 of rule I.<sup>(44)</sup>**

On September 12, 2001 (legislative day of September 11, 2001),<sup>(45)</sup> the Chair made the following announcement regarding a security briefing to take place during a recess of the House:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The Chair desires to announce that following the declaration of recess today, Members are invited to attend a classified briefing here in the Chamber during the recess.

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RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair, and the Chamber will be cleared of all unauthorized personnel or guests.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

***Salary and Compensation***

**§ 1.6 By unanimous consent, the House considered and agreed to a resolution authorizing the Clerk: (1) to pay compensation from the contingent fund in lieu of salary to a Member-elect who was unable to take the oath of office due to illness;<sup>(46)</sup> and (2) to designate**

**43.** *Parliamentarian's Note:* The Parliamentarian prepared the following announcement for the Speaker to make at the start of the briefing: "The Chair would remind all Members that under the Code of Official Conduct Members are not allowed access to classified information before they have executed the oath embodied in clause 13 of rule XXIII (*House Rules and Manual* § 1095 (2017)). That oath is currently available in the Chamber for Members to execute, and the Clerk has maintained a list of those Members who have yet to execute it. As always, Members are not to disclose classified information imparted during this briefing during the forthcoming debate in the House or in any other unauthorized manner. Members are reminded to disable all electronic devices." For other instances of closed security briefings for Members, see *Precedents* (Wickham) Ch. 1 § 10.

**44.** *House Rules and Manual* § 638 (2017).

**45.** 147 CONG. REC. 16761, 107th Cong. 1st Sess.

**46.** *Parliamentarian's Note:* The House may declare the seat of a Member-elect vacant where a Member-elect is not able to take the oath or resign due to an incapacitating illness. Gladys Noon Spellman, of Maryland, was elected to the 97th Congress. At the convening of that Congress, Member-elect Spellman was in a coma and unable to take

**clerk-hire employees of that Member-elect to be compensated at present salaries until a successor were elected to fill a possible vacancy.**

On January 27, 1981,<sup>(47)</sup> the following resolution was adopted by the House:

COMPENSATION IN LIEU OF SALARY TO THE HONORABLE GLADYS NOON SPELLMAN

Mr. [Gillis] LONG of Louisiana. Mr. Speaker, I send to the desk a resolution (H. Res. 41) relating to compensation in lieu of salary to GLADYS NOON SPELLMAN, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 41

*Resolved*, That, from the contingent fund of the House of Representatives, the Clerk of the House of Representatives shall, at the end of each month pay as compensation in lieu of salary to Gladys Noon Spellman an amount equal to the compensation which would be payable in accordance with section 39 of the Revised Statutes (2 U.S.C. 35) but for her inability to subscribe to the oath of office. The Clerk shall deduct from any such payment the amounts necessary to provide for continued (1) health and life insurance and retirement benefit coverage and (2) Federal and State income tax withholding.

SEC. 2. (a) Until otherwise provided by law or by action of the House of Representatives, administrative support may be provided and clerical assistants for the office of Gladys Noon Spellman may be designated and adjusted by the Clerk of the House of Representatives (in accordance with any regulations prescribed under subsection (b)) and borne upon the clerk hire payrolls of the House of Representatives. The Clerk shall take such action as may be necessary to apply the principles of section 2 of the joint resolution entitled "Joint resolution relating to the continuance on the payrolls of certain employees in cases of death or resignation of Members of the House of Representatives, Delegates, and Resident Commissioners.", approved August 21, 1935 (2 U.S.C. 92c), to clerical assistants employed pursuant to the preceding sentence.

(b) The Committee on House Administration shall have authority to prescribe regulations for the carrying out of this section.

(c) Payments under this section shall be made on vouchers approved by the Committee on House Administration and signed by the chairman of such committee.

The SPEAKER pro tempore.<sup>(48)</sup> Is there objection to the request of the gentleman from Louisiana? . . .

Mr. [Trent] LOTT [of Mississippi]. All right. Would this in any way affect the proxy voting in subcommittees or committees, this resolution?

Mr. LONG of Louisiana. I am informed that because of the fact that the Member has not been sworn in, there would be no voting rights in this instance.

Mr. LOTT. I thank the gentleman. . . .

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

There was no objection.

The resolution was agreed to.

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the oath or resign. The House adopted by voice vote a resolution declaring the seat vacant on February 24, 1981. See 127 CONG. REC. 2917, 97th Cong. 1st Sess.

47. 127 CONG. REC. 974, 975, 97th Cong. 1st Sess.

48. Thomas Foley (WA).

**§ 1.7 The administration of the oath of office to a Member-elect was delayed pending his resignation from an incompatible office.<sup>(49)</sup>**

On January 9, 1995,<sup>(50)</sup> five days after the convening of the Congress, the following occurred:

SWEARING IN OF THE HONORABLE J.C. WATTS

The SPEAKER.<sup>(51)</sup> Will the Honorable J.C. WATTS of Oklahoma kindly step forward and take the oath of office.

Mr. [J.C.] WATTS of Oklahoma appeared at the bar of the House and took the following oath of office:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely; without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. The gentleman from Oklahoma is a Member of the U.S. House of Representatives.

**§ 1.8 The House by unanimous consent granted a leave of absence<sup>(52)</sup> to a Member-elect who had not been administered the oath of office.**

On January 5, 2011,<sup>(53)</sup> the first day of the 112th Congress, the following occurred:

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business in the district.

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**49.** *Parliamentarian's Note:* Rep. J.C. Watts of Oklahoma was not sworn on opening day as he held an incompatible office at that time (Corporation Commissioner, a state elective office). Rep. Watts was advised that he would become entitled to pay from the beginning of the Congress after taking the oath of office (14 Op. Att'y Gen. 408 (1874)). For more information on the issue of incompatible offices, see Deschler's Precedents Ch. 7 § 13 and Precedents (Wickham) Ch. 7.

**50.** 141 CONG. REC. 842, 104th Cong. 1st Sess.

**51.** Newt Gingrich (GA).

**52.** For more information on Members' salaries and leaves of absence, see Deschler's Precedents Ch. 7 § 5 and Precedents (Wickham) Ch. 7.

**53.** 157 CONG. REC. 106, 112th Cong. 1st Sess.

## § 2. Presentation of Credentials and the Clerk's Roll

The procedures for enrolling Members on opening day of a new Congress derive from constitutional and statutory provisions, as well as general parliamentary law and the customs and traditions of the House.<sup>(1)</sup> The first step in this process is the presentation of appropriate credentials from state election officials. These credentials take the form of a specific document known as the certificate of election, which is certified by a state executive official and attests that the individual named was duly elected to the House.<sup>(2)</sup> Certificates of election are transmitted to the Clerk of the House and may arrive any time between the election and the opening of the new Congress. The Clerk gathers together such certificates and uses them to compose a roll of Members–elect.<sup>(3)</sup>

The Clerk generally will not include a Member–elect on the Clerk's roll if such individual is not supported by a certificate of election.<sup>(4)</sup> The Clerk may review state law to determine if the certificate is in proper form and validly issued.<sup>(5)</sup> On occasion, certificates of election have not been transmitted to the Clerk in time for the Members–elect to be included on the Clerk's roll on opening day. In such circumstances, the House has, by unanimous consent, permitted the individuals to be included in the roll (where there was no controversy as to the election, the delay in transmitting credentials being a purely administrative matter).<sup>(6)</sup> If a notice of an election contest has been filed, but the Member–elect appears with proper credentials, such Member–elect will be included on the Clerk's roll, without prejudice to the final determination as to which individual is entitled to that seat.<sup>(7)</sup>

When a Member–elect dies before the new Congress convenes, such Member–elect's name remains on the Clerk's roll, and is only removed therefrom

1. For organizational steps at the beginning of a Congress, see generally Deschler's Precedents Ch. 1 and Precedents (Wickham) Ch. 1.
2. For more on certificates of election generally, see Deschler's Precedents Ch. 8 §§ 15–17.
3. 2 U.S.C. § 26. In the absence or incapacity of the Clerk, the duty of composing the roll of Members–elect devolves to the Sergeant–at–Arms. For an example of the Doorkeeper (a position abolished in the 104th Congress) assuming these functions in the absence of both the Clerk and the Sergeant–at–Arms, see Deschler's Precedents Ch. 2 § 4.2.
4. *Parliamentarian's Note*: For the last known instance of the Clerk including a Member–elect on the Clerk's roll without having received a certificate of election (but having received a communication from the Governor regarding an issue of state election law), see Deschler's Precedents Ch. 2 § 4.4.
5. See, e.g., Deschler's Precedents Ch. 2 § 4.3.
6. See §§ 2.1, 2.2, *infra*.
7. For parliamentary inquiries on this issue, see § 2.3, *infra*.

after the initial quorum call and a subsequent announcement by the Clerk that a vacancy exists for that congressional seat.<sup>(8)</sup> Similarly, a Member-elect who declines to take a seat (*i.e.*, resigns as a Member-elect for the upcoming Congress) remains on the Clerk's roll until formal notification of such resignation can be laid before the House and the vacancy announced.<sup>(9)</sup>

The Clerk's roll lists Members-elect alphabetically by state, and is called only once, at the beginning of a new Congress, to establish a quorum.<sup>(10)</sup> Once this initial quorum is established, the House may then proceed to the organization of the House. The Clerk's roll serves as the formal list of those individuals authorized to participate in those additional steps of organization, which include the election of the Speaker and proceedings prior thereto.<sup>(11)</sup>

### ***Composing the Clerk's Roll***

**§ 2.1 At the beginning of a Congress, Members-elect from a state have been permitted, by unanimous consent, to record their presence during the first quorum call and to vote for the Speaker, where certificates of election had not been received by the Clerk (due to state administrative delay in certifications of all elections in that state) and there was no contest with respect to such elections.**<sup>(12)</sup>

For the January 4, 1995,<sup>(13)</sup> proceedings, see Precedents (Wickham) Ch. 1 § 3.6.

8. See § 2.4, *infra*. See also Deschler's Precedents Ch. 2 § 4.7. For contrary instances where the Clerk removed a Member-elect's name from the roll upon notification of the death of said Member-elect, see Deschler's Precedents Ch. 2 §§ 4.6, 4.8, and 4.9.

9. See § 2.5, *infra*.

10. See Deschler's Precedents Ch. 1 § 5.1 and Deschler's Precedents Ch. 2 § 4.1.

11. See Deschler's Precedents Ch. 1 § 6.1.

12. *Parliamentarian's Note*: The Secretary of State for the state of Alabama withheld the certificates of election for the entire delegation until a contested state-level election was resolved. In lieu of the certificates, the Secretary of State sent a letter unofficially informing the House that the members of the delegation had received a majority of votes. The official certificates of election were not received until a month later. Unanimous consent was required to permit the delegation to participate in the quorum call and to vote for the Speaker because a Member-elect has the right to be included on the Clerk's roll only if a certificate of election, in due form, is on file with the Clerk; and only those Members whose names appear on the Clerk's roll are entitled to vote for a new Speaker or to participate in organizational proceedings prior to the administration of the oath. A claimant not on the roll, however, may take the oath and be admitted to membership. See Deschler's Precedents Ch. 2 § 2.

13. 141 CONG. REC. 439, 446, 104th Cong. 1st Sess.

**§ 2.2 Where the official certificate of election for a Member-elect is not received by the Clerk prior to the opening of a new Congress, thus preventing such Member-elect from being included on the Clerk's roll, unanimous consent is required to allow such Member-elect to register his or her presence during the initial quorum call and to vote for Speaker.<sup>(14)</sup>**

On January 7, 2003,<sup>(15)</sup> the following occurred:

The CLERK.<sup>(16)</sup> Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 107-328 for the meeting of the 108th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 434 seats in the 108th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House a facsimile of a communication from the Chief Election Officer of the State of Hawaii.

JANUARY 5, 2003.

Hon. JEFF TRANDAHL,  
*Clerk, House of Representatives,*  
*Washington, DC.*

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Saturday, January 4, 2003 for Representative in Congress from the Second Congressional District of Hawaii show that Ed Case (D) received 33,002 of votes of the total number cast for that office.

It would appear from the unofficial results that Ed Case (D) was elected Representative from the Second Congressional District of Hawaii. We are unaware of any election contest at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law. . . .

Very truly yours,

DWAYNE D. YOSHINA,  
*Chief Election Officer. . . .*

The CLERK. Without objection, the Representative-elect from the Second District of the State of Hawaii will be allowed to record his presence and also to vote on the election of the Speaker.

There was no objection.

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14. *Parliamentarian's Note:* Rep. Patsy Mink of Hawaii died on September 28, 2002, but was reelected posthumously to the 108th Congress. Ed Case won the special election on January 4, 2003, to fill the vacancy caused by her death, but the certificate of election had not been received by the Clerk in time to be included on the Clerk's roll.
15. 149 CONG. REC. 1, 108th Cong. 1st Sess. See also Precedents (Wickham) Ch. 1 § 4.3.
16. Jeff Trandahl.

The CLERK. Without objection, the Representatives–elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

**§ 2.3 In response to parliamentary inquiries, the Speaker informed the House that she had been advised by the Clerk: (1) that notice of an election contest had been filed with respect to an election; (2) that among the credentials of Members–elect were documents reflecting that a Member–elect had been certified by the state official as duly elected; and (3) that the seating of a Member–elect is without prejudice to a contest over final right to the seat.**

On January 4, 2007,<sup>(17)</sup> the Speaker entertained parliamentary inquiries as follows:

#### SWEARING IN OF MEMBERS

The SPEAKER.<sup>(18)</sup> According to precedent, the Chair will swear in the Members–elect en masse.

#### PARLIAMENTARY INQUIRY

Mr. [Rush] HOLT [of New Jersey]. I have a parliamentary inquiry, Madam Speaker.  
The SPEAKER. The gentleman may state his inquiry.

Mr. HOLT. In light of the fact that there are nonpartisan and partisan lawsuits under way with regard to Florida’s 13th Congressional District and that the votes of 18,000 voters were not recorded on the paperless electronic voting machines in an election decided by only 369 votes, may I ask for the record whether a notice of contest has been filed with the Clerk on behalf of CHRISTINE JENNINGS pursuant to law and what effect, if any, today’s proceedings have on the pending contests?

The SPEAKER. The Chair is advised by the Clerk that a notice of contest pursuant to statute, section 382 of title 2, United States Code, has been filed with the Clerk. Under section 5 of article I of the Constitution and the statute, the House remains the judge of the elections of its Members. The seating of this Member–elect is entirely without prejudice to the contest over the final right to that seat that is pending under the statute and will be reviewed in the ordinary course in the Committee on House Administration.

Mr. HOLT. I thank the Speaker.

#### PARLIAMENTARY INQUIRY

Mr. [Adam] PUTNAM [of Florida]. Parliamentary inquiry, Madam Speaker.  
The SPEAKER. The gentleman may state his inquiry.

Mr. PUTNAM. Am I correct, Madam Speaker, that the gentleman from Florida (Mr. BUCHANAN) has been certified by the Secretary of State as duly elected from the 13th District of Florida?

17. 153 CONG. REC. 5, 110th Cong. 1st Sess.

18. Nancy Pelosi (CA).

The SPEAKER. The gentleman is correct.

Mr. PUTNAM. I thank the Speaker.

The SPEAKER. If the Members–elect will rise, the Chair will now administer the oath of office.

The Members–elect and Delegates–elect and the Resident Commissioner–elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 110th Congress.

### *Death or Resignation of Member–elect*

**§ 2.4 When a Member–elect dies prior to opening day of a new Congress, such Member–elect’s name is included in the Clerk’s roll (because the certificate of election remains on file with the Clerk), and the Clerk on opening day announces to the House the existence of a vacancy caused by the death of such Member–elect.**

On January 3, 2001,<sup>(19)</sup> the following announcement was made by the Clerk following the initial quorum call of Members–elect for the 107th Congress:

#### ANNOUNCEMENT BY THE CLERK

The CLERK.<sup>(20)</sup> The Clerk will state that since the last regular election of Representatives to the 107th Congress, a vacancy now exists in the 32d District of the State of California, occasioned by the death of the late Honorable Julian C. Dixon.

**§ 2.5 When a Member–elect resigns prior to the beginning of the Congress to which such individual was elected,<sup>(21)</sup> the name of such Member–elect remains on the Clerk’s roll, and the Clerk lays**

19. 147 CONG. REC. 20, 107th Cong. 1st Sess. See also Deschler’s Precedents Ch. 38 § 2.12 and Precedents (Wickham) Ch. 1 § 3.7.

20. Jeff Trandahl.

21. *Parliamentarian’s Note*: Rep. Rahm Emanuel of Illinois, a Member of the 110th Congress and a Member–elect for the 111th Congress, wrote a letter to the Governor of Illinois stating that he resigned “effective January 2, 2009.” Taken literally, such statement could be construed as a resignation only for the final day of the 110th Congress and not as a Member–elect for the 111th Congress. Rep. Emanuel’s letter to the Speaker clarified that he intended not to take his seat in the 111th Congress.

**before the House the letter of resignation following the initial quorum call.**

On January 6, 2009,<sup>(22)</sup> the following communications were laid before the House following the initial quorum call of Members–elect for the 111th Congress:

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The CLERK.<sup>(23)</sup> The Clerk is in receipt of a letter of resignation from the Honorable Rahm Emanuel from the State of Illinois.

Without objection, the letters relating to his resignation will be printed in the RECORD. There was no objection.

DECEMBER 30, 2008.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI: I am writing to inform you that I have notified the Governor of Illinois of my resignation from the U.S. House of Representatives effective January 2, 2009, at the end of the 110th Congress. I do not intend to take the office of Representative for the Fifth Congressional District in the 111th Congress. A copy of that letter is attached.

It has been a privilege to serve the constituents of Illinois' 5th District for the last six years and to work with you and our colleagues in Congress.

Sincerely,

RAHM EMANUEL,  
*Member of Congress.*

JANUARY 2, 2009.

Hon. ROD BLAGOJEVICH,  
*Governor, State of Illinois,*  
*Statehouse, Springfield, IL.*

DEAR GOVERNOR BLAGOJEVICH: I am writing to resign my position as United States Representative from the Fifth Congressional District of Illinois, effective January 2, 2009.

It has been a tremendous privilege to serve the people of the Fifth District over the past six years. I am grateful for the opportunity to represent the hopes and dreams of a quintessentially American district, from hardworking families to new immigrants to the senior citizens who built this great country. It has been my particular privilege to represent the district's many military troops and veterans, who put their lives on the line to protect the values we cherish. Their sense of duty and sacrifice has been an inspiration, which I will carry with me to my new duties as chief of staff to President–elect Barack Obama.

As sons of immigrants to this country, you and I have a deep appreciation for the opportunities America provides to those who are willing to work hard and sacrifice for their

22. 155 CONG. REC. 2, 111th Cong. 1st Sess. See also 151 CONG. REC. 36–39, 41, 109th Cong. 1st Sess. (Jan. 4, 2005).

23. Lorraine Miller.

children. As a member of the next Administration in Washington, I will strive to maintain and expand that opportunity for all families, because the chance to work hard and build a better life is the principle that unites all Americans. Over the past few years, our government in Washington has lost sight of that principle by catering to the wealthiest Americans and powerful special interests—leaving middle-class Americans to struggle with rising health care costs, reduced pensions and a collapsing economy. The recent election was a clarion call for a change in direction, so we can recapture the values that have made our nation a beacon of hope and opportunity.

As I go to work everyday in the incoming Obama Administration, I will keep in mind the stories of the working families and senior citizens who I met during the past six years in grocery stores, schools and churches across the Fifth District. I will strive to make our government work for them and their children, because that is the true measure of our success as a nation.

With gratitude and best wishes,

Sincerely,

RAHM EMANUEL,  
*Member of Congress.*

### § 3. Administering the Oath

As noted in the preceding section, the Clerk's roll is called immediately after the convening of a new Congress, with the Clerk from the previous Congress presiding over the initial quorum call.<sup>(1)</sup> Those Members-elect on the Clerk's roll are entitled to participate in proceedings prior to the election of Speaker and are eligible to vote in such election.<sup>(2)</sup> Members-elect may pose parliamentary inquiries to the Clerk prior to the election of Speaker,<sup>(3)</sup> and may also appeal rulings made by the Clerk.<sup>(4)</sup> Members-elect may propound (and agree to) unanimous-consent requests, such as to permit Members-elect lacking certificates of election to be included in the Clerk's roll.<sup>(5)</sup> Members-elect may vote for Speaker even if they fail to record their presence during the initial quorum call.<sup>(6)</sup>

After the election of Speaker, the Dean of the House (traditionally the Member with the longest continuous service in the House) administers the

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1. *Parliamentarian's Note*: When the House convenes for a second (or any subsequent) session, the membership of the body has already been established. Thus, the initial quorum call to begin a second session of a Congress is a regular quorum call of full Members (not Members-elect). See § 3.4, *infra*.
  2. *Parliamentarian's Note*: Delegates-elect and the Resident Commissioner-elect, however, are not permitted to vote for Speaker. See *Precedents (Wickham)* Ch. 1 § 3.5.
  3. See 143 CONG. REC. 114–20, 105th Cong. 1st Sess. (Jan. 7, 1997).
  4. See § 3.4, *infra*.
  5. See § 2.1, *supra*.
  6. See 143 CONG. REC. 114–120, 105th Cong. 1st Sess. (Jan. 7, 1997).

oath of office to the Speaker-elect. The newly-elected Speaker then administers the oath of office to all other Members-elect *en masse* on the floor of the House.<sup>(7)</sup> It is at this point that Members-elect become full Members of the House, with all associated rights and privileges. Members-elect who are not present for the *en masse* swearing in are administered the oath when they arrive (either on opening day<sup>(8)</sup> or on a subsequent day).<sup>(9)</sup> Before the Speaker administers the oath of office to Members-elect, a challenge may be made to the swearing in of any individual Member-elect or group of Members-elect.<sup>(10)</sup> The Speaker may also respond to parliamentary inquiries regarding any election contests that may have been filed.<sup>(11)</sup>

Members-elect may be sworn in at times other than the beginning of a Congress. Vacancies in House seats may occur at any point during a Congress, most often due to the death or resignation of the Member holding that seat.<sup>(12)</sup> When a vacancy occurs, the state will typically hold a special election to elect another individual to serve out the remainder of the unexpired term.<sup>(13)</sup> For the winner of such special election to take a seat in the House, he or she must present valid credentials in the form of the official certificate of election. Often, there is a delay in the transmittal of the original certificate of election. Authenticated copies of original certificates of election, delivered by fax or via email to the Clerk of the House, have been treated as sufficient documentation to support administering the oath of office to Members-elect, and unanimous consent to administer the oath is not required.<sup>(14)</sup> By contrast, unauthenticated copies of certificates, unofficial vote totals, or other communications from state election officials indicating that an individual has a rightful claim to a seat have not been treated as sufficient documentary evidence. However, absent some known controversy

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7. See Deschler's Precedents Ch. 1 § 7.1 and Deschler's Precedents Ch. 2 § 5.1.

*Parliamentarian's Note:* The practice of swearing in Members *en masse* began in 1929 under Speaker Nicholas Longworth of Ohio, replacing the prior custom of swearing in by state delegation. Though several subsequent Speakers reverted to the older practice, Speaker William Bankhead of Alabama returned to swearing in *en masse* at the beginning of the 75th Congress (1937) and this has been the uniform practice ever since.

8. See, *e.g.*, Deschler's Precedents Ch. 2 § 5.13.

9. See, *e.g.*, Deschler's Precedents Ch. 2 §§ 5.14–5.16.

10. See § 4, *infra*.

11. See § 2.3, *supra*.

12. See generally, Deschler's Precedents Ch. 37 and Deschler's Precedents Ch. 38. A vacancy may also arise when a Member of the House is expelled. See Deschler's Precedents Ch. 12 § 13 and Precedents (Wickham) Ch. 12.

13. See, *e.g.*, Deschler's Precedents Ch. 2 § 3.6.

14. See §§ 3.5, 3.6, *infra*.

regarding the election, the House will often grant unanimous consent to allow the presumed winner of the election to be sworn in as a Member.<sup>(15)</sup> In special circumstances, the House may adopt a resolution authorizing the Speaker to administer the oath of office to a new Member-elect.<sup>(16)</sup> Often this will occur when there is some controversy over the election (for example, a pending election contest) and unanimous consent cannot be obtained to administer the oath.<sup>(17)</sup>

If a special election occurs between sessions of a Congress, the new Member-elect is not included in the initial quorum call at the beginning of the second (or subsequent) session. Instead, the House establishes its quorum first before the Speaker lays before the House the relevant communications indicating that a certificate of election has been received by the Clerk.<sup>(18)</sup> However, if only insufficient documentation is available, unanimous consent is required to administer the oath.<sup>(19)</sup>

While it is normally the Speaker who administers the oath of office, this duty may also be performed by a Speaker pro tempore.<sup>(20)</sup> An elected Speaker pro tempore may administer the oath without the need for any separate authorization because such individual exercises virtually all the authorities granted to the Speaker.<sup>(21)</sup> By contrast, an appointed Speaker pro tempore merely undertakes certain duties (such as presiding over the House or signing enrolled bills) and thus unanimous consent is required to allow such person to administer the oath of office to a Member-elect.<sup>(22)</sup>

The House may also authorize the Speaker to deputize another to administer the oath of office. Most often, this is done when the Member-elect cannot travel to Washington, D.C., to be present on opening day of a new Congress (due to illness, for example). For these circumstances, the House will adopt a resolution conferring on the Speaker the authority to name a deputy to administer the oath.<sup>(23)</sup> Such resolutions are privileged for consideration.<sup>(24)</sup> The Speaker may deputize anyone to administer the oath of office,

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15. See §§ 3.10, 3.11, *infra*. See also Deschler's Precedents Ch. 2 §§ 3.1–3.5.

16. See Deschler's Precedents Ch. 2 §§ 5.5–5.7.

17. See §§ 3.7, 3.9, *infra*.

18. See § 3.4, *infra*. See also Deschler's Precedents Ch. 2 § 4.11. If the original certificate of election has arrived, the oath may be administered before the quorum call, as the administration of the oath of office does not require the presence of a quorum. See 6 Cannon's Precedents § 22.

19. Unanimous-consent requests are not considered business that requires a quorum. Deschler's Precedents Ch. 20 § 18.7.

20. For full treatment of the office of Speaker pro tempore, see Deschler's Precedents Ch. 6 §§ 9–14 and Precedents (Wickham) Ch. 6.

21. See § 3.12, *infra*.

22. See Deschler's Precedents Ch. 2 § 5.2.

23. See § 3.13, *infra*. See also Deschler's Precedents Ch. 2 §§ 5.8–5.12.

24. See, *e.g.*, H. Res. 8, 133 CONG. REC. 19, 100th Cong. 1st Sess. (Jan. 6, 1987) and H. Res. 25, 133 CONG. REC. 820, 821, 100th Cong. 1st Sess. (Jan. 7, 1987)

though this function is typically performed by a Federal or state judge,<sup>(25)</sup> and occasionally by another Member of the House.<sup>(26)</sup> When the oath is administered, the person deputized to administer the oath informs the Speaker, who lays such communication before the House.<sup>(27)</sup> The House formally “accepts” the oath administered by a deputy, either in the resolution authorizing the Speaker to deputize<sup>(28)</sup> or by separate resolution.<sup>(29)</sup>

The administration of the oath of office is a matter of high privilege, and takes precedence over other business, such as a motion to amend the Journal.<sup>(30)</sup> The administration of the oath may take place during a vote,<sup>(31)</sup> during a quorum call,<sup>(32)</sup> during consideration of a resolution proposing a special order of business,<sup>(33)</sup> during the consideration of a resolution adopting the standing rules of the House,<sup>(34)</sup> and during the call of committees on Calendar Wednesday.<sup>(35)</sup> The oath may be administered after the previous question has been ordered on a pending matter,<sup>(36)</sup> and also pending the question of engrossment and third reading of a bill (with the previous question operating to final passage).<sup>(37)</sup> As noted earlier, the administration of the oath does not require the presence of a quorum.<sup>(38)</sup> Where the House adopts a resolution authorizing the Speaker to administer the oath, the oath cannot be deferred, even by a motion to adjourn.<sup>(39)</sup> However, where the Member-elect is not present in the Chamber to take the oath, the Speaker may recognize for a motion to adjourn.<sup>(40)</sup>

### ***Opening Day—First Session***

**§ 3.1 Where no challenge is made to the seating of any Member-elect, the Speaker administers the oath of office to Members-elect *en masse*.**

25. See § 3.13, *infra*.

26. See 129 CONG. REC. 52, 98th Cong. 1st Sess. (Jan. 3, 1983).

27. See § 3.14, *infra*.

28. See § 3.13, *infra*.

29. See § 3.15, *infra*.

30. See 1 Hinds' Precedents § 171.

31. See §§ 3.18, 3.21, *infra*.

32. See § 3.16, *infra*.

33. See Deschler's Precedents Ch. 2 § 5.18.

34. See § 3.20, *infra*.

35. See § 3.22, *infra*.

36. See Deschler's Precedents Ch. 2 § 5.17.

37. See § 3.19, *infra*.

38. See 6 Cannon's Precedents § 22.

39. See 1 Hinds' Precedents § 622.

40. See § 3.17, *infra*.

On January 3, 2013,<sup>(41)</sup> opening day of the first session of the 113th Congress, Members–elect were administered the oath of office *en masse* as follows:

## SWEARING IN OF MEMBERS

The SPEAKER.<sup>(42)</sup> According to precedent, the Chair will swear in the Members–elect *en masse*.

The Members–elect will rise and raise their right hands.

The Members–elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now Members of the 113th Congress.

**§ 3.2 The Speaker administered the oath of office to twelve Members–elect.**<sup>(43)</sup>

On January 7, 2015,<sup>(44)</sup> the following occurred:

## SWEARING IN OF MEMBERS–ELECT

The SPEAKER.<sup>(45)</sup> Will the Representatives–elect please present themselves in the well.

Mr. CROWLEY of New York, Mr. ENGEL of New York, Mr. HIGGINS of New York, Mrs. LOWEY of New York, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Mr. MEEKS of New York, Ms. MENG of New York, Mr. NADLER of New York, Mr. RANGEL of New York, Mr. TONKO of New York, and Ms. VELÁZQUEZ of New York appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 114th Congress.

41. 159 CONG. REC. H5 [Daily Ed.], 113th Cong. 1st Sess.

42. John Boehner (OH).

43. *Parliamentarian's Note*: This group swearing in immediately following the pledge was the result of the absence of many Members–elect of the New York delegation on opening day due to their attendance at a memorial service. Due to the large number, the Chair's announcement was generic ("Representatives–elect") rather than specific. When the number is three or fewer, the Chair lists each Member–elect and state.

44. 161 CONG. REC. H55 [Daily Ed.], 114th Cong. 1st Sess.

45. John Boehner (OH).

**§ 3.3 Where two Members–elect participated in various House and committee business before taking the oath of office, the House adopted a resolution correcting the results of record votes to remove mention of such Members–elect and ratifying numerous legislative activities involving one or both of such Members–elect.<sup>(46)</sup>**

On January 7, 2011,<sup>(47)</sup> where two Members–elect had mistakenly engaged in legislative activity prior to being sworn, the House adopted a resolution correcting the results of record votes (to remove the names of such Members–elect) and ratifying *post facto* various other actions taken by such Members–elect:

RELATING TO THE STATUS OF CERTAIN ACTIONS TAKEN BY MEMBERS–ELECT

Mr. [David] DREIER [of California]. Madam Speaker, pursuant to House Resolution 26, I send to the desk as the designee of the majority leader a resolution and ask for its immediate consideration. . . .

The Clerk read as follows:

H. RES. 27

Whereas, Representative–elect Sessions and Representative–elect Fitzpatrick were not administered the oath of office pursuant to the third clause in article VI of the Constitution until after the completion of legislative business on January 6, 2011; and

Whereas, the votes cast by Representative–elect Sessions and Representative–elect Fitzpatrick on rollcalls 3 through 8 therefore were nullities: Now, therefore, be it

*Resolved, That—*

(1) the votes recorded for Representative–elect Sessions and Representative–elect Fitzpatrick on rollcalls 3 through 8 be deleted and the vote–totals for each of those rollcalls be adjusted accordingly, both in the Journal and in the Congressional Record;

(2) the election of Representative–elect Sessions to a standing committee and his participation in its proceedings be ratified;

(3) the measures delivered to the Speaker for referral by Representative–elect Sessions be considered as introduced and retain the numbers assigned;

(4) any submissions to the Congressional Record by Representative–elect Sessions or Representative–elect Fitzpatrick be considered as valid;

(5) any cosponsor lists naming Representative–elect Sessions or Representative–elect Fitzpatrick be considered as valid; and

(6) any non–voting participation by Representative–elect Sessions or Representative–elect Fitzpatrick in proceedings on the floor be ratified. . . .

The SPEAKER pro tempore.<sup>(48)</sup> . . .

**46.** *Parliamentarian’s Note:* Reps. Pete Sessions of Texas and Michael Fitzpatrick of Pennsylvania were mistakenly presumed to have taken the oath of office with the other Members–elect *en masse* on opening day on January 5, 2011. The House proceeded to elect Rep. Sessions to a committee, and one or both of them introduced measures, were named as cosponsors of measures, submitted statements for the *Congressional Record*, participated in the reading on the floor of the Constitution on January 6, 2011, and participated in various quorum calls and electronic votes. Reps. Sessions and Fitzpatrick finally took the oath of office on January 6, 2011. See 155 CONG. REC. 164, 112th Cong. 1st Sess.

**47.** 157 CONG. REC. 227–29, 112th Cong. 1st Sess.

**48.** Candice Miller (MI).

Pursuant to section 3 of House Resolution 26, the previous question is ordered on the resolution.

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. [Anthony] WEINER [of New York]. Madam Speaker, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 159, answered “present” 3, not voting 15, as follows:

***Opening Day—Second Session***

**§ 3.4 Members—elect, elected to fill vacancies occurring in the first session, are not included on the roll call to ascertain the presence of a quorum when the second session convenes, and their names are included on the roll only after their certificates of election have been laid before the House and after the oath has been administered to them.**

On January 25, 1988,<sup>(49)</sup> after the initial quorum call for the second session of the 100th Congress had taken place, the following communications were laid before the House:

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
*January 25, 1988.*

Hon. JIM WRIGHT,  
*The Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a telegram received from the Honorable Gentry Crowell, Secretary of State, State of Tennessee, advising that based upon the unofficial returns the apparent winner of the special election for the Fifth Congressional District of the State of Tennessee held on January 19, 1988, was the Honorable Bob Clement. An official election certificate will be issued by the Secretary of State on January 26, 1988, and transmitted to the House of Representatives.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,  
*Clerk, House of Representatives.*

<sup>49</sup>. 134 CONG. REC. 38–39, 100th Cong. 2d Sess. See also 128 CONG. REC. 61, 62, 97th Cong. 2d Sess. (Jan. 25, 1982).

[Western Union Telegram]

STATE OF TENNESSEE,  
*Nashville, TN, January 21, 1988.*DONNALD K. ANDERSON,  
*Clerk, U.S. House of Representatives,  
Washington, DC.*

DEAR SIR: This is to advise that a special election to fill the vacant seat from, Tennessee's Fifth Congressional District was held on January 19, 1988. The apparent winner of the election is Bob Clement, Democrat. The unofficial returns are as follows: Bob Clement, 56,090, Terry Holcomb, Republican, 32,765, Joe Driscoll, Independent, 604, Suzanne Stewart, Independent, 678. Official election certification will be completed January 26, certified duplicate original will be sent to you upon completion. Facsimile copy will be sent as well. Thank you for your assistance.

GENTRY CROWELL,  
*Secretary of State.*


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SWEARING IN OF HON. BOB CLEMENT OF TENNESSEE AS A MEMBER OF THE  
HOUSE

Mr. [Ed] JONES of Tennessee. Mr. Speaker, I ask unanimous consent<sup>(50)</sup> that the gentleman from Tennessee, Mr. BOB CLEMENT, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER.<sup>(51)</sup> Is there objection to the request of the gentleman from Tennessee? There was no objection.

The SPEAKER. Will the Honorable BOB CLEMENT of Tennessee kindly step forward and take the oath of office.

Mr. CLEMENT appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman from Tennessee is a Member of the House of Representatives.

### ***Administration of the Oath Mid-Congress***

#### **§ 3.5 An authenticated fax of the original certificate of election has been accepted as sufficient documentation to permit the administration of the oath of office to a Member-elect, and unanimous consent is not required.<sup>(52)</sup>**

50. *Parliamentarian's Note:* If the certificate of election had arrived prior to the convening of the second session, the oath could have been administered prior to the quorum call (such action requiring neither unanimous consent nor a quorum). However, because the certificate of election had not arrived, unanimous consent was required to administer the oath, and such business is not in order prior to the establishment of a quorum. For an older contrary precedent, see 1 Hinds' Precedents § 176 (unanimous consent request to administer the oath entertained prior to the quorum call).

51. James Wright (TX).

52. For a discussion of when unanimous consent *is* required, see § 3.10, *infra*.

On July 25, 2007,<sup>(53)</sup> the following communications (supporting the administration of the oath of office to a Member-elect) were laid before the House:

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 24, 2007.*

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Sonny Perdue, Governor, State of Georgia, indicating that, according to the official returns of the Special Election held July 17, 2007, the Honorable Paul Broun was elected Representative to Congress for the Tenth Congressional District, State of Georgia.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk.*

STATE OF GEORGIA,  
OFFICE OF THE GOVERNOR,  
*Atlanta, GA, July 24, 2007.*

Hon. LORRAINE C. MILLER,  
*Clerk, House of Representatives,*  
*Washington, DC.*

DEAR MS. MILLER: This is to advise you that the Honorable Karen Handel, Secretary of State of Georgia, has certified the results of the Special Election held on Tuesday, July 17, 2007, for Representative in Congress from the Tenth Congressional District of Georgia. The results show that Paul C. Broun, Jr. received 23,529 or 50.42 percent of the total number of votes cast for that office. The Certification of Election is enclosed.

I have issued Dr. Broun's commission to serve as the Representative in Congress from Georgia's Tenth Congressional District of Georgia. There appears to be no contest to this election.

Sincerely,

SONNY PERDUE,  
*Governor.*

**53.** 153 CONG. REC. 20611, 110th Cong. 1st Sess. For similar examples, see, *e.g.*, 140 CONG. REC. 11980, 11981 (May 26, 1994); 143 CONG. REC. 5883, 5834 (Apr. 17, 1997); 145 CONG. REC. 11929 (June 8, 1999); 147 CONG. REC. 10105 (June 7, 2001); and 151 CONG. REC. 4178, 4239 (Mar. 10, 2005).

SWEARING IN OF THE HONORABLE PAUL C. BROUN, OF GEORGIA, AS A  
MEMBER OF THE HOUSE

The SPEAKER.<sup>(54)</sup> Will the Representative-elect and the Members of the Georgia delegation present themselves in the well.

Mr. BROUN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 110th Congress.

**§ 3.6 An authenticated scanned image of the original certificate of election has been accepted as sufficient documentation to permit the administration of the oath of office to a Member-elect, and unanimous consent is not required.**<sup>(55)</sup>

On September 4, 2007,<sup>(56)</sup> the following communications (supporting the administration of the oath of office to a Member-elect) were laid before the House:

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 31, 2007.*

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a Certificate of Election received from the Honorable Debra Bowen, Secretary of State of California, indicating that, at the Special Election held on August 21, 2007, the Honorable Laura Richardson was duly elected Representative in Congress for the Thirty-Seventh Congressional District, State of California.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

Enclosure.

CERTIFICATE OF ELECTION

I, Debra Bowen, Secretary of State of the State of California, hereby certify: That according to the official canvass of votes cast in the Special General Election held on the

**54.** Nancy Pelosi (CA).

**55.** *Parliamentarian's Note:* This was the first instance of an emailed scan of a certificate of election supporting the administration of the oath of office.

**56.** 153 CONG. REC. 23452, 23453, 110th Cong. 1st Sess.

21st day of August, 2007 in the 37th Congressional District, Laura Richardson was elected to the office of United States Representative, District 37 for the term prescribed by law.

SWEARING IN OF THE HONORABLE LAURA RICHARDSON, OF CALIFORNIA, AS  
A MEMBER OF THE HOUSE

The SPEAKER.<sup>(57)</sup> Will Representative-elect RICHARDSON and the Members of the California delegation present themselves in the well.

Ms. RICHARDSON appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

*Authorizing the Administration of the Oath by Resolution*

**§ 3.7 The Committee on House Administration reported a privileged resolution authorizing the Speaker to administer the oath of office to a Member-elect and referring the question of final right to the seat to that committee for further investigation.**

On February 20, 1974,<sup>(58)</sup> the House adopted the following privileged resolution to administer the oath of office to John Murtha of Pennsylvania (whose certificate of election had not yet arrived due to a continuing vote recount mandated by state law):

AUTHORIZING THE SPEAKER TO ADMINISTER THE OATH OF OFFICE TO  
JOHN P. MURTHA

Mr. HAYS, from the Committee on House Administration, reported the following privileged resolution (H. Res. 871), Report No. 93-801, which was referred to the House Calendar and ordered to be printed. . . .

The Clerk read as follows:

H. RES. 871

*Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Pennsylvania, John P. Murtha; and be it further

*Resolved*, That the question of the final right of John P. Murtha to a seat in the Ninety-third Congress be referred to the Committee on House Administration, and said committee shall have the power to send for persons and papers and examine witnesses on oath in relation to the subject matter of this resolution.

**57.** Nancy Pelosi (CA).

**58.** 120 CONG. REC. 3516, 93d Cong. 2d Sess.

**§ 3.8 The House adopted a privileged resolution reported from the Committee on House Administration, to which the House had referred the question of final seating of two candidates (and pending which neither candidate had been temporarily seated), determining on the basis of a complete committee recount that one candidate (not the certified Member-elect) should be finally seated.**

On May 1, 1985,<sup>(59)</sup> the following privileged resolution resolving an election contest<sup>(60)</sup> was adopted:

RELATING TO ELECTION OF A REPRESENTATIVE FROM THE EIGHTH  
CONGRESSIONAL DISTRICT OF INDIANA

Mr. [Leon] PANETTA [of California]. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 146) relating to election of a Representative from the Eighth Congressional District of Indiana, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 146

*Resolved*, That, based on a recount of votes in the election of November 6, 1984, conducted pursuant to House Resolution 1, Ninety-ninth Congress, agreed to January 3, 1985, the House of Representatives determines that Frank McCloskey was duly elected to the office of Representative from the Eighth Congressional District of Indiana and is entitled to a seat in the Ninety-ninth Congress.

Mr. [Joe] BARTON of Texas. Mr. Speaker, I raise a question of consideration and demand that the Chair put the question.

The SPEAKER pro tempore [Mr. [James] WRIGHT [of Texas]]. The question is, Will the House now consider House Resolution 146?

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

Mr. BARTON of Texas. 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 242, nays 185, not voting 6, as follows:

[Roll No. 89] . . .

So the House agreed to consider House Resolution 146.

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

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- 59.** 131 CONG. REC. 9998, 9999, 10003, 10017–20, 99th Cong. 1st Sess. For more on election contests generally, see Deschler's Precedents Ch. 9 and Precedents (Wickham) Ch. 9. For challenging the right to be sworn, see § 4, *infra*. See also § 3.17, *infra*.
- 60.** *Parliamentarian's Note*: The election contest for Indiana's Eighth Congressional District involved a referral of the contest to the Committee on House Administration and a vote recount conducted by the committee. For the initial challenge to the right to be sworn (and subsequent committee referral), see § 4.1, *infra*. For more details on this contested election, see Precedents (Wickham) Ch. 9.

SWEARING IN OF THE HONORABLE FRANK McCLOSKEY OF INDIANA AS A  
MEMBER OF THE HOUSE

The SPEAKER. It is the intention at this particular time to have the Indiana delegation present to the House the elected candidate.

Mr. McCLOSKEY appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman is a Member of the Congress of the United States.

**§ 3.9 Because state law required the Governor to “appoint” a Member-elect to a vacant seat, and such appointment was considered an election to such vacant seat (even though the vacancy was created after the date of election), the House adopted a privileged resolution authorizing the administration of the oath of office to the Member-elect with those credentials and referring the question of final right to the seat to the Committee on House Administration.<sup>(61)</sup>**

On November 29, 1994,<sup>(62)</sup> the following communications regarding an individual’s election to the 103d Congress were laid before the House, and a privileged resolution adopted permitting the individual to take the oath of office:

## RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 15, 1994.*

Hon. TOM FOLEY,

**61.** *Parliamentarian’s Note:* The House will generally defer to a state Governor’s interpretation of state law. 1 Hinds’ Precedents § 525. In this instance, Oklahoma law provided that if a vacancy in a congressional seat occurred after March 1 of an even-numbered year, the winner of the general election is to be “appointed” by the Governor to fill the remainder of the unexpired term. Here, the vacancy in the 103d Congress occurred on November 15, when Rep. James Inhofe resigned his seat for the First Congressional District of Oklahoma to serve in the Senate. At that time, Steve Largent had already been elected to that seat for the 104th Congress. Under the terms of the Oklahoma statute, the Governor was then required to “appoint” Mr. Largent to the fill the unexpired term for the 103d. The Governor interpreted the requirement to provide this “Order of Appointment” as a mere ministerial duty (since the Governor had no discretion to act otherwise) and thus that it should be treated as an election under Oklahoma law. The House, by adopting a resolution that permitted Member-elect Largent to be sworn, deferred to the Governor’s interpretation, in order to avoid a possible challenge that an “appointment” would violate article I, section 2, of the Constitution (providing that all Members be elected, not appointed) (*House Rules and Manual* § 5 (2017)). See also Deschler’s Precedents Ch. 37 § 5.1.

**62.** 140 CONG. REC. 29585, 29586, 103d Cong. 2d Sess.

*Speaker of the House, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: Attached is the letter I have sent to the Honorable David L. Walters, Governor of the State of Oklahoma, notifying him of my resignation from the House of Representatives effective today, November 15, 1994 at twelve midnight.

Sincerely,

JAMES M. INHOFE,  
*Member of Congress.*

Enclosure: letter.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 15, 1994.*

Hon. DAVID WALTERS,  
*Governor, State of Oklahoma,  
Oklahoma City, OK.*

DEAR GOVERNOR WALTERS: Pursuant to the November 8, 1994 special election, at which time I was elected to serve the vacancy in the United States Senate created by the resignation of Senator David L. Boren, I hereby submit to you my letter of resignation effective twelve midnight, today, November 15, 1994.

Sincerely,

JAMES M. INHOFE,  
*Member of Congress.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 22, 1994.*

Hon. THOMAS S. FOLEY,  
*The Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a certification from the Governor of Oklahoma, Honorable David Walters indicating that, Steve Largent of the First Congressional District, is elected to fill the vacancy in the 103d Congress created by the resignation of the Honorable James M. Inhofe at midnight on November 15, 1994.

This certification has been submitted under the laws of Oklahoma as stated in the accompanying documents. An election certification of Steve Largent to the 104th Congress has also been received in my office.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,  
*Clerk, House of Representatives.*

STATE OF OKLAHOMA,  
*November 17, 1994.*

Hon. DONNALD K. ANDERSON,  
*Clerk of the House of Representatives,*  
*Washington, DC.*

DEAR MR. ANDERSON: The provisions of 26 Okla. Stat., Section 12–101(B), require the election held November 8, 1994, for the seat to which Steve Largent was elected, be treated as election, within the meaning of Oklahoma law, to fill the vacancy of the unexpired term of James M. Inhofe, Member of Congress, who resigned effective November 15, 1994, at twelve midnight. Accordingly, pursuant to that statute, my appointment, as Governor of the State of Oklahoma, is the ministerial act incident to that election.

Sincerely,

DAVID WALTERS,  
*Governor.*

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ORDER OF APPOINTMENT

To: Secretary of State, Oklahoma State Capitol, Oklahoma City, Oklahoma

Please file for record the following executive order. By virtue of the authority vested in me as Governor of the State of Oklahoma, under 26 Okla. Stat., Section 12–101(B), I hereby appoint: Steve Largent, 124 E. 4th Street, Tulsa, Oklahoma 74103 as Member of the United States House of Representatives representing Oklahoma Congressional District 1, to serve the remainder of an unexpired term ending January 3, 1995. Mr. Largent will be succeeding the Honorable James Inhofe (resigned).

In witness whereof, I have hereunto set my hand and caused the seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 17th day of November 1994.

By the Governor of the State of Oklahoma: David Walters.

Attest: Glo Henley, Secretary of State.

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AUTHORIZING AND DIRECTING THE SPEAKER TO ADMINISTER THE OATH OF  
OFFICE TO MR. STEVE LARGENT OF OKLAHOMA

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, I offer a privileged resolution (H. Res. 585), and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

*Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Oklahoma, Mr. Steve Largent.

*Resolved*, that the question of the final right of Mr. Steve Largent to a seat in the One Hundred Third Congress be referred to the Committee on House Administration.

The SPEAKER.<sup>(63)</sup> The gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

Mr. MICHEL. Mr. Speaker, I shall not take the hour, but I offer this resolution to clarify the situation surrounding the seating of Congressman–elect STEVE LARGENT to the 103d Congress.

As my colleagues know, the gentleman from Oklahoma [Mr. INHOFE] won the special election to fill the vacant Senate seat from Oklahoma and has resigned from the House, thereby creating a vacancy.

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63. Thomas Foley (WA).

Mr. Largent was elected on November 8 to represent the First District of Oklahoma. The credentials, forwarded from the State, include a letter from Governor Walters indicating that the provisions of Oklahoma law require that the November 8 election, "be treated as election within the meaning of Oklahoma law to fill the vacancy of the unexpired term of JAMES M. INHOFE." The Governor also forwarded an order of appointment for Mr. LARGENT to the 103d Congress as, "the ministerial act incident to that election," because the Governor, under Oklahoma law, has no discretion to act otherwise.

Let me cite from the relevant Oklahoma statute, 26 Oklahoma Statute, section 12-101, paragraph B:

No special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of said office expires the following year. In such case, the candidate elected to said office at the regular General Election shall be appointed by the Governor to fill the unexpired term.

Now, Mr. Speaker, under article I, section 2, of the Constitution, when vacancies occur in the House the executive authority of the State shall issue writs of election to fill such vacancies. Members of the House must be elected, and not appointed, and if the Oklahoma law is construed as an appointment, it likely is unconstitutional. The House has, however, historically given great weight to a State's construction of its laws. This is the first time, as far as I am aware, that the statute has been applicable and, therefore, never came to our attention before.

I know of no objection to the seating of Mr. LARGENT. The Speaker and I have discussed this matter and believe the issue raises enough of a constitutional issue that it ought to be brought to the House's attention, but that we also should seat Mr. LARGENT. My resolution allows for the seating of Mr. LARGENT, but also directs the Committee of House Administration to review the issue for final determination, and I would urge the adoption of the resolution, Mr. Speaker.

Mr. [William] THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank my leader for yielding, I think the point needs to be understood that Mr. LARGENT is being asked to be sworn in as a Member of the House of Representatives because the people in the First District of Oklahoma elected him, notwithstanding a Oklahoma law that says the Governor can appoint. The reason it is being referred to the Committee on House Administration is because in fact the Governor has forwarded the document which says that it was a ministerial duty to appoint him. This raises constitutional questions. Nevertheless the Oklahoma statute says the Governor can appoint.

Mr. Speaker, I am very pleased and proud to say the people of the First District of Oklahoma have sent us a new Congressman being sworn in today.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from California [Mr. THOMAS] for his contribution, and again I urge adoption of the resolution.

Mr. Speaker, I yield back the balance of my time, and 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.

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#### SWEARING IN OF THE HONORABLE STEVE LARGENT AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Member-elect from Oklahoma, the Honorable STEVE LARGENT, please come forward?

Mr. LARGENT appeared at the bar of the House, and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

***Authorizing the Administration of the Oath by Unanimous Consent***

**§ 3.10 The House by unanimous consent permitted a Member-elect to be sworn prior to the receipt of the official certificate of election, where no question or contest existed and the Clerk had received a scanned image of a letter from a state official conveying the unofficial returns of a special election.**

The proceedings of November 15, 2012,<sup>(64)</sup> typify the procedure by which the House by unanimous consent authorizes a Member-elect to take the oath of office where the certificate of election has not yet arrived:

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 8, 2012.*

Hon. JOHN BOEHNER,  
*The Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from The Honorable Kimberly M. Guadagno, Lieutenant Governor/Secretary of State, State of New Jersey, indicating that, according to the unofficial returns of the Special Election held November 6, 2012, the Honorable Donald M. Payne, Jr. was elected Representative to Congress for the Tenth Congressional District, State of New Jersey.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk.*

Enclosure.

STATE OF NEW JERSEY,  
DEPARTMENT OF STATE,  
*Trenton, NJ, November 8, 2012.*

<sup>64</sup>. 158 CONG. REC. 15319, 112th Cong. 2d Sess.

Hon. KAREN L. HAAS,  
*Clerk, House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 6, 2012, for Representative in Congress from the Tenth Congressional District of New Jersey, show that Donald M. Payne, Jr. received 141,714 of the total number of voters cast for that office.

It would appear from these unofficial results that Donald M. Payne, Jr. was elected as Representative in Congress from the Tenth Congressional District of New Jersey.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified, to this office by the Essex, Hudson and Union County Clerks involved, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

KIMBERLY M. GUADAGNO,  
*Lieutenant Governor /*  
*Secretary of State.*

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SWEARING IN OF THE HONORABLE DONALD M. PAYNE, JR., OF NEW JERSEY,  
 AS A MEMBER OF THE HOUSE

Mr. [Christopher] SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey, the Honorable DONALD M. PAYNE, Jr., be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER.<sup>(65)</sup> Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. Will Representative-elect PAYNE and the members of the New Jersey delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise his right hand.

Mr. PAYNE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 112th Congress.

**§ 3.11 The Chair may take under advisement a parliamentary inquiry regarding recognition for a unanimous-consent request to permit a Member-elect to take the oath of office, notwithstanding the fact that the certificate of election had not yet arrived.**

<sup>65</sup>. John Boehner (OH).

On May 26, 1993,<sup>(66)</sup> the Chair responded to a parliamentary inquiry regarding the right of a Member–elect to take the oath of office as follows:

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. [James] McDERMOTT [of Washington]). The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, would it be in order for me to ask unanimous consent that the gentleman from Wisconsin [Mr. BARCA] who has been elected to fill the vacant First District seat, be allowed to take the oath of office, notwithstanding the fact that a certificate of election for him has not arrived? The Republican candidate has conceded and, to my knowledge, there is no objection to Mr. BARCA taking the oath of office from this side of the aisle.

The SPEAKER pro tempore. The Chair would have to take that under advisement with the Speaker of the House.

*Administration of the Oath by a Speaker Pro Tempore*

**§ 3.12 An elected Speaker pro tempore may administer the oath of office to a Member–elect.**

On March 17, 1998,<sup>(67)</sup> the following communications were laid before the House (allowing the administration of the oath of office to a Member–elect by the Speaker pro tempore):<sup>(68)</sup>

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. [Richard] ARMEY [of Texas]) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, March 17, 1998.*

Hon. NEWT GINGRICH,  
*The Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of

66. 139 CONG. REC. 11251, 103d Cong. 1st Sess.

67. 144 CONG. REC. 3835, 3836, 105th Cong. 2d Sess.

68. *Parliamentarian's Note*: An elected Speaker pro tempore exercises virtually all of the same authorities as the Speaker. As such, unanimous consent is not required to allow an elected Speaker pro tempore to administer the oath of office to a Member–elect. An appointed Speaker pro tempore, by contrast, cannot administer the oath of office absent unanimous consent. For more on the distinction between elected and appointed Speakers pro tempore, see Deschler's Precedents Ch. 6 §§ 12–14 and Precedents (Wickham) Ch. 6.

California, indicating that, according to the semi-official canvass of votes cast in the Special Election held March 10, 1998, the Honorable Lois Capps was elected Representative in Congress for the Twenty-second Congressional District, State of California.

With warm regards,

ROBIN H. CARLE,  
*Clerk.*

STATE OF CALIFORNIA—SECRETARY OF STATE

CERTIFICATE OF ELECTION

I, Bill Jones, the Secretary of State of the State of California, hereby certify:

That according to the semi-official canvass of votes cast in the Special Election held on the 10th day of March, 1998 in the 22d Congressional District,

Lois Capps was elected to the office of United States Representative—District 22, for the term prescribed by law.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California at Sacramento, this 11th day of March 1998.

BILL JONES,  
*Secretary of State.*

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SWEARING IN OF THE HONORABLE LOIS CAPPS, OF CALIFORNIA, AS A  
MEMBER OF THE HOUSE

The SPEAKER pro tempore. Will the Members of the California delegation escort the gentlewoman from California, the Member-elect, to the rostrum to receive the oath of office.

Mrs. CAPPS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely and without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God?

The SPEAKER pro tempore. Congratulations, you are now a Member of the Congress of the United States.

***Deputizing Others to Administer the Oath***

**§ 3.13 The House may adopt privileged resolutions authorizing the Speaker or a deputy to administer the oath of office to named Members-elect convalescing in their districts, following which the Speaker pro tempore may deputize Federal judges to administer the oaths.**

On January 7, 2015,<sup>(69)</sup> the following occurred;

**69.** 161 CONG. REC. H95 [Daily Ed.], 114th Cong. 1st Sess. See also *e.g.*, 145 CONG. REC. 246, 106th Cong. 1st Sess. (Jan. 6, 1999) (deputizing state judge).

## AUTHORIZING THE SPEAKER TO ADMINISTER THE OATH OF OFFICE

Ms. [Virginia] FOXX [of North Carolina]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 20

*Resolved*, Whereas, Alan Nunnelee, a Representative-elect from the First District of the State of Mississippi, has been unable from illness to appear in person to be sworn as a Member of the House, and there being no contest or question as to his election; Now, therefore, be it

*Resolved*, That the Speaker, or deputy named by him, is hereby authorized to administer the oath of office to the Honorable Alan Nunnelee at Tupelo, Mississippi and that such oath be accepted and received by the House as the oath of office of the Honorable Alan Nunnelee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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 APPOINTMENT OF HON. MICHAEL MILLS TO ADMINISTER OATH OF OFFICE  
TO HON. ALAN NUNNELEE

The SPEAKER pro tempore.<sup>(70)</sup> Pursuant to the provisions of House Resolution 20, 114th Congress, the Chair appoints the Honorable Judge Michael Mills of the Northern District of Mississippi, United States District Court, to administer the oath of office to the Honorable ALAN NUNNELEE.

**§ 3.14 When the Speaker is authorized to deputize an individual to administer the oath of office to a Member-elect, the Speaker lays before the House communications from such individual confirming that the oath was administered.**

On January 19, 1999,<sup>(71)</sup> the following correspondence was laid before the House for the information of Members:

## COMMUNICATION FROM THE HONORABLE ELLEN SICKLES JAMES

The SPEAKER laid before the House the following communication from the Honorable Ellen Sickles James:

*Martinez, CA, January 7, 1999.*

Hon. J. DENNIS HASTERT,  
*Speaker, U.S. House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: On January 6, 1999 you designated me to administer the oath of office to Representative-elect George Miller of the Seventh District of the State of California under House Resolution 12, One Hundred Sixth Congress.

<sup>70</sup>. Ted Poe (TX).

<sup>71</sup>. 145 CONG. REC. 602, 106th Cong. 1st Sess.

Under such designation, I have the honor to report that on January 7, 1999 at Martinez I administered the oath of office to Mr. Miller. Mr. Miller took the oath prescribed by 5 U.S.C. 3331. I have sent two copies of the oath, signed by Mr. Miller, to the Clerk of the House.

Sincerely,

Judge ELLEN SICKLES JAMES, Ret.

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COMMUNICATION FROM THE HONORABLE MARC B. POCHÉ

The SPEAKER laid before the House the following communication from the Honorable Marc B. Poché:

COURT OF APPEAL,  
*San Francisco, CA, January 8, 1999.*

Hon. J. DENNIS HASTERT,  
*Speaker, U.S. House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: On January 6, 1999, you designated me to administer the oath of office to Representative-elect Sam Farr of the Seventeenth District of the State of California under House Resolution 13, One Hundred Sixth Congress.

Under such designation, I have the honor to report that on January 8, 1999, at Carmel, California, I administered the oath of office to Mr. Farr. Mr. Farr took the oath prescribed by 5 U.S.C. section 3331. I have sent two copies of the oath, signed by Mr. Farr, to the Clerk of the House.

Sincerely,

MARC B. POCHÉ.

**§ 3.15 The House adopted a privileged resolution formally accepting the oath of office administered by a state judge who had been deputized to administer the oath, following confirmation that the Member-elect had been sworn.**

On January 15, 1973,<sup>(72)</sup> following confirmation that the oath of office had been administered to a Member-elect by a state judge appointed by the Speaker, the House adopted a privileged resolution formally accepting<sup>(73)</sup> said oath:

The SPEAKER laid before the House the following communication:

PORTLAND, OREG.,  
*January 8, 1973.*

**72.** 119 CONG. REC. 1054–55, 93d Cong. 1st Sess.

**73.** *Parliamentarian's Note:* This resolution was arguably unnecessary, as the resolution authorizing the Speaker to deputize another to administer the oath (House Resolution 11) already contained language to the effect that the oath (when administered) “be accepted and received by the House.” No similar resolution has been adopted since the 93d Congress.

Hon. CARL ALBERT,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

SIR: In accordance with your designation of me, pursuant to House Resolution 11, Ninety-third Congress, adopted by the House of Representatives, to administer the oath of office to Representative-elect Edith Green of the Third District of Oregon, I have the honor to report that on the 3d day of January, 1973, at Multnomah County, State of Oregon, I administered the oath of office to Mrs. Edith Green, form prescribed by section 1757 of the Revised Statutes of the United States, being the form of oath administered to Members of the House of Representatives, to which Mrs. Green subscribed.

I have the honor to be,

Yours respectfully,

JOHN C. BEATTY, JR.

Mr. [Albert] ULLMAN [of Oregon]. Mr. Speaker, I offer a privileged resolution (H. Res. 129) and ask for its immediate consideration.

The clerk read the resolution as follows:

H. RES. 129

Whereas Edith Green, a Representative from the State of Oregon, from the Third District thereof, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed to the oath of office before the Honorable John C. Beatty, Jr., Judge, Circuit Court of Oregon, Fourth Judicial District, authorized by resolution of this House to administer the oath, and the said oath of office has been presented in her behalf to the House, and there being no contest or question as to her election: Therefore be it

*Resolved*, That the said oath be accepted and received by the House as the oath of office of the said Edith Green as a Member of this House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Privilege and Precedence***

#### **§ 3.16 The Speaker may interrupt a call of the House ordered pursuant to clause 6(e)(2) of rule XV (now clause 7(b) of rule XX),<sup>(74)</sup> to administer the oath of office to a Member-elect.<sup>(75)</sup>**

On January 22, 1981, a Member-elect was administered the oath of office during a call of the House as follows:<sup>(76)</sup>

**74.** *House Rules and Manual* § 1028 (2017).

**75.** *Parliamentarian's Note*: Under former clause 6(a)(2) of rule XV, a point of order of no quorum was not in order during the administration of the oath, and under the precedents, the oath may be administered even in the absence of a quorum (1 Hinds' Precedents § 170; 6 Cannon's Precedents §§ 21, 22). However, in the 106th Congress, the specific exceptions from the normal quorum requirements were eliminated in favor of a clarification of the proscription against entertaining points of no quorum where no question has been put before the House. Thus, during a motion for a call of the House, whether or not a quorum has yet responded, the oath may be administered to a Member-elect.

**76.** 127 CONG. REC. 693, 97th Cong. 1st Sess.; *House Rules and Manual* §§ 200, 204 (2017).

## CALL OF THE HOUSE

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 6] . . .

## SWEARING IN OF MEMBER-ELECT

The SPEAKER<sup>(77)</sup> (during the call of the House). Will the gentleman from Pennsylvania (Mr. ERTEL) present himself in the well of the House for the purpose of taking the oath of office?

Mr. ERTEL appeared at the bar of the House and took the oath of office.

**§ 3.17 If a Member-elect whose right to a seat has been determined by the House is present to take the oath, the right to be sworn cannot be deferred even by a motion to adjourn,<sup>(78)</sup> but the Speaker has entertained the motion to adjourn after adoption of a seating resolution.<sup>(79)</sup>**

On May 1, 1985,<sup>(80)</sup> the following occurred:

## RELATING TO ELECTION OF A REPRESENTATIVE FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

Mr. [Leon] PANETTA [of California]. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 146) relating to election of a Representative from the Eighth Congressional District of Indiana, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 146

*Resolved*, That, based on a recount of votes in the election of November 6, 1984, conducted pursuant to House Resolution 1, Ninety-ninth Congress, agreed to January 3, 1985, the House of Representatives determines that Frank McCloskey was duly elected to the office of Representative from the Eighth Congressional District of Indiana and is entitled to a seat in the Ninety-ninth Congress. . . .

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

77. Thomas O'Neill (MA).

78. 1 Hinds' Precedents § 622.

79. *Parliamentarian's Note*: In this instance, the Member-elect was not present in the Chamber at the time the motion to adjourn was offered. Thus, the Chair entertained a motion to adjourn between the adoption of the resolution authorizing the administration of the oath and the appearance of the Member-elect in the Chamber.

80. 131 CONG. REC. 9998, 9999, 10003, 10017-20, 99th Cong. 1st Sess. See also § 3.17, *supra*.

## MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. [William] FRENZEL [of Minnesota]. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore.<sup>(81)</sup> Is the gentleman opposed to the resolution?

Mr. FRENZEL. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. FRENZEL moves to recommit H. Res. 146 to the Committee on House Administration with instructions that the Committee be directed to count the otherwise valid unnotorized absentee ballots identified by the Task Force on the Indiana Eighth Congressional District in Orange, Lawrence, Daviess and Greene Counties and when that count is completed the Committee will certify the winner and report their findings immediately to the House.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. FRENZEL. 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 183, nays 246, not voting 4, as follows:

[Roll No. 90] . . .

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MOTION TO ADJOURN

The SPEAKER.<sup>(82)</sup> For what purpose does the gentleman from Illinois Mr. MICHEL rise?

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, in view of that vote, the last vote, I move that we adjourn.

The SPEAKER. Would the gentleman withhold until the Chair has had an opportunity to swear in Mr. McCloskey?

Mr. MICHEL. No, Mr. Speaker. Our purpose is to adjourn immediately in keeping with the precedent of the Democratic Party back in 1890.

The SPEAKER. The gentleman appreciates the fact that the motion is not debatable.

Mr. MICHEL. I understand, Mr. Speaker.

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

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

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81. James Wright (TX).

82. Thomas O'Neill (MA).

Mr. MICHEL. 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 179, nays 248, not voting 6, as follows:

[Roll No. 92] . . .

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SWEARING IN OF THE HONORABLE FRANK McCLOSKEY OF INDIANA AS A  
MEMBER OF THE HOUSE

The SPEAKER. It is the intention at this particular time to have the Indiana delegation present to the House the elected candidate.

Mr. McCLOSKEY appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman is a Member of the Congress of the United States.

**§ 3.18 The oath of office may be administered to Members–elect during a vote by electronic device.**<sup>(83)</sup>

On January 4, 2007,<sup>(84)</sup> during an electronic vote, the Speaker administered the oath of office to Members–elect as follows:

SWEARING IN OF MEMBERS–ELECT

The SPEAKER (during the vote).<sup>(85)</sup> Will the gentleman from Texas (Mr. GOHMERT), the gentleman from Kansas (Mr. MORAN), and the gentleman from Michigan (Mr. ROGERS) kindly come to the well of the House and take the oath of office.

Messrs. GOHMERT, MORAN of Kansas, and Rogers of Michigan appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will, well and faithfully, discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

**§ 3.19 A Member–elect was permitted to take the oath of office pending the question of engrossment and third reading of a bill where the previous question was ordered to final passage without intervening motion, except one motion to recommit.**<sup>(86)</sup>

<sup>83.</sup> See 1 Hinds' Precedents § 173 and 6 Cannon's Precedents § 22.

<sup>84.</sup> 153 CONG. REC. 17, 18, 110th Cong. 1st Sess. See also 145 CONG. REC. 233–35, 106th Cong. 1st Sess (Jan. 6, 1999) and 151 CONG. REC. 749, 109th Cong. 1st Sess. (Jan. 25, 2005).

<sup>85.</sup> Nancy Pelosi (CA).

<sup>86.</sup> *Parliamentarian's Note*: The Speaker has also administered the oath of office to a Member–elect between the question of engrossment and third reading and the vote on final

On June 19, 2008,<sup>(87)</sup> the following occurred:

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 18, 2008.*

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Ms. Linda H. Lamone, Administrator, Maryland State Board of Elections, indicating that, according to the unofficial returns of the Special Election held June 17, 2008, the Honorable Donna Edwards was elected Representative to Congress for the Fourth Congressional District, State of Maryland.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk.*

Enclosure.

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MARYLAND  
STATE BOARD OF ELECTIONS,  
*Annapolis, MD, June 18, 2008.*

Hon. LORRAINE C. MILLER  
*Clerk, House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MS. MILLER: This letter is to advise you that the unofficial results of the Special Election held on Tuesday, June 17, 2008, for Representative in Congress from the Fourth Congressional District of Maryland show that Donna Edwards received 15,381 votes or 80 percent of the total number of votes cast for that office on election day excluding absentee and provisional ballots.

It would appear from these unofficial results that Donna Edwards will be certified as the Representative in Congress from Fourth Congressional District of Maryland.

As of the date of this letter, there is no contest to this election.

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passage, where the previous question was operating pursuant to a special order of business, but where the Speaker had postponed proceedings under clause 1(c) of rule XIX. See *House Rules and Manual* § 1000a (2017). See 158 CONG. REC. 1081, 112th Cong. 2d Sess. (Feb. 7, 2012).

87. 154 CONG. REC. 13047–49, 110th Cong. 2d Sess.

As soon as the official results are certified, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

LINDA H. LAMONE,  
*Administrator.*

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SWEARING IN OF THE HONORABLE DONNA EDWARDS, OF MARYLAND, AS A  
MEMBER OF THE HOUSE

Mr. [Steny] HOYER [of Maryland]. Madam Speaker, I ask unanimous consent that the gentlewoman from Maryland, the Honorable DONNA EDWARDS, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER.<sup>(88)</sup> Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. Will Representative-elect EDWARDS and the members of the Maryland delegation present themselves in the well.

Ms. EDWARDS of Maryland appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlewoman from Maryland (Ms. EDWARDS), the whole number of the House is 435.

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FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

The SPEAKER pro tempore (Mr. [Earl] BLUMENAUER [of Oregon]). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

**§ 3.20 The oath of office may be administered to Members-elect pending consideration of the resolution adopting the standing**

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88. Nancy Pelosi (CA).

**rules of the House or during a recorded vote on the question of consideration of that resolution.**

On January 4, 2005,<sup>(89)</sup> a Member raised a question of consideration with regard to the resolution adopting the standing rules. During debate on the question (and subsequently during the vote on the question), Members–elect were administered the oath of office as follows:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(90)</sup> Before the gentleman proceeds, the Chair would like to announce that any Member–elect who failed to take the oath of office may present himself or herself in the well of the House prior to any vote.

SWEARING IN OF MEMBERS–ELECT

The SPEAKER. Will the gentlewoman from New York (Ms. SLAUGHTER), the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Florida (Ms. CORRINE BROWN), kindly come to the well of the House and take the oath of office at this time.

Ms. SLAUGHTER, Mrs. MALONEY and Ms. CORRINE BROWN of Florida appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God. . . .

Mr. [Brian] BAIRD [of Washington]. Mr. Speaker, consistent with the oath of office that I just took, I would request that the question of consideration be put to the body.

The SPEAKER. The question is, Will the House now consider House Resolution 5.

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

Mr. BAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Without objection, this will be an electronic vote on the question of consideration.

There was no objection.

The vote was taken by electronic device, and there were—yeas 224, nays 192, answered “present” 1, not voting 11, as follows:

[Roll No. 3]. . .

SWEARING IN OF MEMBER–ELECT

The SPEAKER (during the vote). Will the gentleman from California (Mr. COX) kindly come to the well of the House and take the oath of office at this time.

Mr. COX appeared at the bar of the House and took the oath of office, as follows:

**89.** 151 CONG. REC. 46, 47, 109th Cong. 1st Sess.

**90.** Dennis Hastert (IL).

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

**§ 3.21 Where the two Houses divide to consider an objection to the counting of certain electoral votes for President and Vice President, the oath of office may be administered in the separate House session to a Member-elect during an electronic vote on the question of agreeing to said objection.**

On January 6, 2005,<sup>(91)</sup> the House and Senate met in joint session to count the electoral votes for President and Vice President.<sup>(92)</sup> An objection was made to the counting of certain electoral votes, and, pursuant to law,<sup>(93)</sup> the Houses divided into separate sessions to consider the objection. During the separate House session, the oath of office was administered to a Member-elect during the vote on agreeing to the objection as follows:

The SPEAKER.<sup>(94)</sup> Pursuant to Senate Concurrent Resolution 1 and section 17 of title 3, the United States Code, when two Houses withdraw from the joint session to count the electoral vote for separate consideration of objection, a Representative may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question, “Shall the objection be agreed to?”

The Clerk will report the objection made in the joint session.

The Clerk read the objection as follows:

We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

STEPHANIE TUBBS JONES,  
*Representative, State of Ohio.*

BARBARA Boxer,  
*Senator, State of California.*

The SPEAKER. The Chair will endeavor to alternate recognition between Members speaking in support of the objection and Members speaking in opposition to the objection.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES) for 5 minutes.

Mrs. [Stephanie Tubbs] JONES of Ohio. Mr. Speaker, I, STEPHANIE TUBBS JONES, and BARBARA BOXER, a Senator from California, have objected to the counting of the electoral

91. 151 CONG. REC. 199, 242, 243, 109th Cong. 1st Sess.

92. For more on the joint session to count electoral votes, see Deschler’s Precedents Ch. 10 and Precedents (Wickham) Ch. 10.

93. 3 U.S.C. § 15.

94. Dennis Hastert (IL).

votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

I, thank God, have a Senator joining me in this objection, and I appreciate Senator BOXER's willingness to listen to the plight of hundreds, and even thousands of Ohio voters, that for a variety of reasons were denied the right to vote. . . .

The SPEAKER. In the tradition of the House, the gentleman from Texas will be heard for such time as he may consume. . . .

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#### SWEARING IN OF MEMBER-ELECT

The SPEAKER (during the vote). Will the gentleman from Georgia (Mr. NORWOOD) please come to the well of the House and take the oath of office at this time.

Mr. NORWOOD appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

#### § 3.22 The administration of the oath to a Member-elect may interrupt the call of the roll of committees on Calendar Wednesday.<sup>(95)</sup>

On May 7, 2008,<sup>(96)</sup> the following proceedings occurred during Calendar Wednesday:

##### CALENDAR WEDNESDAY

The SPEAKER pro tempore.<sup>(97)</sup> Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees. . . .

##### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

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- 95.** *Parliamentarian's Note:* Calendar Wednesday procedures were used in prior Congresses to expedite consideration of nonprivileged measures reported by committees and the administration of the oath of office was one of the few items of business that could interrupt the call of committees under the rule. Clause 6 of rule XV was amended in the 110th Congress to eliminate the automatic call of committees and instead impose a notification requirement (absent which the call does not occur). As such, Calendar Wednesday procedures are rarely used in modern practice. See *House Rules and Manual* § 900 (2017). For more on Calendar Wednesday, see Deschler's Precedents Ch. 21 § 4 and Precedents (Wickham) Ch. 21.
- 96.** 154 CONG. REC. 7993, 7997, 7998, 8001, 110th Cong. 2d Sess. See also 6 Cannon's Precedents § 22.
- 97.** Michael McNulty (NY).

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable STEVE SCALISE was elected Representative to Congress for the First Congressional District, State of Louisiana.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk.*

Enclosure.

Hon. LORRAINE C. MILLER,  
*Clerk, House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 3, 2008, for Representative in Congress from the First Congressional District of Louisiana, show that "STEVE" SCALISE received 33,867 or 75.13% of the total number of votes cast for that office.

It would appear from these unofficial results that "STEVE" SCALISE was elected as Representative in Congress from the First Congressional District of Louisiana.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all Parishes involved, an official Certificate of Election will be prepared for transmittal as required by law.

If I can ever be of any assistance to you, please do not hesitate contacting me.

With best wishes,

JAY DARDENNE,  
*Secretary of State, State of Louisiana . . .*

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SWEARING IN OF THE HONORABLE STEVE SCALISE, OF LOUISIANA, AS A  
 MEMBER OF THE HOUSE

Mr. [James] McCRERY [of Louisiana]. Madam Speaker, I ask unanimous consent that the gentleman from Louisiana, the Honorable Steve Scalise, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER.<sup>(98)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

<sup>98</sup>. Nancy Pelosi (CA).

Mr. SCALISE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

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#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is 434. . . .

#### CALENDAR WEDNESDAY—CONTINUED

The SPEAKER pro tempore (Mr. [Earl] POMEROY [of North Dakota]). The Clerk will resume the call of the roll of committees.

The Clerk called the committees.

### § 4. Challenging the Right to be Sworn

When the Speaker directs Members–elect to take the oath of office *en masse*, any Member–elect may challenge the right of another Member–elect to be sworn.<sup>(1)</sup> This authority derives from the Constitution, which provides that “Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members.”<sup>(2)</sup> The challenging Member–elect must base the challenge on either specific information or on his or her own responsibility as a Member–elect.<sup>(3)</sup> A challenge may be directed at an individual Member–elect, or at an entire state delegation.<sup>(4)</sup>

When a challenge is made, the Speaker requests that the challenged Member(s)–elect not rise to take the oath with the rest of the membership. The Speaker does not rule on the challenge but awaits a decision of the

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1. See, *e.g.*, Deschler’s Precedents Ch. 2 § 6.1.
  2. U.S. Const. art. I, § 5, cl. 1; *House Rules and Manual* § 46 (2017).
  3. See Deschler’s Precedents Ch. 2 § 6.2. If the Member–elect does not state a sufficient basis for the challenge, the House may decline to entertain it. See 1 Hinds’ Precedents § 455.
  4. See, *e.g.*, Deschler’s Precedents Ch. 2 §§ 6.4, 6.5. Instances of challenges being made to entire state delegations are found primarily in the Civil War–era, where the issue was the status of the constituency rather than the qualifications or elections of the individual Members. See 1 Hinds’ Precedents §§ 457, 460–462.

House as to whether the challenged Member(s)–elect may take the oath. A challenged Member–elect does not lose any rights or privileges as a Member–elect.<sup>(5)</sup> A challenged Member–elect may be permitted to debate the issue of the right to the seat.<sup>(6)</sup> Challenged cases are taken up in the order in which the challenges are made.<sup>(7)</sup> While resolutions addressing the right of a Member–elect to be sworn are privileged,<sup>(8)</sup> the House may complete other organizational business first,<sup>(9)</sup> or proceed to legislative business by unanimous consent.<sup>(10)</sup>

The House typically resolves a challenge to seating a Member–elect by one of three methods. The House may simply choose to authorize the administration of the oath to the challenged Member–elect (by privileged resolution), determining both the prima facie and final right to the seat.<sup>(11)</sup> Alternatively, the House may only determine the prima facie right to the seat and adopt a resolution authorizing the administration of the oath, but referring the question of the final right to the seat to a committee.<sup>(12)</sup> Finally, the House may choose not to permit the administration of the oath to the Member–elect, but instead refer the issues of both the prima facie and final right to the seat to committee.<sup>(13)</sup> A variety of factors determine which type of resolution the House will adopt, including the grounds for the challenge and the sufficiency of the evidence presented. If the House determines that a Member–elect should not be seated, and that individual is reelected to that same Congress (or a subsequent Congress), a new challenge must be made when such individual appears to take the oath.<sup>(14)</sup>

In 1969, Congress passed the Federal Contested Elections Act<sup>(15)</sup> which set forth procedures for resolving election contests in the House.<sup>(16)</sup> The filing of a “notice of contest” under the statute by a contestant confers jurisdiction on the Committee on House Administration to investigate the case

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5. For more on the status of Members–elect versus full Members, see § 1, *supra*.
  6. Debate will generally not be permitted until the remaining Members–elect have been sworn. See Deschler’s Precedents Ch. 2 § 6.3. For floor privileges of contestants and contestees in election cases, see Deschler’s Precedents Ch. 4 § 4.5 and Precedents (Wickham) Ch. 4 § 5.
  7. See 1 Hinds’ Precedents §§ 147, 148.
  8. *House Rules and Manual* § 201 (2017).
  9. See 1 Hinds’ Precedents § 474.
  10. See 1 Hinds’ Precedents §§ 151, 152.
  11. See Deschler’s Precedents Ch. 2 § 6.5.
  12. See 1 Hinds’ Precedents § 544. The committee with jurisdiction over contested elections (and Federal elections generally) is the Committee on House Administration. Rule X, clause 1(k)(12), *House Rules and Manual* § 724 (2017).
  13. See, *e.g.*, § 4.1, *infra*.
  14. See Deschler’s Precedents Ch. 2 §§ 6.7–6.9.
  15. P.L. 91–138, 83 Stat. 284, as amended by P.L. 104–186, 110 Stat. 1718, codified at 2 U.S.C. §§ 381–396.
  16. For election contests generally, see Deschler’s Precedents Ch. 9 and Precedents (Wickham) Ch. 9.

and recommend a course of action to the full House. No further action of the House is necessary to begin that process. It is rare for a Member-elect to formally challenge the administration of the oath to another Member-elect based merely on the filing of a notice under the statute.<sup>(17)</sup> Rather, the House generally allows the investigation to proceed under the statute and awaits the recommendation of the committee. By seating a contestee under such circumstances, the House makes the initial determination that the individual has a prima facie right to the seat, but makes no such determination as to the final right to the seat.<sup>(18)</sup>

Since the advent of these statutory mechanisms for challenging the right of a Member-elect to be seated, there have been relatively few occasions in which a Member-elect took the initiative to offer a challenge on the floor. In 1985, a challenge was made to the seating of Richard McIntyre of Indiana, and the issue of the prima facie and final right to the seat was referred to the Committee on House Administration.<sup>(19)</sup> Also in 1985, a challenge was made to the seating of Richard Stallings of Idaho, but a resolution was adopted authorizing the Speaker to administer the oath.<sup>(20)</sup> A notice of a contested election had been filed in the case, and so there was no need for the House to refer the issue of the final right to the seat to committee.

**§ 4.1 Where a candidate's certificate of election was contradicted by extrinsic evidence of irregularities in state certification of recount procedures (although not by documents from state election officials), the Speaker requested the challenged Member-elect to remain seated while other Members-elect were administered the oath of office, following which the House adopted a resolution declaring that neither candidate was to be sworn, and that the question of the right to the seat be referred to the Committee on House Administration.**

On January 3, 1985,<sup>(21)</sup> the following occurred:

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#### SWEARING IN OF MEMBERS

The SPEAKER.<sup>(22)</sup> According to the precedents, the Chair will swear in all Members of the House at this time.

17. For parliamentary inquiries on this issue, see § 2.3, *supra*.

18. *Id.*

19. See § 4.2, *infra*. Following the committee investigation, the House eventually seated the contestee in that case, Frank McCloskey. See § 3.8, *supra*.

20. See § 4.1, *infra*.

21. 131 CONG. REC. 380-382, 386-387, 99th Cong. 1st Sess.

22. Thomas O'Neill (MA).

The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. [James] WRIGHT. Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath being administered to the gentleman from Indiana, Mr. McIntyre, and I base this upon facts and statements which I consider to be reliable.

The SPEAKER. Are there any other Members-elect who wish to offer a challenge?

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. [John] MYERS of Indiana. Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath of office being administered to the gentleman from Idaho, Mr. RICHARD STALLINGS. I base this upon statements and information which I deem reliable.

The SPEAKER. Are there any other Members-elect to be challenged?

The Members-elect that have been challenged will be seated. The remaining Members will take the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them.

The SPEAKER. Congratulations. The gentlemen and gentlewomen are now Members of the 99th Congress of the United States.

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#### REFERRING ELECTION OF A MEMBER FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA TO THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. WRIGHT. Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1

*Resolved*, That the question of the right of Frank McCloskey or Richard McIntyre to a seat in the Ninety-ninth Congress from the Eighth Congressional District of Indiana shall be referred to the Committee on House Administration, when elected, and neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon and the House decides such question. For each day during the period beginning on the date on which this resolution is agreed to and ending on the day before the date on which the House decides such question, Frank McCloskey and Richard McIntyre shall each be paid an amount equal to the daily equivalent of the annual rate of basic pay payable to a Member of the House. For the period beginning on the date on which this resolution is agreed to and ending on the date on which the House decides such question, the Clerk of the House shall provide for clerical assistants in the manner provided by law for the case of death or resignation of a Member and shall otherwise perform full administrative functions with respect to the Eighth Congressional District of Indiana. There shall be paid from the contingent fund of the House such sums as may be necessary to carry out this resolution.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT], under the precedents, is recognized for 1 hour

Mr. WRIGHT. Mr. Speaker, for purposes of debate only, I shall yield 30 minutes to the gentleman from Minnesota [Mr. FRENZEL], and pending that, I yield myself such time as I may consume.

##### PARLIAMENTARY INQUIRY

Mr. [George] GEKAS [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania for a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. I simply would ask the Speaker of the House to pose the question that is before the House precisely so that we know about what the debate to ensue is concerned.

Mr. WRIGHT. I will be glad to explain, Mr. Speaker.

The SPEAKER. The answer to the point of parliamentary inquiry is the gentleman from Texas [Mr. WRIGHT] has offered in the House a resolution which the Clerk has read. That is what the House is debating, and that is what we will vote on.

Mr. GEKAS. Then, Mr. Speaker, I simply would ask the gentleman to repeat at the outset the body of the resolution which he has presented.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized.

Mr. WRIGHT. Mr. Speaker, I will be happy to explain the resolution.

This is a very simple resolution which follows precedents previously established in the House in situations which are similar. This resolves the question in regard to the disputed election in the Eighth Congressional District of Indiana in the same manner in which previous disputes of a similar and, in fact, almost identical nature have been resolved in the House.

The resolution provides that the question of the right of Frank McCloskey or Richard McIntyre to a seat in the 99th Congress shall be referred to the Committee on House Administration, and that neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon, and the House decides, the question of which is truly and duly elected.

This House, Mr. Speaker, has been invested by the Constitution with the responsibility to judge the qualifications, returns, and elections of its Members. That responsibility the House always has taken very seriously. To prevent election disputes from degenerating into partisan confrontations, the House has created a general presumption in favor of the candidate who is certified by the appropriate State election official as a Member-elect. That certification carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented.

The House will reject a certification only under the most exceptional circumstances, where the very ability of the State election procedures to determine the outcome accurately is put into serious question. Regrettably the election in the Eighth Congressional District of Indiana falls into this most narrow of exceptions.

The election procedures employed in the Eighth Congressional District have been neither timely nor regular, and serious questions have been raised with respect to their fairness. As of today, the recount provided for by State law is far from complete. Major changes in the election totals occur almost daily. The outcome of the race has changed as different counties have concluded their recounts. The results from the counties which have certified new recount totals would give Mr. McCloskey a lead of some 47 votes at this particular moment, and that, of course, differs from the results upon which the secretary of state based his certification to the House. His certification reflects only the totals from the first county of the multicounty district which completed its recount.

The State procedures have consequently failed to produce a timely resolution of the election on which the House can confidently rely in discharging our constitutional responsibility.

Neither has the State procedure been regular in its application; 15 separate counties are participating in the recount. Each such county is operating under its own set of rules.

As a consequence, ballots bearing identical minor flaws are counted or not counted, depending upon the individual county involved. There is no uniformity of rule or application. Literally hundreds of votes already have been disallowed.

The technical requirements for counting votes in Indiana are so complex and so confusing that the recount underway has not to date produced a result on which the House can rely. Discrepancies in vote totals from election night and during the recount make it absolutely impossible at this stage to determine with certitude who is the duly elected Member from the Eighth Congressional District of Indiana. Seating one candidate or another would be based on mere speculation.

Questions have been raised additionally about the extent to which the certification and recount procedures may have been subject to partisan pressures, and this puts into question the impartiality and the fairness of the process. The combination of these factors renders the House at this time unable to judge the election in a manner commensurate with its constitutional responsibility to the people of the Eighth Congressional District of Indiana. The election procedures to date have simply not yielded a result on which the House can judge.

A very similar, in fact almost identical situation confronted the House in 1961 in a contest between Mr. Roush and Mr. Chambers.

Ironically, that case arose also in the State of Indiana. In that instance, which forms the closest on-point precedent to the present situation, Mr. Chambers was certified by the secretary of state as having been elected based upon a unilateral determination of error on the part of the secretary of state. In that instance the House asked both candidates to stand aside, as this resolution would ask today.

In that prior instance the complete investigation and recount revealed that the secretary of state was in error and that Mr. Roush had been duly and truly elected.

And so, Mr. Speaker, in keeping with the solemn constitutional responsibility of the House and pursuant to the best precedent available to us, I find it most unfortunate that we are resorting to this extraordinary measure, but I find it to be the only fair and honorable procedure available to us.

Let me assure my colleagues, and more importantly assure the voters of the Eighth Congressional District of Indiana, that this matter will be resolved fairly and openly, and I hope, trust, and intend that it shall be resolved expeditiously.

Mr. Speaker, I reserve the balance of my time.

Mr. [William] FRENZEL [of Minnesota]. Mr. Speaker, I yield 2½ minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL]. . . .

To do anything short of seating Mr. McIntyre, in effect disenfranchises 500,000 Indiana citizens for an indefinite period of time.

They would have no voice, no voice, and without good cause.

One final point: The shadow of the Supreme Court case of Powell versus McCormack rests in this Chamber today. Some of us recall how the House excluded Representative-elect Powell from the 90th Congress. He had a certificate of election. Let us remember that the bottom line of that decision was "In judging the qualification of its Members under Article I, section 5, the Congress is limited to the standing qualifications expressly prescribed by the Constitution." And that is, as I recall from my grade school history, being 25 years of age, a citizen of the United States for 7 years, an inhabitant of the State from which one is elected, and holding a certificate of election from one's secretary of State. That is all that it says.

And we were in error some time ago when we denied a Member a seat because we did not adhere to those four basic principles and you are going to do the same thing here today if you do not vote down the gentleman from Texas' resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, Mr. McIntyre.

The SPEAKER. The gentleman does not have the right to participate in debate unless the House agrees. If there is an objection from the House, the gentleman may not speak.

Without objection, the gentleman is entitled to 5 minutes.

There was no objection.

Mr. MCINTYRE. Thank you, Mr. Speaker.

Mr. Speaker, and Members of the House, I did not expect my maiden speech to the House to be like this and I wish that it was not. But I do appreciate the opportunity.

As you know from the testimony here today we had a very close election in Indiana. I was certified the winner by 34 votes. . . .

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume. I had not intended to speak again on this subject; I do so only to make abundantly clear in the RECORD that no violation of precedent or principle is being contemplated by the resolution presently under consideration. . . .

I have just one other thing to say, and this is with respect to the suggestion that somehow what we are doing today runs contrary to the ruling of the Supreme Court in the case of Powell versus McCormack. That is not true either.

Section 5 of article I of the Constitution reads as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

In the McCormack case, we were not attempting to Judge an election; we were presuming to judge qualifications. The Court, in my opinion rightly, held that the House could not add to the constitutionally enumerated qualifications. So in the case of Mr. Powell we were held by the court to have acted unconstitutionally. We were not Judging an election; we were judging qualifications.

Today, there is no question of qualifications. Nobody has suggested that the splendid young gentleman, Mr. McIntyre, lacks qualifications or that he is not constitutionally qualified to serve if it shall be determined that he was, indeed, duly elected. Nobody has made that suggestion. We are not presuming to judge his qualifications, as the House has in the Powell case.

What we are attempting to do here is to fulfill our constitutional responsibility to make certain that an election has been duly and truly held, that its result has been timely and regular, and that the procedures have been fair. In this instance, there is serious question.

So we are attempting to do what we think is the only fair thing to do. That is to ask each of the two contestants to stand aside until the Committee on House Administration shall have completed its recount and rendered its judgment.

Mr. Speaker, on the resolution, I call for the previous question.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield for a question on his resolution?

Mr. WRIGHT. Mr. Speaker, I will withhold my call for the previous question in order that I may yield to my friend, Mr. FRENZEL.

Mr. FRENZEL. I appreciate the gentleman yielding.

Mr. Speaker, on page 2, in lines 13 through 19, it describes the duties of the Clerk providing clerical assistance to maintain the full administrative functions for the Eighth District of Indiana.

My question is: Can the distinguished majority leader assure us that none of the employees of former Congressman McCloskey will be maintained on the House payroll for the purposes of performing full administrative functions with respect to the Eighth District of Indiana?

Mr. WRIGHT. I think I understand the gentleman's question.

I would presume that the Clerk of the House will act in exactly the same way as he did in the Phil Gramm case, and exactly as he does in cases involving the death of a Member. I think that is in keeping with his constitutional responsibilities.

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

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. FRENZEL. 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 238, nays 177, not voting 11, as follows:

[Roll No. 3] . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 4.2 Where the right of a Member-elect to take the oath of office was challenged, the Majority Leader offered a resolution authorizing the Speaker to administer the oath to the Member-elect.<sup>(23)</sup>**

On January 3, 1985,<sup>(24)</sup> the following occurred:

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

*Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Idaho, Mr. STALLINGS.

The SPEAKER.<sup>(25)</sup> The gentleman from Texas [Mr. WRIGHT] is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, I do not expect this debate to consume an hour.

Mr. Speaker, I will yield 15 minutes, for purposes of debate only, to the gentleman from Indiana [Mr. MYERS]. I also yield myself 15 minutes for that purpose, pending

23. *Parliamentarian's Note*: As noted in debate on this resolution, notice of an election contest had been filed with the Clerk pursuant to statute (2 U.S.C. §§ 381 *et seq.*) and an investigation begun. As a result, it was not necessary for the House to refer the issue to the final right to the seat to the Committee on House Administration.
24. 131 CONG. REC. 381, 388–89, 391, 392, 99th Cong. 1st Sess. See also Precedents (Wickham) Ch. 4 § 3.6 (broadcasting committee proceedings on recount of ballots in election contest).
25. Thomas O'Neill (MA).

which, for that purpose only, I yield 15 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, earlier today when two Members were asked to stand aside, I asked to be one of those to stand aside for one reason.

I asked for Mr. STALLINGS of Idaho to stand aside for one reason. Even though it is not required by statute to do this, historically we have asked seats in question to stand aside, and then be sworn in without prejudice. . . .

I include the following:

STATE OF IDAHO,  
SECRETARY OF STATE,  
*Boise, January 2, 1985.*

BENJAMIN J. GUTHRIE,  
*Clerk, U.S. House of Representatives,  
U.S. Capitol, Washington, DC.*

DEAR MR. GUTHRIE: As the chief election officer of the State of Idaho I present this correspondence to further inform your office of certain proceedings presently pending in Idaho.

The Second District Congressional election in Idaho was decided by 170 votes.

Since issuance of the certificate of election by my office, certain allegations of substantial irregularities involving registration and voting in Blaine County, Idaho, have been presented by a member of our legislature. The alleged irregularities are stated to be of sufficient volume to potentially change the result of this congressional election.

In light of these complained of election irregularities, our office has sought the assistance of the Idaho Attorney General's office. The Idaho Attorney General's office is presently investigating these matters.

As you are aware our office has requested the assistance of the U.S. Attorney's office in investigating this matter.

Presently the U.S. Attorney's office has referred this request to their chief of election crimes branch in order that review of this matter may be expedited.

In Blaine County, Fifth District Judge Douglas Kramer has appointed special inquiry Magistrate Judge William Hart of Lincoln County, Idaho to head a probe of alleged voter fraud and election irregularities in Blaine County.

Blaine County Prosecuting Attorney Keith Roark, a democrat, has also initiated an investigation in this matter. The special inquiry procedure gives the prosecutor broad subpoena powers to investigate these matters. Mr. Roark has also asked the Federal Bureau of Investigation to Join in this investigation as well.

In the Idaho legislature, a special legislative committee will investigate the alleged election irregularities in Blaine County.

As the State's Chief Election official, I have pledged full cooperation and support to any partisan, bipartisan or non partisan agency, committee or office investigating the election irregularities in Blaine County, Idaho.

Since it is contended the outcome of these investigations may have a substantial impact on this election as well as other local elections. I have requested that these bipartisan investigations be completed as soon as is possible.

It continues to be my fervent hope that these matters will be resolved shortly and that the will of the people of Idaho will be accurately stated by sending to Washington that representative duly and lawfully elected.

Yours Truly,

PETE T. CENARRUSA,  
*Secretary of State of Idaho.* . . .

It will be a matter of delight for me to see how my friends on the Democratic side can rationalize one vote one way and another vote the other.

Let us look at the difference in the two campaigns. Both of them were close contests. STALLINGS was declared a winner by 170 votes; McIntyre by 40. Was there a contest filed by McCloskey? No. Is there a contest in the STALLINGS race? Yes, there is, duly filed with the House of Representatives, and of course a flock of court cases. . . .

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is significant that each of those on the other side who have spoken to this question have urged an aye vote on my motion. . . .

I think there are several clearly distinguishable features between this instance and the instance which we earlier resolved. In the first place, the Idaho case is similar to hundreds of cases that have occurred, whereas the Indiana case is distinct in various particulars. In the Idaho instance, the process was completed in a timely fashion. In Indiana, the process is unlikely to be completed for weeks yet to come. In Idaho, uniform procedures were followed for counting the ballots. In Indiana, the ballots were counted under 15 different sets of rules, and some of them have not been fully counted yet.

In Idaho the certification proceeded according to State law. In Indiana, the certification was held up until one county completed its recount, then hastily made and has not been left open for change. In Idaho, there was no discrepancy in the result. A recount was conducted by the State, was completed, and the gentleman from Idaho [Mr. STALLINGS], was declared to be the victor.

In Indiana, by contrast, the result is different according to which recount totals one uses. In Idaho, the State law is clear. In Indiana, the State law is complex and confusing. In Idaho, there were very few votes disallowed. In Indiana, hundreds, literally hundreds of votes have been disallowed.

Finally, in Idaho, all the State remedies have been exhausted and Mr. STALLINGS has been declared the winner. In Indiana, State remedies still remain. For all of these reasons, the two cases are clearly distinguishable, and I do not expect that Members are likely to vote against this present resolution, but I do want all of us to understand that in so doing we are not behaving in a manner inconsistent from the manner which we followed earlier in our determination that we were not yet prepared on the strength of the information available to us at this moment, to declare who the winner was in the instance of the Eighth District of Indiana.

In the present instance, I think we are prepared, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. [Thomas] FOLEY [of Washington]). Without objection, the previous question is ordered on the resolution.

The question is on the resolution.

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

Mr. [William] FRENZEL [of Minnesota]. 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 407, nays 0, answered “present” 1, not voting 18, as follows:

[Roll No. 4] . . .

The SPEAKER. Will the gentleman from Arizona [Mr. UDALL] kindly bring the gentleman from Idaho [Mr. STALLINGS] to the well?

Does the gentleman from Arizona have any remarks that he wishes to express at this time?

Mr. [Morris] UDALL [of Arizona]. No, Mr. Speaker.

The Speaker administered the oath of office to the Member-elect, the Honorable RICHARD H. STALLINGS of Idaho.

The SPEAKER. Congratulations. You are now a Member of the Congress of the United States.

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## CHAPTER 3

# *Party Organization*

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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.<sup>(1)</sup> 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.<sup>(2)</sup> Although there have been many instances of House Members belonging to third parties or claiming independence from either party,<sup>(3)</sup> for over 150 years most Members have

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.<sup>(4)</sup> 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.<sup>(5)</sup>

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.<sup>(6)</sup>

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

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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](http://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...”<sup>(7)</sup> 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...”<sup>(8)</sup> 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.<sup>(9)</sup> 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

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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.<sup>(10)</sup> Nevertheless, Speakers have (especially in recent years) engaged in debate and voted on legislative measures brought before the House.<sup>(11)</sup>

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.<sup>(12)</sup> 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.<sup>(13)</sup>

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.<sup>(14)</sup>

### ***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.<sup>(15)</sup> 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.<sup>(16)</sup> Caucus or Conference chairs have traditionally offered certain resolutions relating to administrative or organizational matters, such as resolutions electing officers

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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,<sup>(17)</sup> resolutions electing Members to committees,<sup>(18)</sup> and resolutions electing a Speaker pro tempore.<sup>(19)</sup> Caucus or Conference chairs have served as Speakers pro tempore,<sup>(20)</sup> and they have administered the oath of office to a newly-elected Speaker pro tempore.<sup>(21)</sup> The only reference to caucus chairs in the standing rules of the House occurs in rule X<sup>(22)</sup> 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.<sup>(23)</sup>

### ***Caucus and Conference Rules***

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

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.”<sup>(26)</sup> 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.”<sup>(27)</sup> 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,<sup>(28)</sup> mirroring the expulsion provisions of the Constitution applicable to the House.<sup>(29)</sup> Likewise, both Caucus and Conference rules allow such rules to be suspended by a two-thirds vote,<sup>(30)</sup> mirroring the House rule on motions to suspend.<sup>(31)</sup> Just as the House is required by the Constitution<sup>(32)</sup> to keep a Journal of its proceedings, each party caucus also keeps a journal or transcript of its proceedings.<sup>(33)</sup>

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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;<sup>(34)</sup> motions to suspend House rules;<sup>(35)</sup> special orders of business reported by the Committee on Rules;<sup>(36)</sup> motions to recommit and motions to instruct conferees;<sup>(37)</sup> congressional earmarks;<sup>(38)</sup> conference committees;<sup>(39)</sup> and conduct of committee chairs.<sup>(40)</sup> As noted elsewhere,<sup>(41)</sup> the most significant interaction between Caucus and Conference rules occurs in the area of committee and subcommittee assignments.<sup>(42)</sup>

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.<sup>(43)</sup> 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

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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, 115h 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,<sup>(44)</sup> while the Republican Conference revised its rules to govern cases where the Republican party was in the majority.<sup>(45)</sup>

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.<sup>(46)</sup> The Republican Conference added similar provisions to its rules in the 1990s.<sup>(47)</sup> 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.<sup>(48)</sup>

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.<sup>(49)</sup> These types of restrictions were eventually incorporated directly into the standing rules of the House in the 104th Congress.<sup>(50)</sup>

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

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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.<sup>(51)</sup> 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.<sup>(52)</sup> These guidelines and policies have expanded over the years<sup>(53)</sup> and may address notification procedures, committee consideration, restrictions on celebratory or commemorative measures, and cost estimate requirements or other budgetary restrictions.<sup>(54)</sup>

**§ 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,<sup>(55)</sup> 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.<sup>(56)</sup> 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,<sup>(1)</sup> each party holds an “organizational” caucus to prepare for the upcoming session in January. By law,<sup>(2)</sup> 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.<sup>(3)</sup>

In the 108th Congress, the law was amended to eliminate the requirement that such organizational caucuses take place during the month of December.<sup>(4)</sup> 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.<sup>(5)</sup> In some cases, the House has authorized additional reimbursements for orientation programs occurring in conjunction with the organizational caucuses.<sup>(6)</sup>

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.<sup>(7)</sup> 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.<sup>(8)</sup> 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.<sup>(9)</sup> At times, third parties have nominated their own candidates for Speaker.<sup>(10)</sup> As is to be expected, the majority party's choice will generally be elected Speaker.<sup>(11)</sup>

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.<sup>(12)</sup>

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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 un-nominated 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.<sup>(13)</sup> 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.<sup>(14)</sup> 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,<sup>(15)</sup> so that the House may first vote separately on the election of Chaplain of the House.<sup>(16)</sup> 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.<sup>(17)</sup> These positions are established in law,<sup>(18)</sup> and on opening day of a new Congress, the minority party will offer a resolution naming individuals to these positions.<sup>(19)</sup> 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.<sup>(20)</sup>

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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.<sup>(21)</sup> 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.<sup>(22)</sup> 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.<sup>(23)</sup>

### *Organizational Caucuses*

**§ 2.1 Under an earlier version of the law,<sup>(24)</sup> 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,<sup>(25)</sup> 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.<sup>(26)</sup> 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

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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,<sup>(27)</sup> 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,<sup>(28)</sup> 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.<sup>(29)</sup> 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.<sup>(1)</sup> 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).<sup>(2)</sup>

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.<sup>(3)</sup> 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.<sup>(4)</sup> 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

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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.<sup>(5)</sup> 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.<sup>(6)</sup>

House rules and precedents, Federal statutes, and the Constitution,<sup>(7)</sup> elucidate standards of behavior for Members and provide mechanisms by which such standards may be enforced.<sup>(8)</sup> 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.<sup>(9)</sup> 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.<sup>(10)</sup>

As noted below,<sup>(11)</sup> 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,<sup>(12)</sup> require that certain guidelines be followed prior to taking specified legislative actions,<sup>(13)</sup> prohibit actions otherwise permitted by the rules of the House,<sup>(14)</sup> or make certain legislative actions available to party leadership only.<sup>(15)</sup>

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<sup>(16)</sup> 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.<sup>(17)</sup> 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.<sup>(18)</sup>

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

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

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)<sup>(27)</sup> 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,<sup>(28)</sup> the following disciplinary resolution was considered as a privileged matter:

## IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

The SPEAKER.<sup>(29)</sup> 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.

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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,<sup>(30)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(31)</sup> 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,<sup>(32)</sup> 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.<sup>(33)</sup> 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.<sup>(34)</sup>**

On January 24, 1991,<sup>(35)</sup> 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,<sup>(36)</sup> 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.<sup>(1)</sup>

### *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.<sup>(2)</sup>

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.<sup>(3)</sup> 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).<sup>(4)</sup> Frequently, it is the Caucus or Conference chair who offers a committee election resolution on the floor,<sup>(5)</sup> 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.<sup>(6)</sup> 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).<sup>(7)</sup>

### ***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

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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.<sup>(8)</sup>

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.<sup>(9)</sup>

### **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.<sup>(10)</sup>

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<sup>(11)</sup> and is still in use for the Private Calendar.<sup>(12)</sup> Party officials (or the Chair on behalf of such officials) typically announce to the House the selection of official objectors,<sup>(13)</sup> and a statement regarding the criteria used in the screening process is sometimes submitted to the *Congressional Record*.<sup>(14)</sup>

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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.<sup>(15)</sup>

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.<sup>(16)</sup>

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.<sup>(17)</sup>

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,<sup>(18)</sup> 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.<sup>(19)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup> 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.<sup>(3)</sup>

**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.”<sup>(4)</sup> Staff of the “respective party leaderships” are granted access to the floor of the House,<sup>(5)</sup> while staff from “leadership offices” are barred from making certain lobbying contacts under clause 7 of rule XXV.<sup>(6)</sup>

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.<sup>(7)</sup>

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

### ***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.<sup>(11)</sup>**

On October 9, 1992,<sup>(12)</sup> 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),<sup>(13)</sup> 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,<sup>(14)</sup> the following appointment was made:

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

The SPEAKER pro tempore.<sup>(15)</sup> 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,<sup>(16)</sup> 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,<sup>(17)</sup> 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.<sup>(18)</sup> 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,<sup>(19)</sup> 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.<sup>(20)</sup> 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,<sup>(21)</sup> 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.<sup>(22)</sup> 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,<sup>(23)</sup> 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.<sup>(24)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup> 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.<sup>(3)</sup> If the Majority Leader is absent, the party caucus may choose an "acting" Majority Leader to temporarily exercise the authorities of that position.<sup>(4)</sup> Third parties have selected floor leaders in the past, but this has not been done in many decades.<sup>(5)</sup> In one instance, a Minority Leader of the House (Rep. Gerald Ford of Michigan) was nominated (and confirmed) to the office of Vice President.<sup>(6)</sup>

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).<sup>(7)</sup> 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<sup>(8)</sup> and negotiating unanimous-consent agreements with the minority party.<sup>(9)</sup> 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.<sup>(10)</sup> The Majority Leader may also make ad

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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,<sup>(11)</sup> or insert into the *Congressional Record* a calendar of days that the House is expected to be in session.<sup>(12)</sup>

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,<sup>(13)</sup> or other organizational resolutions.<sup>(14)</sup> Traditionally, party leaders do not serve on committees.<sup>(15)</sup> Although somewhat rare in modern practice, the Majority Leader may be appointed as Speaker pro tempore.<sup>(16)</sup>

The floor leaders often assume various ceremonial roles, such as participation on escort or notification committees.<sup>(17)</sup> 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.<sup>(18)</sup>

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.<sup>(19)</sup> 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.<sup>(20)</sup> Pursuant to clause 2(d) of rule XXI,<sup>(21)</sup> 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,<sup>(22)</sup> the

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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.<sup>(23)</sup> 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.<sup>(24)</sup>

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<sup>(25)</sup> or the Majority Leader only.<sup>(26)</sup> 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.<sup>(27)</sup>

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.<sup>(28)</sup> 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.<sup>(29)</sup>

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.<sup>(30)</sup> However, such authorities may only be exercised after consultation with the Minority Leader.<sup>(31)</sup> 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)

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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).<sup>(32)</sup> 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,<sup>(33)</sup> and in the rule regarding the establishment of a drug-testing program for the House.<sup>(34)</sup> Under section 406 of the Congressional Budget Act,<sup>(35)</sup> 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.<sup>(36)</sup>

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).<sup>(37)</sup> 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.<sup>(38)</sup> 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).<sup>(39)</sup>

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

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.<sup>(43)</sup>

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

### *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,<sup>(49)</sup> 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.

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#### 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.

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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,<sup>(50)</sup> 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,<sup>(51)</sup> 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,<sup>(52)</sup> 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,<sup>(53)</sup> 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:<sup>(54)</sup>

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,<sup>(55)</sup> after the former Majority Leader made a farewell speech on the floor,<sup>(56)</sup> 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,<sup>(57)</sup> the following message from the President was laid before the House:

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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.

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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,<sup>(58)</sup> 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.<sup>(59)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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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,<sup>(60)</sup> 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,<sup>(61)</sup> 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.<sup>(62)</sup> 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,<sup>(63)</sup> 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.

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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.

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

The result of the vote was announced as above recorded.

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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.<sup>(64)</sup> 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—ayeas 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].

<sup>64</sup> 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,<sup>(65)</sup> 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.<sup>(66)</sup> 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,<sup>(67)</sup> 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. . . .

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

The SPEAKER pro tempore (Mr. [Randy] KUHL 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.<sup>(68)</sup>**

On December 20, 2011,<sup>(69)</sup> the following occurred:

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

The SPEAKER.<sup>(70)</sup> 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,<sup>(71)</sup> 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.<sup>(72)</sup> 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.

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**§ 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,<sup>(73)</sup> 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<sup>(74)</sup> related to a specific measure be restricted to the Majority Leader or a designee thereof.**

On September 30, 2013,<sup>(75)</sup> 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.<sup>(76)</sup> 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.<sup>(77)</sup>**

On May 28, 1992,<sup>(78)</sup> 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.<sup>(79)</sup> 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.**

<sup>77</sup>. *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).

<sup>78</sup>. 138 CONG. REC. 12846–47, 102d Cong. 2d Sess.

<sup>79</sup>. Jolene Unsoeld (WA).

On January 11, 1973,<sup>(80)</sup> 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,<sup>(81)</sup> 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,<sup>(82)</sup> 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.

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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,<sup>(83)</sup> the following occurred:

#### TAXATION'S EVIL TWIN

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

Mr. DELAY. . . .

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#### 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.<sup>(84)</sup> 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,<sup>(85)</sup> 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.<sup>(86)</sup> 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,<sup>(87)</sup> 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.<sup>(88)</sup> 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

<sup>87</sup>. 156 CONG. REC. 11703, 11704, 111th Cong. 2d Sess.

<sup>88</sup>. 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,<sup>(89)</sup> 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.

<sup>89</sup>. 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.<sup>(90)</sup> 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.

<sup>90</sup>. 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,<sup>(91)</sup> 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.<sup>(92)</sup> 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.<sup>(1)</sup> A vacancy in the office of whip is filled by the respective caucus and the selection typically announced to the House.<sup>(2)</sup> 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.<sup>(3)</sup>

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),<sup>(4)</sup> or serve as Speaker pro tempore.<sup>(5)</sup> The whips are frequently included in ceremonial delegations.<sup>(6)</sup>

**§ 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,<sup>(7)</sup> 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<sup>(8)</sup> for the Majority Whip, the Chief Deputy Whip, three Deputy Whips, and three at-large Whips to represent specific constituencies.**

On January 23, 1975,<sup>(9)</sup> 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,<sup>(10)</sup> 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,<sup>(11)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup>

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.<sup>(3)</sup> These committee election resolutions are privileged for consideration pursuant to clause 5(a) of rule

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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,<sup>(4)</sup> if offered by the direction of the relevant party caucus.<sup>(5)</sup> Similarly, vacancies on committees are filled by the adoption of a committee election resolution offered at the direction of the appropriate party caucus.<sup>(6)</sup> Pursuant to clause 5(c)(1) of rule X,<sup>(7)</sup> 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.<sup>(8)</sup>

As noted above,<sup>(9)</sup> 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.<sup>(10)</sup> For the Democratic Caucus, this committee is known as the Democratic Steering and Policy Committee.<sup>(11)</sup> Formerly, the two organizations each maintained a “Committee on Committees” to determine party membership on committees of the House.<sup>(12)</sup> 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.<sup>(13)</sup>

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.<sup>(14)</sup> 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.<sup>(15)</sup>

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,<sup>(16)</sup> the Committee on the Budget,<sup>(17)</sup> and the Permanent Select Committee on Intelligence.<sup>(18)</sup> Thus, committee election resolutions offered by the party caucuses must adhere to the specific membership requirements imposed for those committees.<sup>(19)</sup> The Committee on Ethics is a bipartisan committee, with equal representation from each of the two major parties.<sup>(20)</sup> The Committee on the Budget permits the elected leadership of each party to designate one member of the committee.<sup>(21)</sup> 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.<sup>(22)</sup>

Certain joint committees of the House and the Senate have membership rules that involve partisan affiliation.<sup>(23)</sup> 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.<sup>(24)</sup> 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.<sup>(25)</sup> 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.<sup>(26)</sup>

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.<sup>(27)</sup> 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

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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.<sup>(28)</sup>

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,<sup>(29)</sup> 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.<sup>(30)</sup> Without objection, the resignation is accepted.

There was no objection. . . .

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#### 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,<sup>(31)</sup> 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.<sup>(32)</sup> 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.<sup>(33)</sup>**

On May 19, 1994,<sup>(34)</sup> 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 Representa-*  
*tives, 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,<sup>(35)</sup> 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,<sup>(36)</sup> the following committee election resolution was agreed to:

<sup>35</sup>. 147 CONG. REC. 116, 107th Cong. 1st Sess.

<sup>36</sup>. 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,<sup>(37)</sup> the following occurred:

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON  
INTELLIGENCE

The SPEAKER.<sup>(38)</sup> 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,<sup>(39)</sup> appointed a Member to the Select Committee on Ethics to replace a resigning Member.**

<sup>39</sup>. *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,<sup>(40)</sup> 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.*

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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.<sup>(41)</sup>**

On January 6, 2001,<sup>(42)</sup> 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

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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.<sup>(43)</sup> 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,<sup>(44)</sup> 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,<sup>(45)</sup> 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.*

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COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,  
*December 23, 2009.*

<sup>43</sup> Ray H. LaHood (IL).

<sup>44</sup> *House Rules and Manual* § 760 (2017).

<sup>45</sup> 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.*

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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.*

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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.<sup>(1)</sup>

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.<sup>(2)</sup> 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.<sup>(3)</sup>

### *Limitations on Service*

The standing rules of the House provide two different types of limitations on Members' service on committees and subcommittees.<sup>(4)</sup> First, there are restrictions on how many committees and subcommittees a Member may serve on simultaneously.<sup>(5)</sup> 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

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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),<sup>(6)</sup> and to membership generally on three specific committees: the Committee on Ethics,<sup>(7)</sup> the Committee on the Budget,<sup>(8)</sup> and the Permanent Select Committee on Intelligence.<sup>(9)</sup>

These limitations on committee service mirror (and often derive from) similar restrictions put in place by each of the two major party organizations.<sup>(10)</sup> 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.<sup>(11)</sup> 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.<sup>(12)</sup>

**§ 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.**

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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,<sup>(13)</sup> 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.<sup>(14)</sup> 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.

<sup>13</sup>. 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).

<sup>14</sup>. 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.<sup>(1)</sup> 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.<sup>(2)</sup> 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.<sup>(3)</sup> 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.<sup>(4)</sup>

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.<sup>(5)</sup> 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(1), *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.<sup>(6)</sup> 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.<sup>(7)</sup>

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.<sup>(8)</sup> 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.”<sup>(9)</sup> 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.”<sup>(10)</sup>

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.<sup>(11)</sup> 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.<sup>(12)</sup>

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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<sup>(13)</sup> 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<sup>(14)</sup> 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<sup>(15)</sup> 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<sup>(16)</sup> provides special staffing requirements for the Committee on Appropriations, including the appointment of “assistants for the minority.” Clause 9(f) of rule X<sup>(17)</sup> provides procedures for filling vacancies in minority party professional staff positions, while clause 9(g) of rule X<sup>(18)</sup> 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<sup>(19)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup> 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,<sup>(3)</sup> 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.<sup>(4)</sup> The same basic scheme for allocating debate time applies to motions to instruct conferees under clause 7(b)(1) of rule XXII<sup>(5)</sup>—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.<sup>(6)</sup> 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.<sup>(7)</sup> 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).<sup>(8)</sup> 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

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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.<sup>(9)</sup> 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.”<sup>(10)</sup> Similarly, debate on a conference report on a budget resolution is set at five hours, “divided equally between the majority and minority parties.”<sup>(11)</sup>

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.<sup>(12)</sup>

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,<sup>(13)</sup> 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.<sup>(14)</sup> 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.<sup>(15)</sup>

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.<sup>(16)</sup> Minority committee Members have priority over both majority committee Members<sup>(17)</sup> and noncommittee Members from the minority party.<sup>(18)</sup> If two minority members of the committee seek recognition, the Chair will accord priority to the more senior member.<sup>(19)</sup>

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.<sup>(20)</sup> 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.<sup>(21)</sup>

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).<sup>(22)</sup> When offering amendments in the Committee of the Whole (including pro forma amendments),<sup>(23)</sup> the Chair will generally recognize Members on a partisan basis, alternating recognition between the two parties.<sup>(24)</sup> Non-legislative debate in the House also tends to proceed on the basis of alternating recognition between the parties.<sup>(25)</sup> 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).<sup>(26)</sup>

**§ 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,<sup>(27)</sup> the following occurred:

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT  
OF 1987

The SPEAKER.<sup>(28)</sup> 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,<sup>(29)</sup> 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.<sup>(30)</sup>**

On November 18, 1991,<sup>(31)</sup> 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.<sup>(32)</sup> 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,<sup>(33)</sup> the following occurred:

Mr. [Charles] RANGEL [of New York]. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore.<sup>(34)</sup> 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,<sup>(35)</sup> the following occurred:

Mr. [Charles] TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words. . . .

The CHAIRMAN.<sup>(36)</sup> 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,<sup>(37)</sup> 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.<sup>(38)</sup> 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<sup>(1)</sup> (conducted on certain days prior to convening for legislative business); one-minute speeches<sup>(2)</sup> (generally conducted after convening for legislative business but before such business commences); and special-order speeches<sup>(3)</sup> (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.<sup>(4)</sup>

Morning hour debate began in the 103d Congress in 1994 and proceeds pursuant to a unanimous-consent agreement negotiated by the party leadership.<sup>(5)</sup> 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.<sup>(6)</sup> 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).<sup>(7)</sup> Since 1984, the Speaker has followed an announced policy of alternating recognition between the two parties<sup>(8)</sup> (a policy reiterated in each subsequent Congress).<sup>(9)</sup>

Special-order speeches occur at the end of the legislative day, after legislative business has been concluded.<sup>(10)</sup> 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.<sup>(11)</sup> 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.**<sup>(12)</sup>

On October 7, 1998,<sup>(13)</sup> the following occurred:

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(14)</sup> 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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## CHAPTER 4

# *House Facilities and Capitol Grounds*

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# ***House Facilities and Capitol Grounds***

## **A. Hall of the House**

### **§ 1. Control of the Hall of the House Generally**

The Hall of the House consists of the House Chamber and its galleries, as well as cloakrooms for each party organization. The rules of the House confer wide discretion on the Speaker to administer the Hall of the House. Use of the Hall of the House is governed by various House rules and precedents and Federal statutes.<sup>(1)</sup> Clause 3 of rule I<sup>(2)</sup> provides that, “[t]he Speaker shall have general control of the Hall of the House, the corridors and passages in the part of the Capitol assigned to the use of the House, and the disposal of unappropriated rooms in that part of the Capitol.”

Clause 1 of rule IV<sup>(3)</sup> provides that the Hall of the House shall be used for legislative business only (including caucus meetings of the parties),<sup>(4)</sup> with the exception of authorized ceremonial events.<sup>(5)</sup> Traditionally, ceremonies of a religious nature have not been permitted in the House Chamber.<sup>(6)</sup>

In addition to the House rules, the Speaker has often inserted into the *Congressional Record* certain policy statements regarding appropriate use of the House Chamber and the comportment of Members, officers, and employees within the Chamber and the halls leading thereto.<sup>(7)</sup> Such policy statements typically address the exercise of floor privileges,<sup>(8)</sup> the conduct of votes using the Chamber’s electronic voting system,<sup>(9)</sup> the distribution of

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1. See, e.g., 2 U.S.C. §§ 1801 *et seq.*; 2 U.S.C. §§ 2001 *et seq.*; and 2 U.S.C. §§ 2201 *et seq.*

2. *House Rules and Manual* § 623 (2017).

3. *House Rules and Manual* § 677 (2017).

4. See § 1.11, *infra*.

5. See Deschler’s Precedents Ch. 36. For an example of the House refusing to allow the House Chamber to be used for certain entertainment purposes, see Deschler’s Precedents Ch. 4 § 3.2.

6. See § 1.12, *infra*.

7. See, e.g., 161 CONG. REC. H33–H35 [Daily Ed.], 114th Cong. 1st Sess. These policy statements are applicable for the entirety of that particular Congress.

8. See § 5, *infra*.

9. See § 2, *infra*.

handouts and other material on the House floor,<sup>(10)</sup> the use of electronic devices on the floor<sup>(11)</sup> and the status of the Chamber when the House is not in session.<sup>(12)</sup>

The Speaker has also made ad hoc announcements from time to time regarding the exercise of the Speaker's discretionary authority over control of the Chamber. For example, the Speaker has announced a policy of ensuring unimpeded access to the floor to Members during votes and quorum calls.<sup>(13)</sup> The Speaker has permitted interview tables to be established by the press in the Speaker's Lobby, just outside the Chamber.<sup>(14)</sup> The Speaker has responded to parliamentary inquiries regarding thermostat settings inside the Chamber,<sup>(15)</sup> and has refused to entertain a unanimous-consent request regarding ceremonial displays that might interfere with the Speaker's discretionary authorities.<sup>(16)</sup> While the Speaker does exercise considerable authority over the use of the Chamber, the Chair has no unilateral authority to order the Chamber doors to be locked (although clause 4(a) of rule XX<sup>(17)</sup> authorizes the Speaker to have the doors closed during certain votes and quorum calls).<sup>(18)</sup> When repairs or renovations to the Chamber have occurred, the Speaker has made remarks to the body on the nature of such improvements.<sup>(19)</sup>

The Capitol building and the Hall of the House itself have been the site of numerous security incidents in recent years, including a 1998 shooting of Capitol Police officers. These types of security incidents have generally been the impetus for closed security briefings<sup>(20)</sup> held in the House Chamber

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10. See § 1, *infra*.

11. *Id.*

12. *Id.*

13. See § 1.1, *infra*.

14. See § 1.5, *infra*.

15. See § 1.2, *infra*.

16. See § 1.4, *infra*.

17. *House Rules and Manual* § 1019 (2017).

18. See § 1.6, *infra*.

19. See § 1.7, *infra*.

20. *Parliamentarian's Note*: Security briefings held in the Chamber during a recess of the House or periods of adjournment should be distinguished from secret sessions of the House, which are formal (closed) meetings of the House to discuss sensitive (often classified) material. When such secret sessions occur, the Chamber is appropriately prepared to ensure secrecy—a security sweep by the Sergeant-at-Arms and/or the Capitol Police is conducted, and the galleries are cleared. The addition of the Capitol Visitor Center has reduced the need to use the Chamber for security briefings. For more on secret sessions of the House, see Deschler's Precedents Ch. 29 § 85 and Precedents (Wickham) Ch. 1. For earlier briefings on topics such as the progress of World War

(or elsewhere in the Capitol complex).<sup>(21)</sup> The 1998 shootings led to a gathering of the party caucuses in the House Chamber for Members to receive a briefing by the Sergeant-at-Arms and the Chief of the Capitol Police on the security developments.<sup>(22)</sup> The terrorist attacks of September 11, 2001, prompted a variety of classified security briefings.<sup>(23)</sup> Other periodic security briefings have been held in the Chamber,<sup>(24)</sup> in the Capitol Visitor Center,<sup>(25)</sup> and in the House office buildings.<sup>(26)</sup> The House has recessed in order to conduct emergency evacuation drills.<sup>(27)</sup> The House has also responded to other safety concerns, such as fire safety in the Capitol and House office buildings,<sup>(28)</sup> asbestos leaks,<sup>(29)</sup> and earthquakes.<sup>(30)</sup>

As use of the House Chamber touches many facets of House procedure, the reader is also encouraged to consult the various precedents relating to ceremonies,<sup>(31)</sup> the functions of House officers, officials, and staff,<sup>(32)</sup> and the assembly and convening of the House.<sup>(33)</sup>

### *In General*

#### **§ 1.1 The Speaker announced that he had directed corridors to the Chamber to be cleared during roll call votes and quorum calls to ensure Members unimpeded access to the floor at those times.**

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II (not held in the House Chamber), see Deschler's Precedents Ch. 1 §§ 4.3–4.6. For a discussion of meeting outside the Hall of the House, see Precedents (Wickham) Ch. 1 § 10. For a more comprehensive list of security briefings held in the Chamber (and elsewhere), see Precedents (Wickham) Ch. 1 § 10.

21. See Division B, *infra*.

22. See § 1.13, *infra*.

23. For an announcement that a classified briefing for Members would be presented in the House Chamber during a recess under clause 12 of rule I, see, *e.g.*, 147 CONG. REC. 16761, 107th Cong. 1st Sess. (Sept. 12, 2001). Other briefings occurred on September 13, September 14, September 25, and October 3, 2001.

24. See § 1.14, *infra*.

25. See § 9.3, *infra*.

26. See § 1.15, *infra*.

27. See § 1.10, *infra*.

28. See § 1.8, *infra*.

29. See § 1.21, *infra*.

30. *Parliamentarian's Note*: On August 23, 2011, the Senate was supposed to meet at 2:30 p.m. in pro forma session. An earthquake occurred in the Washington, D.C., area around 1:50 p.m., causing the Senate to meet in pro forma session at the nearby Postal Square Building. See § 10.9, *infra*.

31. See Deschler's Precedents Ch. 36 and Precedents (Wickham) Ch. 36.

32. See Deschler's Precedents Ch. 6 and Precedents (Wickham) Ch. 6.

33. See Deschler's Precedents Ch. 1 and Precedents (Wickham) Ch. 1.

On January 15, 1979,<sup>(34)</sup> the following announcement was made regarding access to the House Chamber:

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(35)</sup> Pursuant to clause 3, rule 1, the Chair desires to announce that he has instructed the Doorkeeper<sup>(36)</sup> and the Sergeant at Arms of the House to assure that Members will have unimpeded access to the Chamber especially during rollcall votes and quorum calls. Due to the relative brevity of the period during which Members may be recorded and because Members for obvious reasons are entitled to unhindered access to any door of the Chamber from the elevators and corridors, the Chair has directed that these instructions be strictly enforced.

**§ 1.2 Following the raising of thermostat controls in the House Chamber to nearly 80 degrees (to comply with an executive order implementing energy conservation measures), the Speaker announced that: (1) standards for appropriate attire in the Chamber would still be observed; (2) he had directed the Architect of the Capitol to improve air circulation in the Chamber by the use of fans; (3) a question of privilege could be offered to permit a relaxation of the normal standards of dress; and (4) a Member currently on the floor should remove himself and appear in proper attire consistent with the Chair's statement.**

On July 17, 1979,<sup>(37)</sup> the following announcement was made:

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(38)</sup> The Chair wishes to make a statement.

In recent days the Congress has undertaken measures to comply with the President's Executive order implementing thermostat controls for nonresidential buildings, most particularly by raising the temperature in the Capitol and congressional office buildings to 78 degrees. This effort to conserve energy has undoubtedly resulted in some discomfort for Members, staff, and visitors to the Capitol. As a result, some questions have arisen concerning proper dress for Members when they are in the House Chamber. Over many years and during some uncomfortable seasons, Members have respected an unwritten standard. Historically, a coat and tie has always been required for male Members and appropriate attire for female Members. The Chair believes that the House should continue to adhere to this practice. The Chair certainly intends to. Perhaps the Chair reflects the views of his own generation but he feels that this is one of the ways in which he shows his respect for this institution.

34. 125 CONG. REC. 19, 96th Cong. 1st Sess.; *House Rules and Manual* § 623 (2017).

35. Thomas O'Neill (MA).

36. *Parliamentarian's Note*: The Doorkeeper's duties have now been transferred to the Sergeant-at-Arms. See *House Rules and Manual* § 663a (2017). See also *Precedents* (Wickham) Ch. 6.

37. 125 CONG. REC. 19008, 96th Cong. 2d Sess.; *House Rules and Manual* §§ 621, 705, and 962 (2017). For decorum issues generally, see Deschler's *Precedents* Ch. 29 §§ 40–66 and *Precedents* (Wickham) Ch. 29.

38. Thomas O'Neill (MA).

The Chair does not believe he should become an arbiter of style. What color a person wears or the manner in which he or she combs his hair is certainly a matter for individual determination.

But the older Members will recall previous occasions when this Chamber has been uncomfortable. We have now had about 3 days of seasonal temperatures and humidity, and the Chair has had various parts of the Chamber monitored for temperature readings. On occasion, those readings have indicated temperatures in the high eighties. The Chair does not believe those temperatures are conducive to efficiency. It makes it more difficult for Members to carry out their legislative duties, particularly when we are facing many weeks of hard legislative work and long hours in this Chamber.

While adhering to the President's guidelines, and while maintaining the energy conservation steps which have been undertaken by the Architect, at the Chair's direction, the Chair does intend to see that steps are taken to provide for a better circulation of air in the Chamber. The Architect informs us that some large circulating fans can be installed which should significantly improve the situation. Some have been installed. The Chair would hope that these measures would permit us to maintain our present standards of dress and, thus, some degree of formality.

If any Member would desire to offer a resolution raising a question of privilege of the House to the effect that Members may relax their dress, such Member may so offer the resolution and the Chair would recognize him for such purposes.

Through the years, Members in this Chamber, long before air-conditioning, wore wigs and swallow-tailed coats and high mufflers. The Chair thinks this history shows the respect for the Congress. The Chair would ask the gentleman from Texas if he would kindly remove himself from the floor and appear in the customary attire that the Members of the Congress wear.

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#### PARLIAMENTARY INQUIRY

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, in view of the ruling by the distinguished Speaker of the House, in the future would it be in order, under clause 2 of rule I, which grants the Speaker power to preserve order and decorum, to make a point of order against any Members of the House who do not accede to the dress code that the Speaker has described?

The SPEAKER. The Chair will advise the gentleman from Maryland that the Chair hopes not to have to rule on a point of order concerning a dress code for Members and would prefer that the standards of dress be voluntarily maintained and accepted by the Members.

Mr. BAUMAN. Mr. Speaker, would the Chair entertain such a point of order if it were made?

The SPEAKER. The Chair would not foreclose that at this time.

Mr. BAUMAN. I thank the Chair.

The SPEAKER. The Chair would ask the gentleman from Texas to remove himself from the floor, and the gentleman can address the House at such time as he is in the proper attire.

Mr. [James] MATTOX [of Texas]. Mr. Speaker—

The SPEAKER. The Chair is not recognizing the gentleman. The Chair has made his statement.

If any Member desires to offer a resolution to change the customs and attire with regard to dress, as a point of privilege of the House, the Chair would recognize the Member.

For what purpose does the gentleman from Mississippi (Mr. MONTGOMERY) rise?

Mr. [Sonny] MONTGOMERY [of Mississippi]. Mr. Speaker, I rise to commend the Chair. I think what the Chair has done today is certainly in line and upholds the dignity and decorum of the House. I would hope that the gentleman from Texas would remove himself and come back in proper attire, and that at a later date a resolution could be offered if some Member disagrees with the Chair's ruling.

I commend the Speaker. I think you are standing tall, sir. Thank you.

The SPEAKER. The Chair will say that he knows the gentleman from Texas is embarrassing the Chair. Maybe the gentleman does not feel this embarrassment himself, but the Chair would be more than happy to recognize the gentleman if he will put on the proper attire. He may then make the statement he desires to make.

**§ 1.3 A resolution expressing the sense of the House as to the proper form of attire worn by Members in the House Chamber gives rise to a question of the privileges of the House under rule IX,<sup>(39)</sup> as involving the comfort and convenience of Members.**

On July 17, 1979,<sup>(40)</sup> the House laid on the table a resolution, offered as a question of the privileges of the House, permitting Members to dispense with coats and ties during the summer months when Federal energy standards required 80-degree temperature in Federal buildings:<sup>(41)</sup>

PRIVILEGES OF THE HOUSE—ATTIRE OF MALE MEMBERS OF HOUSE  
DURING SUMMER MONTHS

Mr. [Morris] UDALL [of Arizona]. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 369) and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 369

Whereas traditions of the House require that male Members wear coats and ties at all times in the Chamber

Whereas national energy conservation policies now require that temperatures in the Chamber, The Capitol and House Office Buildings be maintained at new and higher levels during the summer months, causing unnecessary discomfort and inefficiency for male Members and employees; now therefore, be it

39. *House Rules and Manual* § 698 (2017).

40. 125 CONG. REC. 19072–73, 96th Cong. 1st Sess.; *House Rules and Manual* § 621 (2017).

41. *Parliamentarian's Note*: Subsequent to the offering of House Resolution 369, the House agreed to a resolution, also offered as a question of the privileges of the House (House Resolution 370), reiterating the requirement that Members wear proper attire as determined by the Speaker and denying noncomplying Members the privilege of the floor. See 125 CONG. REC. 19073, 96th Cong. 1st Sess. (July 17, 1979).

*Resolved*, That it is the sense of the House that during the period June 1st to Labor Day in 1979 and each year the current energy or conservation policies are required (as determined by the Speaker for 1980 and subsequent years). Members may dispense with coats and/or ties so long as suitable, dignified, tasteful and appropriate clothes are worn; be it further

*Resolved*, That at all other times and in all other respects traditional attire shall be appropriate. . . .

## PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I offer a preferential motion.

The SPEAKER.<sup>(42)</sup> The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. BAUMAN moves to table the resolution.

The SPEAKER. The question is on the preferential motion to table.

The question was taken; and on a division (demanded by Mr. UDALL) there were—yeas 89, nays 31.

Mr. UDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nay were ordered.

The vote was taken by electronic device, and there were—yeas 303, nays 105, not voting 26, as follows:

[Roll No. 348] . . .

**§ 1.4 The Speaker declined to entertain a unanimous-consent request to permit ceremonial bunting<sup>(43)</sup> to remain hanging in the Chamber, determining instead to exercise his authority over the Hall of the House to permit the display.**

On March 2, 1989,<sup>(44)</sup> the Speaker declined to recognize for unanimous-consent requests which would infringe upon his general authority under clause 3 of rule I<sup>(45)</sup> over the Hall of the House, as follows:

REQUEST THAT BLUE BUNTING OVER DOORS OF HOUSE CHAMBER BE ALLOWED TO REMAIN

Mr. [Sam] GIBBONS [of Florida]. Mr. Speaker, if I may be recognized for one other brief unanimous-consent request, I ask unanimous consent that the blue bunting over the doors adorned by stars used in today's ceremony be allowed to remain in the Chamber at the discretion of the Speaker.

The SPEAKER.<sup>(46)</sup> The Chair will take that suggestion under advisement and will consult with others and consider the advisability of following the gentleman's recommendation.

42. Thomas O'Neill (MA).

43. *Parliamentarian's Note*: The bunting displayed was for the commemoration of the Bicentennial of the Congress.

44. 135 CONG. REC. 3220, 101st Cong. 1st Sess.

45. *House Rules and Manual* § 623 (2017).

46. James Wright (TX).

**§ 1.5 The Speaker announced guidelines for a trial period for a radio interview table in the Speaker's Lobby where reporters could use tape recorders to interview Members while the House was in session, and assured Members that recordings of Members' conversations in the Lobby would not be permitted.**

On May 22, 1990,<sup>(47)</sup> the Chair responded to parliamentary inquiries as follows:

PARLIAMENTARY INQUIRY

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER.<sup>(48)</sup> The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, the Speaker has recently announced a new policy with regard to the use of the Speaker's lobby for the recording by reporters by electronic device of interviews with Members. There has been some concern expressed about that particular policy with regard to the use of the recorders in the Speaker's lobby since that is regarded as a part of the floor. In particular, the concern is that you could have the use of very sensitive microphones there that could record private conversations that might be taking place in the Speaker's lobby, or even record conversations at the periphery of the House floor itself that were not meant for public consumption.

I was wondering, under my parliamentary inquiry, whether the Speaker could give the Members some assurance with regard to this policy that the recording devices will only be used for individual interviews, and would not be permissible for use as a means of recording conversations in the Speaker's lobby as a whole.

The SPEAKER. The gentleman is correct.

Mr. WALKER. So in other words, under this policy, this is strictly aimed at giving only the ability to interview individual Members at the table, and those recording devices would not be permitted to be on during other times that the reporter might be in the lobby?

The SPEAKER. The answer to the gentleman's parliamentary inquiry is that the gentleman is correct.

The Chair will ask the Clerk to read into the RECORD the guidelines established by the Chair for the conduct of this trial period of radio interview.

The Clerk read as follows:

POLICY FOR RADIO INTERVIEW TABLE IN SPEAKER'S LOBBY

(1) No tape recorder will be allowed inside the Speaker's Lobby, other than at a table set aside for the purpose. This table is provided for interviews, which should not disrupt the decorum of the House. Tape recorders must be taken immediately to the designated table.

(2) No more than four tape recorders will be allowed at the table at any one time. Reporters will be allowed to take tape recorders to the table on a rotating pass system. Passes will be distributed by the Radio/TV Gallery staff, who may, at their discretion, set a time limit on the use of the pass.

47. 136 CONG. REC. 11425, 101st Cong. 2d Sess.

48. Thomas Foley (WA).

(3) The table can only be used for interviews of Members during House sessions. It cannot be used during joint meetings or joint sessions.

(4) Failure to honor restrictions placed on news organizations by the House gallery staff, or failure to return radio table passes at the designated time, may result in revocation of a news organization's right to use said passes in the future.

(5) The radio table and the policy for its use is available on a trial basis through the August recess of 1990. At that time the table and its use will be reassessed.

(6) All rules for broadcast coverage in the House will be reevaluated by the Speaker's Office and the Executive Committee at the beginning of each Congress.

Mr. WALKER. I thank the Chair.

**§ 1.6 In response to a parliamentary inquiry, the Speaker pro tempore stated that the Chair had no unilateral authority to order doors to the Chamber to be locked during a pending series of votes.**

Under clause 2(b) of rule XV,<sup>(49)</sup> the Speaker may order that the doors be *closed* “when a call of the House in the absence of a quorum is ordered.” The Speaker has no other authority to order the doors *locked*, as evidenced by the Chair's response to the following parliamentary inquiry on June 11, 1997:<sup>(50)</sup>

PARLIAMENTARY INQUIRY

Mr. [Donald] MANZULLO [of Illinois]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore (Mr. [Robert] GOODLATTE [of Virginia]). The gentleman will state his parliamentary inquiry.

Mr. MANZULLO. Mr. Speaker, I would ask that the Chair direct the Sergeant at Arms to lock the doors in order to keep the Members in the Chamber so we can finish voting here in 5 minutes.

Mr. [José] SERRANO [of New York]. I object.

The SPEAKER pro tempore. The Chair cannot order that at this point.

The Clerk will designate the next amendment on which a separate vote has been demanded.

**§ 1.7 The House adopted a resolution authorizing the Speaker to designate individuals for admission to the Hall of the House for the purpose of documenting the improved accessibility of its rostrum, which allowed a Speaker pro tempore using a wheelchair to preside over the House for the first time.<sup>(51)</sup>**

49. *House Rules and Manual* § 892 (2017).

50. 143 CONG. REC. 10665, 105th Cong. 1st Sess. See also 7 Cannon's Precedents § 703 and Deschler's Precedents Ch. 20 § 6.

51. *Parliamentarian's Note*: Two articulating platforms had been installed on the east side of the rostrum earlier in the 111th Congress and had been successful in tests. Each

On July 26, 2010,<sup>(52)</sup> the following occurred:

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. [James] LANGEVIN [of Rhode Island]) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Creator of all and Builder of a just society, this is a House of pride and dignity because of its noble belief in free people. By law and by policy through the years, interior freedom has been uncovered as obstacles to equal opportunity have been removed.

By celebrating the accomplishments of the past 20 years founded in the initiative of the Disabilities Act, Lord God, responsible government has continued to embrace the advent and development of Your people.

Lord, here, may each child of disadvantage and every victim of war and accident be given hope and grounding for personal aspirations to achieve his or her full potential in Your sight.

With the help of research, engineering, medicine, and professional therapy, may government uphold the Nation's commitment to equal opportunity in the pursuit of happiness.

May every American rejoice and thank You, Almighty God, for the next step and every step to be taken to afford open and full accessibility to place and position for all citizens in a just world. For this we pray, and we will continue to work, both now and forever. Amen. . . .

PERMITTING INDIVIDUALS TO BE ADMITTED TO THE HALL OF THE HOUSE  
IN ORDER TO DOCUMENT THE IMPROVED ACCESSIBILITY OF THE HALL  
OF THE HOUSE

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, on this most important day in the history of the House of Representatives, I send to the desk H. Res. 1555, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 1555

*Resolved*, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to document the improved accessibility of the Hall of the House.

platform moved both vertically and horizontally to deliver a Member using a wheelchair to the presiding officer's position. Pursuant to the authority granted in House Resolution 1555, the Speaker allowed a still photographer on the floor to document the historic opening.

52. 156 CONG. REC. 13938, 13939, 111th Cong. 2d Sess.

The resolution was agreed to.  
A motion to reconsider was laid on the table.

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THE 20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. [Nancy] PELOSI [of California]. Mr. Speaker, it is with great pride and joy that I rise today to acknowledge the history that you are making. By your leadership and your inspiration and your education of the Congress, you have helped take us to a place that honors the tradition and the goals of our founders; to improve liberty and equality for all Americans.

Today, through technology, under the leadership of the Architect of the House, we are able to, in a way that is almost magical, extend to you the privilege that you deserved all along, to be able to preside over the House.

I'm pleased that we are joined by our former colleague in the House, and now a Senator, Senator HARKIN, who was such a champion in passing the Americans with Disabilities Act; our former colleague, Tony Coelho, also a leader in that regard; our colleagues who have worked so hard on that subject, Mr. MARKEY, Mr. KENNEDY; and the champion in our House on the Americans with Disabilities Act, STENY HOYER, our distinguished majority leader.

Mr. SENSENBRENNER has made this part of his legacy in the Congress. Not so fast with the legacy, I know. More to come. But we thank you for being the champion on civil rights that you are.

And I see now that we have been joined by our distinguished Republican leader of the House, Mr. BOEHNER.

This is bipartisan effort. It has been all along. It is a cause for celebration. It is a source of liberation. And it's important to note that there's a reason Mr. LANGEVIN is first. He is first because of his courage. He is first because of his inspiration, and he is first because when I became Speaker, he said to me, Now that you are presiding, I want to preside too.

So on that day, when we made history of having the first woman Speaker of the House, it became clear that we had to make history today in having JIM LANGEVIN preside on this historic occasion, which is a source of pride to all of us but also a source of challenge as to how we go forward addressing the new technologies so that we can continue to remove barriers to participation to all Americans. It's better for them and it's better for our country.

Now we can go forward clearly saying that we respect people for what they can do, not judge them or limit them for what they cannot, and that we can more fully honor the Pledge of Allegiance that Mr. KENNEDY led us in just earlier, one Nation under God, with liberty—and this is about liberation—with liberty and justice for all.

Congratulations, Mr. LANGEVIN.

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HONORING THE 20TH ANNIVERSARY OF THE AMERICANS WITH  
DISABILITIES ACT

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

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I rise today to join the Speaker and the majority leader in recognizing the 20th anniversary of the Americans with Disabilities Act.

First I want to applaud you, Mr. Speaker, for making history today as the first American with disabilities to preside over this distinguished body. It's truly an inspiring sight and a reminder that the disabled are, of course, among the most active and functional members of our society. And it's a testament to the historic measure that we're celebrating today.

I also want to congratulate my colleague, Mr. HOYER, the majority leader, who I know played a key role in making this legislation a reality, along with other colleagues from the other body and retired, along with Mr. SENSENBRENNER.

But really I want to thank all of you for ensuring that we come together, across the aisle when necessary, to make certain that this act fulfills its original mission.

Before the Americans with Disabilities Act, nowhere in the world was there a comprehensive declaration of equality for people with disabilities.

In the medical community, people with disabilities are called "handi-capable" because they strive and succeed in the face of great personal obstacles.

There was a time, however, when courage alone was not enough to get them into their hometown theaters to see a movie or into office buildings to apply for a job, much less to provide for their families. Those wrongs were corrected on July 26, 1990, when President George Herbert Walker Bush signed the Americans with Disabilities Act into law on the South Lawn of the White House.

On that day President Bush noted that it was roughly a year after the Berlin Wall came down and said that this legislation "takes a sledge hammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp."

For too long our Nation has kept Americans with disabilities dependent, when they all yearned for independence. And the Americans with Disabilities Act has given them the tools to do just that, to quench their thirst for life, liberty, and the pursuit of happiness. It has changed the lives of millions, and will do so for many, many generations to come.

### *Physical Safety and Security*

#### **§ 1.8 A resolution alleging certain fire safety deficiencies in the environs of the House and directing the appointment of a select committee to inquire into the matter, gave rise to a question of the privileges of the House concerning the safety of its Members, staff, visitors, and records.<sup>(53)</sup>**

On May 10, 1988,<sup>(54)</sup> the House adopted a resolution offered as a question of the privileges of the House directing the Speaker to appoint a bipartisan

**53.** See 3 Hinds' Precedents § 2659 (protecting the records of the House from the threat of fire is a matter involving the privileges of the House).

**54.** 134 CONG. REC. 10286, 10287, 100th Cong. 2d Sess.

select committee to investigate fire safety in the Capitol and House office buildings:

PRIVILEGES OF THE HOUSE—SELECT COMMITTEE TO INVESTIGATE FIRE SAFETY IN THE CAPITOL AND HOUSE OFFICE BUILDINGS

Mr. [Curt] WELDON [of Pennsylvania]. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 440) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Whereas on Thursday, May the 5th, a fire occurred in the congressional office of the Speaker of the House, Representative Jim Wright of Texas, located on the second floor of the Longworth House Office Building; and

Whereas after smelling the smoke from said fire, Representative Curt Weldon of Pennsylvania attempted to assist in extinguishing it, only to find fire suppression equipment was not fully functional and available; and

Whereas it was further discovered that the Longworth House Office Building had no manual or automatic fire alarm system to notify the Members, staff, and visitors in the building; and

Whereas the occupants of the Longworth Building had to be notified of the potential danger by someone going to each individual office; and

Whereas some occupants of the Longworth Building were improperly evacuated by way of the elevator which actually stopped on the fire floor; and

Whereas some occupants of the Longworth Building were forced to exit through smoke filled stair towers none of which were enclosed; and

Whereas preplanning and training for such emergencies was clearly lacking; and

Whereas the Capitol, Cannon, Longworth, and Rayburn House Office Buildings are not required to comply with any Federal, State, or District of Columbia fire codes; and

Whereas the safety of the Members of the House of Representatives, as well as staff and visitors to these buildings can not be assured; and

Whereas the security of the files and records of the House of Representatives is in jeopardy because of the inability to respond to any fire situation; and

Whereas the Congressional Fire Services Caucus, comprised of over 150 Members of Congress, was recently established to advance the cause of fire safety in our Nation's Capitol and across the United States; and

Whereas pursuant to the provisions of rule IX of the Rules of the House of Representatives any measure affecting the safety of the proceedings of the House represents a question of the privileges of the House: Now, therefore, be it

*Resolved*, That a Select Committee of the House be appointed, comprised of two members from the majority party and two members from the minority party of the House of Representatives to inquire into the origin of the fire which occurred in the Office of the Speaker, and to meet with Federal and local fire officials to report and list any Federal or local fire code violations or any other potential fire or life safety hazards, and report back to the House any recommendations or measures which they deem necessary to assure the safety of the Members, officers, staff, and visitors in the Capitol, Cannon, Longworth, and Rayburn House Office Buildings.

The SPEAKER pro tempore (Mr. [Kenneth] GRAY of Illinois). The resolution offered by the gentleman from Pennsylvania [Mr. WELDON] does state a privilege of the House.

Under the rule, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 1 hour. . . .

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

**§ 1.9 During morning-hour speeches, a Member recounted for the House a description of a terrorist attack inside the House Chamber on March 1, 1954, and submitted for the *Congressional***

**Record a detailed account of the attack written by the Clerk to the Parliamentarian.**

On March 1, 1994,<sup>(55)</sup> the following occurred:

The House met at 10:30 a.m. and was called to order by the Speaker.

## MORNING BUSINESS

The SPEAKER.<sup>(56)</sup> Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for “morning-hour debates.” The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. EMERSON].

## OBSERVANCE OF THE ATTACK OF MARCH 1, 1954, ON MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER. Under the Speaker’s announced policy of February 11, 1994, the gentleman from Missouri [Mr. EMERSON] is recognized during morning business for 5 minutes.

Mr. [Bill] EMERSON [of Missouri]. Mr. Speaker, I rise today to note the fact that it was 40 years ago today that the House was assaulted by a group of terrorists who were in this corner gallery here. This is not an occasion that we celebrate, but it is one that we note, and 40 years seems to be a significant milestone.

Mr. Speaker, I happened to be a Page at the time. That was the second session of the 83d Congress. This being the second session of the 103d Congress means that an awful lot of water has gone over the dam in the intervening period. Another Page at the time, the gentleman from Pennsylvania [Mr. KANJORSKI], I gather, will be here at a later period today and may speak on this subject also and I will join him then for further exposition of the event.

Mr. Speaker, I shall not speak at length just now. I wanted to say that there is a lot of curiosity on this subject, which is a reason that I bring it up today. I was visiting recently with our distinguished Parliamentarian, Mr. Brown, and his associate, Mr. Johnson, and they told me about a file that exists in the Parliamentarian’s office noting the occasion, what happened on that particular day.

They called to my attention a memorandum in that file that was written by an employee of the Parliamentarian’s office, Mr. Joe Metzger, whom I recall. Mr. Metzger apparently was given to making side notes, separate and apart from the record, of occurrences in the House of Representatives that were unusual in nature.

On a day or so following the event of March 1 in the House of Representatives, Mr. Metzger wrote a narrative describing what occurred on that occasion, which, quite frankly, is as good a report as I have seen anywhere. He was here. He saw it all. I too, saw the event as it occurred.

55. 140 CONG. REC. 3318, 3319, 103d Cong. 2d Sess.

56. Thomas Foley (WA).

Mr. Speaker, I was the overseer of the Pages at the time on the Democratic side of the House, so I had a very good view of the gallery in which this incident occurred, but there was a difficulty at that time getting ambulances and first aid to the Members who had been wounded. Five Members had been wounded.

Pages were called upon to be stretcher bearers. When the ambulances arrived, I exited the Chamber, having helped carry a couple of Members to awaiting ambulances, and I was not here for the aftermath. Some of the more interesting details of that day were in the aftermath of the shooting, which appear in Mr. Metzger's account.

Mr. Speaker, I include for the RECORD the account of Mr. Metzger of the House shooting which he had prepared somewhere in the day or so immediately following the incident on March 1, 1954. I think the gentleman from Pennsylvania [Mr. KANJORSKI] has reserved time for a later period in the day, and I shall reserve the remainder of my remarks and will join him on that occasion.

The account of Mr. Metzger is as follows:

On Monday, March 1, 1954 (83d Congress, 2d Session), the House was considering a resolution from the Rules Committee, H. Res. 450, to provide for the consideration of H.J. Res. 3, a joint resolution amending the Act approved July 12, 1951, relating to the supplying of agricultural workers from Mexico. After the previous question was ordered on agreeing to the resolution, a point of order was made that a quorum was not present, and the Speaker determined that 243 Members were present, a quorum. The question was put on agreeing to the resolution, and a division being demanded, by Mr. Cooley of N.C., the Speaker counted the Members rising in the affirmative and announce that the "Ayes" would be seated and the "Noes" should rise. At this moment, at approximately 2:30 p.m., a fusillade came from the gallery of the House. Four Puerto Rican terrorists, 1 woman and 3 men, fired 20 to 30 pistol shots from Gallery 11, located in the southwest corner of the chamber to the left and rear of the Speaker. The woman fired several shots, some upward into the ceiling and probably also some downward into the crowd of Members on the floor. She waved a Puerto Rican flag and shouted "Viva Puerto Rico." The men fired wildly into and among the Members, scattering bullets from one side of the chamber to the other. Five Members were wounded. Other bullets struck the table of the majority leader, unoccupied seats, and also the side walls at the rear toward the northeast corner of the chamber. The House was thrown into a state of utter disorder, and the Speaker, on his own initiative and without request from the floor, at 2:32 p.m. declared the House in recess subject to the call of the Chair. Members wounded were: Mr. Bentley of Michigan, Mr. Jensen of Iowa, Mr. Davis of Tennessee, Mr. Fallon of Maryland, and Mr. Roberts of Alabama.

Other Members, including three who were physicians, Dr. Judd of Minnesota, Dr. Miller of Nebraska, and Dr. Fenton of Pennsylvania, assisted and gave first aid to the wounded.

After a recess of about ten minutes the Speaker called the House to order, and on motion of the Majority Leader, Mr. Halleck of Indiana, the House adjourned at 2:42 p.m.

Ambulances had been called and in a short time after the shooting the wounded Members were taken to hospitals.

Meanwhile, the Puerto Ricans who fired the shots had left the gallery. The woman, Lolita Lebron, and two of the men, Rafael Miranda and Andres Cordero, were captured and disarmed before they were more than a few feet beyond the gallery door. The other man, Irving Flores Rodriguez, escaped from the Capitol, but he was arrested in a Washington bus station later in the day.

Injuries sustained by the Members were as follows:

Mr. Bentley of Michigan was struck high in the chest. The bullet perforated the right lung; drove through the diaphragm; tore through the liver, which was virtually shattered, and went through the stomach. At the outset Mr. Bentley's condition was regarded as critical, and he was said to have on a 50-50 chance to survive.

Mr. Jensen of Iowa, was struck in the right shoulder. The bullet passed across to the left side and lodged under his left shoulder blade.

Mr. Davis of Tennessee, was hit by a bullet which passed through the calf of the right leg.

Mr. Fallon of Maryland, was wounded in the fleshy part of the upper thigh on the right side, and the bullet passed all the way through.

Mr. Roberts of Alabama, was struck in the left leg, the bullet entering the fleshy area just above the knee and passing downward and all the way through.

Mr. Bentley, Mr. Fallon, and Mr. Roberts were taken to Casualty Hospital, and Mr. Jensen and Mr. Davis were taken to Bethesda Naval Medical Center.

The Puerto Ricans involved in the shooting were identified by police as belonging to the Puerto Rican Nationalist Party. Two other members of that party had tried to assassinate President Truman in 1950, at Blair House on Pennsylvania Avenue, N.W., which was being used as the temporary Executive Mansion at that time. The four terrorists were all residents of New York City. The woman, Lolita Lebron, a divorcee 34 years old, boasted that the shooting was planned on February 22d, and was staged to draw attention to the question of independence for Puerto Rico. Accordingly to police, the incident was timed to coincide with the opening of the Tenth Inter-American Conference in Caracas, Venezuela.

According to the District of Columbia Police, the guns used by the Puerto Ricans and later taken from them were four automatic pistols of German make, 3 9-millimeter Lugers (one with an 8-inch barrel and two with 4-inch barrels) and a 9-millimeter "P-38" Walther with a 4-inch barrel.

The shooting came as a complete surprise. Many Members who were present on the floor of the House at the time later stated they thought a series of fire-crackers had been set off. Even after seeing the pistols in the hands of people in the gallery, some Members thought blank cartridges were being fired. Only after seeing that some Members were wounded and seeing holes in the furniture did many Members realize that real bullets were being fired at the House in session. All found it almost incredible that such a thing was actually happening.

After the wounded were taken to hospitals, conferences were held by the leaders of both parties regarding security measures which might be necessary for the protection of the House and its Members.

All outstanding gallery cards were cancelled, effective the day following the shooting. New cards were printed for distribution the following day, with a request being made to all Members by the Speaker that gallery cards be issued only to persons who could be vouched for by each Member issuing the new cards.

A Congressional Reception which had been scheduled at the White House for the evening of March 2, 1954, was cancelled by the White House.

Expressions of indignation at the shooting and communications expressing sympathy to the wounded Members were received by the Speaker from far and wide. Thousands of letters and telegrams of this nature were received. Many of the letters and telegrams came from people in Puerto Rico. The Resident Commissioner from Puerto Rico made a

stirring speech in the House the day following the shooting (CONGRESSIONAL RECORD, March 2, 1954, delivered during recess but not in RECORD) to the effect that the people of Puerto Rico were as disturbed over the matter as were the people of the United States. The Governor of Puerto Rico sent his best wishes to the Speaker on the day of the shooting, and on the following day flew from Puerto Rico and called in person upon the Speaker to denounce the shooting and convey the sympathies of Puerto Rico. The House took a brief recess on March 2, 1954, for greeting the Governor of Puerto Rico informally in the House Chamber.

Resolutions and bills proposing security measures of various kinds were introduced in the House for several days following the shooting. The House on March 4, 1954, adopted a resolution (H. Res. 456) authorizing that necessary medical expenses for Members injured by the shooting on March 1st be paid from the Contingent Fund of the House.

All five of the wounded Members had been discharged from the hospitals by the end of May, 1954. Mr. Roberts, the last to return to his duties, was walking on crutches and spent a lot of his time in a wheel chair at the time of his return to the House on May 25, 1954. It was expected that Mr. Roberts would require medical treatment for at least a year after his release from the hospital, owing to the injured nerves in his leg. Mr. Bentley also continued to require medical attention at the end of the 2d Session of the 83d Congress.

The four Puerto Ricans were brought to trial in the U.S. District Court for the District of Columbia. They were convicted and given the maximum sentences for their crimes. Mrs. Lolita Lebron was convicted on 5 counts of assault with a dangerous weapon, but was given a verdict of not guilty on the counts of assault with intent to kill. She was sentenced to serve 3 years and 4 months to 10 years on each of the counts for which convicted, sentences to run consecutively. Thus her total sentence was to serve from 16 years 8 months to 50 years.

Each of the three men, Rafael Concel Miranda, Irving Flores Rodriguez, and Andres Figueroa Cordero was convicted of 5 counts of assault with a dangerous weapon and 5 counts of assault with intent to kill. They were each sentenced to serve 5 to 15 years on each of the counts of assault with intent to kill, sentences to run consecutively. Thus, each received a sentence to serve from 25 to 75 years. Each of the men also received the same sentence as did Mrs. Lebron, but the latter being for the same act of assault were to run concurrently with the former. Thus, each of the men was sentenced to serve a total of from 25 to 75 years.

**§ 1.10 Under clause 12(b) of rule I,<sup>(57)</sup> the Speaker may “suspend the business of the House when notified of an imminent threat to its safety” by declaring a recess subject to the call of the Chair, and pursuant to such authority, the House stood in “emergency” recess for 30 minutes for the purpose of conducting a Chamber evacuation drill.<sup>(58)</sup>**

57. *House Rules and Manual* § 639 (2017). See also Deschler's Precedents Ch. 39.

58. *Parliamentarian's Note*: This was the first use of emergency recess authority, which was added to the rules on opening day of the 108th Congress. See H. Res. 5, 149 CONG. REC. 7, 108th Cong. 1st Sess. (Jan. 7, 2003). Contrast this recess authority with the traditional “short” recess authority under clause 12(a) of rule I (*House Rules and Manual* § 639 (2017)), which may be used only “when no question is pending before the

On March 6, 2003,<sup>(59)</sup> the following occurred:

Mr. [Peter] HOEKSTRA [of Michigan]. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mrs. [Sue] KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of H.R. 13.

The SPEAKER pro tempore (Mr. [Joel] HEFLEY [of Colorado]). The gentlewoman will suspend.

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RECESS

The SPEAKER pro tempore. Pursuant to clause 12(b) of rule I, the Chair declares the House in emergency recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr.[Ken] CALVERT [of California] ) at 11 o'clock and 5 minutes a.m.

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MUSEUM AND LIBRARY SERVICES ACT OF 2003

The SPEAKER pro tempore.<sup>(60)</sup> When the recess was declared, the House was considering H.R. 13 and 43½ minutes of debate remained.

The gentleman from Michigan (Mr. HOEKSTRA) has 22½ minutes remaining and the gentleman from Texas (Mr. HINOJOSA) has 21 minutes remaining.

Prior to the recess, the gentleman from Michigan had yielded two minutes to the gentleman from New York (Mrs. KELLY), and the gentlewoman from New York had 2 minutes remaining.

The Chair recognizes the gentlewoman from New York.

### *Use of the Chamber*

#### **§ 1.11 A meeting of a party's caucus may be held in the Chamber of the House during a recess.<sup>(61)</sup>**

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House." When proceedings resume under clause 12(b), the Chair restates the allocated time (and other pertinent procedural information) as of the emergency recess declaration. Before clause 12(b) was added, there were two modern examples of emergency recesses declared pursuant to inherent (not necessarily *ultra vires*) authority of the Chair. See, e.g., 89 CONG. REC. 1487, 78th Cong. 1st Sess. (Mar. 2, 1943) and 100 CONG. REC. 2434, 83d Cong. 2d Sess. (Mar. 1, 1954). For an example of a non-drill emergency recess, see Deschler's Precedents Ch. 39 § 2.16.

59. 149 CONG. REC. 5335, 108th Cong. 1st Sess.

60. Ken Calvert (CA).

61. *Parliamentarian's Note*: The mace was removed and the galleries were cleared. While this was the first party caucus meeting in the Chamber during a recess of the House,

On September 30, 1990,<sup>(62)</sup> the following announcement was made:

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.

RECESS

The SPEAKER pro tempore.<sup>(63)</sup> Pursuant to the order of the House of Friday, September 28, 1990, the House will now stand in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 43 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 55 minutes p.m.

**§ 1.12 The Senate (and then the House) agreed to a Senate concurrent resolution authorizing use of the Rotunda for an "assembly"**

such meetings had occurred during adjournments, prior to the convening of the House. See 130 CONG. REC. 24305, 24306, 98th Cong. 2d Sess. (Sept. 5, 1984). See also Precedents (Wickham) Ch. 3 § 3.5.

62. 136 CONG. REC. 26690-91, 101st Cong. 2d Sess.

63. Gerry Studds (MA).

**of House and Senate Members and Chaplains for a National Day of Reconciliation to “seek the blessings of Providence.”<sup>(64)</sup>**

On November 16, 2001,<sup>(65)</sup> the House adopted the Senate concurrent resolution.

PROVIDING FOR USE OF ROTUNDA OF CAPITOL FOR A NATIONAL DAY OF RECONCILIATION

Mr. [Thomas] REYNOLDS [of New York]. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate concurrent resolution (S. Con. Res. 83) providing for a National Day of Reconciliation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(66)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

*Resolved by the Senate (the House of Representatives concurring),*

- 64.** *Parliamentarian’s Note:* On June 25, 2001, a bill (H.R. 2300) calling for the two Houses to meet in the House Chamber for a “National Day of Reconciliation” was introduced and referred to the Committee on House Administration (147 CONG. REC. 11805, 107th Cong. 1st Sess.). On July 10, 2001, a similar measure was introduced in the form of a concurrent resolution (H. Con. Res. 184, 147 CONG. REC. 12766, 107th Cong. 1st Sess.). That concurrent resolution was adopted by the House by suspension of the rules on October 23, 2001 (Deschler’s Precedents Ch. 36 §§ 6.1, 6.2; 147 CONG. REC. 20388–90, 107th Cong. 1st Sess.). The Senate version on which the two Houses eventually agreed relocated the gathering to the Capitol Rotunda. From the earliest times, ceremonies of a religious nature have traditionally not been held in the Hall of the House. In fact, on November 19, 1804, the House adopted the following resolution: “That, in future, no person shall be permitted to perform divine service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker.” (H. Jour. 17, 8th Cong. 2d Sess. (Nov. 19, 1804)). Apparently as a result of excessive requests upon the Speaker, the House in 1828 ordered that the Chamber should be used only for congressional business and religious services on Sundays. 5 Hinds’ Precedents § 7270. In 1880, the House adopted what is now rule IV, which provides that the House must consent by resolution to any non-legislative use of the Chamber. *House Rules and Manual* § 677 (2017). See also: S. Con. Res. 45, 142 CONG. REC. 4621, 4622, 104th Cong. 2d Sess. (Mar. 13, 1996) (authorizing use of Capitol Rotunda for presentation of Congressional Gold Medal to Reverend and Mrs. Billy Graham); and H. Con. Res. 223, 147 CONG. REC. 16761, 16762, 107th Cong. 1st Sess. (Sept. 12, 2001) (permitting use of Capitol Rotunda for prayer vigil in memory of those who lost their lives in the events of September 11, 2001).
- 65.** 147 CONG. REC. 22910–11, 107th Cong. 1st Sess. The Senate adopted the measure on November 13, 2001. See 147 CONG. REC. 22270, 107th Cong. 1st Sess. See also Deschler’s Precedents Ch. 36 § 6.2.
- 66.** Vito Fossella (NY).

**SECTION 1. USE OF ROTUNDA OF THE CAPITOL.**

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

- (A) the champion of hope;
- (B) the vindicator of the defenseless; and
- (C) the guardian of freedom.

**SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.**

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 1.13 The Speaker announced that following the day's adjournment the majority and minority party caucuses would meet jointly in the Chamber in a closed session to receive a briefing by the Sergeant-at-Arms and Capitol Police Chief on the tragic events of July 24, 1998.<sup>(67)</sup>**

On July 27, 1998,<sup>(68)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(69)</sup> The Chair desires to announce that following adjournment tonight, Members are invited to attend a joint party conference caucus for a briefing here in the Chamber.

**§ 1.14 Pursuant to clause 3 of rule I<sup>(70)</sup> and clause 1 of rule IV,<sup>(71)</sup> the Speaker having authority over the Hall of the House may permit its use for a closed briefing of Members when the House is not in session.**

During the customary colloquy on the legislative program on March 11, 1999,<sup>(72)</sup> the Majority Leader announced that a national security briefing for

**67.** *Parliamentarian's Note:* On July 24, 1998, two Capitol Police officers were shot and killed by a lone gunman who had infiltrated the Capitol. The security briefing in the Chamber was held to give Members information on the sequence of events that had occurred on the day of the attack and current security protocols, as conveyed by the Sergeant-at-Arms and the Chief of the Capitol Police. See Deschler's Precedents Ch. 36 § 15 and Deschler's Precedents Ch. 38 § 3.5.

**68.** 144 CONG. REC. 17466, 17467, 105th Cong. 2d Sess.

**69.** Newt Gingrich (GA).

**70.** *House Rules and Manual* § 623 (2017).

**71.** *House Rules and Manual* § 686 (2017).

**72.** 145 CONG. REC. 4338, 106th Cong. 1st Sess.

all Members would be presented in the Chamber of the House before its scheduled session on the following Thursday:

#### LEGISLATIVE PROGRAM

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

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, I have asked to speak for the purpose of inquiring of the distinguished majority leader the schedule for the remainder of the week and next week.

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that we have had our last vote for the week. There will be no votes tomorrow, on Friday, March 12.

On Monday, March 15, the House will meet at 2 p.m. for a pro forma session. Of course, there will be no legislative business and no votes that day. . . .

On Thursday, March 18, we expect a national security briefing on the House floor from 10 a.m. to 11 a.m. to discuss the ballistic missile threat. Of course, all Members will want to attend.

On March 18, 1999,<sup>(73)</sup> the House commenced debate on national missile defense policy, and the manager of the bill reminded Members that the closed national security briefing that they had received in the Chamber before the House convened on this day was classified:

Mr. [Floyd] SPENCE [of South Carolina]. Mr. Speaker, pursuant to House Resolution 120, I call up the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 4 is as follows:

#### H.R. 4

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to deploy a national missile defense.*

The SPEAKER pro tempore (Mr. [John] SUNUNU [of New Hampshire]). Pursuant to House Resolution 120, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SPENCE. Mr. Speaker, before beginning, I would like to remind all Members who attended this morning's briefing with the Rumsfeld Commission that the briefing was classified. Accordingly, during the next several hours of debate, Members should take extreme care not to discuss any of the details or specifics of what they heard.

### § 1.15 The chair of the Committee on Armed Services took the floor to announce a change in location for a classified briefing for Members.

<sup>73</sup> 145 CONG. REC. 4863, 106th Cong. 1st Sess.

On June 5, 2003,<sup>(74)</sup> the following announcement was made:

ANNOUNCEMENT REGARDING CHANGE OF MEETING PLACE FOR MEMBERS-  
ONLY BRIEFING ON IRAQ

(Mr. [Duncan] HUNTER [of California] asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, the briefing by Secretary Rumsfeld that was to take place on the floor at 4 p.m. will take place at 4 p.m. in Rayburn 2118.

**§ 1.16 Pursuant to clause 12 of rule I, the Chair declared the House in recess subject to the call of the Chair to accommodate a briefing for Members in the Chamber of the House.<sup>(75)</sup>**

On February 3, 2004,<sup>(76)</sup> the following occurred:

RECESS

The SPEAKER pro tempore.<sup>(77)</sup> Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARTER) at 8 o'clock and 13 minutes p.m.

**§ 1.17 By unanimous consent, the Chair inserted into the *Congressional Record* certain policy statements by Speaker for 111th Congress, including an inaugural statement on the use of the House Chamber when not in session.<sup>(78)</sup>**

74. 149 CONG. REC. 13890, 108th Cong. 1st Sess.

75. *Parliamentarian's Note*: The 45-minute briefing was conducted at the behest of the chair and ranking minority member of the Committee on House Administration. It concerned a recent finding of ricin in a Senate mail room. The briefing was classified as "law enforcement sensitive." It was conducted by the House Sergeant-at-Arms, the Chief of Capitol Police, and the Attending Physician. The Chief Administrative Officer also was present to answer questions concerning distribution of the mail.

76. 150 CONG. REC. 928-929, 108th Cong. 2d Sess.

77. John Shimkus (IL).

78. *Parliamentarian's Note*: As mentioned in the Speaker's policy statement, some Members had conducted a mock session of the House during the August recess in 2008 in the House Chamber, potentially giving the impression that these proceedings were officially sanctioned events or actual sessions of the House. A similar demonstration had occurred during a recess of the House on November 18, 1995. This policy statement

On January 6, 2009,<sup>(79)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(80)</sup> The Chair customarily takes this occasion at the outset of a Congress to announce her policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements concerning:

- first, privileges of the floor;
- second, introduction of bills and resolutions;
- third, unanimous-consent requests for the consideration of legislation;
- fourth, recognition for 1-minute speeches;
- fifth, recognition for Special Order speeches;
- sixth, decorum in debate;
- seventh, conduct of votes by electronic device;
- eighth, use of handouts on the House floor;
- ninth, use of electronic equipment on the House floor; and
- tenth, use of the Chamber.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Chair intends to continue in the 111th Congress the policies reflected in these statements. The policy announced in the 102d Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

Without objection, the announcements will be printed in the RECORD.

There was no objection.

1. Privileges of the Floor

The Chair will make the following announcements regarding floor privileges, which will apply during the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO STAFF

Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 21, 1986, January 3, 1985, January 25, 1983, and August 22, 1974, and as stated in Chapter 10, section 2, of House Practice, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to

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was in response to events of that type and has been continued by subsequent Speakers in each successive Congress. See 157 CONG. REC. 106, 112th Cong. 1st Sess. (Jan. 5, 2011); 159 CONG. REC. H27 [Daily Ed.], 113th Cong. 1st Sess. (Jan. 3, 2013); 161 CONG. REC. H35 [Daily Ed.], 114th Cong. 1st Sess. (Jan. 6, 2015); and 163 CONG. REC. H36 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

79. 155 CONG. REC. 23–25, 111th Cong. 1st Sess.

80. Tammy Baldwin (WI).

personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures within the jurisdiction of their committees. The Chair is making this statement and reiterating this policy because of Members' past insistence upon strict enforcement of the rule. The Chair requests each committee chair, and each ranking minority member, to submit to the Speaker a list of those staff who are allowed on the floor during the consideration of a measure reported by their committee. The Sergeant-at-Arms, who has been directed to assure proper enforcement of rule IV, will keep the list. Each staff person should exchange his or her ID for a "committee staff" badge, which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him.

Furthermore, as the Chair announced on January 7, 2003, in accordance with the change in the 108th Congress of clause 2(a) of rule IV regarding leadership staff floor access, only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that her approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

#### ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO FORMER MEMBERS

The Speaker's policy announced on February 1, 2006, will continue to apply in the 111th Congress.

#### ANNOUNCEMENT BY THE SPEAKER, FEBRUARY 1, 2006

The SPEAKER.<sup>(81)</sup> The House has adopted a revision to the rule regarding the admission to the floor and the rooms leading thereto. Clause 4 of rule IV provides that a former Member, Delegate or Resident Commissioner or a former Parliamentarian of the House, or a former elected officer of the House or a former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and the rooms extending thereto if he or she is a registered lobbyist or an agent of a foreign principal; has any direct personal pecuniary interest in any legislative measure pending before the House, or reported by a committee; or is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

This restriction extends not only to the House floor but adjacent rooms, the cloakrooms and the Speaker's lobby.

Clause 4 of rule IV also allows the Speaker to exempt ceremonial and educational functions from the restrictions of this clause. These restrictions shall not apply to attendance at joint meetings or joint sessions, Former Members' Day proceedings, educational tours, and other occasions as the Speaker may designate.

Members who have reason to know that a person is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly. . . .

#### 8. Use of Handouts on House Floor

The Speaker's policy announced on September 27, 1995, which was prompted by a misuse of handouts on the House floor and made at the bipartisan request of the Committee

81. Dennis Hastert (IL).

on Standards of Official Conduct, will continue in the 111th Congress. All handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the Record. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff is prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

#### 9. Use of Electronic Equipment on House Floor

The Speaker's policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in the 108th Congress, will continue in the 111th Congress. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or make wireless telephone calls to do so outside of the Chamber. The Chair further requests that all Members and staff refrain from wearing telephone headsets in the Chamber and to deactivate any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II and clause 5 of rule XVII, to enforce this prohibition.

#### 10. Use of Chamber

The Speaker will make the following announcement with regard to use of the Chamber in the 111th Congress.

The Chair will announce to the House the policy of the Speaker concerning appropriate comportment in the chamber when the House is not in session.

Under clause 3 of rule I, the Speaker is responsible to control the Hall of the House. Under clause 1 of rule IV, the Hall of the House is to be used only for the legislative business of the House, for caucus and conference meetings of its Members, and for such ceremonies as the House might agree to conduct there.

When the House stands adjourned, its chamber remains on static display. It may accommodate visitors in the gallery or on the floor, subject to the needs of those who operate, maintain, and secure the chamber to go about their ordinary business. Because outside "coverage" of the chamber is limited to floor proceedings and is allowed only by accredited journalists, when the chamber is on static display no audio and video recording or transmitting devices are allowed. The long custom of disallowing even still photography in the chamber is based at least in part on the notion that an image having this setting as its backdrop might be taken to carry the imprimatur of the House.

The imprimatur of the House adheres to the Journal of its proceedings, which is kept pursuant to the Constitution. The imprimatur of the House adheres to the Congressional Record, which is kept as a substantially verbatim transcript pursuant to clause 8 of rule

XVII. The imprimatur of the House adheres to the audio and visual transmissions and recordings that are made and kept by the television system administered by the Speaker pursuant to rule V. But the imprimatur of the House may not be appropriated to other, ad hoc accounts or compositions of events in its chamber.

There have been reports during a recent “August recess” that the chamber was turned to inappropriate use by concerted activity. Those reports included the solicitation of visitors to fill seats on the floor to observe mock proceedings on the floor, dissemination of bootleg “coverage” of these proceedings over the internet, and lobbyist participation in the speechmaking.

Things of this sort should not recur. Members correctly refer to this place as “the people’s House.” It is, indeed, the chamber of the people’s House of Representatives. It is for legislative deliberations and ceremonies. It is not for political rallies. The Chair enlists the good judgment of all Members to the end that this chamber be preserved as the sanctuary of solemnity, deliberacy, and decorum that the rules of the House ordain it to be.

### ***Comportment of Members***

**§ 1.18 Under clause 7 of rule XVII,<sup>(82)</sup> it is not in order in debate “to introduce to or to bring to the attention of the House” persons in the gallery.**

On July 17, 2012,<sup>(83)</sup> the Chair reminded a Member of the prohibition in clause 7 of rule XVII:

Mr. [John] GARAMENDI [of California]. Excuse me just for a moment. I noticed in our gallery two gentlemen, soldiers, who are here, both of them wounded in the wars. This is part of a group that comes in here every day when we’re in session to watch what we’re doing. They just stepped out the door, and I wanted to catch them before they left to recognize them for the services that they provide. They may come back in, in which case I will interrupt you again.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(84)</sup> The Chair will remind all Members that it is not in order to bring to the attention of the House an occupant in the gallery.

**§ 1.19 In preparation for a joint session to receive a message from the President, the Chair announced that the practice of reserving seats by placard for the joint session would not be allowed and that Members could reserve seats only by physical presence following a security sweep of the Chamber.**

On January 24, 2012,<sup>(85)</sup> the following customary announcement was made:

<sup>82</sup>. *House Rules and Manual* § 966 (2017).

<sup>83</sup>. 158 CONG. REC. 11463, 11466, 112th Cong. 2d Sess. See also Deschler’s Precedents Ch. 4 §§ 5.3–5.5.

<sup>84</sup>. Blake Farenthold (TX).

<sup>85</sup>. 158 CONG. REC. 284, 112th Cong. 2d Sess.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(86)</sup> After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of purporting to reserve seats prior to the joint session by placement of placards or personal items will not be allowed. Chamber Security may remove these items from the seats. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 58 minutes p.m.), the House stood in recess until approximately 8:35 p.m.

**§ 1.20 Under clause 7 of rule XIV (now clause 5 of rule XVII),<sup>(87)</sup> smoking is not permitted in the Chamber of the House.<sup>(88)</sup>**

On October 15, 1990,<sup>(89)</sup> the Chair responded to parliamentary inquiries regarding smoking in the Chamber as follows:

## PARLIAMENTARY INQUIRY

Mr. [Martin] RUSSO [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(90)</sup> The gentleman will state it.

Mr. RUSSO. Mr. Speaker, I was wondering if the Speaker would advise the membership as to what the rules of the House are in terms of smoking cigars, cigarettes, and pipes in the Chamber.

The SPEAKER pro tempore. The gentleman has asked what the rules of the House are on smoking on the floor.

The Chair would advise the gentleman that clause 7 of rule XIV states that "neither shall any person be allowed to smoke upon the floor of the House at any time."

Mr. RUSSO. I have a further parliamentary inquiry. Does that mean Members can smoke behind the rail, or is that prohibited? Is smoking behind the rail prohibited?

The SPEAKER pro tempore. The chair would say to the gentleman that the area behind the rail is part of the area of the floor of the House, and smoking is not allowed.

86. Steve Womack (AR).

87. *House Rules and Manual* § 962 (2017).

88. For a similar ruling in the Committee of the Whole, see 132 CONG. REC. 21707, 99th Cong. 2d Sess. (Aug. 14, 1986).

89. 136 CONG. REC. 29248, 101st Cong. 1st Sess.

90. Richard Gephardt (MO).

Mr. RUSSO. Under no circumstances can a Member have a cigar, cigarette, or pipe lit on the floor of this Chamber, anywhere inside this Chamber?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RUSSO. Would the Chair indicate how we could enforce those rules?

The SPEAKER pro tempore. The Chair will attempt to enforce it with officers and employees of the House.

Mr. RUSSO. Well, let Members beware.

**§ 1.21 Where the Speaker was informed by the Sergeant-at-Arms of a possible hazardous material spill in the Capitol prior to convening for morning-hour debate, the Speaker exercised authority under an order of the House to dispense with morning-hour debate and convene the House for legislative business at its usual time.<sup>(91)</sup>**

On July 10, 2014,<sup>(92)</sup> the following occurred:

The House met at noon and was called to order by the Speaker.

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COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 10, 2014.*

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: As you are aware, the time previously appointed for the next meeting of the House is 10 a.m. today for morning-hour debate. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to an industrial accident.

Sincerely,

PAUL D. IRVING,  
*Sergeant at Arms.*

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**91.** *Parliamentarian's Note:* This was the inaugural use of the Speaker's authority to dispense with morning-hour debate without also changing the date for the convening of the House. This authority was first incorporated into the order for morning-hour debate on January 7, 2014, which was added to enhance the Speaker's "continuity" authorities and give the House greater flexibility in responding to exigent circumstances.

**92.** 160 CONG. REC. H6039 [Daily Ed.], 113th Cong. 2d Sess.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(93)</sup> Under clause 12(c) of rule I, and the order of the House of January 7, 2014, the Speaker dispensed with morning-hour debate today and notified Members accordingly.

**§ 2. The Electronic Voting System; Legislative Call System**

Over the course of the last several decades, the House Chamber has been equipped with various forms of technology that assist Members in debate and in conducting votes. A microphone amplification system was installed in the 1930s<sup>(1)</sup> and television broadcasting was enabled in the 1970s.<sup>(2)</sup> To alert Members that a vote in the Chamber would be forthcoming, the House installed a legislative call system (signal bells) that would ring throughout the House side of the Capitol and the House office buildings at certain intervals to indicate a particular type of vote or quorum call.<sup>(3)</sup> The system was first used in 1890 and was significantly modified in 1963 to add light indicators in addition to bells, now integrated into House clocks. The system is still in use today, although the advent of mobile phones and Internet communications has provided alternate means for Members to be informed in a timely manner of votes occurring on the floor. The history and use of the electronic voting system was explored in a select committee report that centered on voting irregularities in the 110th Congress.<sup>(4)</sup>

The electronic voting system was installed at the end of the 92d Congress in 1972, and was first used in the 93d Congress in 1974.<sup>(5)</sup> A resolution amending the rules of the House was adopted in October, 1972, to provide for procedures for conducting votes by electronic device.<sup>(6)</sup> On January 15,

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93. John Boehner (OH).

1. See § 3, *infra*.

2. *Id.*

3. For a detailed description of the particular signals and their meaning, see *House Rules and Manual* § 1016 (2017). An earlier version of the same information appears at Deschler's Precedents Ch. 30 § 31.2.

4. H. Rept. 110-885, 110th Cong., 2d Sess.

5. *Parliamentarian's Note*: The idea for a mechanical or electronic means of recording votes had been discussed in the House as early as 1886, and hearings on the issue were held in the 63d (1913-1914) and 64th (1915-1916) Congresses. See *Electronic Voting System in the House of Representatives: History and Usage*, CRS Report R41862, (June 13, 2011). However, it was not until the Legislative Reorganization Act of 1970 that plans for an electronic voting system were finally adopted. The Speaker directed that a vote be conducted by electronic device for the first time on January 23, 1973. See 119 CONG. REC. 1793, 93d Cong. 1st Sess.

6. Clause 2(b) of rule XX authorizes the Chair to conduct record votes and quorum calls under the alternate procedures prescribed in rule XX if the electronic voting system malfunctions. *House Rules and Manual* § 1014a (2017).

1973, the Speaker inserted a statement into the *Congressional Record* detailing the protocols and policies that would be used when the new voting system became operational.<sup>(7)</sup> Over the years, Speakers have reiterated and revised these policies.<sup>(8)</sup>

The electronic voting system consists of several elements. Throughout the Chamber, there are 46 voting stations where Members may vote using electronic voting cards. The voting card is inserted, a button depressed (indicating “aye”, “no”, or “present”) and the information is relayed to a master terminal that tallies all such electronic votes. Members may verify that a vote has been properly recorded by inserting the voting card again and observing which button lights.<sup>(9)</sup> A tally clerk at the rostrum monitors the master computer, and when Members vote by ballot card in the well, the Tally Clerk manually enters the vote into the computer system.<sup>(10)</sup> The majority and minority parties also have monitors at their respective tables that relay vote totals in real time.

In addition to the voting stations and the master computer, the electronic voting system also includes large display panels on the south wall of the Chamber, located above the press gallery. When illuminated, these panels display the names of all Members and how they have recorded their votes.<sup>(11)</sup> These display panels are supplemented by two smaller display boards on the east and west sides of the Chamber that display a concise description of the pending question, the current vote totals, and the time remaining before the minimum time for such vote expires.<sup>(12)</sup> The Speaker

7. See, generally, Deschler's Precedents Ch. 30. The legislative call system was designed to alert Members to certain occurrences on the floor of the House, including votes, quorum calls, adjournment of the House, and civil defense warnings.
8. See *House Rules and Manual* § 1016 (2017) and Deschler's Precedents Ch. 30 §§ 31.1, 31.2. See also Speaker's announced policies of January 3, 1991 (137 CONG. REC. 65, 102d Cong. 1st Sess.); January 4, 1995 (141 CONG. REC. 457, 104th Cong. 1st Sess.); January 5, 2007 (153 CONG. REC. 274, 110th Cong. 1st Sess.); January 6, 2015 (161 CONG. REC. H34 [Daily Ed.], 114th Cong. 1st Sess.); and January 3, 2017 (163 CONG. REC. H35 [Daily Ed.], 115th Cong. 1st Sess.).
9. See Deschler's Precedents Ch. 30 § 31.3. For a discussion of malfunctions of the electronic voting system, see Deschler's Precedents Ch. 30 §§ 31.9–31.15.
10. All steps of the voting process are examined in the House report on voting irregularities of the 110th Congress. See H. Rept. 110–885, 110th Cong. 2d Sess.
11. *Parliamentarian's Note*: Under certain conditions, when new Members are sworn in during a vote by electronic device, the electronic system cannot be updated in real time to allow a display of such Member's name, necessitating voting by ballot card until the display panels can be altered. See, e.g., 157 CONG. REC. 140, 112th Cong. 1st Sess. (Jan. 6, 2011). The Chair has refused to entertain a unanimous-consent request to turn on the voting display panels when there was no vote or quorum call in progress. See 144 CONG. REC. 25770, 105th Cong. 2d Sess. (Oct. 12, 1998).
12. Such display boards are for informational purposes only and do not carry any procedural or parliamentary significance. See 153 CONG. REC. 24524–26, 110th Cong. 1st

has typically announced to the House when changes or improvements in the electronic voting system have occurred.<sup>(13)</sup>

### § 3. Audio–Visual Broadcast of House Proceedings

Audio–visual broadcasting of House proceedings began in the 1970s and developed slowly over the course of that decade until full implementation was achieved in 1979.<sup>(1)</sup> In August, 1974, the House adopted a resolution providing for television coverage of possible hearings on the impeachment of President Richard Nixon (although the issue was mooted by President Nixon’s resignation later that month).<sup>(2)</sup> In 1977, the Speaker announced a 90–day trial period of recording House floor proceedings, with the stipulation that such material would not be made publicly available.<sup>(3)</sup> In October of that year, the House adopted a resolution authorizing in–house (closed–circuit) broadcasting of House floor proceedings that could be viewed in Members’ offices (but not off campus) and directing the Committee on Rules to study the possibility of full public broadcasting.<sup>(4)</sup>

In 1978, news media were provided with audio (but not visual) coverage of floor proceedings for an indefinite trial period.<sup>(5)</sup> Later that year, the Speaker announced that preparations would be made during an upcoming period of adjournment for full television coverage of House proceedings.<sup>(6)</sup> In early 1979, the Speaker suspended closed–circuit broadcasting of House proceedings and announced the formation of an informal panel to advise him on regulations for television coverage (to prevent the unauthorized use of such coverage for commercial or political purposes).<sup>(7)</sup> On March 19, 1979, full public television broadcast of House proceedings was finally realized,

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Sess. (Sept. 18, 2007) and 154 CONG. REC. 8147, 8148, 110th Cong. 2d Sess. (May 8, 2008).

13. See, *e.g.*, 120 CONG. REC. 6021, 93d Cong. 2d Sess. (Mar. 11, 1974) (vote totals now available by state or party) and 123 CONG. REC. 11024, 95th Cong. 1st Sess. (Apr. 18, 1977) (voting results displayed on closed–circuit television broadcast of House proceedings).

1. See § 3.1, *infra*.

2. *Id.*

3. *Id.* The House adopted a resolution later the same day (raised as a question of privilege) directing the Committee on Rules to conduct an investigation of possible broadcasting of House proceedings.

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.* The House resumed closed–circuit broadcasts the following month.

with the cooperation of the Cable–Satellite Public Affairs Network (C–SPAN), which distributes the broadcasts through its cable affiliates. C–SPAN and HouseLive now offer Internet streaming coverage as well, allowing public viewing of House proceedings on computers and mobile electronic devices.<sup>(8)</sup>

Rule V<sup>(9)</sup> of the standing rules of the House provides the Speaker with extensive authority to administer audio–visual broadcasting of House proceedings. Clause 1 of rule V provides for closed–circuit viewing of floor proceedings in Members’ offices, while clause 2 authorizes the Speaker to “administer, direct, and control a system for complete and unedited audio and visual broadcasting and recording of the floor proceedings of the House.”<sup>(10)</sup> The primary restriction on the use of such coverage is found in clause 2(c), which prohibits use for “partisan political campaign” purposes or use in commercial advertising or with commercial sponsorship (except as part of news or public affairs documentary programs).<sup>(11)</sup>

The Speaker’s exercise of the authorities contained in rule V has occasionally come under scrutiny by the House.<sup>(12)</sup> In 1984, the Speaker instituted a policy of having the cameras “pan” the Chamber during special–order speeches, with text appearing at the bottom of the screen to indicate that legislative business had concluded.<sup>(13)</sup> The Speaker’s authority to implement such wide–angle coverage was the subject of some controversy, due to lack of formal consultation with the minority party.<sup>(14)</sup> This policy has been adjusted at various times, including during a trial period of “Oxford–style” debates in the House.<sup>(15)</sup>

In 1985, the Speaker exercised the authorities under rule V to allow closed–circuit viewing of House committee proceedings for the first time.<sup>(16)</sup> Also in 1985, a question of the privileges of the House was raised, directing the Speaker to provide complete coverage of floor proceedings by including broadcast of the House while Members are voting.<sup>(17)</sup>

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8. The Senate did not authorize full public broadcast of its proceedings until 1986. See § 10, *infra*.

9. *House Rules and Manual* § 684 (2017).

10. *Id.*

11. *Id.*

12. See § 3.13, *infra*.

13. See § 3.2, *infra*. Such protocols were not to be used during “interim” special–order speeches, when legislative business was scheduled to resume. See § 3.4, *infra*.

14. See § 3.3, *infra*.

15. See § 3.5, *infra*.

16. See § 3.6, *infra*.

17. See § 3.7, *infra*.

Television broadcasting of House proceedings is aided by the Chamber's internal sound system, which predated visual broadcasting by several decades. Abortive attempts were made to install a system in the 1920s, and in 1935, a resolution was introduced instructing the Architect of the Capitol to study the possibility of sound amplification in the Chamber using microphones and loudspeakers.<sup>(18)</sup> An initial public-address system was installed but swiftly removed (due to insufficient testing), and a permanent system installed in 1938.<sup>(19)</sup>

The system remains largely unchanged since that time, with microphones positioned at the Speaker's desk and the Reading Clerk's lectern, and microphones for Members placed in the well of the Chamber and at the tables for the majority and minority floor leaders. The system is monitored from a control station situated in the gallery, which can be adjusted to accommodate the voice of each speaker. Members may use any microphone they wish,<sup>(20)</sup> though it is unusual for members of one party to cross the aisle and use microphones on the other party's side of the Chamber. Members are occasionally reminded to speak into the microphones so that they may be heard by the body,<sup>(21)</sup> and have been requested not to use malfunctioning microphones.<sup>(22)</sup> Members who do not heed the gavel or who interrupt other Members and interject remarks while not under recognition are not entitled to the floor, and the Chair may order microphones turned off in response to such disorderly conduct.<sup>(23)</sup> Members are also prohibited from disruptive conduct in the Chamber including denying others the use of legislative instruments such as lecterns and microphones.<sup>(24)</sup> During ceremonial joint meetings, at which a foreign dignitary delivers remarks in a foreign language, the Chamber has sometimes been equipped with headsets by which Members may hear simultaneous English translation.<sup>(25)</sup>

By long custom, still photography inside the Chamber is generally not permitted.<sup>(26)</sup> However, each Congress, Members of the House sit for the official photograph of the House (which typically consists of one wide-angle

18. 79 CONG. REC. 660, 74th Cong. 1st Sess. (Jan. 18, 1935).

19. 84 CONG. REC. 3, 76th Cong. 1st Sess. (Jan. 9, 1939).

20. See § 3.11, *infra*.

21. See § 3.10, *infra*.

22. See § 3.12, *infra*.

23. See § 3.13, *infra*.

24. Rule XVII, clause 9, *House Rules and Manual* § 968(a) (2017).

25. See, e.g., 142 CONG. REC. 2202–205, 104th Cong. 2d Sess. (Feb. 1, 1996); 143 CONG. REC. 2759, 2760, 2762, 105th Cong. 1st Sess. (Feb. 27, 1997); and 150 CONG. REC. 1032–34, 108th Cong. 2d Sess. (Feb. 4, 2004).

26. See Deschler's Precedents Ch. 4 § 3.5.

photograph of the entire Chamber).<sup>(27)</sup> On special occasions, the House has, by resolution, permitted authorized individual access to the floor in order to take photographs and other recordings of House proceedings.<sup>(28)</sup> In the 115th Congress, clause 3(g) was added to rule II<sup>(29)</sup> to authorize the Sergeant-at-Arms to assess fines against Members for improper use of electronic devices for still photography or audio-visual broadcasting in the House Chamber.<sup>(30)</sup>

### *Pre-cable Television Broadcasts*

**§ 3.1 Prior to the advent of full television coverage of House proceedings on the Cable-Satellite Public Affairs Network (C-SPAN), the House had previously made provisions to broadcast proceedings of the House (including floor proceedings and committee activity) on a limited basis, including closed-circuit television broadcast to Members' offices.**

Over the course of the 1970s, the House experimented with various forms of audio-visual broadcasting of House proceedings, culminating in the full cable broadcast on the Cable-Satellite Public Affairs Network (C-SPAN) in 1979. In one of the first instances of the House making provisions for television coverage, the House adopted a privileged resolution in 1974 permitting television, radio and photographic coverage of House proceedings of a resolution proposing impeachment of President Richard M. Nixon, and creating a special committee to make necessary arrangements for such coverage subject to approval of the Speaker (thereby waiving Speakers' rulings prohibiting such coverage of House proceedings).<sup>(31)</sup> The subsequent resignation of President Nixon mooted these authorities, provided on August 7, 1974, as follows:<sup>(32)</sup>

#### TELEVISION AND RADIO BROADCAST OF PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES

Mr. [Ray] MADDEN [of Indiana]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 802 and ask for its immediate consideration.

27. See § 3.8, *infra*.

28. See §§ 3.9, 5.1, *infra* and § 1.7, *supra*.

29. *House Rules and Manual* § 660a (2017).

30. *Parliamentarian's Note*: This addition to the standing rules of the House came in response to protests by the minority party on the House floor that included the use of mobile phones to broadcast video of the protests via Internet streaming services. See 163 CONG. REC. H7-H28 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

31. See rulings of Speaker Sam Rayburn of Texas: 98 CONG. REC. 1334, 1335, 82d Cong. 2d Sess. (Feb. 25, 1952) and 101 CONG. REC. 628, 629, 84th Cong. 1st Sess. (Jan. 24, 1955).

32. 120 CONG. REC. 27266, 27268, 27269, 93d Cong. 2d Sess.

The Clerk read the resolution as follows:

H. RES. 802

Whereas clause 33 of rule XI of the Rules of the House of Representatives provides for coverage by television and radio broadcast of committee hearings which are open to the public; and

Whereas there is no provision in said rules for coverage by television and radio broadcast of proceedings in the House Chamber, except that such coverage is prohibited by the ruling of previous Speakers of the House; and

Whereas it is probable that there will be brought to the floor of the House for its consideration the question of the impeachment of the President of the United States; and

Whereas the question of the impeachment of the President is of such historic and national importance as to command the keen interest of every American throughout the Nation; and

Whereas television and radio facilities are available to broadcast throughout the Nation the historic proceedings in the Chamber of the House on the question of the impeachment of the President; and

Whereas it is in the national interest that the historic debate be broadcast by radio and television facilities throughout the Nation: Now, therefore, be it

*Resolved*, That, notwithstanding any ruling or custom to the contrary, the proceedings in the Chamber of the House of Representatives on any resolution to impeach the President of the United States may be broadcast by radio and television facilities.

SEC. 2. The Speaker of the House of Representatives is authorized to appoint a committee of five members, including the majority and minority leaders, to provide such arrangements as may be necessary in connection with such broadcast.

With the following committee amendment:

Strike out all after the resolving clause and insert:

That, notwithstanding any rule, ruling, or custom to the contrary, the proceedings in the Chamber of the House of Representatives relating to the resolution reported from the Committee on the Judiciary, recommending the impeachment of Richard M. Nixon, President of the United States, may be broadcast by radio and television and may be open to photographic coverage, subject to the provisions of section 2 of this resolution.

SEC. 2. A special committee of four members, composed of the majority and minority leaders of the House, and the majority and minority whips of the House, is hereby authorized to arrange for the coverage made in order by this resolution and to establish such regulations as they may deem necessary and appropriate with respect to such broadcast or photographic coverage: *Provided, however*,

That any such arrangements or regulations shall be subject to the final approval of the Speaker; and if the special committee or the Speaker shall determine that the actual coverage is not in conformity with such arrangements and regulations, the Speaker is authorized and directed to terminate or limit such coverage in such manner as may protect the interests of the House of Representatives.

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. House Resolution 802 provides that the proceedings in the Chamber of the House of Representatives relating to the resolution reported from the Committee on the Judiciary, recommending the impeachment of Richard Nixon, President of the United States, may be broadcast by radio and television and may be open to photographic coverage. House Resolution 802 provides for a special committee of four Members, the majority and minority leaders of the House of Representatives and the majority and minority whips of the House of Representatives, to arrange for the radio, television, and photographic coverage. Their arrangements shall be subject to the final approval of the Speaker of the House. If the special committee or the Speaker shall determine that the actual coverage is not in conformity with the promulgated arrangements and regulations, the Speaker is authorized to terminate the coverage in a manner consistent with the interests of the House of Representatives. . . .

The SPEAKER.<sup>(33)</sup> The question is on the committee amendment.

The committee amendment was agreed to.

33. Carl Albert (OK).

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. [Earl] LANDGREBE [of Indiana]. 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 385, nays 25, not voting 24, as follows: . . .

In 1977, the Speaker announced the beginning of a 90-day test of recording House proceedings, whereby an audio-visual transmission would be carried live to television sets within the Capitol complex but would not be released outside the Capitol for any purpose.<sup>(34)</sup> On March 15, 1977,<sup>(35)</sup> the following announcement was made:

AUDIO-VISUAL RECORDING OF HOUSE PROCEEDINGS—ANNOUNCEMENT BY  
THE SPEAKER

The SPEAKER.<sup>(36)</sup> The Chair desires to make an announcement. Today the House begins a historic 90-day test of the audio-visual recording of our proceedings on the floor.

Three cameras will audiovisually record the floor proceedings from fixed positions in the Chamber, over the center clock, in the periodical press gallery, and in the radio-TV gallery.

The picture and sound will be carried on a closed-circuit system to the Rayburn House Office Building, the only building with the capability of receiving the signal. The proceedings may be viewed on channel 3 of any television set connected to the master antenna in the Rayburn Building, but will not be broadcast and will not be released outside of Capitol buildings under the control of the House for any purpose.

Members should be aware that the coverage will last from the opening gavel to the beginning of special orders on each legislative day.

The House rules do not permit television or radio broadcast of House proceedings, or the use of audio and video excerpts outside the Capitol. It is the Chair's intention to seek authority from the House if it is considered appropriate to commence permanent broadcast-media coverage or to permit use of video or live coverage of the House proceedings by the news media. The Chair desires to emphasize that during the 90-day test video and audio recordings are not to be taken from any transmission for any purpose. The Chair seeks the cooperation of all Members in insuring that the test is conducted in a

**34.** *Parliamentarian's Note*: At the time of this 90-day test, the rules and precedents of the House did not permit the television or radio broadcast of House proceedings or the use of the audio and video excerpts from House proceedings outside the Capitol. But pursuant to the Speaker's general authority over the Hall of the House under clause 3 of rule I (*House Rules and Manual* § 623 (2017)), the Speaker could authorize this limited experiment in closed-circuit audio-visual broadcasting.

**35.** 123 CONG. REC. 7607, 7608, 95th Cong. 1st Sess.; *House Rules and Manual* §§ 684, 704 (2017).

**36.** Thomas O'Neill (MA).

manner befitting the dignity of the House and fulfilling the purposes for which it has been undertaken.

Also in 1977, the chair of the Committee on House Administration announced that the committee had placed in operation a modification to the electronic voting system to allow the display of voting information during a rollcall vote on the closed-circuit television system being tested in the Chamber. On April 18, 1977,<sup>(37)</sup> the following announcement was made:

#### MODIFICATION OF THE ELECTRONIC VOTING SYSTEM

The SPEAKER pro tempore.<sup>(38)</sup> Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 10 minutes.

Mr. [Frank] THOMPSON. Mr. Speaker, as you know, the electronic voting system, which is used here in the Chamber to record Member's votes, has been modified many times in the past to comply with the requirements of the House. Today, the Committee on House Administration has placed in operation a modification to the system which will allow the broadcasting of in-progress voting information over the closed circuit television network being tested in the Chamber.

During a vote, the offices connected to the television network will be able to follow the progress of the vote by observing the summary display information on the screen consisting of vote totals by party affiliation. The voting information will be updated every 20 seconds during each vote cycle.

The Committee on House Administration is pleased that it can continue to respond to requests for new features of the electronic voting system that will assist the leadership and the Members accomplish their responsibilities in a more efficient manner.

Later in the year, the House adopted a privileged resolution reported from the Committee on Rules to provide for a system of closed-circuit viewing of House proceedings, and for the orderly development (through the Speaker and the Committee on Rules) of a system for full audio-visual broadcasting and recording of House proceedings. On October 27, 1977,<sup>(39)</sup> the following resolution was adopted:

Mr. [Bernice] SISK [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 866

*Resolved*, That it is the purpose of this resolution to provide for a system for closed circuit viewing of the proceedings of the House and to provide for the orderly development of a system for audio and visual broadcasting thereof.

#### ESTABLISHMENT OF CLOSED CIRCUIT SYSTEM

SEC. 2. The Speaker shall devise and implement a system subject to his direction and control for closed circuit viewing of floor proceedings of the House of Representatives in

**37.** 123 CONG. REC. 11024, 95th Cong. 1st Sess.

**38.** James Wright (TX).

**39.** 123 CONG. REC. 35425, 35426, 35428, 35437, 95th Cong. 1st Sess.; *House Rules and Manual* § 684 (2017).

the offices of all Members and committees and in such other places in the Capitol and the House office Buildings as he deems appropriate. Such system may include other telecommunications functions as he deems appropriate.

## STUDY OF BROADCASTING

SEC. 3. The Committee on Rules shall conduct a study of all alternative methods of providing complete and unedited audio and visual broadcasting of the proceedings of the House of Representatives. The committee shall report its findings and recommendations as soon as practicable but not later than February 15, 1978.

## ESTABLISHMENT OF BROADCASTING SYSTEM

SEC. 4. (a) As soon as practicable after receipt of the report of the committee, the Speaker shall devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting and recording of the proceedings of the House of Representatives. He shall provide for the distribution of such broadcasts and recordings thereof to news media and the storage of audio and video recordings of the proceedings.

(b)(1) All television and radio broadcasting stations, networks, services, and systems (including cable systems) which are accredited to the House Radio and Television Correspondents' Galleries, and all radio and television correspondents who are accredited to the Radio and Television Correspondent's Galleries shall be provided access to the live coverage of the House of Representatives.

(2) No coverage made available under this resolution nor any recording thereof shall be used for any political purpose.

(3) Coverage made available under this resolution shall not be broadcast with commercial sponsorship except as part of bona fide news programs and public affairs documentary programs. No part of such coverage or any recording thereof shall be used in any commercial advertisement.

## AUTHORITY TO DELEGATE

SEC. 5. The Speaker may delegate any of his responsibilities under this resolution to such legislative entity as he deems appropriate. . . .

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore.<sup>(40)</sup> The question is on the resolution.

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

Mr. [John] ROUSSELOT [of California]. 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.

The vote was taken by electronic device, and there were—yeas 342, nays 44, not voting 48, as follows:

Pursuant to this authorization, the Speaker announced that all accredited news media would be allowed, for an indefinite trial period, to monitor and distribute full audio coverage<sup>(41)</sup> of the proceedings of the House (but not for any commercial or political purposes) and requested cooperation in upholding the integrity and dignity of House proceedings. On June 8, 1978,<sup>(42)</sup> the following announcement was made:

40. James Wright (TX).

41. *Parliamentarian's Note*: Section 4(a) of House Resolution 866 (see *supra*) authorized the Speaker to implement a system for audio and visual coverage and broadcasting, but did not require that audio and visual coverage be implemented simultaneously.

42. 124 CONG. REC. 16746, 95th Cong. 2d Sess.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(43)</sup> The Chair desires to make an announcement.

Pursuant to House Resolution 866, adopted by the House on October 27, 1977, closed circuit audiovisual coverage of House proceedings has now been made available to all three House office buildings.

Under the provisions of that resolution, all accredited news media will be allowed beginning on Monday, June 12, to plug into the House microphone systems and to distribute full audio coverage of House proceedings for an indefinite trial period.

The Chair desires to stress that none of such broadcasts may be used for any commercial or political purposes. The Chair requests the cooperation of all parties involved in this endeavor to assure that the dignity and integrity of the proceedings of the House are upheld.

Similarly, pursuant to the authority to implement television coverage, the Speaker inserted in the *Congressional Record* an announcement that during the adjournment *sine die* of the second session of the 95th Congress, work would proceed towards implementing television coverage of the House. On October 14, 1978,<sup>(44)</sup> the following was submitted to the *Congressional Record*:

## TELEVISION COVERAGE OF THE HOUSE

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, during the period following adjournment, the work will proceed toward implementing the recommendations of House Resolution 866 to provide television coverage of the proceedings of the House. I have asked the Honorable CHARLIE ROSE to head an informal advisory group to deal with all questions concerning this subject and to advise me on the approaches that we should take on such matters as camera angles, lighting, broadcast signal, and archival. Mr. ROSE is working closely with the Architect of the Capitol and the Clerk of the House in completing the total effort. In the interim, any questions or recommendations regarding the television system should be directed to Mr. ROSE.

In 1979, the Speaker announced his designation of an informal panel to advise him on regulations governing the new audio and visual broadcasting system and distribution of reproductions therefrom, and further announced that, pending full utilization of the House television system, closed-circuit audio and video coverage to Members' offices would be permitted on opening day only, and that subsequent broadcasting would be suspended until the informal panel could advise the Speaker.<sup>(45)</sup>

43. Thomas O'Neill (MA).

44. 124 CONG. REC. 38770, 95th Cong. 2d Sess.

45. *Parliamentarian's Note*: During debate on House Resolution 5 (the resolution adopting the standing rules), Rep. John Anderson of Illinois was concerned that Members would continue, as some had during the end of the 95th Congress, to reproduce video broadcasts of their speeches on the House floor for distribution to local stations. While the

On January 15, 1979,<sup>(46)</sup> following the adoption of the rules for the 96th Congress, at which time Members' ability to record and distribute video of floor proceedings was discussed, the Speaker made the following announcement:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(47)</sup> The Chair would take this opportunity to advise Members that he has, pursuant to clause 9 of rule I, asked an informal panel to advise him on the full and final implementation of broadcasting, telecasting, and closed circuit viewing of the proceedings of the House. At the appropriate time the Chair will announce his regulations pertaining to the utilization of the new system and distribution to audio and video reproduction from that system. In the meantime aside from closed circuit viewing to Members' offices today for the convenience of Members and their friends, there will be no audio or video coverage of the proceedings of the House, other than the audio pickup available to accredited members of the radio-TV gallery until full implementation is completed. This is to enable the Chair's advisory panel to devote its full resources to the earliest practicable implementation of the new system.

The next month, the Speaker announced that pursuant to clause 9(a) of rule I (now clause 1 of rule V),<sup>(48)</sup> closed-circuit audio-visual coverage of House proceedings would resume on Monday, February 19, 1979, and further reminded Members that the closed-circuit system was intended for viewing in Members' offices only and was not to be utilized for commercial or political purposes. The Speaker also announced that his informal advisory committee on broadcasting<sup>(49)</sup> anticipated that complete audio-visual broadcasting and recording of House proceedings would begin in March. On February 15, 1979,<sup>(50)</sup> the following announcement was made:

The SPEAKER.<sup>(51)</sup> The Chair announces that, pursuant to the provisions of clause 9(a), rule I, closed circuit viewing of House floor proceedings will resume effective Monday, February 19, 1979.

The Chair would stress that under clause 9, rule I, the closed circuit system to Members' offices only, and is not to be utilized for commercial or political purposes. The Chair requests the cooperation of all persons concerned to assure that the dignity and integrity of the proceedings of the House are upheld.

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Majority Leader pointed out that such distribution was not permitted for commercial or political purposes, the Speaker declined to make a broad statement totally prohibiting such distribution, preferring instead to remind Members that the closed-circuit system was for "viewing" only and that political reproductions were not permitted.

46. 125 CONG. REC. 20, 96th Cong. 1st Sess.

47. Thomas O'Neill (MA).

48. *House Rules and Manual* § 684 (2017).

49. See *supra*.

50. 125 CONG. REC. 2594, 96th Cong. 1st Sess.

51. Thomas O'Neill (MA).

The Chair's Informal Advisory Committee has informed the Chair that a system for complete and unedited audio and visual broadcasting and recording of House proceedings will be available beginning in early March. The Chair will announce his full implementation of that system in the near future.

Finally, on March 19, 1979,<sup>(52)</sup> a Member addressed the House in a one-minute speech to announce the first televised broadcast of House proceedings:

FIRST DAY OF TELEVISIONING OF HOUSE PROCEEDINGS A HISTORIC OCCASION

(Mr. [Albert] GORE [of Tennessee] asked and was given permission to address the House for 1 minute.)

Mr. GORE. Mr. Speaker, on this historic day the House of Representatives opens its proceedings for the first time to televised coverage. I wish to congratulate the Speaker for his courage in making this possible and the committee which has worked so hard under the leadership of the gentleman from North Carolina, Mr. CHARLIE ROSE, to make this a reality.

Television will change this institution, Mr. Speaker, just as it has changed the executive branch, but the good will far outweigh the bad. From this day forward every Member of this body must ask himself or herself how many Americans are listening to the debates which are made.

When the House becomes comfortable with the changes brought by television coverage, the news media will be allowed to bring its own cameras into the Chamber. In the meantime, there is no censorship. Every word is available for broadcast coverage, and journalists will be able to use and edit as they see fit. It is a solution for the lack of confidence in government, Mr. Speaker, which will open government at all levels. I hope, for example, that the leadership of the U.S. Senate will see this as a friendly challenge to begin to open its proceedings.

The marriage of this medium and of our open debate have the potential, Mr. Speaker, to revitalize representative democracy.

### *Panning the Chamber*

**§ 3.2 In response to parliamentary inquiries about the Speaker's directive that television cameras covering special-order speeches include periodic wide-angle coverage of the entire House Chamber, the Chair stated that such action was consistent with the authority conferred upon the Speaker under clause 9 of rule I (now clause 2 of rule V)<sup>(53)</sup> to devise and implement complete and unedited audio and visual coverage of the proceedings of the House.**

52. 125 CONG. REC. 5411, 96th Cong. 1st Sess. On April 3, 1979, the chair of the ad hoc panel supervising the broadcast of House proceedings announced that full nationwide broadcast of the televised proceedings of the House had been achieved. See 125 CONG. REC. 7054, 96th Cong. 1st Sess.

53. *House Rules and Manual* § 684 (2017).

On May 10, 1984,<sup>(54)</sup> after the Speaker had directed the Clerk to implement periodic wide-angle television coverage of all special-order speeches (with captions at the bottom of the screen indicating that legislative business had been completed), the following occurred:

#### THE INTEGRITY OF THE CONGRESSIONAL RECORD

The SPEAKER pro tempore.<sup>(55)</sup> Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes. . . .

I am going to go into that incident in just a moment. But I do want to take note of something that is evidently happening right now which is a change of procedure here. It is my understanding that as I deliver this special order this evening, the cameras are panning this Chamber, demonstrating that there is no one here in the Chamber to listen to these remarks. . . .

Mr. [David] MARTIN [of New York]. It is most interesting as I was in my office as many of the Members are from time to time, observing the proceedings of the House and I noticed this new procedure, and I was aware of the question that has been brought up about the televising of the events of the House of Representatives and I became aware immediately that something was different. . . .

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#### PARLIAMENTARY INQUIRY

Mr. [Trent] LOTT [of Mississippi]. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LOTT. We have had a change in the way the House is run, the decorum of this body, this afternoon, without any consultation, without any prior notice, and I would like to make the inquiry as to what is the basis for this change in the way that this House is being run this afternoon.

The SPEAKER pro tempore. To the distinguished gentleman from Mississippi, the Chair will cite the following rule, rule I, clause 9:

9. (a) He shall devise and implement a system subject to his direction and control for closed circuit viewing of floor proceedings of the House of Representatives in the offices of all Members and committees and in such other places in the Capitol and the House Office Buildings as he deems appropriate. Such system may include other telecommunications functions as he deems appropriate.

(b)(1) He shall devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting and recording of the proceedings of the House of Representatives. He shall provide for the distribution of such broadcasts and recordings thereof to news media and the storage of audio and video recordings of the proceedings.

Mr. LOTT. The Chair is saying then that this has been a unilateral decision by the Speaker, without any prior consultation, to make a fundamental change in the way this institution is shown by the televised coverage.

**54.** 130 CONG. REC. 11892, 11894, 11898–11900, 98th Cong. 2d Sess.

**55.** George Darden (GA).

I know the gentleman cannot respond. I am making that statement as to what I understood he read in the rules.

The SPEAKER pro tempore. The Chair will respond to the inquiry of the gentleman from Mississippi as follows:

It is my understanding that the Speaker has in fact authorized this change, and it is the Chair's ruling that he is authorized to make this change pursuant to the rule of the House herein before stated.

Mr. [Robert] WALKER [of Pennsylvania]. I have a further parliamentary inquiry.

Could the gentleman tell me what the change is?

The SPEAKER pro tempore. It is the Chair's understanding that the rule is to be applied impartially.

Mr. WALKER. Will the gentleman tell us what the change is? Is the change to have the House covered completely from the moment we go into session until we go out of session at night, with panning of the Chamber, or is this only to take place during special orders?

The SPEAKER pro tempore. The Chair is not prepared to respond in detail and has no specific knowledge.

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. [Bob] MCEWEN [of Ohio]. Could the Speaker inform me as to whether or not this is a result of the Democrat Caucus that met yesterday for the purpose of discussing how they might call TV signals and improve their TV coverage?

The SPEAKER pro tempore. The Chair has no immediate knowledge of any specific agreement.

Mr. LOTT. Can the Chair assure this House that whatever change has occurred, which the Members of the House were not informed of, will be done fairly and impartially, and that the same procedures that have been used this afternoon against the gentleman from Pennsylvania will be used in the same way by the gentleman from Wisconsin or a gentleman from Texas that might be having a special order?

The SPEAKER pro tempore. To the gentleman from Mississippi, the Chair is confident that the rule and any changes will be applied impartially and absolutely fairly.

Mr. LOTT. If the gentleman will yield further, I would like to say that would surprise me based on what I have seen here today. It has not been applied fairly and impartially. It has been a partisan, political, cheap trick. I resent it, and I hope the American people see it for exactly what it is. . . .

Mr. LOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LOTT. Mr. Speaker, I would like to inquire if this new policy is going to apply to the proceedings of the House from gavel to gavel, or just during special orders, or just during times when the votes are going on, when there is all kinds of activities, arm-twisting going on in the well; trying to change Members' votes. What is the situation? Will it be gavel to gavel?

If we are going to have this Chamber shown in its entirety with panning and showing everything that goes on, even during votes in a totally fair way, I probably would support that. I would like to know, what is it going to apply to?

The SPEAKER pro tempore. The Chair has no knowledge of any specific changes which have been made in that regard and cannot answer that question.

On May 14, 1984,<sup>(56)</sup> the Speaker took the floor for a one-minute speech to respond to criticisms (above) that he had unfairly exercised his authority

56. 130 CONG. REC. 12042, 12043, 98th Cong. 2d Sess.

under clause 9 of rule I (now clause 2 of rule V)<sup>(57)</sup> to direct periodic wide-angle television coverage of the House Chamber during special-order speeches, and to announce that such coverage would include a running caption at the bottom of the screen explaining that the legislative business had been completed:

## HOUSE TELEVISION PROCEDURES

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

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I took the action that I took last Thursday because I had had so many complaints and so many people had asked me to do what I did. The interesting thing is, we stand up here with the 1-minute. Precedent has been we go to the Democratic side then we go to the Republican side. Equal. Nobody is cut off.

At the close of the day we go into the special orders. Normally we go to the Republican side; that is precedent. When the Republicans are through, we go to the Democratic side.

The last 30 days, just in the last 30 days, the gentleman from Pennsylvania has asked for 26 hours out of the first 30. The gentleman, Mr. WEBER, has asked for 25 hours. The gentleman, Mr. GINGRICH, has asked for 27 hours. Unless you ask for at least a week in advance, you cannot get ahead of those people. Even if a Democrat asks a week in advance, even if there is something coming along special that he wants to talk about, he has to wait until those three gentlemen get out of the way.

Now I am not yielding. Please, if the gentleman will kindly sit down. I am not yielding.

Now I want to talk about fairness. One member of your party about a week ago stood at this microphone for 1 hour. He took statements that were made by 20 different Democrats going back to 1968, "This is what you said at that such and such a time." Things change.

Giving the thought and the idea that Members of Congress were unAmerican, stepping aside, debating and pointing as if there were people on this floor, asking "Why don't you get up and answer them?" A more low thing I have never seen.

I have a letter from you, Mr. Leader. "Polarize the Congress?" If I have ever seen anything that would polarize the Congress, it is matters of this sort.

So I have had Members on my side, yes, we met, about 100 of us, express total disgust with what was taking place—the challenging of Members of the Congress in a special order when nobody was here.

Oh, I know, Mr. Leader, Mr. Whip, you do not condone things like that. The prerogative of the rules of this House give me the right to stop that, gives me the right to say when there will be a wide lens and when there should not be a wide lens.

Three o'clock on that afternoon, I notified CHARLIE ROSE; nothing in the rules says that I have to notify you. Courtesy probably said that I should have. That is a courtesy that your Member never gave to the 20 Members whom he accused on the floor of the House.

The gentleman, it was not you, Mr. WALKER, that did it, and the other gentleman, as far as I have been told by them, were never notified.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. No; I will not yield at this time. The gentleman can take his own time.

57. *House Rules and Manual* § 684 (2017).

I am just saying they were never notified, the 20 gentleman were never notified.

You get up on the floor and you name a gentleman; 3 hours, wait around for 3 hours? Now you are saying something that you really do not know.

The gentleman that answers that, and I have to take the word of the people that have come to me; members of my party who said to me without a minute's warning, without a notice, without any mail, they talk about a speech he made in 1972, a speech he made in 1968; take it out of context.

Well, let me say this to you, Mr. Leader and Mr. Whip, I have had members of your party come to me and say "We do not condone what they are doing. We do not condone what they are doing."

You know, we go home, fly home to Ohio, fly home to New York, people say: "Why aren't you in the House? The House is in session."

Is that right to give the people the impression, if you are downtown, that you should have been on the Hill because people are here pointing at this one, and pointing at that one and stepping back for an answer?

I had an obligation, that obligation was to this Congress. There were a few who would do things of that nature, and let me say this to you: If any member of my party did it, I would be on their neck so quick they would not know what happened. I would not be defending them; I would be taking the other attitude.

My action is to defend this House.

Mr. [Robert] MICHEL [of Illinois]. Would the Speaker yield?

Mr. O'NEILL. Yes; I will yield, certainly.

Mr. MICHEL. Well, in the first place, the gentleman from Illinois did not know of the other special order in which Members were asked to come to the floor. I do not know about that particular situation.

What I was rather distressed about last Friday morning, I guess, when I heard what had happened Thursday was that there was a departure, obviously from the norm and that this Member was not given one bit of word in advance that you were contemplating the change.

I do not mind the change if it is done in concert with everybody that really ought to have a little bit of voice about what goes on here and frankly—

Mr. O'NEILL. I will say to you in fairness, while it is my prerogative, I should have notified you. I notified the chairman of the ad hoc committee, Mr. CHARLIE ROSE, about 3 o'clock in the afternoon. In fairness, I should have.

As far as Mr. WALKER was concerned, I did not know whether Mr. WALKER was on first or whether he was not on first, or whether Mr. GINGRICH or whether Mr. WEBER. Normally, it is one of those three.

I looked at the list today, I see a Democrat is on. Apparently he asked for time before. If it was Mr. OBEY or any other Democrat who was first, they would have been the one that was panned instead of Mr. WALKER on the full, wide screen, because that was my idea at that time I said, "Starting today, we are going to show."

And I want to further let you know that I now intend to put a runner, "The official business of the House is completed, we are on special orders." And that will be a runner that will run every once in a while.

Mr. MICHEL. May I ask the Speaker who will make the decision then on where the panning takes place, at what time during the course of the discussion, whoever is having that discussion? I might add that I think some of our Members really got the whole idea

from Mr. GONZALEZ on your side, who used to be down here hour after hour, you know, for an extended period.

Mr. O'NEILL. I am sure he was never personal with any Member of this Congress; I am sure that he never ever pointed a finger at an empty chair and accused a man of being unAmerican I am sure; and I am sure that you do not condone a thing like that.

Mr. MICHEL. I do not condone that. But what I would like to know is when are we going to get about prescribing these?

Mr. O'NEILL. The interesting thing about it, I had already talked with my members and I had already planned on my side to have an ad hoc committee to look into what has been going on and to look into changing the rules and when do you plan for a thing like this?

Mr. MICHEL. Would minority members have a voice in that?

Mr. O'NEILL. Well, we are the majority; it is our responsibility to see that this House is run in a fair and adequate manner and that is what we try to do.

Mr. MICHEL. Well, if it is fair, that is one thing.

Mr. O'NEILL. I am sure if you want to appoint a committee of your members to look into it. Furthermore, I am surprised that you have not heard of what has been taking place around here. I mean, there has been so much concern.

Mr. MICHEL. I did not know of the incident referred to.

Mr. O'NEILL. I am sure when 100 members of the Democratic Party gather together to talk about what is taking place, I have not had any personal feeling about it. My personal feeling is that everybody, I think, and I hate to be political; we have been told we are making votes, we are making votes.

But it is not a question of making votes, it is a question of a man standing before this microphone and pointing his finger to people who are not in here and giving the belief to people at home: "That man made such a statement." It sounds ridiculous 20 years later, maybe. "Why don't you stand and defend it?" And the man is home is Massachusetts or the man is back in California or something of that nature.

Mr. WALKER just happened to be the incident when it took place. I did not know it was Mr. WALKER. Had it been a Democrat, it would have been the same thing. Today I understand there is a Democrat on.

We will take the wide lens. I do not think there was anything wrong in what was done the other day. As a matter of fact, as far as I can think the public thinks it was the right thing to do.

I do not have anything else to say.

**§ 3.3 The Minority Whip inserted in the *Congressional Record* correspondence between himself and the chair of the Committee on Rules and its Subcommittee on the Legislative Process, relative to the operation and control of the broadcasting of House proceedings.**

On June 7, 1984,<sup>(58)</sup> the following submissions were made to the *Congressional Record*:

<sup>58</sup>. 130 CONG. REC. 15473-75, 98th Cong. 2d Sess.

## CAMSCAM II

The SPEAKER pro tempore.<sup>(59)</sup> Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 10 minutes.

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, yesterday the House was prevented by the new Democrat Caucus-imposed rule restriction on appropriations amendments, from voting on an amendment by the gentleman from California (Mr. LEWIS) to require uniform TV camera coverage of our debates, gavel-to-gavel. As my colleagues are well aware, this whole controversy was precipitated on May 10 when the Speaker gave instructions to his control room operators of the remote control cameras in the galleries, to begin using wide-angle shots of the Chamber during special orders. As has been pointed out on previous occasions, this was done without prior notice or consultation with the minority.

Mr. Speaker, yesterday was but one more indication that the Democratic leadership is not willing to permit the House a chance to decide on the wisdom or fairness of this new policy or consider the alternative which we have suggested which is to permit the viewing public to see the entire Chamber on a periodic and uniform basis throughout each day's proceedings.

I have met with similar resistance to hearings and deliberations on this matter in the Rules Committee which has direct jurisdiction over the broadcast rule—House Rule I, clause 9. I have written to both Chairman PEPPER and Subcommittee Chairman LONG requesting such hearings so that we might responsibly exercise our jurisdictional duties and defuse this partisan panning controversy.

In both instances my requests were rejected on the grounds that a Democratic Caucus task force or committee is looking into this matter, as is the alleged bipartisan Speaker's Advisory Committee on Broadcasting. While I have no objection to have various ad hoc party groups make their recommendations, indeed, our own Republican conference has already endorsed a uniform panning policy, I do not think this must be handled ultimately by a duly constituted committee of the House, and the sooner the better.

The caucus study committee is not likely to bring any rules changes forward until the first day of the next Congress, and then ask that it be included in the new rules of the 99th Congress, without opportunity for Rules Committee consideration. The Speaker's Advisory Committee presents even more difficult problems. In the first place, it has been defunct since the 96th Congress, despite efforts by the Speaker and Chairmen PEPPER and LONG to claim its existence. Moreover, even if it is reactivated and reappointed, it has a ratio of 4 Democrats to 1 Republican—hardly a confidence building ratio in terms of a fair and bipartisan solution.

At this point in the Record, Mr. Speaker, I include my exchange of correspondence with Chairmen PEPPER and LONG. In future special orders I intend to further discuss the history of the Speaker's Broadcast Advisory Committee. The items follow:

*Committee on Rules*  
SUBCOMMITTEE ON THE LEGISLATIVE PROCESS  
*Washington, D.C., May 15, 1984.*

HON. GILLIS W. LONG,  
*Chairman, Subcommittee on the Legislative Process, Longworth Building,*  
*Washington, D.C.*

DEAR GILLIS: I am writing to ask that you schedule at the earliest possible time a hearing of our subcommittee on the matter of current problems connected with the operation of the House broadcasting system.

59. John Moakley (MA).

As you know, considerable furor has been raised about the Speaker's recent policy switch on camera directions during special orders. While I do not question the Speaker's right under House Rules to make such changes, I think legitimate questions have been raised about its selective application and possible effects.

Our subcommittee does retain oversight jurisdiction over the House broadcast rule and indeed has listed it as one of our possible areas for further study in this Congress in its March 1, 1983, oversight plan submitted to the Committee on Government Operations. I think the time has come for us to take this responsibility seriously, and on a bipartisan basis. I look forward to your response.

Sincerely yours,

TRENT LOTT.

Democratic Caucus,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 16, 1984.

HON. TRENT LOTT,  
*House of Representatives,*  
*Washington, D.C.*

DEAR TRENT: Thank you for your letter of May 15.

As I'm sure you are aware, there currently exists a bipartisan committee, charged with the responsibility of reviewing the operations of the House Broadcast System. That is the Speaker's Advisory Committee on Broadcasting of which I am a Member. David Stockman held the Republican seat on that committee until he resigned from Congress, and it is my understanding that his vacancy has never been filled.

That bipartisan committee is the appropriate vehicle to make recommendations concerning the rules governing the televising of House proceedings. Under the normal procedures of our Caucus, its recommendations would be examined by our Caucus Committee on Organization, Study and Review and by our full Democratic Caucus before being introduced for action in the House.

With very best wishes, I am  
Sincerely,

GILLIS W. LONG.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 22, 1984.

HON. GILLIS W. LONG,  
*Chairman, Subcommittee on the Legislative Process, House Committee on Rules,*  
*Longworth House office Building, Washington, D.C.*

DEAR GILLIS: Thank you for your letter of May 16 in response to my request for a subcommittee hearing on House broadcast-related problems.

I appreciate the fact that the Rules Committee had originally recommended that some existing or new committee assist the Speaker in the "management, oversight, and improvement or all activities and policies connected with audio and visual coverage and broadcasting of House floor proceedings," and that the Speaker initially appointed the "Speaker's Advisory Committee on Broadcasting" in the 96th Congress for that purpose.

However, in reviewing our leadership files, I have found that the Advisory Committee has been defunct in the 97th and 98th Congresses. On March 12, 1981, our Republican Leader, Mr. Michel, transmitted to the Speaker the name of Congressman Bill Thomas

to replace Dave Stockman on the Advisory Committee. Some six weeks later our ranking Republican on the House Administration Committee, Mr. Frenzel, in response to an inquiry on the Advisory Committee, had his staff check with the Speaker's Office and was informed that the committee has not been reappointed by the Speaker. It is true that Representative Rose has continued to assist the Speaker in an advisory capacity in the 97th and 98th Congresses, but, in neither Congress was the committee reappointed, nor was our leadership approached on filling any vacancy.

Moreover, even if the Advisory Committee is not reactivated, I think you will agree with me that the ultimate authority for any revisions in the broadcast rule is solely within our jurisdiction. Republican Leader Michel, for instance, introduced H. Res. 500 on May 17th, requiring uniform coverage of the Chamber throughout each day's proceedings, and that resolution has been referred to our committee.

Because the House broadcast-related problems are of some immediate consequence and urgency, I think it would be best to approach this in a responsible, bipartisan fashion in our committee right now, rather than to wait for the recommendations of either the Advisory Committee or the Caucus Committee studying possible rules revisions. I have therefore written to Chairman Pepper, who also shares my concern about the future of House broadcast coverage, and asked that this matter be taken-up by the Rules Committee. I am including a copy of that letter for your information.

Thank you again for taking the time to respond so expeditiously to my request. I do hope you will reconsider my suggestion in light of the urgency of the problem and our committee's prerogatives and jurisdiction over this issue.

With warm personal regards. I am  
Very truly yours,

TRENT LOTT

Enclosure.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., May 18, 1984.*

HON. CLAUDE PEPPER,  
*Chairman House Committee on Rules,  
H-312 Capitol Building, Washington, D.C.*

DEAR MR. CHAIRMAN: I read with interest your one-minute speech in the May 16 Congressional Record in which you indicated that, "whoever perverts the use of television endangers the continuity of that practice." You went on: "It is just a question of time, if that continues, until it will be discontinued."

As one who served with you on the Rules Subcommittee in 1977-78 that helped to develop the current House broadcast rule and procedures, I share your concern that television coverage not be allowed to dominate or distort our proceedings. You were the pioneer in Congress who as long as 1944 introduced the first broadcast resolution in the Congress as a means of bringing our government closer to the people, and I think your continued efforts over the years to bring this dream to fruition have realized that goal.

Because I share your concern about the future of the House broadcast system given the current politicization and emotionalism surrounding that issue, I think you can play an important role, as both the founding father of congressional broadcasting and chairman of the Rules Committee, in helping to resolve some of the problems which currently surround House broadcasting. I would respectfully ask that you convene either a hearing or meeting of the Rules Committee and some of the principals involved to lay the bipartisan ground work for some uniform rules of procedure for the operation of the broadcast

system in a manner that will not be construed by either Members or the public to involve political manipulation or control by either party. I think some excesses in this regard have been committed on both sides of the aisle, but I am not suggesting our committee rehash the details of those incidents. Instead, I think we can play a constructive role in depoliticizing the issue and insuring the future survivability of the House broadcast system.

As you know, our committee retains primary jurisdiction over the House broadcast rule (Rule 1, clause 9), as well as oversight jurisdiction over the broadcast system. In fact, our committee's oversight agenda submitted to the Government Operations Committee for this Congress on March 1, 1983, listed "broadcasting of House floor proceedings" as one of the 98th Congress, as did the Subcommittee on Legislative Process (H. Rept. 98-17, pp. 203 & 204). As such, I think we do have a legitimate responsibility and obligation to the House to look into this matter.

On May 5, 1984, as the ranking minority member on the Subcommittee on Legislative Process, I wrote to Subcommittee Chairman Gillis Long making the same suggestion, and he responded on May 16 that the Speaker's Advisory Committee on Broadcasting "is the appropriate vehicle to make recommendations concerning the rules governing the televising of House proceedings." Their recommendations in turn, he went on, would be reviewed by the Democratic Caucus Committee on Organization Study and Review "before being introduced for action in the House."

While the Speaker's Advisory Committee on Broadcasting was normally bipartisan in the 96th Congress, with three Democrats (Representatives Rose, Brooks, and Long) and one Republican (Representative Stockman), it has not been officially reappointed in either the 97th or 98th Congress, and today only Representative Rose serves in an advisory capacity to the Speaker. Chairman Long has erroneously indicated that the Advisory Committee still exists and that the Republicans have simply not filled the Stockman vacancy. The fact is that a replacement was presented to the Speaker on March 12, 1981, by the Republican Leader, but no appointments were made by the Speaker.

Even if a working, bipartisan Advisory Committee still existed, which it does not, it would have no authority to directly recommend any rules changes to the House. That is our function under Rule X, and I know you jealously guard our committee's prerogatives. Moreover, the Rules Committee has pending before it H. Res. 500, introduced by Representatives Michel, Myself and others, on May 17th, amending the broadcast rule "to provide for the periodic visual broadcast coverage of the entire House Chamber on a uniform basis throughout each day's proceedings." I think this resolution could serve as a useful starting point for our committee in attempting to defuse the issue of selective panning of the Chamber during only part of the day's proceedings.

I hope that you will take the above suggestions in the serious vein in which they are intended. As a member of both the Republican leadership and the Rules Committee, I share your concerns about the institution of the House and the future of our broadcast system. I strongly feel we should act now as the duly elected committee of the House having jurisdiction over this matter before the situation deteriorates further. I do not think we have the luxury of waiting for the recommendations of a one-man Democratic advisory committee or a Democratic Caucus task force, nor do I think it advisable to proceed with this on a partisan basis as both approaches suggest. The results, no matter how well-intentioned, can hardly be expected to gain the confidence or acceptance of our part if we are not a part of the formulation process. I think the Rules Committee, on the other hand, as the leadership committee of both parties, can proceed to address the

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problem in a bipartisan, responsible, and dispassionate manner that will have the best interests of the institution in mind. I hope you will agree.

With warm personal regards, I am  
Very truly yours,

TRENT LOTT.

U.S. House of Representatives  
COMMITTEE ON RULES  
Washington, D.C., May 24, 1984.

HON. TRENT LOTT,  
2400 Rayburn House Office Building, Washington, D.C.

DEAR TRENT: I am in receipt of your letter dated May 18, 1984, concerning the subject of the House broadcasting system.

I know you are aware of the Speaker's Advisory Committee on Broadcasting, a bipartisan group dedicated to reviewing the operation of the broadcast system. Additionally, the Speaker has referred the matter to the Democratic Caucus Committee on Organization, Study, and Review, which is chaired by our able Rules Committee colleague, Martin Frost.

In light of this, I think it is better that we do not consider the question of the House broadcast system at this time. The Committee, of course, retains jurisdiction over the matter and we may wish to undertake some study in the future.

Kindest regards, and  
Always sincerely,

CLAUDE PEPPER, *Chairman.*

**§ 3.4 In response to a parliamentary inquiry, the Speaker pro tempore indicated that the Speaker's directive of the 98th Congress<sup>(60)</sup> (that there be periodic wide-angle television coverage of special-order speeches with captions indicating completion of all legislative business), did not apply in situations where legislative business would be resumed, and that the Clerk had properly focused the cameras only on the Member speaking during such interim special orders.**

On December 19, 1985,<sup>(61)</sup> the Chair entertained parliamentary inquiries as follows:

PARLIAMENTARY INQUIRIES

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore.<sup>(62)</sup> The gentleman will state it.

Mr. WALKER. Mr. Speaker, it has been my understanding that as of last year the ruling of the Chair is that while we are proceeding on special orders that the entire

60. See § 3.2, *supra*.

61. 131 CONG. REC. 38106–107, 99th Cong. 1st Sess.; *House Rules and Manual* § 684 (2017).

62. Dale Kildee (MI).

Chamber of the House is to be shown at intervals while we are in the process of proceeding with those special orders.

It is my understanding that during the special orders that have taken place both yesterday and today, that particular ruling of the Chair has not been followed.

Can the Chair inform us whether or not this is another instance where we have changed the rules without informing the membership of the change, or just why it is that under these circumstances the special orders evidently have not followed the procedures of the Chair with regard to the television cameras?<sup>(63)</sup>

The SPEAKER pro tempore (Mr. [Dale] KILDEE [of Michigan]). The Chair is not aware of any change in the Speaker's guidelines. I suppose the gentleman could address his comments to those who originally made that decision, but the Chair is not aware of any change in the application of the guidelines.

The Chair did announce that the House has not yet completed legislative business for the day and would return to legislative business.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.

It is my understanding that the ruling of the Chair related to the time spent on special orders. I am not aware that it had any provision in it that if those special orders come before legislative business has been completed that at that point the cameras would not sweep the Chamber. My understanding was that once we go onto special orders that the cameras are supposed to be sweeping the entire House. That has not been happening.

The only thing I can assume is that we have had a change in policy that has taken place. If I understand the Chair correctly, there has been no change in policy, so then my question is: Why are the rules not being followed?

The SPEAKER pro tempore. The Clerk's interpretation of that change was that that was to be done after legislative business has been completed. The cameras have never panned the House until that time. The Speaker's guidelines provide that until such time as all legislative business has been completed with a crawl on the screen so indicating the cameras will not pan the House, and legislative business has not yet been completed today.

Mr. WALKER. A further parliamentary inquiry. It seems to me that this is a different interpretation from anything that the Members have ever been informed of, and that indeed, then, it sounds to me as though we are making another one of these changes that takes place without any information coming to the minority.

The SPEAKER pro tempore. The Chair will respond again.

This has been the practice, and the last 2 days have not been different than prior practice. Prior practice has been that at the end of legislative business when the House proceeds on special orders, the camera will pan the entire House.

The House has not completed legislative business today, nor had it yesterday.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.

Then why, last Wednesday, when we had a similar circumstance on a special order that was taking place prior to legislative business being completed, that the Chamber was being swept? Am I to understand at that point, then, that the rules were not being observed?

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**63.** *Parliamentarian's Note:* Rep. Walker's assertion that cameras had panned the Chamber the preceding week during interim special orders was incorrect, as the Clerk had never provided such panning coverage unless the "crawl" under the picture indicated that legislative business had been completed for the day.

The SPEAKER pro tempore. If there has been inconsistency, it has not been intentional and the Chair will look into that.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.

Can we not, then, have a definitive statement of just what the policy is with regard to panning the Chamber during the time that special orders are under way?

The SPEAKER pro tempore. The Chair will refer the response to that question that the gentleman just asked again to the Speaker and on the Speaker pro tempore.

Mr. WALKER. A further parliamentary inquiry: Are we going to have a definitive statement made on that prior to the close of business today?

The SPEAKER pro tempore. The Chair will look into the matter and raise the gentleman's question with the Speaker.

Mr. WALKER. I thank the Chair.

**§ 3.5 After the House had agreed to a 90-day trial period of periodic structured debates during special-order speeches and morning-hour debate on certain days, the Speaker announced a suspension of the policy of panning the Chamber during such non-legislative debate.**

On February 11, 1994,<sup>(64)</sup> the House agreed to a trial period of structured “Oxford-style” debates during special-order speeches and morning-hour debate, with revisions to the policy of panning the Chamber as follows:

VACATION OF PREVIOUSLY GRANTED SPECIAL ORDERS AND ESTABLISHMENT OF FORMAT FOR RECOGNITION OF FUTURE SPECIAL ORDERS  
 . . .

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(65)</sup> With respect to special orders to address the House for up to 1 hour at the conclusion of legislative business or on days when no legislative business is scheduled, the Chair announces that: . . .

Third, pursuant to clause 9(b)(1) of rule 1, during this trial period the television cameras will not pan the Chamber, but a crawl indicating morning hour or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair; . . .

***Other Broadcasting Issues***

**§ 3.6 The Speaker exercised authority under clause 9(a) of rule I (now clause 1 of rule V)<sup>(66)</sup> to permit closed-circuit television viewing, for the first time, of legislative proceedings other than House**

64. 140 CONG. REC. 2244, 103d Cong. 2d Sess.

65. Thomas Foley (WA).

66. *House Rules and Manual* § 684 (2017).

**floor proceedings (in this case, proceedings of the Committee on House Administration).**

On April 29, 1985,<sup>(67)</sup> a Member announced to the House the Speaker's directive to telecast proceedings of the Committee on House Administration task force (conducting a recount of ballots in an election contest) that was filmed by and provided to the House by the National Republican Congressional Committee:

VIEWING OF TASK FORCE PROCEEDINGS ON INDIANA ELECTION CONTEST  
SCHEDULED

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

Mr. [Charles] ROSE [of North Carolina]. Mr. Speaker, beginning this afternoon at 2 o'clock over the House of Representatives in-house television system, the House Broadcasting System will begin showing the first half of approximately 9 hours and 6 minutes of videotapes of the elections task force meeting in Evansville, IN.

The tapes will not constitute an official record of the task force or committee proceedings, and the proceedings were actually filmed by and the tapes provided by the National Republican Congressional Committee. These tapes will be about 9 hours and 6 minutes of a total of 28 hours and 43 minutes of public task force and committee deliberations. They do not contain a full record of all the discussion of any of the issues decided. The Speaker of the House has agreed that these tapes will be shown, as he was requested by the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. [William] FRENZEL [of Minnesota]. Mr. Speaker, will the gentleman yield?

Mr. ROSE. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

We on the minority side are delighted that this broadcast will begin. At the Speaker's request, there will be a disclaimer showing that the films were indeed made by and are the property of the National Republican Congressional Committee. The gentleman from North Carolina has graciously guaranteed that this videotape, which is the property of its owner, will not be copied by the Architect or the House Broadcasting System.

I would take this time to remind the Members that those of you who have VCR equipment in your offices got it under the rules that any use of it will be for your own personal use exclusively, and that any transfer to other parties by lease, sale, or gift or for any other purposes is expressly forbidden. It is the desire of the owners of these tapes, and in accordance with the House rules, as nearly as I can figure, that they be used for the education of House Members exclusively, and I would ask the gentleman from North Carolina whether that is his understanding in this matter.

Mr. ROSE. Mr. Speaker, that is my understanding. The gentleman has stated it correctly.

Mr. [Byron] DORGAN [of North Dakota]. Mr. Speaker, will the gentleman yield?

Mr. ROSE. I will be happy to yield in just 1 minute.

Mr. Speaker, just to repeat, we will begin at 2 o'clock this afternoon on channel 6 of our in-house cable system the first 4½ hours, and then at 9 o'clock tomorrow morning we will begin the last half of approximately 4½ hours.

67. 131 CONG. REC. 9702, 99th Cong. 1st Sess. See also Precedents (Wickham) Ch. 2 § 4.2; Precedents (Wickham) Ch. 8; and Precedents (Wickham) Ch. 9.

**§ 3.7 A resolution directing the Speaker to provide for audio and visual broadcast coverage of the House while Members are voting constitutes a question of the privileges of the House under rule IX<sup>(68)</sup> involving the integrity of House proceedings, where House rules required “complete” broadcast coverage and no coverage of voting had been permitted.**

On April 30, 1985,<sup>(69)</sup> the following resolution was raised as a question of the privileges of the House:

PRIVILEGES OF THE HOUSE—PROVIDING FOR AUDIO AND VISUAL  
BROADCAST COVERAGE OF CHAMBER DURING VOTES

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 150) and ask for its immediate consideration.

The SPEAKER.<sup>(70)</sup> The Clerk will report the resolution.

H. RES. 150

Whereas, clause 9(b)(1) of rule I of the Rules of the House of Representatives requires that the Speaker “devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting of the proceedings of the House of Representatives.”; and

Whereas, voting in the House is an integral part of the proceedings of the House; and Whereas, the audio and visual broadcast coverage of House proceedings is currently being discontinued while Members are voting; and

Whereas, the interruption of audio and visual broadcast coverage of House proceedings while Members are voting affects the integrity of the proceedings of the House and thus raises a question of privilege of the House; Now, therefore, be it

*Resolved*, That the Speaker is hereby authorized and directed, pursuant to his responsibilities under clause 9(b)(1) of rule I of the House, to provide for the audio and visual broadcast coverage of the Chamber while Members are voting.

The SPEAKER. The gentleman’s resolution as to the issue raised does state a question of privilege. . . .

The SPEAKER. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

***Still Photography in the Chamber***

**§ 3.8 The House by unanimous consent considered and adopted a resolution providing for an official photograph of the House of Representatives to be taken while in actual session.**

On June 16, 2011,<sup>(71)</sup> the House provided for the taking of the official photograph of the House of Representatives<sup>(72)</sup> as follows:

68. *House Rules and Manual* § 704 (2017).

69. 131 CONG. REC. 9821, 9822, 99th Cong. 1st Sess.; *House Rules and Manual* §§ 684, 704 (2017).

70. Thomas O’Neill (MA).

71. 157 CONG. REC. 9494, 112th Cong. 1st Sess.

72. *Parliamentarian’s Note*: The sitting for the official photograph is a recurring event that takes place each Congress.

PERMITTING OFFICIAL PHOTOGRAPHS OF THE HOUSE OF REPRESENTATIVES TO BE TAKEN WHILE THE HOUSE IS IN ACTUAL SESSION ON A DATE DESIGNATED BY THE SPEAKER

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent the committee on House Administration be discharged from further consideration of House Resolution 299 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.<sup>(73)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 299

*Resolved*, That on such date as the Speaker of the House of Representatives may designate, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Pursuant to a previous order by resolution, the House sat for its official photograph for the 112th Congress on July 26, 2011:<sup>(74)</sup>

OFFICIAL PHOTOGRAPH OF 112TH CONGRESS

The SPEAKER.<sup>(75)</sup> Pursuant to House Resolution 299, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo. As soon as the photographer indicates that these preparations are complete, the Chair will call the House to order to resume its actual session for the taking of the photograph. At that point the Members will take their cues from the photographer. Shortly after the photographer is finished, the House will proceed with its business.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 1 o'clock and 50 minutes p.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 55 minutes p.m.

**73.** Lee Terry (NE).

**74.** 157 CONG. REC. 12031, 112th Cong. 1st Sess.

**75.** John Boehner (OH).

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 112th Congress.)

**§ 3.9 The House agreed to a resolution authorizing the U.S. Capitol Historical Society to take official pictures of the House in session for inclusion in their publication “We the People” (and for non-profit news and educational purposes), and, pursuant to that authority, the Speaker announced the time for taking said pictures.**

On May 22, 1973,<sup>(76)</sup> the following occurred:

Mr. [Ray] MADDEN [of Indiana]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 404 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 404

*Resolved*, That at time designated by the Speaker, the United States Capitol Historical Society shall be permitted to take official pictures of the House while in actual session for inclusion in the new edition of “We the People”. The pictures shall also be available for legitimate nonprofit news and educational purposes.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(77)</sup> The Chair desires to make a special announcement.

Pursuant to the provisions of House Resolution 404, the Chair desires to inform Members that a picture of the Members in session will be taken at approximately 3 p.m. on tomorrow, Wednesday, May 23.

On July 14, 1975,<sup>(78)</sup> the House agreed to a similar resolution authorizing the United States Capitol Historical Society to take official pictures in the Chamber for inclusion in the new edition of “We the People”:

AUTHORIZING OFFICIAL PICTURES OF THE HOUSE FOR “WE THE PEOPLE”

Mr. [Thomas] O’NEILL [of Massachusetts]. Mr. Speaker, I call up House Resolution 597 and ask unanimous consent for its immediate consideration.

- 76.** 119 CONG. REC. 16512, 93d Cong. 1st Sess. The House has also adopted a resolution authorizing the Speaker to admit individuals to the Hall of the House to obtain film footage of the House in session to be shown in the Capitol Visitor Center. See § 5.1, *infra*.
- 77.** Carl Albert (OK).
- 78.** 121 CONG. REC. 22575, 94th Cong. 1st Sess. See also 121 CONG. REC. 24317, 94th Cong. 1st Sess. (July 23, 1975). For similar resolutions authorizing individuals to be on the floor of the House to document proceedings, see § 5.1, *infra*; and § 1.7, *supra*.

The Clerk read the resolution, as follows:

H. RES. 597

*Resolved.* That at a time designated by the Speaker, the United States Capitol Historical Society shall be permitted to take official pictures of the House while in actual session for inclusion in the new edition of "We the People". The pictures shall also be available for legitimate nonprofit news and educational purposes.

The SPEAKER.<sup>(79)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Microphones***

#### **§ 3.10 The Speaker assured Members in response to a parliamentary inquiry that he would require Members propounding unanimous-consent requests of a legislative nature to make their requests from a microphone in order to protect all Members.**

On October 6, 1978,<sup>(80)</sup> the Chair responded to the following parliamentary inquiry:

#### PARLIAMENTARY INQUIRY

Mr. [John] ASHBROOK [of Ohio]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER.<sup>(81)</sup> The gentleman will state his parliamentary inquiry.

Mr. ASHBROOK. Mr. Speaker, we are in the last few days of this session. There was considerable confusion this morning. The Members could not hear most of the requests which were made.

The Speaker in the past has assured the Members that any unanimous-consent requests other than a personal request would be repeated to the House. I can assume the Speaker will continue that practice for those of us who cannot hear what is going on in the well.

My parliamentary inquiry, Mr. Speaker, in this: Will the Speaker continue, in his fair manner, to protect the Members with respect to the making of any unanimous-consent requests other than something of a personal nature, which are made in the well? Am I correct in that assumption, Mr. Speaker?

The SPEAKER. The Chair will state that the gentleman is correct. All Members' interests will be protected.

#### **§ 3.11 In response to a parliamentary inquiry, the Chair informed a Member that he may speak at any microphone on the floor.**

On May 22, 1996,<sup>(82)</sup> the Chair responded to the following parliamentary inquiry:

<sup>79</sup>. Carl Albert (OK).

<sup>80</sup>. 124 CONG. REC. 34085, 95th Cong. 2d Sess.

<sup>81</sup>. Thomas O'Neill (MA).

<sup>82</sup>. 142 CONG. REC. 12187, 104th Cong. 2d Sess.

## PARLIAMENTARY INQUIRY

Mr. [George] GEKAS [of Pennsylvania]. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore.<sup>(83)</sup> The gentleman may state his parliamentary inquiry.

Mr. GEKAS. Mr. Speaker, am I permitted to go to the other podium now when I finish here?

The SPEAKER pro tempore. The gentleman may select his own place to speak.

**§ 3.12 In the event of a malfunctioning microphone on the floor, the Chair asked all Members to refrain from using the microphone until the problem could be investigated.**

On April 8, 2011,<sup>(84)</sup> the following occurred:

The SPEAKER pro tempore.<sup>(85)</sup> The Chair is investigating the source of the microphone malfunction.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask that Members suspend use of that microphone until we determine the problem.

**§ 3.13 Clause 2 of rule I,<sup>(86)</sup> which directs the Speaker to preserve order and decorum in the House, authorizes the Chair to order the microphones turned off if being utilized by a Member, who has not been properly recognized, to engage in disorderly behavior.**

On March 16, 1988,<sup>(87)</sup> the following occurred:

## GOP AND THE POLITICS OF CYNICISM IN CENTRAL AMERICA

(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, when the Republicans voted 171 to 5 to kill Contra aid this month, were they voting their consciences or playing politics? The answer can be found in today's Washington Post. . . .

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 LET US HAVE ANOTHER VOTE ON CONTRA AID

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

Mr. [Robert] DORNAN [of California]. Mr. Speaker, and I address a different Member of this Chamber from New York, because you have left your chair, and Mr. Majority

**83.** Robert Walker (PA).

**84.** 157 CONG. REC. 5684–85, 112th Cong. 1st Sess.

**85.** Michael Conaway (TX).

**86.** *House Rules and Manual* § 622 (2017).

**87.** 134 CONG. REC. 4085–87, 100th Cong. 2d Sess.

Whip from California, you have also fled the floor. In 10 years JIM and TONY—I am not using any traditional titles like “distinguished gentleman”—JIM and TONY, in 10 years I have never heard on this floor so obnoxious a statement as I heard from Mr. COELHO, which means “rabbit” in Portuguese, as ugly a statement as was just delivered. Mr. COELHO said that we on our side of the aisle and those conservative Democrats, particularly those representing States which border the Gulf of Mexico, sold out the Contras. That is absurd, and I’ll tell you why. . . .

The SPEAKER pro tempore (Mr. [Gary] ACKERMAN [of New York]). The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN of California. Wait a minute. On Honduran soil and on Nicaraguan soil.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DORNAN of California. And it was set up in this House as you set up the betrayal of the Bay of Pigs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DORNAN of California. I ask—wait a minute—I ask unanimous consent for 30 seconds. People are dying.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DORNAN of California. People are dying.

Mr. [Harold] VOLKMER [of Missouri]. Mr. Speaker regular order, regular order.

The SPEAKER pro tempore. The time of the gentleman has expired. Will the Sergeant at Arms please turn off the microphone?

Mr. DORNAN of California. You get your regular order, people are dying. You get your regular order now. People are dying because of this Chamber. I demand a Contra vote on aid to the Democratic Resistance and the freedom fighters in Central America. In the name of God and liberty and decency I demand another vote in this Chamber next week.

Don’t get a hernia and break your gavel. Don’t get a hernia.

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#### PARLIAMENTARY INQUIRIES

Mr. [Judd] GREGG [of New Hampshire]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Gary] ACKERMAN [of New York]). The gentleman will state his parliamentary inquiry.

Mr. GREGG. Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. DORNAN] was addressing the House, it was drawn to my attention that the Speaker requested that Mr. DORNAN’s microphone be turned off, upon which Mr. DORNAN’s microphone was turned off.

Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? Under what rule does the Speaker decide to close down the debate and pursue a policy of shutting up the opposition by now allowing us access to the public and to the media and to our own microphones, the microphones of this House? Under what rule of this House or of our country or our Constitution is freedom of the speech so grossly violated in this institution?

The SPEAKER pro tempore. The gentleman asked to proceed for 1 minute—

Mr. GREGG. No, I am asking that of the Chair.

The SPEAKER pro tempore. The Chair is referring to Mr. DORNAN. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the

House. Mr. DORNAN grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House.

Mr. GREGG. Mr. Speaker, I see nothing in the rules of this House that gives the Speaker of this House the capacity to turn off the debate of this House by requesting that the speakers be turned off or that the microphone be turned off so that a Member cannot make his point. In fact, at the time the point was being made, Mr. DORNAN was asking unanimous consent, as I recall.

The SPEAKER pro tempore (Mr. [Gary] ACKERMAN [of New York]). The Chair will state that unless a person receives permission to address the House, under the rules of the House he is not addressing the House.

The gentleman from California [Mr. DORNAN] requested permission for 1 minute, that permission was given to him by the Chair with the unanimous consent of this body, the gentleman from California [Mr. DORNAN] abused the unanimous consent of every Member of this body by grossly exceeding his time.

Mr. GREGG. Mr. Speaker, that is—

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, what rule are you referring to?

Mr. GREGG. Mr. Speaker, I have not yielded.

I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

The SPEAKER pro tempore. Clause 2 of rule I.

Mr. GREGG. Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker, so that I may understand how the Chair can interpret it to mean that he can close down the process of free speech in the one institution in this world which most represents free speech?

The SPEAKER pro tempore. It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

The SPEAKER pro tempore. The Chair repeatedly rapped the gavel quite loudly for all to hear and told the gentleman from California [Mr. DORNAN] that his time had expired.

Mr. GREGG. Mr. Speaker, is the Chair taking the position that by rapping the gavel and when no response occurs in this House, that that gavel rapping, of which has become almost commonplace during the 1-minute process, that the Chair then can proceed to turn off the microphones of the speaker who is speaking?

The SPEAKER pro tempore. The Chair allows Members the courtesy of knowing their time has expired by rapping the gavel.

Mr. GREGG. Mr. Speaker, the Chair has just ruled, therefore, that Members of the Republican side it appears, because—

The SPEAKER pro tempore. It is the ruling of the Chair that the gentleman from New Hampshire [Mr. GREGG] was recognized for a parliamentary inquiry. The parliamentary inquiry was responded to, and the House will now proceed.

Mrs. [Lynn] MARTIN [of Illinois]. Parliamentary inquiry, Mr. Speaker.

Mr. GREGG. Is the Chair now shutting me off? Will the Chair shut off my microphone also, is that the plan, if I continue? Does the Chair intend to turn off my microphone?

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. GREGG] was recognized for a parliamentary inquiry. The Chair has answered the gentleman's parliamentary inquiry.

Mr. GREGG. I have a further parliamentary inquiry, Mr. Speaker. Is it the Chair's intention to turn off my microphone?

The SPEAKER pro tempore. What is the gentleman's parliamentary inquiry?

Mr. GREGG. My parliamentary inquiry is that I want to know how the Chair can specifically turn off the microphone and what rule the Chair does it under, because the Chair has not answered that question.

The SPEAKER pro tempore. The Chair has responded to the parliamentary inquiry of the gentleman from New Hampshire.

Mr. GREGG. Mr. Speaker, I reserve my time, and yield to the gentlewoman from Illinois [Mrs. MARTIN].

Mr. [Daniel] LUNGREN [of California]. Mr. Speaker, parliamentary inquiry.

Mrs. MARTIN of Illinois. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair advises that a Member may not yield time to another Member under a parliamentary inquiry.

Mrs. MARTIN of Illinois. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. MARTIN of Illinois. The gentlewoman from Illinois would inquire of the Chair, because it was difficult occasionally to hear the rather strained ruling from the Chair, when I heard the Chair read from the rule, and I hope the Chair will recheck that sentence, because the Chair talked about disturbances in the gallery and disturbances outside the floor of the House.

Would the Speaker reread the exact sentence that would indicate why and how a microphone could be turned off of a duly elected Member of the House on the floor of the House?

The SPEAKER pro tempore. The Chair will proceed to explain it one more time.

Mrs. MARTIN of Illinois. Please.

The SPEAKER pro tempore. Under rule I, clause 2—and I will only read the half of it that applies, so as not to cause confusion in the minds of those who appear to be confused—"He shall preserve order and decorum."

Mr. WALKER. Mr. Speaker, the sentence goes on.

Mrs. MARTIN of Illinois. I believe, Mr. Speaker, that you have been requested specifically to quote that rule that affects a Member of the House on the floor, and that is not that sentence. We have the book, too, and the Chair knows it and I know it. I do not mind a Speaker ruling against us, even an unelected Speaker, but I will not accept on behalf of any Member, and this is an incredible right that is being abrogated and abridged here. The Chair is not saying that a Member of the House, is subject to the same rule, even though it does not state it, as applied to the gallery, will apply to Members of the House. I do not believe that that can happen in an elected representative body.

Mr. Speaker, would the Chair please quote how it affects an elected Member speaking on the floor?

The SPEAKER pro tempore. The Chair will read just what he read before.

"He shall preserve order and decorum, and,—” Then it proceeds to speak about in another place.

"Order and decorum" is not just in the halls and in the galleries. The word "and" is followed by a comma.

Mrs. MARTIN of Illinois. Mr. Speaker, if I may, I will try again because surely, although I recognize this is a difficult experience for the Chair, we are talking about speaking on the floor of the House. We are not talking about a Member throwing things at the Speaker—as tempting as it may be.

What is the specific rule that says that the Chair can terminate the speech of a Member?

Mr. [Lawrence] SMITH [of Florida]. A point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman's temptations are not a matter for this body to consider.

Mrs. MARTIN of Illinois. Mr. Speaker, I could not hear.

Mr. SMITH of Florida. Mr. Speaker, I rise to a point of personal privilege. I believe that the words of the gentlewoman from Illinois [Mrs. MARTIN] are inciteful and spiteful and I demand that they be taken down.

On March 17, 1988,<sup>(88)</sup> a resolution regarding the authority of the Chair to order that microphones be turned off in response to disorderly conduct by Members was determined not to constitute a question of privilege under rule IX:<sup>(89)</sup>

#### PRIVILEGES OF THE HOUSE

Mr. WALKER. Mr. Speaker, I rise to a personal privilege of the House.

Mr. LUNGREN. Mr. Speaker, parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I have a question of a privilege of the House under rule IX.

Mr. LUNGREN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore.<sup>(90)</sup> The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I have a question of privilege before the House under rule IX.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas, the Speaker pro tempore ordered the microphone cut off as a duly-elected Member of the House was speaking; Be it therefore

*Resolved*, That the Speaker, Speaker pro tempore, or any Member of the House as the Presiding Officer of the House of Representatives may not order the microphone to be cut off while any Member is speaking on the floor of the House of Representatives.

Mr. WALKER. Mr. Speaker, I think I must be recognized to debate my resolution, is that not correct?

The SPEAKER pro tempore. The resolution does not allege an abuse of the House rules, and is not a question of privilege.

The House will proceed to the unfinished business.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed—

Mr. WALKER. Mr. Speaker, I question the ruling of the Chair.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania appealing the decision of the Chair?

Mr. WALKER. Mr. Speaker, I am appealing the ruling of the Chair.

**88.** 134 CONG. REC. 4079, 4081, 4084–87, 100th Cong. 2d Sess.

**89.** *House Rules and Manual* § 704 (2017).

**90.** Gary Ackerman (NY).

It is my understanding, Mr. Speaker, that I am given a chance to debate that issue.  
 Mr. [Brian] DONNELLY [of Massachusetts]. Mr. Speaker, the vote is automatic.  
 Mr. WALKER. I have 1 hour, I believe.  
 The SPEAKER pro tempore. The appeal is debatable unless there is a motion to table.  
 The gentleman from Washington [Mr. [Thomas] FOLEY] is recognized.

## MOTION TO TABLE OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I did not hear the Speaker's ruling with respect to the appeal. Would the Speaker restate the ruling?

The SPEAKER pro tempore. The Chair had stated that the resolution did not raise a question of privilege from which ruling the gentleman from Pennsylvania [Mr. WALKER] has appealed.

Mr. FOLEY. The gentleman from Pennsylvania [Mr. WALKER] has appealed the ruling of the Chair, is that correct?

The SPEAKER pro tempore. Yes, that is correct.

Mr. FOLEY. Mr. Speaker, I move to lay the appeal on the table.

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

Mr. WALKER. Mr. Speaker, I object to the vote on the ground 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. . . .

Mr. [Richard] SCHULZE [of Pennsylvania] changed his vote from "yea" to "nay."

So the motion to table the appeal was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PARLIAMENTARY INQUIRIES

Mr. [Paul] HENRY [of Michigan]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Gary] ACKERMAN [of New York]). The gentleman will state it.

Mr. HENRY. Mr. Speaker, I rise for a point of parliamentary inquiry.

Mr. Speaker, I was among those who were on the floor during the exchange which we have been debating and would like to indicate it was the consensus of many of us that when the gentleman from California [Mr. DORNAN] was addressing the House the floor microphones were not turned off but the difficulty arose in part that the television broadcast, the C-SPAN microphones were cut off. Mr. Speaker, the rules of the House clearly stipulate that electronic broadcast of the proceedings of the House shall be a fair and accurate proceedings, recording and rendering of proceedings of the House.

I am wondering if the Speaker would respond as to the appropriateness in this instance when apparently the C-SPAN electronic broadcast of the proceedings of the House were cut off while the House microphones were not.

The SPEAKER pro tempore. Let the Chair assure the gentleman that the Chair was directing his remarks to the in-house microphones and certainly not to the coverage of the proceedings of the House by electronic media or the press.

The unfinished business—

Mr. DORNAN of California. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DORNAN of California. Mr. Speaker, I would like to inquire if this Member is able to take a point of personal privilege, that is 1 hour of debate on the House floor at the moment it is granted, if I feel that my honor was impugned when the majority whip, who also spoke way beyond 1 minute, way beyond 60 seconds, if Mr. COELHO tells me that I have sold out the young men and women that I visited with not more than a month ago who are at this moment being strafed and rocketed by Soviet gunships, to tell me to my face—and I am sitting in the front row—that I sold them out impugn my honor.

The SPEAKER pro tempore. The gentleman will state a parliamentary inquiry.

Mr. DORNAN of California. Do I have a right for a point of personal privilege on that?

The SPEAKER pro tempore. That is not a remedy that the gentleman has under the circumstances.

Mr. DORNAN of California. May I ask the ruling of the Chair as to why I cannot maintain a point of personal privilege that my honor was impugned.

The SPEAKER pro tempore. The point of personal privilege does not derive from words spoken in debate.

Mr. DORNAN of California. Then, Mr. Speaker—

The SPEAKER pro tempore. The unfinished business of the House—

Mr. DORNAN of California. Mr. Speaker, point of personal privilege.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. DORNAN of California. Mr. Speaker, I take a point of personal privilege that in violation of both House rules and tradition set forth when this House went on television on my birthday, April 3, 1979, that the representation of the—that the representation of the parliamentary procedures in this Chamber would be broadcast identically to Alaska, Hawaii, Puerto Rico, and all U.S. States and territories in between. It is my understanding and my own hearing verifies this that my microphones were not cut off on the House floor, that the microphones were only cut off to my home in Garden Grove where my wife was watching and to all people observing these proceedings through the national technical means of these six cameras on this Chamber.

My point of personal privilege is that I was offended as a Member by having my words cut off going to the outside world through the electronic means that this House voted for—not unanimously—voted for in this Chamber.

The SPEAKER pro tempore. The Chair has already just previously stated that his directions were to the House microphones and not to the electronic microphones.

Mr. DORNAN of California. Wait a minute, Mr. Speaker.

The SPEAKER pro tempore. Pursuant to clause 5, rule I the Chair will now put the question on each motion—

Mr. DORNAN of California. Mr. Speaker—

The SPEAKER pro tempore. On which further proceedings were postponed—

Mr. DORNAN of California. Mr. Speaker, the House was not in order.

The SPEAKER pro tempore. In the order in which that motion was entertained.

Mr. DORNAN of California. Mr. Speaker—

The SPEAKER pro tempore. Votes will be taken in the following order—

Mr. DORNAN of California. I asked you courteously—

The SPEAKER pro tempore. Senate Joint Resolution 225, the yeas and nays, S. 2151 de novo.

Mr. DORNAN of California. Mr. Speaker, the House was not in order when you addressed—

The SPEAKER pro tempore. The Chair will reduce to 5 minutes the time for any electronic votes after the first such—

Mr. DORNAN of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For any electronic votes after the first such vote in this series.

The unfinished business is the vote on the motion of the gentleman from Minnesota—

Mr. HENRY. Mr. Speaker, parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, a number of us were waiting to give 1-minute speeches just a little bit ago.

Do I understand now that the Chair has cut off our privilege of having a 1-minute speech today in order to proceed ahead with other business?

The SPEAKER pro tempore. At the Chair's discretion, 1-minute speeches may be taken up later in the day. . . .

Mr. WALKER. And those Members of the minority, I think it was only minority members that are left, are going to be shut off from our privilege of having the 1-minute right now, is that correct?

The SPEAKER pro tempore. No, that is not correct. Any Member who has a 1-minute that they would like to make will be recognized at the end of the day at the discretion of the Chair.

For what purpose does the gentleman from Michigan rise?

Mr. HENRY. Mr. Speaker, I have a point of parliamentary inquiry and to respond. I had been recognized on this issue and I would like to be very clear for the RECORD because of the serious importance of this issue: As I understand the Chair's response we are told that your instructions were in fact to turn off the House floor microphones—whether that is appropriate or not is another question—but that was mistakenly acted upon by the internal broadcast mechanism so in fact the House floor's inadvertently remained on and the electronic microphones for internal broadcast system which the other electronic relays rely on was cut off. Am I correct in that, Mr. Speaker? I want to clarify very clearly that the Chair does not have the power to turn off—

The SPEAKER pro tempore. The gentleman is correct for coverage of proceedings of the House. It was the intent of the Chair to turn off the House microphones.

Mr. HENRY. Thank you very much, Mr. Speaker.

**§ 3.14 A resolution alleging that termination by the Chair of audio broadcast coverage of House proceedings had been improperly ordered, and directing the Speaker to ensure future compliance with full coverage of House proceedings (by not permitting interruptions of coverage), was held to involve a question of the integrity of House proceedings and to constitute a question of the privileges of the House.**

On March 17, 1988,<sup>(91)</sup> the Majority Leader took the floor to admonish all Members not to proceed out of order after their debate time had expired

91. 134 CONG. REC. 4180–82, 100th Cong. 2d Sess.

or without proper recognition. The House then adopted a resolution offered as a question of the privileges of the House directing the Speaker to ensure uninterrupted audio and visual coverage of House proceedings as follows:

PRIVILEGES OF THE HOUSE—BROADCAST COVERAGE OF HOUSE  
PROCEEDINGS

Mrs. [Lynn] MARTIN [of Illinois]. Mr. Speaker, I rise to a question of the privileges of the House pursuant to rule IX of the rules of the House, and I have a resolution at the desk and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 406

Whereas, the broadcast coverage of House proceedings affects the dignity, decorum and integrity of those proceedings; and

Whereas, House Rule I, clause 9(b) requires the “complete and unedited audio and visual broadcasting” of House proceedings; and

Whereas, the Speaker held on April 30, 1985, that H. Res. 150, directing the Speaker to “provide for the audio and visual broadcast coverage of the Chamber while Members are voting,” raised a legitimate question of the privileges of the House (House Rules & Manual, 100th Congress, §662); and

Whereas, on Wednesday, March 16, 1988, the audio broadcast coverage of House proceedings was terminated during a Member’s spoken remarks while the audio system in the Chamber continued to operate; and

Whereas, such termination of audio broadcast coverage violates the provision of clause 9(b)(1) of House Rule I requiring “complete and unedited audio and visual broadcasting of House proceedings: Now, therefore, be it

*Resolved*, The Speaker is hereby directed to take such steps as are necessary to ensure future compliance with House Rule I, clause 9(b) that the audio and visual broadcast coverage of House proceedings not be interrupted, including instructions to any Members acting as Speaker pro tempore, and any officers or employees of the House involved with the broadcast system, and the implementation of any necessary safeguards to prevent the termination of such coverage.

The SPEAKER.<sup>(92)</sup> The Chair believes that the resolution offered by the gentlewoman from Illinois [Mrs. MARTIN] does constitute a question of the privileges of the House under the precedents cited in the preamble of the resolution since it directs compliance with clause 9(a)1 of rule I, which requires complete and unedited broadcast coverage of the proceedings of the House.

Therefore, the gentlewoman from Illinois [Mrs. MARTIN] is recognized for 1 hour. . . .

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. [Robert] WALKER [of Pennsylvania]. 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.

The vote was taken by electronic device, and there were—yeas 381, not voting 51, as follows:

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92. James Wright (TX).

## § 4. Galleries

The galleries of the House Chamber allow visitors to view House proceedings, and while protocols for admission to the galleries have varied over time, authority for regulating admission to the galleries has generally rested with the Speaker.<sup>(1)</sup> Clause 6 of rule IV of the standing rules provides that the Speaker shall set aside a portion of the West Gallery for use by the President, members of the Cabinet, justices of the Supreme Court, foreign ministers, and family members thereof.<sup>(2)</sup> Another portion of the same gallery is set aside for guests of Members.<sup>(3)</sup> The southerly half of the East Gallery is reserved for the use of the families of Members of Congress.<sup>(4)</sup> Pursuant to clause 2 of rule VI, a portion of the gallery over the Speaker's chair is set aside for representatives of the press and news media reporters.<sup>(5)</sup> In 1978, the galleries were renovated to provide improved access for individuals with disabilities.<sup>(6)</sup>

Clause 2 of rule I,<sup>(7)</sup> charges the Speaker with preserving order and decorum in the House galleries, and further authorizes the Speaker to clear the galleries in the case of a disturbance or other disorderly conduct.<sup>(8)</sup> Manifestations of approval or disapproval by occupants of the gallery are not permitted, and the Chair frequently reminds gallery occupants of this policy.<sup>(9)</sup> On occasion, the Speaker has requested that the galleries stand when the oath of office is administered to a new Member.<sup>(10)</sup>

Clause 7 of rule XVII<sup>(11)</sup> prohibits Members of the House from referencing or introducing to the body individuals in the galleries, and the Chair takes the initiative to enforce this prohibition.<sup>(12)</sup>

1. See Deschler's Precedents Ch. 4 §§ 5.1, 5.2.
2. *House Rules and Manual* § 682 (2017).
3. *Id.*
4. *Id.*
5. *House Rules and Manual* §§ 693, 694 (2017). For parliamentary inquiries regarding admission to the press gallery, see § 4.10, *infra*.
6. See § 4.8, *infra*.
7. *House Rules and Manual* § 622 (2017).
8. See §§ 4.1, 4.5, and 4.6, *infra*. This authority of the Speaker has been interpreted as part of general parliamentary law, such that it can be exercised prior to the adoption of rules. See § 4.7, *infra*; and Precedents (Wickham) Ch. 1 § 6.1. See also 40 U.S.C. § 5104(e)(2)(B).
9. See §§ 4.2, 4.4, *infra*.
10. See § 4.9, *infra*.
11. *House Rules and Manual* § 966 (2017).
12. See Deschler's Precedents Ch. 4 §§ 5.3–5.5 and Deschler's Precedents Ch. 29 § 45. See also § 1.18, *supra*.

*Clearing the Galleries***§ 4.1 Instance where the Speaker, having twice admonished spectators in the galleries to refrain from disorderly behavior, ordered all the galleries cleared pursuant to clause 2 of rule I.<sup>(13)</sup>**

On January 18, 1972,<sup>(14)</sup> when all the persons in one gallery stood and displayed signs indicating approval of proceedings on the floor demanding censure of President Richard Nixon, Speaker Carl Albert of Oklahoma ordered the galleries cleared:

The SPEAKER.<sup>(15)</sup> The Chair reminds our guests in the galleries that the Chair must enforce the rules of the House and that demonstrations from the galleries will not be permitted. . . .

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 POINT OF ORDER

Mr. [Durward] HALL [of Missouri]. Mr. Speaker, I demand that the gallery be cleared.

The SPEAKER. The Chair will not tolerate demonstrations of approval or disapproval in the galleries.

Mr. HALL. Mr. Speaker, I make a point of order that our guests and those in the galleries are not in order. I request that the gallery be cleared.

The SPEAKER. The gentleman's point is well taken. The galleries will be cleared.

*Disruptions***§ 4.2 Occupants of the gallery are not to manifest approval or disapproval of, or otherwise to disrupt, the proceedings on the floor.**

On November 27, 2012,<sup>(16)</sup> the following announcement, frequently made by the Chair, was made:

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(17)</sup> The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings, including applause, is in violation of the rules of the House.

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13. *House Rules and Manual* § 622 (2017).

14. 118 CONG. REC. 9, 92d Cong. 2d Sess. See also 2 Hinds' Precedents § 1352 (instance in 1836 where the Speaker also ordered the galleries to be cleared).

15. Carl Albert (OK).

16. 158 CONG. REC. 15530, 112th Cong. 2d Sess.

17. Daniel Webster (FL).

**§ 4.3 In response to a parliamentary inquiry, the Chair advised that while occupants of the gallery are not to manifest approval or disapproval of proceedings on the floor, Members may do so in non-disruptive fashion.<sup>(18)</sup>**

On November 7, 2009,<sup>(19)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [John] SALAZAR [of Colorado]). The Chair will remind all persons in the gallery that they are guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

PARLIAMENTARY INQUIRY

Mr. [Joseph] BARTON [of Texas]. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for a parliamentary inquiry.

Mr. BARTON of Texas. We respect the ruling and the admonition about members of the gallery, but is it acceptable under the rules for the Members of Congress to show approval or disapproval of a speech on the floor?

The SPEAKER pro tempore. It is acceptable unless interrupting another in debate.

Mr. BARTON of Texas. Thank you, Mr. Speaker. We approve the Speaker's ruling.

**§ 4.4 Occupants of the gallery are not to manifest approval or disapproval of, or to disrupt through audible conversation or otherwise, the proceedings on the floor, and guests violating these rules may be removed.**

On November 7, 2009,<sup>(20)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(21)</sup> The Chair will remind persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval thereof of proceedings or other audible conversations is in violation of the rules of the House.

Furthermore, occupants of the gallery are guests of the House. Those in violation of these rules of the House may be removed.

***Disturbances***

**§ 4.5 In response to a demonstration in the gallery (as opposed to merely an improper display of approval or disapproval), the Chair**

18. *Parliamentarian's Note*: Certain displays, such as hissing and jeering, are improper. *House Rules and Manual* § 622 (2017).

19. 155 CONG. REC. 27448, 111th Cong. 1st Sess.

20. 155 CONG. REC. 27456, 111th Cong. 1st Sess.

21. John Salazar (CO).

**notes for the *Congressional Record* the disruptive character of the demonstration and enlists the Sergeant-at-Arms to remove the offending parties.**

On August 1, 2011,<sup>(22)</sup> the following announcement, frequently made by the Chair in response to disturbances in the gallery, was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(23)</sup> The Chair notes a disturbance in the gallery in contravention of the rules of the House. The Sergeant at Arms is to remove those persons responsible for the disturbance and restore order to the gallery.

The Sergeant at Arms will restore order to the gallery.

The Sergeant at Arms will remove the disturbance from the gallery.

**§ 4.6 Instance where, after repeated disturbances in the gallery, the Chair warned protestors of the possibility of prosecution.**<sup>(24)</sup>

On April 15, 2011,<sup>(25)</sup> eight different sets of protestors rose and shouted at intervals from the gallery, repeatedly interrupting debate. The Chair then gave various warnings to occupants of the gallery as follows:

The Acting CHAIR.<sup>(26)</sup> Pursuant to the rule, it is now in order to consider a final period of general debate, which shall not exceed 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin. . . .

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery which is in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The Chair recognizes the gentleman from Maryland.

Mr. [Chris] VAN HOLLEN [of Maryland]. Mr. Chairman, we are turning back the clock. We're turning back the clock on progress and we're turning back the clock—

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The gentleman will suspend.

The Chair notes a disturbance in the gallery which is in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

22. 157 CONG. REC. 12695, 112th Cong. 1st Sess.

23. Jeff Denham (CA).

24. *Parliamentarian's Note*: The Speaker has the authority under clause 2 of rule I to clear the galleries. See *House Rules and Manual* § 622 (2017). Although this authority was not exercised here, it was last exercised on January 18, 1972. See § 4.1, *supra*.

25. 157 CONG. REC. 6296–97, 112th Cong. 1st Sess.

26. Charles Bass (NH).

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, what the Republican budget does is turn back the clock on a fair deal for the American people.

Every person in this body today loves this great Nation of ours and believes it's a special place. We have to maintain the dynamism and exceptionalism of this country. We see different paths and make different choices to accomplish that goal.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery which is in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

POINT OF ORDER

Mr. [Jesse] JACKSON of Illinois. Point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, my question is about the clarification of the rules. The rules also, for our visiting guests, allow the Sergeant at Arms to clear the Chamber, if necessary. Is that correct, Mr. Chairman?

The Acting CHAIR. It is within the authority of the Chair to clear the gallery.

Mr. JACKSON of Illinois. I thank the Chairman.

I would just encourage those to continue the civil conversation that we are having about a very difficult conversation in our country.

The Acting CHAIR. The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, if I—

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery which is in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order, and would affirm to all Members that the Chair has the authority to clear the gallery.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire as to how much time remains.

The Acting CHAIR. The gentleman from Maryland has 9½ minutes remaining.

Mr. VAN HOLLEN. Mr. Chairman, we all agree we have to act now to put in place a plan to reduce our deficit.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery which is in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. VAN HOLLEN. Mr. Chairman, I ask unanimous consent to begin my remarks from the beginning and reset the clock.

The Acting CHAIR. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleagues.

As I said, nobody doubts that every person in this Chamber loves this country and wants to do the right thing.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery, which is in contravention of the laws and rules of the House. The Sergeant-at-Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

I'm tempted to reserve my time and yield it back to the other—

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery which is in contravention of the laws and rules of the House. The Sergeant-at-Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The Chair makes this announcement for purposes of possible prosecution.

The gentleman from Maryland may proceed.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

As I said, I was tempted to reserve my time and allow my colleague to proceed. But as I understand the Chamber is now quiet, let me begin where I left off and say that all of us agree, everybody in this Chamber agrees, we need to put in place a plan to reduce our deficit in a predictable, steady manner. . . .

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair notes a disturbance in the gallery in contravention of the law and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The gentleman may proceed.

**§ 4.7 The Speaker has authority to quell demonstrations of approval or disapproval by visitors in the gallery even prior to the adoption of the standing rules of the House.**

On January 4, 1995,<sup>(27)</sup> after the election of the Speaker, but before adoption of the standing rules, the following occurred:

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(28)</sup> There are to be no demonstrations in the gallery. Those in the gallery are here as guests of the House.

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

***Miscellaneous Gallery Issues***

**§ 4.8 The Majority Leader announced the installation of facilities for individuals with disabilities in the House galleries.**

27. 141 CONG. REC. 454, 104th Cong. 1st Sess. See also Precedents (Wickham) Ch. 1 § 6.6.

28. Newt Gingrich (GA).

On January 19, 1978,<sup>(29)</sup> the Majority Leader made the following announcement:

FACILITIES FOR HANDICAPPED IN HOUSE GALLERY

(By unanimous consent Mr. WRIGHT was allowed to speak out of order.)

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, during the recent adjournment, in continuation of our ongoing program for removing architectural barriers to the physically handicapped, we have installed an area in the visitors' gallery where access is available at the corridor level for the use of those in wheelchairs or to any individuals for whom stairs provide an obstacle; so with no more assistance than the individuals may desire, access to this chamber is now available to all citizens.

**§ 4.9 On occasion, the Speaker has requested that guests in the gallery rise with the Members while the oath of office was administered to a Member-elect.**

On November 12, 1991,<sup>(30)</sup> the following occurred:

SWEARING IN OF HON. GEORGE F. ALLEN, OF VIRGINIA, AS A MEMBER OF  
THE HOUSE

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, I ask unanimous consent that the gentleman from the Commonwealth of Virginia, Mr. GEORGE ALLEN, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER.<sup>(31)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the gentleman from Virginia [Mr. BLILEY] and the Member-Elect, Mr. GEORGE ALLEN of the Seventh Congressional District of the Commonwealth of Virginia, come forward, escorted by the gentleman from Virginia [Mr. BLILEY] and the Members of the Virginia delegation. Will the Members and the guests in the gallery please rise.

Mr. [George] ALLEN [of Virginia] appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the U.S. House of Representatives.

**§ 4.10 In response to a parliamentary inquiry, the Chair advised that properly accredited press had access to the House gallery.**

29. 124 CONG. REC. 112, 95th Cong. 2d Sess.

30. 137 CONG. REC. 31254-55, 102d Cong. 1st Sess.

31. Thomas Foley (WA).

On May 19, 2004,<sup>(32)</sup> the Chair responded to parliamentary inquiries as follows:

PARLIAMENTARY INQUIRY

Mr. [Victor] SNYDER [of Arkansas]. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Johnny] ISAKSON [of Georgia]). The gentleman will state his inquiry.

Mr. SNYDER. Mr. Speaker, I believe under the rules, procedures and etiquette of the House, that the press is to have access to the gallery here in the House. I am concerned that the doors may be locked. I see only one person in the press gallery today.

I think people all over the country have a right to know that the press has access to the Chamber to cover the travesty of democracy and the arrogance of power that is going on here today.

I would ask the Parliamentarian and the Sergeant at Arms to be sure that the press gallery doors are unlocked so that the press might have access to these terrible proceedings wrought on the House floor by the majority.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry. Accessibility to the House is being observed.

Mr. SNYDER. Parliamentary inquiry, Mr. Speaker. Do the rules of the House provide for the press to have access to the gallery of the House?

The SPEAKER pro tempore. The House is in open session. Anybody has access that meets the standards of security.

Mr. SNYDER. Thank you. And that was a correct parliamentary inquiry.

## § 5. Admission to the House Floor

Clause 2(a) of rule IV<sup>(1)</sup> provides that only certain persons are entitled to admission to the Hall of the House (and rooms leading thereto)<sup>(2)</sup> and further specifies the full list of persons who may exercise such floor privileges.<sup>(3)</sup> Unlike most rules of the House, this rule may not be waived by

32. 150 CONG. REC. 10115, 108th Cong. 2d Sess.

1. *House Rules and Manual* § 678 (2017).

2. See Deschler's Precedents Ch. 4 § 4.1

3. *Parliamentarian's Note*: Individuals entitled to floor privileges are as follows: (1) Members of Congress, Members-elect, and contestants in election cases during the pendency of their cases on the floor; (2) the Delegates and the Resident Commissioner; (3) the President and Vice President of the United States and their private secretaries; (4) justices of the Supreme Court; (5) elected officers and minority employees nominated as elected officers of the House; (6) the Parliamentarian; (7) staff of committees when business from their committee is under consideration, and staff of the respective party leaderships when so assigned with the approval of the Speaker; (8) not more than one person from the staff of a Member, Delegate, or Resident Commissioner when that Member, Delegate, or Resident Commissioner has an amendment under consideration;

unanimous consent or a motion to suspend the rules.<sup>(4)</sup> However, a simple resolution may authorize persons without floor privileges to be admitted to the floor of the House.<sup>(5)</sup> Each Congress, the Speaker typically inserts a policy statement to the *Congressional Record* announcing that the rule on floor privileges will be strictly enforced, and reiterating prior policies in this area.<sup>(6)</sup>

Members of Congress (including Members-elect and contestants in election cases),<sup>(7)</sup> Delegates, and the Resident Commissioner have floor privileges, as well as Senators.<sup>(8)</sup> Elected officers of the House and minority employees nominated as elected officers of the House are also entitled to admission to the floor.<sup>(9)</sup> Former Members, former elected officers (including former Parliamentarians), and former minority employees nominated as elected officers are accorded floor privileges as well, but are subject to certain restrictions in clause 4(a) of rule IV.<sup>(10)</sup>

Committee staff, Members' personal staff, and party leadership staff may exercise floor privileges, subject to certain restrictions. Committee staff are permitted on the floor only when business from the committee is under consideration.<sup>(11)</sup> This rule has been interpreted by the Speaker to permit up to four professional staff members and one clerk from the committee on the floor at any given time.<sup>(12)</sup> The Speaker has enforced this rule through a

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(9) the Architect of the Capitol; (10) the Librarian of Congress and the assistant in charge of the Law Library; (11) the Secretary and Sergeant-at-Arms of the Senate; (12) heads of departments; (13) Foreign ministers; (14) Governors of states; (15) former Members, Delegates, and Resident Commissioners; former Parliamentarians of the House; and former elected officers and minority employees nominated as elected officers of the House; (16) one attorney to accompany a Member, Delegate, or Resident Commissioner who is the respondent in an investigation undertaken by the Committee on Ethics when a recommendation of that committee is under consideration in the House; and (17) such persons as have, by name, received the thanks of Congress. For an earlier precedent regarding the definition of those who have "received the thanks of Congress," see Deschler's Precedents Ch. 4 § 4.6.

4. Rule IV, clause 2(b), *House Rules and Manual* § 678 (2017). See Deschler's Precedents Ch. 4 § 4.2.
5. See § 5.3, *infra*.
6. See §§ 5.1, *infra* and § 1.17, *supra*. See also 163 CONG. REC. H34 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).
7. See Deschler's Precedents Ch. 4 § 4.5.
8. See §§ 5.15, 5.16, *infra*. See also Deschler's Precedents Ch. 4 § 4.8.
9. See Precedents (Wickham) Ch. 6.
10. *House Rules and Manual* § 680 (2017). For more on floor privileges for former Members, see § 6, *infra*.
11. Rule IV, clause 2(a)(7), *House Rules and Manual* § 678 (2017).
12. See 118 CONG. REC. 20318, 92d Cong. 2d Sess. (June 8, 1972) and § 5.5, *infra*. For further announcements regarding limits on committee staff on the floor, see §§ 5.4, 5.6, *infra*.

variety of methods, including sign-in sheets, identification cards, and committee staff badges.<sup>(13)</sup> When committee staff exercise floor privileges, they must not intrude upon House proceedings by attempting to influence legislation<sup>(14)</sup> or manifesting approval or disapproval of House business.<sup>(15)</sup> The Speaker has permitted the staff of multiple committees to exercise floor privileges during consideration of an omnibus budget reconciliation measure that was the product of such committees.<sup>(16)</sup>

Staff of the respective party leaderships are entitled to floor access when so assigned with the approval of the Speaker.<sup>(17)</sup> Clause 2(a)(8) of rule IV limits the number of persons from a Member's personal staff to not more than one, and only when the Member has an amendment under consideration.<sup>(18)</sup>

When the House meets for ceremonial occasions, such as a joint meeting to hear an address from a foreign dignitary or a joint session to hear an address from the President, the Speaker typically announces to the House who will be entitled to exercise floor privileges during such occasions.<sup>(19)</sup> In recent years, the Speaker has instructed Members not to attempt to reserve seats in the House for such ceremonies by leaving placards or other items in the Chamber.<sup>(20)</sup>

### ***Granting or Restricting Floor Access by Resolution***

#### **§ 5.1 The House adopted a resolution authorizing the Speaker to admit individuals to the Hall of the House to obtain film footage of the House in session for inclusion in a film to be shown in the Capitol Visitor Center.**

On October 7, 2005,<sup>(21)</sup> the following occurred;

PERMITTING INDIVIDUALS TO BE ADMITTED TO HALL OF HOUSE TO OBTAIN  
FOOTAGE OF HOUSE IN SESSION

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution, H. Res. 480;

13. See § 5.8, *infra*.

14. See § 5.9, *infra*.

15. See § 5.10, *infra*.

16. See § 5.7, *infra*.

17. Rule IV, clause 2(a)(7) of rule IV, *House Rules and Manual* § 678 (2017).

18. *House Rules and Manual* § 678 (2017). See also 128 CONG. REC. 21934, 97th Cong. 2d Sess. (Aug. 18, 1982).

19. See §§ 5.2, 5.11, and 5.12, *infra*. See also Deschler's Precedents Ch. 4 §§ 4.3, 4.4.

20. See § 1.19, *supra*; and 155 CONG. REC. 6364, 111th Cong. 1st Sess. (Mar. 4, 2009).

21. 151 CONG. REC. 22648, 109th Cong. 1st Sess. For more on still photography in the Chamber, see § 3, *supra*.

the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

The SPEAKER pro tempore.<sup>(22)</sup> Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 480) permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 480

*Resolved*, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to obtain film footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very simple resolution which allows the Speaker, in consultation with the minority leader, to allow individuals to be admitted to the Hall of the House in order to film the House in session for inclusion in an orientation film to be shown to visitors at the Capitol Visitor Center. This resolution is necessary because clause 2(b) of rule IV of the rules of the House provides that the Speaker may not entertain a unanimous-consent request or a motion to suspend clause 2 of rule IV, which restricts access to the floor of the House while the House is in session.

Mr. Speaker, I would urge all Members to support this resolution which will provide edification for millions of visitors to our Nation's Capitol.

Mr. Speaker, I reserve the balance of my time.

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, we are pleased to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

On April 25, 2006,<sup>(23)</sup> the Chair announced that individuals might be present in the rooms adjoining the Chamber to obtain film footage of the House in session, pursuant to the earlier order of the House:

22. Michael Simpson (ID).

23. 152 CONG. REC. 5944, 109th Cong. 2d Sess. See also § 1.7, *supra*.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Tom] PRICE [of Georgia]). Members are advised that persons may be present in the rooms adjoining the Chamber during this next vote under the authority of House Resolution 480 (relating to the Capitol Visitor Center film).

**§ 5.2 The House adopted a special order of business resolution reported by the Committee on Rules providing, *inter alia*, that during an upcoming joint meeting of the House, only specified persons would be permitted on the floor of the House.<sup>(24)</sup>**

On July 28, 2015,<sup>(25)</sup> the following resolution was adopted in preparation of the joint meeting to receive Pope Francis:

H. RES. 380

*Resolved,*

SEC. 8. For purposes of the joint meeting to receive Pope Francis on September 24, 2015, only the following persons shall be admitted to the Hall of the House or rooms leading thereto:

- (a) Members of Congress and Members-elect.
- (b) The Delegates and the Resident Commissioner.
- (c) The President and Vice President of the United States.
- (d) Justices of the Supreme Court.
- (e) Elected officers of the House.
- (f) The Parliamentarian.
- (g) The Architect of the Capitol.
- (h) The Librarian of Congress.
- (i) The Secretary and Sergeant-at-Arms of the Senate.
- (j) Heads of departments.
- (k) Other persons as designated by the Speaker.

***Committee and Members' Staff***

**§ 5.3 Pursuant to rule XXXII (now clause 2(b) of rule IV),<sup>(26)</sup> the Speaker is prohibited from entertaining a unanimous-consent request that additional committee staff be permitted on the floor.**

On May 23, 1973,<sup>(27)</sup> the following occurred:

Mr. [Olin] TEAGUE [of Texas]. Mr. Speaker, the rules provide a limited number of staff members on the floor when a bill is being considered. I ask unanimous consent that each subcommittee chairman be permitted to have a staff member with him on the floor during consideration of the bill.

24. *Parliamentarian's Note*: This resolution was in response to capacity concerns with the Chamber given the demand to attend and restricted those who would otherwise have access to the floor under rule IV. See *House Rules and Manual* §§ 677–681 (2017).

25. 161 CONG. REC. H5539 [Daily Ed.], 114th Cong. 1st Sess.

26. *House Rules and Manual* § 678 (2017). Clause 2(b) of rule IV prohibits the Speaker from entertaining any unanimous-consent request or motion to suspend the provisions of clauses 1, 2(a), 3, 4, or 5 of rule IV. However, a resolution offered by the direction of the Committee on Rules may provide such a waiver. See §§ 1.7, 5.1, *supra*.

27. 119 CONG. REC. 16774, 93d Cong. 1st Sess.

The SPEAKER.<sup>(28)</sup> The Chair has no authority to recognize the gentleman's request, under the rules.

Mr. TEAGUE of Texas. Mr. Speaker, I withdraw that request.

**§ 5.4 The Speaker announced his intention to strictly enforce the provision in rule XXXII (now rule IV),<sup>(29)</sup> interpreted to restrict to five the number of committee staff permitted on the floor at one time during the consideration of measures from their committees.<sup>(30)</sup>**

On August 22, 1974,<sup>(31)</sup> the following occurred:

STAFF FLOOR PRIVILEGES

(Mr. [Leslie] ARENDS [of Illinois] asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, rule XXXII of the Rules of the House of Representatives relates to persons and officials to be admitted to the Hall of the House during our sessions, and it is a rule with which all Members should be familiar. The reason we have such a rule should be obvious to everyone.

During this session, however, I have noticed—as have a number of our colleagues—the presence of an increasing number of staff personnel who presumably were not intended under the aforementioned rule, or committee clerks who are on the floor when there is no business from their committees under consideration. Some of these individuals roam the floor at will, occupying space inside the rail, and adding to the congestion. In my judgment, Mr. Speaker, this practice should not be permitted.

Likewise, Mr. Speaker, it is my observation that we are granting far too many staff people floor privileges. No one objects to essential aides coming to the floor and remaining there only as long as their official duties require. But there appears to be a growing tendency for staff aides to linger on the floor merely to observe the proceedings, or for other purposes. This is clearly not the intent of rule XXXII and should be discontinued.

We recognize, of course, that committee clerks are entitled to be on the floor in an advisory capacity to assist chairmen and ranking minority members during consideration of bills from their respective committees. Under past practice the majority has usually had two or three staff members on the floor at one time, and the minority two. We should continue to observe this practice. On recent occasions, however, I have counted as many as five staff members on each side of the aisle.

Let me assure you that my remarks are in no way meant to reflect unfavorably on the caliber of the staff people in the House or on our committees. As a group they are extremely competent and diligent, and we are fortunate to have so many dedicated people working with us in the Congress.

28. Carl Albert (OK).

29. *House Rules and Manual* § 677 (2017).

30. *Parliamentarian's Note*: Speaker Carl Albert of Oklahoma, on June 8, 1972, interpreted the rule to permit only five committee clerks on the floor at one time. See 118 CONG. REC. 20318, 92d Cong. 2d Sess.

31. 120 CONG. REC. 30027, 93d Cong. 2d Sess.; *House Rules and Manual* § 677 (2017).

Perhaps a timely reminder to all concerned is all that is necessary. In any event, appropriate action should be taken. I am sure many feel as I do that the House floor should not become a meeting place for those who are not elected to office.

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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(32)</sup> In connection with what the distinguished minority whip, the gentleman from Illinois (Mr. ARENDS) has just stated, the Chair wishes to make a statement.

The Chair is aware of and has noticed the excessive number of staff members on the floor during consideration of legislation. The Chair, therefore, requests when the chairman of a committee brings a matter to the floor of the House, that he limit the number of staff present on the floor in accordance with the guidelines heretofore established by the Chair.

**§ 5.5 The Speaker inserted in the *Congressional Record* regulations, promulgated pursuant to authority under rule XXXII (now rule IV),<sup>(33)</sup> as amended in the 95th Congress, to govern admission and conduct on the floor of committee staff, staff of the Legislative Counsel, and personal staff of a Member with an amendment under consideration.<sup>(34)</sup>**

On January 26, 1977,<sup>(35)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(36)</sup> Pursuant to rule XXXII, the Chair will insert at this point in the RECORD regulations on admittance of staff to the House floor. I wish to stress that we would certainly appreciate it if the Members who will be coming on the floor with staff members will read this rule XXXII concerning members of staff coming to the floor which the House is inserting in the RECORD at this particular time.

The regulations are as follows:

A. *Committee Staff*: While a proposition is pending on the floor of the House, four professional staff members and one clerical staff member from the committee which has reported the measure (or from the committee with subject-matter jurisdiction, as determined by the Speaker, in the case of a measure which has not been reported from committee) may be present on the floor—including aisle space behind the railings. In the case of a measure reported by more than one committee, or in the case of a measure made in order by a special rule which allocates general debate to another committee (or which entitles another committee to offer amendments) each such committee is entitled to the full complement of staff. As required by clause 4 of rule XXXII, no such staff persons shall engage in efforts on the floor or in rooms leading thereto to influence Members with

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32. Carl Albert (OK).

33. *House Rules and Manual* § 677 (2017).

34. For an announcement by the Speaker regarding Members' personal staff on the floor, see 128 CONG. REC. 21934, 97th Cong. 2d Sess. (Aug. 18, 1982).

35. 123 CONG. REC. 2333, 95th Cong. 1st Sess.; *House Rules and Manual* §§ 678, 681 (2017).

36. Thomas O'Neill (MA).

regard to the legislation under consideration. Such committee staff shall remain in the proximity of the committee tables to advise committees responsible for their admission and other Members seeking their advice.

B. *Legislative Counsel*: As permitted by the Legislative Reorganization Act of 1970, while a proposition is pending on the floor of the House, two members of the staff of the legislative counsel may be present on the floor to assist all Members.

C. *Members' Personal Staff*: While a Member, delegate, or resident commissioner has an amendment pending on the floor of the House, he may have one member of his personal staff (clerk-hire staff) with him on the floor in the proximity of the committee table solely to advise that Member on the amendment. For the purposes of clause 4, rule XXXII, a Member must personally obtain a floor pass for his or her staff assistant on the day that the amendment will be offered. These passes will be available at the Speaker's desk while the House is in session, and must be signed by the Member and filled out to indicate the staff assistant's name, the date(s) the amendment will be under consideration and the bill to which it will be offered. The Member may then give this pass to the designated staff assistant, and the pass will also serve as a gallery pass to gallery 1 and must be presented to the doorman at the east door of the Speaker's lobby when the amendment is actually under consideration to permit that staff assistant to be admitted to the floor. For the purposes of the rule, a Member has an amendment under consideration after he has been recognized to offer it and until (1) the Chair announces the vote thereon, or (2) the Chair rules that the amendment is not in order.

**§ 5.6 The Speaker announced that he had instructed the Doorkeeper<sup>(37)</sup> and Sergeant-at-Arms to strictly enforce the provisions of rule XXXII (now rule IV)<sup>(38)</sup> which specify those persons having the privileges of the floor during sessions of the House.**

On January 19, 1981,<sup>(39)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(40)</sup> The Chair wishes to make the following announcement concerning privileges of the floor for House staff during the 97th Congress.

Rule XXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in "Deschler's Procedure," chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. To this end, the Chair requests Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair would extend this admonition to all properly admitted majority and minority staff by suggesting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have properly requested their presence. The Chair has consulted with and has the concurrence of the minority leader with respect to this policy and has requested the Doorkeeper and the Sergeant at Arms to assure proper enforcement of the rule.

37. *Parliamentarian's Note*: The position of Doorkeeper was eliminated in the 104th Congress. For more on this former officer of the House, see Deschler's Precedents Ch. 6 § 20 and Precedents (Wickham) Ch. 6.

38. *House Rules and Manual* § 678 (2017).

39. 127 CONG. REC. 402, 97th Cong. 1st Sess.; *House Rules and Manual* § 678 (2017).

40. Thomas O'Neill (MA).

**§ 5.7 While rule XXXII (now clause 2(a) of rule IV)<sup>(41)</sup> has been interpreted<sup>(42)</sup> to allow up to five committee staff persons to exercise floor privileges floor during consideration of business from that committee, the Chair further restricted floor access during the pendency of an omnibus reconciliation measure to only staff of committees which had recommended legislative provisions pertaining to a pending amendment.**

On June 26, 1981,<sup>(43)</sup> during consideration of an omnibus reconciliation measure (the product of multiple committees), the Chair announced that staff of committees that were directly affected by a pending amendment would be permitted to exercise floor privileges, but that staff of unaffected committees would be temporarily denied access:

Mr. [Daniel] GLICKMAN [of Kansas]. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore.<sup>(44)</sup> The gentleman will state his point of order.

Mr. GLICKMAN. Mr. Chairman, I do not know what the rules of the House say, but there are an extraordinary number of staff on the floor that I think are contributing to the noise level in this House. I just would point that out to the Chair to perhaps encourage those who are not supposed to be here to leave.

The CHAIRMAN pro tempore. The Chair is going to insist, considering the unique nature of the pending bill and amendment, that only the staff of committees which are directly affected by the pending amendment should be on the floor. In addition to the Budget Committee staff, and then only those limited number of staff persons requested to remain by the chairmen and ranking minority members of those committees.

The Chair would appreciate the cooperation of the chairmen and ranking minority members of the committees to see if we can keep this noise level down and proceed in an orderly fashion with the consideration of the legislation.

**§ 5.8 The Speaker announced, pursuant to rule XXXII (now clause 2(a) of rule IV),<sup>(45)</sup> a revised policy regarding committee staff floor privileges, which required the display of staff badges on the floor in order to ensure that only the proper number of committee staff be permitted on the floor and only during consideration of measures from their committees.**

On January 21, 1986,<sup>(46)</sup> the following announcement was made:

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41. *House Rules and Manual* § 678 (2017).

42. 118 CONG. REC. 20318, 98th Cong. 1st Sess. (Jan. 25, 1983).

43. 127 CONG. REC. 14574, 97th Cong. 1st Sess. For a reiteration by the Speaker of this policy announcement, see 129 CONG. REC. 224, 98th Cong. 1st Sess. (Jan. 25, 1983).

44. Abraham Kazen (TX).

45. *House Rules and Manual* § 678 (2017).

46. 132 CONG. REC. 5, 99th Cong. 2d Sess.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(47)</sup> The Chair desires to make the following announcement concerning privileges of the floor for House staff during the 2d session of the 99th Congress.

Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the 5-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees.

The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session.

The Chair will institute the following procedure for the remainder of the 99th Congress. The Chair requests each chairman, and each ranking minority member, to submit to the Doorkeeper a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a "committee staff" badge which is to be worn while on the floor. The Chair has consulted with the minority leader and will continue to consult with him. The Chair has furthermore directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of rule XXXII.

**§ 5.9 Staff members admitted to the floor are prohibited by clause 4 of rule XXXII (now clause 5 of rule IV)<sup>(48)</sup> from engaging in efforts in the House Chamber to influence Members, including passing out leaflets to Members entering the Chamber during a vote.**

On August 1, 1990,<sup>(49)</sup> the Chair responded to parliamentary inquiries as follows:

## PARLIAMENTARY INQUIRY

Mr. [Ronald] MARLENEE [of Montana]. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN.<sup>(50)</sup> The gentleman will state it.

Mr. MARLENEE. Mr. Chairman, it is into the conduct of the staff on both sides of the aisle that I particularly noted that staff was involved in passing out literature, in passing out and handing out leaflets. I would like to know what the proper conduct of the staff is.

47. Thomas O'Neill (MA).

48. *House Rules and Manual* § 681 (2017).

49. 136 CONG. REC. 21519, 101st Cong. 2d Sess.

50. David Bonior (MI).

The CHAIRMAN. The gentleman raises a good point. The Chair will pull from clause 4, rule XXXII on the conduct of staff:

No such person or clerk of a committee so admitted under clause 1 shall engage in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended.

The Chair would ask Members and staff to adhere to this.

**§ 5.10 Pursuant to clause 4 of rule XXXII (now clause 5 of rule IV)<sup>(51)</sup> proscribing staff efforts to influence legislation on the floor, staff permitted on the floor are to desist from audible conversations and are not to indicate any approval or disapproval of the proceedings.**

On June 14, 1995,<sup>(52)</sup> the following announcement was made:

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN.<sup>(53)</sup> The Chair takes this opportunity to remind all staff who now enjoy the privilege of the floor that they are to desist from audible conversations and are not to manifest any approval or disapproval of proceedings.

*Joint Sessions and Joint Meetings*

**§ 5.11 The Speaker announced that during the joint meeting for the swearing in of Rep. Gerald Ford of Michigan as Vice President on the following day, only certain doors would be open and only persons with floor privileges would be permitted in the Chamber.**

On December 5, 1973,<sup>(54)</sup> the following announcement was made:

The SPEAKER.<sup>(55)</sup> The Chair desires to make an announcement.

ANNOUNCEMENT BY THE SPEAKER

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on tomorrow, December 6, during the joint meeting to be held in connection with the swearing in of the Vice President, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House except those persons having the privilege of the floor of the House.

**§ 5.12 The Speaker admonished Members to refrain from occupying seats in the Chamber reserved for the Senate during a joint session to receive a message from the President, and announced that**

51. *House Rules and Manual* § 681 (2017).

52. 141 CONG. REC. 15896–97, 104th Cong. 1st Sess.

53. Norvell Emerson (MO).

54. 119 CONG. REC. 39677, 93d Cong. 1st Sess.

55. Carl Albert (OK).

**no personal guests would be allowed in the Chamber during the joint session.**

On April 20, 1977,<sup>(56)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(57)</sup> The Chair would like to announce at this time that this evening there will be a joint session. A certain number of seats will be set aside for the Senate. The leadership of the House would appreciate it if we would respect those seats because it has been embarrassing in the past when Senators have arrived that seats have not been available for them.

The Chair would also like to note the fact that there will be no guests on the floor of the House Chamber this evening. The seats will be reserved for Members of the House, for the Members of the Senate, for the diplomatic corps, and for the members of the Cabinet.

**§ 5.13 The Speaker has specifically announced that children of Members<sup>(58)</sup> may not attend the joint session to receive a message from the President on the state of the Union.**

On January 23, 1996,<sup>(59)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(60)</sup> The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

**§ 5.14 In preparation for a joint session to receive a message from the President, the Chair announced that the practice of reserving**

56. 123 CONG. REC. 11450, 11480, 11483, 95th Cong. 1st Sess.

57. Thomas O'Neill (MA).

58. *Parliamentarian's Note*: This was the first instance where the Speaker specifically noted that children of Members would not be permitted to attend the joint session. This prohibition has been reiterated in subsequent announcements regarding attendance at joint sessions to receive presidential messages. See, *e.g.*, 163 CONG. REC. H1386 [Daily Ed.], 115th Cong. 1st Sess. (Feb. 28, 2017).

59. 142 CONG. REC. 1173 104th Cong. 2d Sess. This announcement has now become standard for joint meetings.

60. Richard White (WA).

**seats by placard for the joint session would not be allowed and that Members could reserve seats only by physical presence following a security sweep of the Chamber.**

On February 12, 2013,<sup>(61)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(62)</sup> After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of purporting to reserve seats prior to the joint session by placement of placards or personal items will not be allowed. Chamber Security may remove these items from the seats. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess.

## ***Senators***

**§ 5.15 Instance where the Speaker acknowledged the presence on the floor of a Senator from the state of a Member-elect being administered the oath of office.**

On July 9, 1981,<sup>(63)</sup> the following occurred:

SWEARING IN OF THE HONORABLE WAYNE DOWDY OF MISSISSIPPI AS A  
MEMBER OF THE HOUSE

The SPEAKER.<sup>(64)</sup> Will the Member-elect kindly present himself in the well of the House and take the oath of office? The Member-elect will be escorted by the dean of the Mississippi delegation and of the House, the Members from the State of Mississippi, and our honored guest, the Senator from the State of Mississippi, Senator STENNIS.

Mr. [Charles] DOWDY [of Mississippi] appeared before the bar of the House and took the oath of office.

61. 159 CONG. REC. H443–H444 [Daily Ed.], 113th Cong. 1st Sess. See also § 1.19, *supra*, and 155 CONG. REC. 6364, 111th Cong. 1st Sess. (Mar. 4, 2009).

62. Randy Hultgren (IL).

63. 127 CONG. REC. 15215, 97th Cong. 1st Sess.

64. Thomas O'Neill (MA).

**§ 5.16 Instance where the Chair noted the presence of two Senators from Mississippi in the House Chamber on the occasion of Rep. Jamie Whitten's 50th anniversary in Congress, and advised that they would not have the privilege of speaking.**

On November 5, 1991,<sup>(65)</sup> the following occurred:

TODAY JAMIE WHITTEN MARKS HIS 50TH ANNIVERSARY OF SERVICE IN THIS CHAMBER

(Mr. [Sonny] MONTGOMERY [of Mississippi] asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise to pay tribute to the dean of the House of Representatives and the dean of the Mississippi delegation. Congressman JAMIE WHITTEN today, November 5, 1991, marks his 50th anniversary of service in this Chamber. Congratulations, Mr. WHITTEN, for what you have done. . . .

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Sonny] MONTGOMERY [of Mississippi]). Before recognizing the gentleman from Mississippi [Mr. TAYLOR], the Chair would like to thank the other Members on both sides of the aisle for letting the Chair recognize Members from Mississippi, and after the gentleman from Kentucky [Mr. NATCHER] has made his remarks, the Chair will then be going from one side of the aisle to the other side of the aisle.

The Chair recognizes the gentleman from Mississippi [Mr. TAYLOR]. . . .

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before recognizing the gentleman from Kentucky [Mr. NATCHER], the Chair would like to say that there are two Members from the other body. They will not have the privilege of speaking, but they are certainly welcome here, and they are from Mississippi.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

## § 6. Former Members' Floor Privileges

Since the early 19th century, former Members of the House have been granted the privilege of admission to the Hall of the House.<sup>(1)</sup> The 1867

**65.** 137 CONG. REC. 30010–11, 102d Cong. 1st Sess.

**1.** *Parliamentarian's Note*: Former Members were first given floor privileges in the second session of the Tenth Congress. 19 ANNALS OF CONG. 1432 (Feb. 11, 1809). Such privileges were revoked in 1857, but reinstated in 1867. See 5 Hinds' Precedents § 7284.

form of the rule specified that such former Members (then termed “ex-Members”) should not be “interested in any claim pending before Congress”<sup>(2)</sup>—indicating a concern that former Members would lobby their erstwhile colleagues on the floor regarding legislation in which they had a personal or pecuniary interest. In 1945, the Chair held that former Members do not have the privilege of the floor when they are either personally interested in pending legislation or are in the employ of an organization with such an interest.<sup>(3)</sup>

In the 1970s, the rule regarding former Members’ access to the floor was expanded to specify the conditions by which former Members may be admitted to the Hall of the House. In 1976, language was included to formally exclude from the floor former Members who were in the employ of (or were representing) parties or organizations with an interest in legislation before the House.<sup>(4)</sup> Additional language clarified that such legislation may be pending on the floor, reported by committee, or under consideration by any committee or subcommittee. The rule authorized the Speaker to promulgate regulations to enforce the prohibitions contained therein, and the Speaker has made announcements as to how the rule was to be enforced.<sup>(5)</sup>

In 2006, the modern form of the rule was adopted.<sup>(6)</sup> Clause 4 of rule IV<sup>(7)</sup> was amended to bar from the floor former Members who: (1) are registered lobbyists or agents of a foreign principal; (2) have a personal or pecuniary interest in legislation pending before the House or reported by a committee; or (3) are employed by or are representing any party or organization “for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.”<sup>(8)</sup> The Speaker was also authorized, by clause 4(b), to exempt ceremonial or educational functions from the restrictions of the rule.<sup>(9)</sup>

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For the ceremonial event of Former Members’ Day (typically conducted in the House Chamber), see Deschler’s Precedents Ch. 36 § 17.

2. 38 CONG. GLOBE 119, 40th Cong. 1st Sess. (Mar. 15, 1867).
3. 91 CONG. REC. 9251, 79th Cong. 1st Sess. (Oct. 2, 1945). See also Deschler’s Precedents Ch. 4 § 4.7.
4. See § 6.1, *infra*.
5. See §§ 6.2–6.4, *infra*. For similar reiterations of this policy, see 141 CONG. REC. 14300, 104th Cong. 1st Sess. (May 24, 1995) and 142 CONG. REC. 21031, 104th Cong. 2d Sess. (Aug. 1, 1996).
6. See § 6.7, *infra*.
7. *House Rules and Manual* § 680 (2017).
8. *Parliamentarian’s Note*: These prohibitions apply not only to former Members, but also former Parliamentarians of the House, former elected officers, and former minority employees nominated as elected officers of the House. *House Rules and Manual* § 680 (2017).
9. *House Rules and Manual* § 680 (2017). For an example of a special order of business resolution excluding former Members from a joint meeting for the address of Pope Francis, see § 5.2, *supra*.

The Chair has responded to parliamentary inquiries regarding the content of rule IV as it applies to former Members.<sup>(10)</sup> A resolution proposing to bar a former Member from exercising floor privileges has been raised as a question of the privileges of the House.<sup>(11)</sup> Members have been reminded to address their remarks to the Chair and not to former Members who may be on the floor exercising floor privileges.<sup>(12)</sup>

**§ 6.1 The House adopted a privileged resolution reported from Committee on Rules amending the standing rules of the House to permit former Members, officers and certain former employees access to the floor of the House during its sessions (under regulations promulgated by the Speaker) only if: (1) they do not have a direct personal or pecuniary interest in a measure pending before the House or reported by a committee; and (2) they are not lobbying for or against any measure pending before the House, reported from committee, or under consideration in any committee or subcommittee.**<sup>(13)</sup>

On October 1, 1976,<sup>(14)</sup> the following occurred:

AMENDING RULE XXXII OF THE RULES OF THE HOUSE OF REPRESENTATIVES TO SPECIFY CONDITIONS FOR THE ADMISSION OF EX-MEMBERS AND CERTAIN OTHER PERSONS TO THE HALL OF THE HOUSE AND ROOMS LEADING THERETO

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1435 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1435

*Resolved*, That rule XXXII of the Rules of the House of Representatives is amended in the following way:

Rule XXXII, clause 1, is amended by striking the work “ex-Members” as it first appears, through the word “consideration”, and substituting in lieu thereof the following “the Parliamentarian, elected officers, and elected minority employees of the House (other than Members), clerks of committees when business from their committee is under consideration: and ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected minority employees of the House, subject to the provisions of clause 3 of this rule”

“3. Ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and former elected minority employees of the House, shall be entitled to the privilege of admission to the Hall of the House and rooms leading

10. See § 6.8, *infra*.

11. See § 6.6, *infra*. For more on questions of privilege generally, see Deschler’s Precedents Ch. 11 and Precedents (Wickham) Ch. 11.

12. See § 6.9, *infra*.

13. For the modern form of the rule, see rule IV, clause 4, *House Rules and Manual* § 680 (2017).

14. 122 CONG. REC. 35175–80, 94th Cong. 2d Sess.; *House Rules and Manual* §§ 678, 680 (2017).

thereto on making declaration, on honor, in a register to be kept for that purpose, that they do not have any direct personal or pecuniary interest in any legislative measure coming up for consideration in the House, or that they are not in the employ of, or do not represent, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat or amendment of any legislative measure before the House or any of its committees. The Doorkeeper shall be held responsible to the House for the execution of this rule.”

With the following committee amendment:

Strike all after the “Resolved” clause, and insert in lieu thereof the following:

That Rule XXXII of the Rules of the House of Representatives is amended in the following way:

Rule XXXII, clause 1, is amended by striking the work “ex-Members” as it first appears, through the word “consideration”, and substituting in lieu thereof the following “the Parliamentarian, elected officers and elected minority employees of the House (other than Members), clerks of committees when business from their committee is under consideration; and ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and form elected minority employees of the House, subject to the provisions of clause 3 of this rule”.

Rule XXXII is further amended by adding the following new clause:

“3. Ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and former elected minority employees of the House, shall be entitled to the privilege of admission to the Hall of the House and rooms leading thereto only if they do not have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by any committee of the House and only if they are not in the employ of, or do not represent, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat or amendment of any legislative measure pending before the House, reported by any committee of the House or under consideration in any of its committees or subcommittees. The Speaker shall promulgate such regulations as may be necessary to implement the provisions of this rule and to ensure its enforcement.”

The SPEAKER.<sup>(15)</sup> The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour. . . .

Mr. BOLLING. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The amendment was agreed to.

The resolution was agreed to.

The motion to reconsider was laid on the table.

**§ 6.2 The Speaker announced the promulgation of regulations pursuant to clause 3 of rule XXXII (now clause 4 of rule IV),<sup>(16)</sup> governing floor privileges of former Members and former officers of the House.**

On January 6, 1977,<sup>(17)</sup> the following occurred:

FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS OF THE HOUSE  
OF REPRESENTATIVES

The SPEAKER.<sup>(18)</sup> The Chair will insert at this point in the Record a statement covering the floor privileges of former Members and officers of the House of Representatives,

15. Carl Albert (OK).

16. *House Rules and Manual* § 680 (2017).

17. 123 CONG. REC. 321, 95th Cong. 1st Sess.

18. Thomas O’Neill (MA).

in order that former Members and officers of the House of Representatives will be aware of the floor privileges accorded to them:

FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES

1. Former Members and Officers of the House shall be entitled to the privilege of admission to the floor of the House only if they do not have a direct personal or pecuniary interest, as determined by the Speaker, in any legislative measure pending before the House or reported by any committee of the House and only if they are not in the employ of, or do not represent, as determined by the Speaker, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative measure pending before the House, reported by any committee of the House or under consideration in any of its committees or subcommittees.

2. Former Members and Officers of the House shall enter the Chamber through the Lobby Doors and shall furnish adequate identification to the doormen. Each former Member and Officer shall be furnished with a copy of these regulations, and with a copy of the proposed House schedule for that day. It is the responsibility of the former Member or Officer to personally ascertain that there is no measure pending in a committee or subcommittee that would prevent his access to the floor under this rule.

3. For the purposes of clause 3 of rule XXXII, legislative measures under consideration in committees and subcommittees shall be those bills and resolutions which either (1) have been called up for consideration in a proper meeting of the full committee or of a subcommittee thereof, or (2) have been the subject of a proper hearing of the full committee or of a subcommittee thereof, whichever first occurs. A measure shall not be deemed under consideration if the committee or subcommittee has finally disposed of the bill or resolution adversely.

4. The provisions of (a) above shall not apply to former Members who are entitled to the privilege of the floor in another capacity under Rule XXXII.

**§ 6.3 A former Member is not entitled to the privilege of the floor under rule XXXII (now clause 4 of rule IV),<sup>(19)</sup> if such former Member: (1) has a direct personal or pecuniary interest in legislation under consideration in the House or reported by any committee; or (2) represents any party or organization for the purpose of influencing the disposition of legislation pending before the House, reported by any committee, or under consideration in any committee or subcommittee.<sup>(20)</sup>**

On June 7, 1978,<sup>(21)</sup> the Chair responded to parliamentary inquiries as follows:

PARLIAMENTARY INQUIRY

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I have a parliamentary inquiry.

19. *House Rules and Manual* § 680 (2017).

20. *Parliamentarian's Note*: The 2006 revision to the rule (now clause 4 of rule IV), does not include the language "under consideration in any of its committees or subcommittees" as it was stated in this 1978 reading of the rule by the Chair. See § 6.7, *infra*.

21. 124 CONG. REC. 16624–25, 95th Cong. 2d Sess.; *House Rules and Manual* § 681 (2017).

The SPEAKER pro tempore (Mr. [John] BRADEMÁS [of Indiana]). The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, do not the rules of the House require that any former Members with a direct interest in the legislation pending before the House or any committees or subcommittees thereof absent themselves completely from the floor of the House?

The SPEAKER pro tempore. The Chair will read the rule from the House Rules and Manual, at page 658. Clause 3, rule XXXII reads as follows:

Ex—Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and former elected minority employees of the House, shall be entitled to the privilege of admission to the Hall of the House and rooms leading thereto only if they don't have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by any committee of the House and only if they are not in the employ of, or do not represent, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat or amendment of any legislative measure pending before the House, reported by any committee of the House or under consideration in any of its committees or subcommittees.

The Chair therefore responds to the gentleman's inquiry in the affirmative.

Mr. BAUMAN. I thank the Speaker, and I assume that the Chair will enforce the rule.

PARLIAMENTARY INQUIRY

Mr. CHARLES WILSON of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CHARLES WILSON of Texas. Mr. Speaker, would it be the opinion of the Chair that that restriction would apply only to the time that the legislation that the former Member might be interested in was before the House?

The SPEAKER pro tempore. The rule reads, "or reported by any committee of the House or under consideration in any of its committees or subcommittees."

Mr. CHARLES WILSON of Texas. I thank the Chair.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. [Norman] DICKS [of Washington]. Mr. Speaker, I would ask the question, when it says, "personal or pecuniary interest," does that not mean directly in an individual sense, and not in an official government capacity? Many people have an interest in the defense bill or the HEW bill in an official capacity. This says, "personal or pecuniary," and I would suggest—thinking that I know who the gentleman is talking about—that he has no direct personal or pecuniary interest in an individual sense.

The SPEAKER pro tempore. The Chair would respond to the gentleman from Washington by saying that there are two parts of the rule. The part to which the gentleman from Washington has just referred quite accurately runs to the matter of direct personal or pecuniary interest, while the second part of the rules runs to the question of whether or not the ex—Member is in the employ of or represents any party or organization for the purpose of influencing the passage, defeat, or amendment of any legislative measure pending before the House, or reported by any committee of the House, or under consideration in a committee or subcommittee.

Mr. DICKS. So it is to that part that the Chair refers?

The SPEAKER pro tempore. The gentleman is correct.

**§ 6.4 Announcement by the Speaker reiterating the prohibition of clause 3 of rule XXXII (now clause 4 of rule IV)<sup>(22)</sup> against former Members obtaining floor privileges during the pendency of a matter in which they have a personal or pecuniary interest, emphasizing that the test for the whether the rule is being violated is the former Member's status as one with a personal or pecuniary interest rather than an intent to lobby.**

On June 9, 1994,<sup>(23)</sup> the Speaker reiterated regulations established pursuant to clause 3 of rule XXXII (now clause 4 of rule IV) and previously announced on January 6, 1977,<sup>(24)</sup> and June 7, 1978,<sup>(25)</sup> restricting the floor privileges of former Members in certain circumstances:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(26)</sup> The Chair desires to make an announcement:

Former Members are reminded that they are entitled to the privilege of admission to the floor of the House only if they do not have a direct personal or pecuniary interest, as determined by the Speaker, in any legislative measure pending before the House or reported by any committee of the House and only if they are not in the employ of, or do not represent, as determined by the Speaker, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative measure pending before the House—meaning those measures which either have been called up for consideration in a proper meeting of a full or subcommittee or have been the subject of a proper hearing of the full or subcommittee, whichever first occurs. A measure which has been finally disposed of adversely in committee or subcommittee is no longer considered under active consideration in committee.

The Chair is taking this opportunity to reiterate the guidelines first announced by Speaker O'Neill under clause 3, rule XXXII on January 6, 1977, and again on June 7, 1978, in order to discourage former Members from attempting to exercise their limited floor privileges when they find themselves under this restriction. Since the Chair cannot waive the restrictions of this rule, even by unanimous consent, former Members should not importune the doorkeepers to do so. Former Members should be aware that it is their status as one with a personal or pecuniary interest or as one in a lobbying position, and not their intent or lack thereof to influence legislation when going on the floor, that is the basis for the restriction in the rule.

22. *House Rules and Manual* § 680 (2017).

23. 140 CONG. REC. 12387, 103d Cong. 2d Sess. For two similar reiterations of this policy, see 141 CONG. REC. 14300, 104th Cong. 1st Sess. (May 24, 1995) and 142 CONG. REC. 21031, 104th Cong. 2d Sess. (Aug. 1, 1996).

24. See § 6.2, *supra*.

25. See § 6.3, *supra*.

26. Thomas Foley (WA).

**§ 6.5 In response to a parliamentary inquiry, the Chair advised that former Members have the privileges of the floor and the rooms leading thereto under clause 1 of rule XXXII (now clause 2(a) of rule IV),<sup>(27)</sup> subject to the restrictions in clause 3 of rule XXXII (now clause 4 of rule IV)<sup>(28)</sup> pertaining to personal or representational interests.<sup>(29)</sup>**

On September 17, 1997,<sup>(30)</sup> the Chair responded to parliamentary inquiries as follows:

PARLIAMENTARY INQUIRY

Mr. [Robert] MENENDEZ [of New Jersey]. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Ken] CALVERT [of California]). The gentleman will state his inquiry.

Mr. MENENDEZ. Mr. Speaker, I have a parliamentary inquiry that goes to the integrity of the House.

My question is, Could the Speaker advise the House of that provision of the rules which prohibits former Members of the House from coming onto the House floor and lobbying when they have a direct personal or pecuniary interest in a matter pending before the House?

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXXII, former Members have the privileges of the floor or rooms leading thereto subject to the provisions of clause 3 of that rule.

Mr. MENENDEZ. And that is the controlling provision as it relates to former Members not lobbying in the House in that respect, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

**§ 6.6 A resolution alleging that a named former Member had breached proper decorum on the floor of the House, and resolving that the Sergeant-at-Arms be instructed to bar the former Member from the Chamber and rooms leading thereto until the resolution of a contested election to which he was party, gives rise to a question of the privileges of the House.**

On September 18, 1997,<sup>(31)</sup> the House adopted a resolution raised as a question of the privileges of the House (following the defeat of a motion to lay said resolution on the table):

27. *House Rules and Manual* § 678 (2017).

28. *House Rules and Manual* § 688 (2017).

29. *Parliamentarian's Note*: Former Rep. Robert Dornan of California, a contestant in a contested election case pending before a task force of the Committee on House Oversight, was on the House floor. While certain Members felt that this was a disqualifying interest under former clause 3 of rule XXXII, the rule has never been interpreted to prohibit contestants in election cases from exercising floor privileges. See also § 6.6, *infra*.

30. 143 CONG. REC. 19026, 105th Cong. 1st Sess.

31. 143 CONG. REC. 19340–45, 105th Cong. 1st Sess.

PRIVILEGES OF THE HOUSE—RESTRICTING FLOOR PRIVILEGES OF FORMER REPRESENTATIVE ROBERT DORNAN PENDING RESOLUTION OF ELECTION CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. [Robert] MENENDEZ [of New Jersey]. Pursuant to clause 2 of rule IX and by agreement with the majority leader, Mr. ARMEY, I hereby give notice of my intention to offer a privileged resolution.

The form of the resolution is as follows:

HOUSE RESOLUTION 233

Whereas the privilege of admission to the Hall of the House or rooms leading thereto is subject to the requirements of proper decorum;

Whereas concern has arisen that the privilege of admission to the Hall of the House or rooms leading thereto has become the subject of abuse;

Whereas Representative Menendez of New Jersey has given notice pursuant to clause 2 of rule IX of his intention to offer a question of the privileges of the House addressing that concern;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal commitment to the principle that every person who exercises the privilege of admission to the Hall of the House or rooms leading thereto assumes a concomitant responsibility to comport himself in a manner that properly dignifies the proceedings of the House; Therefore be it

*Resolved*, That the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the forty-sixth district of California is resolved.

The SPEAKER.<sup>(32)</sup> Pursuant to rule IX, the Chair determines that this is the appropriate time to call up the resolution.

Mr. MENENDEZ. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

PREFERENTIAL MOTION OFFERED BY MR. STEARNS

Mr. [Clifford] STEARNS [of Florida]. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. STEARNS moves to lay the resolution offered by Mr. MENENDEZ on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Florida [Mr. STEARNS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 291, answered “present” 3, not voting 53, as follows:

**32.** Newt Gingrich (GA).

[Roll No. 414] . . .

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 30 minutes.

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to 20 minutes equally divided and controlled by myself and the gentleman from New York [Mr. SOLOMON] for the purposes of debate only.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first thank all of my colleagues on both sides of the aisle who did not permit the motion to table to take place, to pass, so that we could have this opportunity. Failure to do so would have not allowed a Member to be able to pursue the only vehicle that a Member of this body has to enforce the decorum of the House. I want to ask for Members' further support of this resolution so that we make clear for ourselves and to the American people watching us that profanities, insults, and name-calling are not under any circumstance or for any reason accepted in this House or inside this Chamber ever.

Working with the Republican leadership, I changed the resolution I originally introduced in order to depersonalize the language, because when the rules of the House are broken, it is not just personal, it affects the whole institution.

Yesterday, nothing less than the integrity of the House was undermined by former Congressman Dornan. In the course of representing my constituents, exercising my rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Mr. Dornan verbally assaulted me. He used profane language, accused me of religious bigotry, called my integrity into question, and, by the tone of his voice and the context of his remarks, clearly attempted to lure me off the floor into a physical altercation.

By doing so, Mr. Dornan abused his privileges as a former Member of the House of Representatives and conducted himself on the floor in a manner which brings discredit to the House.

Now, earlier today some of my colleagues called the event alleged, implying the facts of the case are in doubt. But I would remind my colleagues that there were several witnesses, and many of you have come over on the Republican side of the aisle to tell me that you not only saw, but heard what I have said. And those included on my side of the aisle the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from Colorado [Mr. SKAGGS], among others.

Even beyond that, the Los Angeles Times reported today that Mr. Dornan admitted to using a profane term, called me an anti-Catholic and a coward, and that conduct alone, to which Mr. Dornan has publicly admitted, publicly admitted, is enough to constitute a gross violation of the House rules. So the event in question, my colleagues, is not alleged, it is publicly admitted to by Mr. Dornan himself. . . .

#### PARLIAMENTARY INQUIRY

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, if I might not use any more of my time, because I have other Members that want to be heard, but propound a question

to the Chair: Is it the Chair's understanding that should a resolution be brought to this floor, where there would be a contested election on the floor of this body, that this individual, this American citizen, then would be allowed to be on the floor to argue his case?

The SPEAKER. The Chair may have the option at that time of relying on the legislative history of the debate as it is occurring. The gentleman who offered the privileged resolution has explained in the RECORD his interpretation of that resolution, that it would not block a contestant in that contest from being on the floor during pendency of a resolution on that day in an appropriate manner. Therefore, the Chair will certainly take it under advisement at that time and believes it is helpful.

Mr. SOLOMON. I thank the Speaker.

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was going to say something, but I think the Speaker has clarified the interpretation the Chair will make. I will say in terms of a record, though I have not had the opportunity of conferring with the gentleman from Connecticut [Mr. GEJDENSON] and I have conferred with the gentleman from New Jersey [Mr. MENENDEZ], it was clearly not the intent of the resolution, as I understand from Mr. MENENDEZ, to obviate any contestant's right to appear on the floor at the time the contest is considered. We agree with the chairman of the Committee on Rules in that regard. . . .

The SPEAKER. Without objection, the previous question is ordered on the resolution. There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 65, answered “present” 7, not voting 72, as follows:

[Roll No. 415] . . .

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 6.7 The House suspended the rules and adopted a resolution: (1) amending clause 4 of rule IV<sup>(33)</sup> to remove floor privileges for former Members, officers, and minority employees who are registered lobbyists or agents of foreign principals; have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or are in the employ of or represent any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of**

33. *House Rules and Manual* § 680 (2017).

**any legislative proposal; (2) authorizing the Speaker to promulgate regulations specifically to exempt ceremonial or educational functions from the restrictions of clause 4; and (3) ordering that former Members and officers, and their spouses, who are registered lobbyists or agents of foreign principals, be denied access to exclusive House exercise facilities (and that the Committee on House Administration promulgate regulations to carry out such order).**

On February 1, 2006,<sup>(34)</sup> in response to multiple parliamentary inquiries concerning the rule on floor privileges pending the consideration of a resolution proposing changes thereto, the Chair advised that the instant proceedings constituted “personal interest” for purposes of according floor access to former Members, and the Chair further clarified the definition of the “Hall of the House and rooms leading thereto” used in the rule:<sup>(35)</sup>

#### ELIMINATING FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS

Mr. [David] DREIER [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 648) to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House.

The Clerk read as follows:

H. RES. 648

*Resolved,*

#### SECTION 1. FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS.

Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

“4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

“(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

“(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

“(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

“(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.”.

#### SEC. 2. PROHIBITING ACCESS TO MEMBER EXERCISE FACILITIES FOR LOBBYISTS WHO ARE FORMER MEMBERS OR OFFICERS.

(a) IN GENERAL.—The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former

34. 152 CONG. REC. 540, 541, 548, 549, 580, 581, 109th Cong. 2d Sess.

35. *Parliamentarian’s Note:* This resolution established plainer proscriptions with respect to registered lobbyists, agents of foreign principals, and persons with similar representational roles. Thus, the rule applied to those employed as lobbyists whether or not any particular legislation was pending at any particular stage. The prohibitions of section 2 of this resolution have been included in the opening day rules package of subsequent Congresses.

Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

(b) REGULATIONS.—The Committee on House Administration shall promulgate regulations to carry out this section.

The SPEAKER pro tempore.<sup>(36)</sup> Pursuant to the rule, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. [Victor] SNYDER [of Arkansas]. Mr. Speaker, a parliamentary inquiry, if I might. Because of the State of the Union last night, and we always have the tradition of lots of former Members, I have two or three parliamentary inquiries that I would like to ask about the rules of the House governing this debate today.

Under rule IV, clause 4, if I might read it, because I think most Members may not have looked at this in a while: "former Members, Delegates and Resident Commissioners; former Parliamentarians of the House; and former elected officers and minority employees nominated and elected as officers of the House shall be entitled to the privileges of admission to the Hall of the House and rooms leading thereto only if,

"(1) they do not have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; and,

"(2) they are not in the employ of or do not represent any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat or amendment of any legislative measure pending before the House reported by a committee or under consideration in any of its committees or subcommittees."

In Mr. DREIER's proposal today, it specifically includes all registered lobbyists, any former Members that are registered.

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. SNYDER. My inquiry is this: Under the current rules that we are operating under today, do the rules prohibit any registered lobbyist who is a former Member from being on the floor of the House today or in the rooms adjoining thereto?

The SPEAKER pro tempore. Under certain circumstances, yes.

Does the gentleman have another inquiry?

Mr. SNYDER. Mr. Speaker, I would like a further amplification on that. Clearly, a registered lobbyist, since Mr. DREIER's legislation specifically refers to registered lobbyists, who are former Members, have a direct personal interest in this legislation pending today. I am not sure how that application, perhaps I have not been clear in my question, how a registered lobbyist who is a former Member could be on the House floor today when Mr. DREIER's legislation specifically involves registered lobbyists who are former Members.

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. SNYDER. My inquiry is: Are those Members, former Members, who are registered lobbyists, are they not under current rules prohibited from being on the floor today because they would have, obviously, a personal interest in this, the intent of Mr. DREIER's bill?

36. Ray H. LaHood (IL).

The SPEAKER pro tempore. Would the gentleman restate his question.

Mr. SNYDER. Mr. Speaker, my question is: If a former Member, who is currently a registered lobbyist, may that former Member, who is currently a former lobbyist, be on the floor today during the consideration of this bill?

The SPEAKER pro tempore. Such a former Member should not be on the floor given the pendency of this motion.

Mr. SNYDER. Mr. Speaker, that is what my understanding was.

The SPEAKER pro tempore. Does the gentleman have another inquiry?

Mr. SNYDER. Mr. Speaker, I do. Under the rules that I just read, it refers to the Hall of the House and rooms leading thereto. I assume that means the Speaker's Lobby and the two cloakrooms. Is that the Speaker's interpretation of that rule?

The SPEAKER pro tempore. The gentleman is correct. It also includes the Rayburn Room, just off the House floor.

Mr. SNYDER. Mr. Speaker, my third parliamentary inquiry, under current rules, I see no exemption, under the current rule, for any kind of an educational function to occur during the consideration of this measure; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SNYDER. Mr. Speaker, my fourth parliamentary inquiry, this bill is now under our suspension calendar. Is it the Speaker's ruling that no amendments are allowed to broaden the application of this rule?

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from California (Mr. DREIER) may proceed.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. . . .

#### PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Speaker, under the rules of the House, this is a proposal to change the rules, when a provision says the Speaker may promulgate regulations, under the rules of the House, will there or will there not be a vote of approval of those promulgated regulations by the Speaker on the definition of educational functions?

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The Chair will read this.

Mr. SNYDER. You're a great reader, Mr. Speaker.

The SPEAKER pro tempore. The degree to which the pending proposal changes the status quo is a matter for the House to debate. It is not the function of the Chair to interpret a legislative proposal while it is under debate.

Mr. SNYDER. I am sorry, when the Speaker promulgates regulations, regardless of a minor change or a major change, my inquiry is: Does that or does that not require a vote of the body?

The SPEAKER pro tempore. I will stand by what I said. The terms of the resolution must speak for themselves.

Mr. SNYDER. I will stand with you, Mr. Speaker. Thank you. . . .

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed. . . .

## ELIMINATING FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 648.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DREIER) that the House suspend the rules and agree to the resolution, H. Res. 648, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 50, answered “present” 1, not voting 3, as follows:

[Roll No. 3]. . .

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

In accordance with adopted changes to clause 4 of rule IV<sup>(37)</sup> restricting admission to the Hall of the House for certain former Members, officers, officials, and employees, and authorizing the Speaker to promulgate regulations exempting certain functions from such restrictions, on February 1, 2006,<sup>(38)</sup> the Speaker announced the locations to which the new restrictions would apply and further announced the educational and ceremonial occasions that would be exempt from such restrictions:

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(39)</sup> The Chair desires to make an announcement.

The House has adopted a revision to the rule regarding the admission to the floor and the rooms leading thereto. Clause 4 of rule IV provides that a former Member, Delegate or Resident Commissioner or a former Parliamentarian of the House, or a former elected officer of the House or a former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and the rooms extending thereto if he or she is a registered lobbyist or an agent of a foreign principal; has any direct personal pecuniary interest in any legislative measure pending before the House, or reported by a committee; or is in the employ of or represents any party, organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

This restriction extends not only to the House floor but adjacent rooms, the cloakrooms and the Speaker’s lobby.

Clause 4 of rule IV also allows the Speaker to exempt ceremonial and educational functions from the restrictions of this clause. These restrictions shall not apply to attendance at joint meetings or joint sessions, Former Members’ Day proceedings, educational tours, and other occasions as the Speaker may designate.

37. *House Rules and Manual* § 680 (2017).

38. 152 CONG. REC. 644, 109th Cong. 2d Sess.

39. Dennis Hastert (IL).

Members who have reason to know that a person is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant at Arms.

**§ 6.8 In response to a parliamentary inquiry,<sup>(40)</sup> the Chair affirmed that former Members who are a registered lobbyists or agents of a foreign principal do not have privileges of the floor under of clause 4(a) of rule IV.<sup>(41)</sup>**

On March 21, 2007,<sup>(42)</sup> the Chair responded to parliamentary inquiries as follows:

PARLIAMENTARY INQUIRY

Mr. [Lynn] WESTMORELAND [of Georgia]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(43)</sup> The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, according to rule IV, clause 4(a), the privileges of former Members on this floor, it states, “is a registered lobbyist or an agent of a foreign principal, as those terms are defined in clause 5 of rule XXV.” Is it true that if a former Member was a registered lobbyist or an agent of a foreign principal, that they could not be on the floor?

The SPEAKER pro tempore. The gentleman is correct.

**§ 6.9 Under clause 1 of rule XVII,<sup>(44)</sup> Members may not direct remarks to a former Member present on the floor.<sup>(45)</sup>**

On April 9, 2014,<sup>(46)</sup> the following occurred:

Mr. [Steve] STOCKMAN [of Texas]. I have to tell you, when I first got elected, it was none other than Kent Hance who came down. I was a young guy, and he gave me a lot of advice, but I knew him before he knew me because Ronald Reagan was in trouble, and Kent Hance stepped forward against a lot of his party’s wishes and took the bull by the horns and really changed the United States, which is amazing. But one of the things that, Kent, you have always done is you have reached out to me when you didn’t have to. . . .

40. *Parliamentarian’s Note*: This inquiry was prompted by the presence of former Vice President Al Gore in the Chamber. He had floor privileges only as a former Member, and not independently as a former Vice President, and thus would be evaluated by the standards of clause 4(a) of rule IV.

41. *House Rules and Manual* § 680 (2017).

42. 153 CONG. REC. 7079, 110th Cong. 1st Sess.

43. Alcee Hastings (FL).

44. *House Rules and Manual* § 945 (2017).

45. *Parliamentarian’s Note*: A former Member has floor privileges under rule IV (*House Rules and Manual* § 680 (2017)) and thus is not a “guest” of the House (such as the child of a Member). So although it is permissible to refer to the presence of a former Member, remarks in debate must nevertheless be directed to the Chair.

46. 160 CONG. REC. H3130, H3133 [Daily Ed.], 113th Cong. 2d Sess.

Again, I want to express my friendship to you and how much you have helped me throughout the years. You have been very gracious to me. I thank you. . . .

The SPEAKER pro tempore.<sup>(47)</sup> Members are reminded not to direct their remarks to former Members on the House floor.

## B. Capitol Grounds

### § 7. The Capitol Complex

The Capitol complex consists of the Capitol building itself (containing both House and Senate chambers) as well as office buildings for House Members and Senators, the Capitol Visitor Center, the Capitol Power Plant, and the Capitol Grounds.<sup>(1)</sup> The area encompassed by the Capitol Grounds is defined by statute,<sup>(2)</sup> and includes both the National Garden of the United States Botanical Garden and the buildings of the Library of Congress. The Capitol complex is overseen by the Architect of the Capitol, who is appointed by the President with the advice and consent of the Senate.<sup>(3)</sup> The Architect of the Capitol also has jurisdiction over certain Federal judicial buildings, including the Supreme Court building<sup>(4)</sup> and the Thurgood Marshall Federal Judiciary Building.<sup>(5)</sup>

The responsibilities of the Architect of the Capitol with respect to the Capitol complex overlap with those of other entities. With respect to the Capitol Grounds generally, the Architect shares jurisdiction with the Mayor of the District of Columbia over certain streets and curbsides that pass through the grounds.<sup>(6)</sup> Issues of safety and security fall under the jurisdiction of the Capitol Police, which is supervised by the Capitol Police Board (consisting of the Architect of the Capitol and the Sergeants-at-Arms for

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47. Jim Bridenstine (OK).

1. 40 U.S.C. § 5101.

2. 40 U.S.C. § 5102.

3. 2 U.S.C. § 1801. For more on officers and officials of the House, see Deschler's Precedents Ch. 6 and Precedents (Wickham) Ch. 6.

4. 40 U.S.C. § 6111.

5. 40 U.S.C. § 6505.

6. 40 U.S.C. § 5102(b).

the House and Senate).<sup>(7)</sup> Responsibility for the Library of Congress buildings is divided among the Architect of the Capitol,<sup>(8)</sup> the Librarian of Congress,<sup>(9)</sup> and the Joint Committee of Congress on the Library.<sup>(10)</sup> The Architect of the Capitol shares jurisdiction over the House office buildings with the House Office Building Commission (consisting of the Speaker of the House, and (traditionally) the Majority Leader and Minority Leader).<sup>(11)</sup> The Architect of the Capitol employs a Superintendent of House Office Buildings to assist in the oversight of House office buildings. Committees of the House with jurisdiction over different aspects of the Capitol complex include the Committee on House Administration<sup>(12)</sup> and the Committee on Transportation and Infrastructure.<sup>(13)</sup>

Numerous statutes provide for the protection, use, and maintenance of the Capitol buildings and grounds, including care of the exterior, repairs, lighting, heating, and ventilation.<sup>(14)</sup> Various laws also regulate the conduct of individuals on the Capitol Grounds including prohibitions on certain kinds of demonstrations and disorderly conduct.<sup>(15)</sup>

The Capitol building has been the site of several security incidents.<sup>(16)</sup> On July 24, 1998, a gunman infiltrated the Capitol and killed two Capitol Police officers.<sup>(17)</sup> On September 11, 2001, in response to the terrorist attacks in New York and the Pentagon, the House recessed for a period in excess of 24 hours as the Capitol was evacuated.<sup>(18)</sup> In the autumn of 2001, several letters containing anthrax spores were mailed to Senators, necessitating additional security protocols for handling mail coming into the Capitol complex and extensive chemical testing of House facilities.<sup>(19)</sup> In February, 2004, ricin powder was discovered in a letter mailed to the Dirksen Senate Office Building.<sup>(20)</sup> In 2005, the Chair declared emergency recesses on two occasions when notified that aircraft had violated the restricted airspace surrounding the Capitol.<sup>(21)</sup> On October 3, 2013, the House exercised emergency

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7. 2 U.S.C. § 1961.
  8. 2 U.S.C. § 141.
  9. 2 U.S.C. § 136.
  10. 2 U.S.C. § 132b.
  11. 2 U.S.C. § 2001.
  12. Rule X, clauses 1(k)(4) and 1(k)(13), *House Rules and Manual* § 724 (2017).
  13. Rule X, clauses 1(r)(9) and 1(r)(11), *House Rules and Manual* § 739 (2017).
  14. 2 U.S.C. §§ 1811 *et seq.*
  15. 40 U.S.C. §§ 5103 *et seq.* See also Deschler's Precedents Ch. 4 §§ 1.2, 2.
  16. For a description of an earlier attack by Puerto Rican nationalists in the House chamber in 1954, see § 1.9, *supra*. See also Deschler's Precedents Ch. 4 § 2; Deschler's Precedents Ch. 29 § 2.17; and Deschler's Precedents Ch. 36 §§ 15, 22.2, and 22.3.
  17. See § 1.13, *supra*. See also Precedents (Wickham) Ch. 6. For the redesignation of Capitol facilities in honor of Officer Chestnut and Detective Gibson, see §§ 7.5, 7.6, *infra*.
  18. See Precedents (Wickham) Ch. 1. See also Deschler's Precedents Ch. 39 § 2.16.
  19. See § 8.2, *infra*.
  20. See § 1.16, *supra*.
  21. See Deschler's Precedents Ch. 39 §§ 2.15, 2.16.

recess authority when informed of a possible security threat.<sup>(22)</sup> On April 15, 2015, a man piloting a gyrocopter landed the device on the Capitol Grounds, after which he was detained by Capitol Police.<sup>(23)</sup> On March 28, 2016, a man attempted to enter the Capitol Visitor Center with a firearm and was wounded by Capitol Police.<sup>(24)</sup>

With respect to rooms within the Capitol, the House and Senate each have jurisdiction over their respective wings of the building, and share joint jurisdiction over other areas such as the Rotunda and the Capitol Visitor Center.<sup>(25)</sup> The House has exercised its jurisdiction over its wing of the Capitol by adopting resolutions designating certain rooms after former or retiring Members,<sup>(26)</sup> and the Senate has done likewise with respect to rooms and areas under its authority.<sup>(27)</sup> Designations for rooms or areas of shared jurisdiction are typically accomplished via concurrent resolutions of both Houses.<sup>(28)</sup> The House has also named office buildings under its control after former Members of the House.<sup>(29)</sup>

The House and Senate routinely host ceremonial occasions in their respective chambers, and also jointly authorize the use of Capitol facilities that fall within the jurisdiction of both bodies.<sup>(30)</sup> Concurrent resolutions have been adopted authorizing the use of the Capitol Rotunda,<sup>(31)</sup> the Capitol Grounds,<sup>(32)</sup> and the Capitol Visitor Center (Emancipation Hall)<sup>(33)</sup> for ceremonial occasions. Memorial services and other events have likewise been held in Statuary Hall.<sup>(34)</sup> The House and Senate traditionally adopt a concurrent resolution authorizing the use of the Rotunda for presidential inauguration ceremonies—authority typically granted in one Congress and reaffirmed by the succeeding Congress.<sup>(35)</sup>

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22. 159 CONG. REC. H6202, H6203 [Daily Ed.], 113th Cong. 1st Sess.

23. For remarks referencing this incident, see 161 CONG. REC. H2319, H2320 [Daily Ed.], 114th Cong. 1st Sess. (Apr. 21, 2015).

24. For remarks referencing this incident, see 162 CONG. REC. H1624 [Daily Ed.], 114th Cong. 2d Sess. (Apr. 12, 2016).

25. For an earlier discussion of dedicating buildings and structures, see Deschler's Precedents Ch. 36 § 22.

26. See §§ 7.1, 7.3, 7.7, 7.8, and 7.9, *infra*.

27. See § 7.4, *infra*.

28. See §§ 7.5, 7.6, *infra*.

29. See § 7.2, *infra*.

30. For ceremonies generally, see Deschler's Precedents Ch. 36.

31. See § 7.10, *infra*.

32. See § 7.11, *infra*.

33. See § 7.13, *infra*.

34. See § 7.12, *infra*.

35. See § 7.14, *infra*.

Portraits, statues, busts, and other artworks are frequently commissioned or accepted by Congress to be included in the art collection of the Capitol. Jurisdiction over the acceptance of artworks for display in the House wing of the Capitol is shared by numerous entities, including the Architect of the Capitol,<sup>(36)</sup> the House of Representatives Fine Arts Board,<sup>(37)</sup> the Clerk of the House,<sup>(38)</sup> the Joint Committee on the Library,<sup>(39)</sup> and the Committee on House Administration.<sup>(40)</sup> There also exists a United States Capitol Preservation Commission,<sup>(41)</sup> tasked with providing works of fine art for display in the Capitol, and a Senate Commission on Fine Arts,<sup>(42)</sup> whose jurisdiction extends to the Senate wing and Senate office buildings.

The House has accepted portraits of former Majority Leaders<sup>(43)</sup> and Speakers,<sup>(44)</sup> while the Senate has accepted busts of former Presidents of the Senate.<sup>(45)</sup> The House and Senate jointly have authorized the placement of other busts and statues of noteworthy individuals in the Capitol or the Capitol Visitor Center.<sup>(46)</sup> Pursuant to statute, states are invited to submit two statues for inclusion in the National Statuary Hall collection.<sup>(47)</sup> Originally, all such statues were placed in Statuary Hall itself, but the Architect of the Capitol has been authorized to relocate statues to other locations inside the Capitol and the Capitol Visitor Center.<sup>(48)</sup> States are authorized to replace statues and from time to time have done so.<sup>(49)</sup>

Two of the more unique historical items in the possession of Congress are Lincoln's catafalque and the mace of the House of Representatives. The former is a wooden platform first used to support the coffin of President Abraham Lincoln in 1865. When individuals lie in state in the Capitol Rotunda, Congress typically authorizes the use of the catafalque for such occasions.<sup>(50)</sup> The present mace of the House of Representatives, which dates

36. 2 U.S.C. § 2121(c).

37. 2 U.S.C. § 2121(a).

38. 2 U.S.C. § 2121(b).

39. 2 U.S.C. §§ 2132, 2133.

40. Rule X, clause 1(k)(4), *House Rules and Manual* § 724 (2017).

41. 2 U.S.C. §§ 2081 *et seq.*

42. 2 U.S.C. §§ 2101 *et seq.*

43. See § 7.15, *infra*.

44. See § 7.17, *infra*.

45. See §§ 7.16, 7.19, *infra*.

46. See §§ 7.18, 7.20, 7.22, and 7.24, *infra*. The area between the Capitol Rotunda and Statuary Hall, where several busts of prominent individuals are displayed, was designated in the 114th Congress as the "Freedom Foyer." See P.L. 114-74, 129 Stat. 584.

47. 2 U.S.C. § 2131.

48. 2 U.S.C. § 2132(e).

49. See § 7.22, *infra*.

50. See § 7.23, *infra*. The catafalque is also sometimes provided for funerals of other prominent Americans by concurrent resolution. See Deschler's Precedents Ch. 38 § 11.1.

from 1841, is a symbol of the authority of the House, and is carried in by the Sergeant-at-Arms upon the House's convening each day and is present whenever the House is in session.<sup>(51)</sup>

**§ 7.1 By unanimous consent, the House considered and agreed to a resolution naming a room on the House side of the Capitol after the retiring Speaker.**

On October 9, 1986,<sup>(52)</sup> the following resolution was agreed to:

DESIGNATING ROOM H-324 IN THE CAPITOL AS THE THOMAS P. O'NEILL, JR. ROOM

Mr. James WRIGHT [of Texas]. Mr. Speaker, I send to the desk a resolution (H. Res. 582) designating Room H-324, in the Capitol, as the Thomas P. O'Neill, Jr. Room, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. [John] MOAKLEY [of Massachusetts]). The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 582

*Resolved*, That room H-324 on the third floor of the House part of Capitol is hereby designated the Thomas P. O'Neill, Jr. Room.

The SPEAKER pro tempore. 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.

DESIGNATION OF THE THOMAS P. O'NEILL, JR. ROOM

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

Mr. WRIGHT. Mr. Speaker, little needs be said. A very few rooms in the Capitol on the House side have been officially designated by the House to honor individuals who are so much a part of our institution that their names will forever epitomize the heart and soul of the United States House of Representatives.

One of those people, clearly, is THOMAS P. "TIP" O'NEILL, JR. As long as free men and women live and serve in this Chamber—the most democratic, in the sense of a little "d," of all institutions of Government—the memory of THOMAS P. O'NEILL, JR., will live and thrive and survive to inspire us and future generations of public servants.

Therefore, it seems appropriate to me, and I know all of our colleagues on both sides of the aisle will surely agree, that it is a fitting tribute for us this day to designate officially the room on the third floor of the House side of the Capitol as the Thomas P. O'Neill, Jr. Room.

51. See § 7.21, *infra*. For more on the position of the mace during sittings of the Committee of the Whole, see Deschler's Precedents Ch. 19 § 1.1. For presentation of the mace to maintain order in the House, see Deschler's Precedents Ch. 29 § 48.21.

52. 132 CONG. REC. 29952-54, 99th Cong. 2d Sess. See also Deschler's Precedents Ch. 36 § 22.6.

## THE THOMAS P. O'NEILL, JR., ROOM IN PERPETUITY

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

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, may I simply associate myself with the very appropriate remarks of the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

But not being privy to where the recesses of this Capitol all are, cubbyholes or ornate rooms and all the rest, might I inquire of the distinguished majority leader if this room, so appropriately named for THOMAS P. O'NEILL, is sufficiently large enough in size and befitting to accommodate what we normally expect for the Speaker of the House?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, it is a spacious and gracious room, ample in its proportions, warm in its hospitality. It is on the third floor, just opposite the Visitors' Gallery, where the public may see it, and where a sign may forever proclaim it as the THOMAS P. O'NEILL, JR. Room.

Mr. MICHEL. I definitely thank the gentleman for that explanation.

Might I assure the gentleman from Texas, and of course, the Speaker himself, that when that great day comes when we on the Republican side have a majority in this House, it shall remain the THOMAS P. O'NEILL, JR. Room.

**§ 7.2 The House suspended the rules and adopted a resolution to designate House Annex 1 as the Thomas P. O'Neill, Jr., House Office Building and House Annex 2 as the Gerald R. Ford House Office Building.**<sup>(53)</sup>

On September 10, 1990,<sup>(54)</sup> the following resolution was agreed to:

THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING  
AND GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING

Mr. [Glenn] ANDERSON [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) designating two House of Representatives office buildings as the "Thomas P. O'Neill, Jr. House of Representatives Office Building" and the "Gerald R. Ford House of Representatives Office Building," respectively, and for other purposes.

The Clerk read as follows:

H. RES. 402

*Resolved,*

**SECTION 1. DESIGNATIONS.**

(a) THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast,

**53.** *Parliamentarian's Note:* The building named after Speaker Thomas O'Neill of Massachusetts by this resolution was demolished in 2002. In 2012, another Federal office building was named after Speaker O'Neill. See 158 CONG. REC. 15778–81, 112th Cong. 2d Sess. (Nov. 28, 2012). The House-passed text was incorporated into P.L. 112–237, 126 Stat. 1628.

**54.** 136 CONG. REC. 23632, 101st Cong. 2d Sess. See also Deschler's Precedents Ch. 36 § 22.4

in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the "Thomas P. O'Neill, Jr. House of Representatives Office Building".

(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the "Gerald R. Ford House of Representatives Office Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

**SEC. 3. STATUES.**

The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.

**§ 7.3 By unanimous consent, the House considered and agreed to a resolution designating room H-235 in the Capitol as the "Lindy Claiborne Boggs Congressional Women's Reading Room."**

On October 25, 1990,<sup>(55)</sup> the following resolution was agreed to:

LINDY CLAIBORNE BOGGS CONGRESSIONAL WOMEN'S READING ROOM

Mr. [Glenn] ANDERSON [of California]. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the resolution (H. Res. 525) designating the room numbered H-235 in the House of Representatives wing of the Capitol as the "Lindy Claiborne Boggs Congressional Women's Reading Room," and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.<sup>(56)</sup> Is there objection to the request of the gentleman from California? . . .

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Speaker, it is with mixed emotions that I rise today. While it is with great pleasure that I support naming room H-235 in the Capitol as the "Lindy Claiborne Boggs Congressional Women's Reading Room," it also means that LINDY is retiring from service to the House.

LINDY has been a friend for many years. Her grace, charm, and strength have added greatly to the House. LINDY has been an ideal role model for the youth of today, balancing the difficult demands of raising a family while pursuing an active and fulfilling career.

Before serving in congress, LINDY served as president of the Women's National Democratic Club and the cochairman for the inaugural balls for Presidents Kennedy and Johnson. LINDY was elected to congress in a special election in 1973 to fill the seat that had been held by her husband, Thomas Hale Boggs, the majority leader of the House who died in a plane crash in Alaska in 1972.

55. 136 CONG. REC. 34164, 34165, 101st Cong. 2d Sess.

56. Michael McNulty (NY).

The SPEAKER pro tempore (Mr. [Michael] MCNULTY [of New York]). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 525

Whereas Congresswoman Lindy Claiborne Boggs has served in the House of Representatives for the past 17 years with great honor and distinction and has earned the affection and respect of all who have known her during her 50-year association with this great institution;

Whereas Congresswoman Boggs, in 1973, became the first woman to serve in the House of Representatives from Louisiana and, in 1976, as the Chair of the Democratic National Convention, became the first woman to chair a major political convention;

Whereas Congresswoman Boggs has worked tirelessly to advance the cause of equal rights for women, including sponsorship of legislation to guarantee women equal access to credit, ensure women business owners access to small business loans and Federal contracts, provide scholarships and fellowships to women in science, mathematics, and education, and provide assistance for victims of rape and domestic violence;

Whereas Congresswoman Boggs has worked to preserve the history of both the House of Representatives and the Nation as Chair of the Commission of the United States House of Representatives Bicentenary and as a member of the Commission on the Bicentennial of the United States Constitution;

Whereas the room numbered H-235 in the House of Representatives wing of the Capitol is a room of great historical significance in that it was the office of former House Speakers Henry Clay and James Knox Polk, the only House Speaker to become President, and the room in which former President and Congressman John Quincy Adams died;

Whereas the room numbered H-235 has served as a meeting place and reading room for Congresswomen since 1962 and contains the photographs of all present and former Congresswomen; and

Whereas the naming of the room numbered H-235 in honor of Congresswoman Boggs would serve as a testament to her unparalleled public service: Now, therefore, be it

*Resolved*, That, the room numbered H-235 in the House of Representatives wing of the Capitol shall be known and designated as the "Lindy Claiborne Boggs Congressional Women's Reading Room".

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### § 7.4 By unanimous consent, the Senate adopted a resolution naming the balcony outside the office of its Majority Leader after Senator Robert J. Dole.

On June 11, 1996,<sup>(57)</sup> the following occurred in the Senate:

##### THE ROBERT J. DOLE BALCONY

Mr. [Donald] NICKLES [of Oklahoma]. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Senate Resolution 258 that I now send to the desk.

The PRESIDENT pro tempore.<sup>(58)</sup> Without objection, it is so ordered.

The clerk will report.

The Assistant Secretary of the Senate read as follows:

A resolution (S. Res. 258) to designate the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building as the "Robert J. Dole Balcony."

57. 142 CONG. REC. 13686-87, 104th Cong. 2d Sess.

58. William Frist (TN).

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution. . . .

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to, as follows:

S. RES. 258

*Resolved*, That the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert J. Dole Balcony".

**§ 7.5 The House suspended the rules and agreed to a concurrent resolution redesignating the Capitol Police headquarters building as the "Eney, Chestnut, Gibson Memorial Building."**<sup>(59)</sup>

On October 15, 1998,<sup>(60)</sup> the following concurrent resolution was agreed to:

ENEY, CHESTNUT, GIBSON MEMORIAL BUILDING

Mr. [Jay] KIM [of California]. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120) to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building."

The Clerk read as follows:

S. CON. RES. 120

Whereas the United States Capitol Police force has protected the Capitol and upheld the beacon of democracy in America;

Whereas 3 officers of the United States Capitol Police have lost their lives in the line of duty;

Whereas Sgt. Christopher Eney was killed on August 24, 1984, during a training exercise;

Whereas officer Jacob "J.J." Chestnut was killed on July 24, 1998, while guarding his post at the Capitol; and

Whereas Detective John Gibson was killed on July 24, 1998, while protecting the lives of visitors, staff, and the Office of the Majority Whip of the House of Representatives: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., shall be known and designated as the "Eney, Chestnut, Gibson Memorial Building".

The SPEAKER pro tempore (Mr. [Gilbert] GUTKNECHT [of Minnesota]). Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM). . . .

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 120.

**59.** *Parliamentarian's Note*: Officer Chestnut and Detective Gibson were slain by a gunman in the Capitol building on July 24, 1998. See § 7.6, *infra*. See also Deschler's Precedents Ch. 36 §§ 15, 22.3; and Precedents (Wickham) Ch. 6. Sergeant Eney was killed in a training exercise in August, 1984.

**60.** 144 CONG. REC. 26486-88, 105th Cong. 2d Sess.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 7.6 The House suspended the rules and agreed to a concurrent resolution designating the “document entrance” on the East Plaza of the Capitol as the “Chestnut–Gibson Memorial Door,” in honor of two Capitol Police officers slain in the line of duty.<sup>(61)</sup>**

On July 20, 1999,<sup>(62)</sup> the following resolution was agreed to:

DESIGNATING THE CHESTNUT–GIBSON MEMORIAL DOOR

Mr. [Robert] FRANKS [of New Jersey]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 158), as amended, designating the Document Door of the United States Capitol as the “Memorial Door”.

The Clerk read as follows:

H. CON. RES. 158

Whereas on July 24, 1998, a lone gunman entered the United States Capitol through the door known as the Document Door, located on the first floor of the East Front;

Whereas Officer Jacob Joseph Chestnut was the first United States Capitol Police officer to confront the gunman just inside the Document Door and lost his life as a result;

Whereas Detective John Michael Gibson also confronted the gunman and lost his life in the ensuing shootout;

Whereas the last shot fired by Detective John Gibson—his final act as an officer of the law—finally brought down the gunman and ended his deadly rampage;

Whereas while the gunman’s intentions are not fully known, nor may ever be known, it is clear that he would have killed more innocent people if United States Capitol Police Officer Jacob Chestnut and Detective John Gibson had not ended the violent rampage;

Whereas the United States Capitol Police represent true dedication and professionalism in their duties to keep the United States Capitol and the Senate and House of Representatives office buildings safe for all who enter them;

Whereas the United States Capitol shines as a beacon of freedom and democracy all around the world;

Whereas keeping the sacred halls of the United States Capitol, known as the People’s House, accessible for all the people of the United States and the world is a true testament of Congress and of our Nation’s dedication to upholding the virtues of freedom;

Whereas the door near where this tragic incident took place has been known as the Document Door; and

Whereas it is fitting and appropriate that the Document Door henceforth be known as the Memorial Door in honor of Officer Jacob Chestnut and Detective John Gibson: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the door known as the Document Door and located on the first floor of the East Front of the United States Capitol is designated as the “Memorial Door” in honor of Officer Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police, who gave their lives in the line of duty on July 24, 1998, near that door.

The SPEAKER pro tempore (Mr. [Ken] CALVERT [of California]). Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

**61.** *Parliamentarian’s Note:* The Document Door was the scene of the fatal attack on Officer Chestnut on July 24, 1998. Detective Gibson was shot and killed a few feet away in the Majority Whip’s suite. See also Deschler’s Precedents Ch. 36 §§ 15, 22.2.

**62.** 145 CONG. REC. 16745–46, 106th Cong. 1st Sess.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 158, as amended, introduced by the Majority Whip, the Speaker, the Majority Leader, the Minority Leader, the Minority Whip and other Members of both sides of the aisle, designates the Document Door located on the first floor of the east front of the Capitol as “Memorial Door”, in honor of Officer Jacob Chestnut and Detective John Gibson.

In my brief tenure of chairman of the subcommittee charged with the responsibility of bringing to the House bills designating Federal facilities in honor of individuals, I have considered it a great pleasure to honor Americans who have distinguished themselves in public service. A naming bill is often a capstone for those fortunate to have bestowed upon them such an honor.

But this action that we take today, while richly deserved, gives me no joy. This week is the first anniversary of an event that we hope will never be repeated. Officer Chestnut became the first Capitol Hill Police Officer killed in the line of duty. Detective Gibson became the second.

**§ 7.7 The House suspended the rules and adopted a resolution naming the room within the House restaurant that was used for weekly prayer breakfasts in honor of former Rep. G.V. “Sonny” Montgomery of Mississippi.**

On May 15, 2000,<sup>(63)</sup> the following resolution was agreed to:

NAMING ROOM IN CAPITOL IN HONOR OF FORMER REPRESENTATIVE G.V.  
“SONNY” MONTGOMERY

Mr. [E.G.] SHUSTER [of Pennsylvania]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 491) naming a room in the House of Representatives wing of the Capitol in honor of former Representative G.V. “Sonny” Montgomery.

The Clerk read as follows:

H. RES. 491

Whereas former Representative G.V. “Sonny” Montgomery of Mississippi, from the time of his election to the House of Representatives in 1967 and his beyond his retirement in 1996 through the present day, has faithfully and continuously facilitated the “House of Representatives Prayer Breakfast” at 8 a.m. every Thursday morning in Room H-130 in the House of Representatives wing of the Capitol with a dedication that is indelibly etched in the memories of the many Members who have attended that weekly event: Now, therefore, be it

*Resolved*, That the room numbered H-130 in the House of Representatives wing of the Capitol is named in honor of former Representative G.V. “Sonny” Montgomery.

The SPEAKER pro tempore.<sup>(64)</sup> Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER). . . .

**§ 7.8 The House suspended the rules and adopted a resolution reported from the Committee on Transportation and Infrastructure**

63. 146 CONG. REC. 7818–19, 106th Cong. 2d Sess.

64. Edward Pease (IN).

**naming a room within the House wing of the Capitol in honor of former Majority Leader Richard K. Arme y.**

On March 11, 2003,<sup>(65)</sup> the following resolution was agreed to:

RICHARD K. ARMEY ROOM

Mr. [Michael] BURGESS [of Texas]. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 19) designating the room numbered H-236 in the House of Representatives wing of the Capitol as the “Richard K. Arme y Room”.

The Clerk read as follows:

H. RES. 19

Whereas, at the end of the 107th Congress, Representative Richard K. Arme y retired after 18 years of distinguished service in the House of Representatives, including service as the Majority Leader for 8 years, the longest tenure of any Republican Majority Leader in 92 years: Now, therefore, be it

*Resolved*, That the room numbered H-236 in the House of Representatives wing of the Capitol shall be known and designated as the “Richard K. Arme y Room”.

**§ 7.9 The House suspended the rules and adopted a resolution naming a room in the House wing of the Capitol in honor of retiring Rep. Henry J. Hyde.**

On December 5, 2006,<sup>(66)</sup> the following resolution was agreed to:

HENRY J. HYDE ROOM

Mr. [Donald] YOUNG [of Alaska]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1087) designating Room H-139 of the Capitol as the “Henry J. Hyde Room”.

The Clerk read as follows:

H. RES. 1087

*Resolved*, That—

(1) Room H-139 of the Capitol shall be known and designated as the “Henry J. Hyde Room”; and

(2) this resolution shall take effect on the day following the date on which Henry J. Hyde is no longer serving as a Member of the House of Representatives.

***Ceremonies***

**§ 7.10 The House by unanimous consent agreed to a Senate concurrent resolution authorizing the use of the Rotunda for the lying in state of the late Daniel K. Inouye, a Senator from the state of Hawaii, on December 20, 2012.**

On December 19, 2012,<sup>(67)</sup> the following concurrent resolution was agreed to:

65. 149 CONG. REC. 5827, 108th Cong. 1st Sess.

66. 152 CONG. REC. 22267, 109th Cong. 2d Sess.

67. 158 CONG. REC. 17752, 112th Cong. 2d Sess.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING  
IN STATE OF THE REMAINS OF THE LATE HONORABLE DANIEL K. INOUE

Mr. [Pete] OLSON [of Texas]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 64 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER.<sup>(68)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 64

*Resolved by the Senate (the House of Representatives concurring),* That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 7.11 The House suspended the rules and agreed to a concurrent resolution reported from the Committee on Transportation and Infrastructure to authorize the use of the Capitol Grounds for the 2008 Special Olympics Law Enforcement Torch Run.**

On May 19, 2008,<sup>(69)</sup> the following concurrent resolution was agreed to:

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF  
COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. [Mazie] HIRONO [of Hawaii]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 309) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 309

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.**

On June 6, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2008 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

**SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.**

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

**SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.**

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

**68.** John Boehner (OH).

**69.** 154 CONG. REC. 9646–47, 110th Cong. 2d Sess.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

**§ 7.12 A Member announced that a memorial service for a deceased former Member (Rep. Richard Bolling of Missouri) would be held in Statuary Hall.<sup>(70)</sup>**

On April 24, 1991,<sup>(71)</sup> the following announcement was made:

ANNOUNCEMENT OF MEMORIAL SERVICES FOR RICHARD BOLLING

Mr. [Alan] WHEAT [of Missouri]. Mr. Speaker, it is always a sad occasion when a Member of this body dies, and this last Sunday one of the most distinguished Members of this body passed away. Our former colleague, Richard Bolling, who served in this House of Representatives from 1948 until 1982, passed away this past Sunday.

Mr. Speaker, I want to notify my colleagues that there will be two memorial services on his behalf. The first will be held this afternoon at 4 o'clock p.m. in Statuary Hall in the Capitol of the United States. The second memorial service will be held in his home district this Friday afternoon, 1 o'clock, at the Unitarian Church in Kansas City. Members of Congress, friends, family, and, of course, the general public are all invited to attend.

**§ 7.13 The House by unanimous consent adopted a concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony on the role of slave labor in the construction of the Capitol building.**

On February 9, 2012,<sup>(72)</sup> the following concurrent resolution was agreed to:

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO UNVEIL THE MARKER WHICH ACKNOWLEDGES THE ROLE THAT SLAVE LABOR PLAYED IN THE CONSTRUCTION OF THE UNITED STATES CAPITOL

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 99, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

**70.** *Parliamentarian's Note:* Various other memorials have been held in Statuary Hall, including memorials for former Speakers. See, e.g., 159 CONG. REC. E1683–E1687 [Daily Ed.], 113th Cong. 1st Sess. (Nov. 18, 2013) (remarks on the death of former Speaker Thomas Foley of Washington).

**71.** 137 CONG. REC. 9006, 102d Cong. 1st Sess. See also Deschler's Precedents Ch. 36 § 12.2.

**72.** 158 CONG. REC. 1228, 112th Cong. 2d Sess.

The SPEAKER pro tempore.<sup>(73)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 99

Whereas enslaved African-Americans provided labor essential to the construction of the United States Capitol;

Whereas in 2005 Congress created the Slave Labor Task Force to study the role that enslaved African-Americans played in the construction of the Capitol and to make recommendations to Congress on how to commemorate their contribution;

Whereas the report of the Architect of the Capitol entitled "History of Slave Laborers in the Construction of the United States Capitol" documents the role of slave labor in the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia;

Whereas the Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting when all others failed;

Whereas the great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contribution of enslaved African-Americans can fully and accurately reflect its history;

Whereas recognition of the contributions of enslaved African-Americans brings to all Americans an understanding of the continuing evolution of our representative democracy;

Whereas in 2007 the Slave Labor Task Force recommended to Congress the creation of a marker commemorating the contributions of enslaved African-Americans in the construction of the Capitol; and

Whereas the marker dedicated to the enslaved African-Americans who helped to build the Capitol reflects the charge of the Capitol Visitor Center to teach visitors about Congress and its development: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO UNVEIL MARKER DEDICATED TO ENSLAVED AFRICAN-AMERICANS WHO HELPED BUILD THE CAPITOL.**

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 28, 2012, for a ceremony to unveil the marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 7.14 The House by unanimous consent considered and adopted several Senate concurrent resolutions establishing a Joint Congressional Committee on Inaugural Ceremonies and authorizing the use of the Capitol Rotunda and Emancipation Hall in connection with presidential inaugural ceremonies on January 21, 2013.**

73. Shelley Moore Capito (WV).

On March 5, 2012,<sup>(74)</sup> the following routine concurrent resolutions authorizing the use of the Rotunda and Emancipation Hall for inauguration ceremonies were adopted:

ESTABLISHING JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 35) to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 21, 2013, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(75)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 35

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.**

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 21, 2013.

**SEC. 2. SUPPORT OF THE JOINT COMMITTEE.**

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF ROTUNDA AND EMANCIPATION HALL BY JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 36) to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States, and ask for its immediate consideration in the House.

**74.** 158 CONG. REC. 2890–91, 112th Cong. 2d Sess. See also Deschler's Precedents Ch. 36 §§ 25.1–25.4.

**75.** Jeff Denham (CA).

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 36

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA AND EMANCIPATION HALL OF THE CAPITOL.**

The rotunda and Emancipation Hall of the United States Capitol are authorized to be used on January 21, 2013, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

On January 3, 2013,<sup>(76)</sup> the House considered and agreed to a privileged Senate concurrent resolution continuing the authority of the Joint Committee on Inaugural Ceremonies and the authority to use the Capitol Rotunda and Emancipation Hall for such ceremonies:<sup>(77)</sup>

**EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES**

The SPEAKER pro tempore<sup>(78)</sup> laid before the House the following privileged concurrent resolution:

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. REAUTHORIZATION OF JOINT COMMITTEE.**

Effective from January 3, 2013, the joint committee created by Senate Concurrent Resolution 35 (112th Congress), to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

**SEC. 2. USE OF CAPITOL.**

Effective from January 3, 2013, the provisions of Senate Concurrent Resolution 36 (112th Congress), to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States are continued with the same power and authority provided for in that resolution.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### ***Statuary and Art***

#### **§ 7.15 By unanimous consent, the House considered and agreed to a resolution authorizing the House to accept the gift of a portrait**

**76.** 159 CONG. REC. H25 [Daily Ed.], 113th Cong. 1st Sess.

**77.** *Parliamentarian's Note*: An order of the House in one Congress is not binding on the House in a subsequent Congress. Thus, it was necessary for the House in the 113th Congress to formally continue the authorities provided by the concurrent resolutions of the 112th Congress. The Senate, as a "continuing body," is not similarly restricted. See 4 Hinds' Precedents § 4544. See also Deschler's Precedents Ch. 36 § 21.9.

**78.** Thomas Latham (IA).

**of former Rep. Charles A. Halleck of Indiana (a former Majority Leader) for display in the Capitol as approved by the Speaker.**

On November 26, 1974,<sup>(79)</sup> the following resolution was agreed to:

ACCEPTING GIFT OF PORTRAIT OF CHARLES ABRAHAM HALLECK

Mr. [William] BRAY [of Indiana]. Mr. Speaker, I offer a resolution (H. Res. 1477) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

*Resolved*, That the House of Representatives accept the gift of a portrait of Charles Abraham Halleck of the State of Indiana who served as a Republican Member of the House of Representatives from January 1935 to January 1969 and was elected as the majority leader in the 80th and 83d Congresses and as minority leader in the 86th, 87th, and 88th Congresses. The portrait shall be displayed in a location in the United States Capitol subject to the approval of the Speaker.

The SPEAKER.<sup>(80)</sup> Is there objection to the request of the gentleman from Indiana? There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 7.16 By unanimous consent, the House considered a Senate concurrent resolution to authorize use of the Capitol Rotunda for the unveiling of a bust of President George H. W. Bush.**

On June 26, 1991,<sup>(81)</sup> the following concurrent resolution was agreed to:

AUTHORIZING USE OF ROTUNDA FOR UNVEILING OF PORTRAIT BUST OF PRESIDENT GEORGE BUSH

Mr. [William] CLAY [of Missouri]. Madam Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 49) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush on June 27, 1991.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(82)</sup> Is there objection to the request of the gentleman from Missouri?

Mr. [William] BARRETT [of Nebraska]. Madam Speaker, reserving the right to object, I yield to the gentleman from Missouri [Mr. CLAY] for the purpose of explaining his request.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding.

Senate Concurrent Resolution 49 authorizes the use of the rotunda by the Senate Rules Committee for unveiling of the portrait bust of President George Bush tomorrow, June 27, at 1:30 p.m.

The Senate has asked the House to process the resolution, and as a matter of comity, the House shall approve this resolution.

79. 120 CONG. REC. 37390, 93d Cong. 2d Sess.

80. Carl Albert (OK).

81. 137 CONG. REC. 16460–62, 102d Cong. 1st Sess.

82. Jolene Unsoeld (WA).

Mr. BARRETT. Madam Speaker, I thank the gentleman for his explanation.

Madam Speaker, George Herbert Walker Bush, now our 41st President, was the 43d man to serve as Vice President, and only the 14th of our Vice Presidents to later become President of the United States. We all look forward to the unveiling of the portrait bust of President Bush, and its placement in the Senate corridors, where it will join the marble busts of the other men who served the country as Vice President and fulfilled their constitutional duty as presiding officer of the Senate.

Madam Speaker, I will not object to the request by the gentleman from Missouri and withdraw my reservation.

The SPEAKER pro tempore (Mrs. [Jolene] UNSOELD [of Washington]). Is there objection to the request of the gentleman from Missouri.

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush at 2:30 p.m. on June 27, 1991. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.*

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### **§ 7.17 The dean of the Texas delegation announced the ceremonial unveiling of the portrait of former Speaker Jim Wright of Texas.**

On July 10, 1991,<sup>(83)</sup> the following announcement was made:

#### INVITATION TO UNVEILING OF PORTRAIT OF FORMER SPEAKER JIM WRIGHT

(Mr. [Jack] BROOKS [of Texas] asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I would take this opportunity to invite the Members to the unveiling of the portrait of former Speaker Jim Wright. It will be done this afternoon at 5 o'clock in Statuary Hall.

We will be honored by the presence of our current Speaker, the illustrious gentleman from Washington [Mr. FOLEY], and by our current minority leader, the distinguished gentleman from Illinois [Mr. MICHEL], and others.

It will not be a long program. We look forward to seeing you there. We will have a reception immediately after that in the Rayburn Room, and we look forward to seeing you.

### **§ 7.18 The House agreed to a concurrent resolution directing the Architect of the Capitol to restore the statue of three suffragettes (the "Portrait Monument") and move it from the Capitol crypt to the Rotunda for one year while a commission selects a permanent site and an educational display for the statue.**

<sup>83</sup>. 137 CONG. REC. 17808, 102d Cong. 1st Sess. See also Deschler's Precedents Ch. 36 § 21.8.

On September 26, 1996,<sup>(84)</sup> the following concurrent resolution was agreed to:

PROVIDING FOR RELOCATION OF PORTRAIT MONUMENT

Mrs. [Constance] MORELLA [of Maryland]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 216) providing for relocation of the portrait monument, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. [James] HANSEN [of Utah]). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 216

Whereas in 1995, women of America celebrated the 75th anniversary of their right to participate in our government through suffrage;

Whereas Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony were pioneers in the movement for women's suffrage and the pursuit of equal rights; and

Whereas the relocation of the Portrait Monument to a place of prominence and esteem would serve to honor and revere the contribution of thousands of women: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol shall—*

(1) restore the Portrait Monument and place it in the Rotunda of the Capitol for one year at which time it shall be moved to a permanent site along with an appropriate educational display, as determined by the commission created in section 3, and an alternative statue recommended by the commission shall be placed in the Rotunda;

(2) make all necessary arrangements for a rededication ceremony of the Portrait Monument in the Rotunda in conjunction with the Woman Suffrage Statue Campaign; and

(3) use no Federal funds to pay any expense of restoring or moving the statue.

SEC. 2. The Rotunda of the Capitol is authorized to be used at a time mutually agreed upon by the majority leader of the Senate and the Speaker of the House of Representatives for a ceremony to commemorate and celebrate the statue's return to the Rotunda.

SEC. 3. A commission of 11 interested parties, including Senators and Representatives, will be appointed. The majority leader of the Senate will appoint three members and the minority leader of the Senate will appoint two members to the commission. The Speaker of the House of Representatives will appoint one member, the majority leader of the House of Representatives will appoint two members, the minority leader of the House of Representatives will appoint two members, and the Architect of the Capitol will serve as the eleventh member of the commission. Immediately following the relocation of the Portrait Monument, the commission shall—

(1) select a permanent site for the Portrait Monument;

(2) plan and develop an educational display to be located near the statue at its permanent site, describing some of the most dramatic events of the suffragettes' lives;

(3) select an alternative statue for permanent placement in the Rotunda of the Capitol to commemorate the struggle of women in America for equal rights;

(4) provide its recommendation to the Senate and the House of Representatives no later than one year after the relocation of the Portrait Monument; and

(5) use no Federal funds to pay any expense of the educational display and/or relocation of the Portrait Monument.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

84. 142 CONG. REC. 25244, 25246, 104th Cong. 2d Sess. See also Deschler's Precedents Ch. 36 § 21.8.

On June 24, 1997,<sup>(85)</sup> the House by unanimous consent authorized the extension into the 105th Congress of the authority granted by the concurrent resolution above:<sup>(86)</sup>

AUTHORIZING EXTENSION OF AUTHORITY TO USE THE ROTUNDA FOR CEREMONY COMMEMORATING THE PLACEMENT OF THE PORTRAIT MONUMENT

Mr. [William] THOMAS [of California]. Mr. Speaker, I ask unanimous consent that the authorization contained in House Concurrent Resolution 216, which was passed in the 104th Congress, relating to the use of the rotunda for a ceremony to commemorate the placement of the Portrait Monument in the Capitol rotunda, be extended into this, the 105th Congress, subject to concurrence by the Senate.

The SPEAKER pro tempore.<sup>(87)</sup> Is there objection to the request of the gentleman from California?

Mr. [Steny] HOYER [of Maryland]. Reserving the right to object, Mr. Speaker, and I will not object, but if there is any further explanation necessary, I will yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, since the Portrait Monument was actually placed in the rotunda in the 105th Congress we had created an opportunity for a ceremony in the 104th. Given the rules since the 104th expired, there is no current ability to hold a ceremony. What we are asking for is to bring that ceremony authorized in Concurrent Resolution 216 into the 105th, based upon concurrence by the Senate.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

On June 25, 1997,<sup>(88)</sup> the Senate by unanimous consent “confirmed” the language of the earlier concurrent resolution as follows:

UNANIMOUS-CONSENT AGREEMENT—H. CON. RES. 216

Mr. [Charles] GRASSLEY [of Iowa]. Mr. President, I ask unanimous consent to confirm the language in H. Con. Res. 216 (104th Congress) providing for a ceremony commemorating the placement of the Portrait Monument in the Capitol rotunda during the 105th Congress.

The PRESIDING OFFICER.<sup>(89)</sup> Without objection, it is so ordered.

**§ 7.19 The House by unanimous consent agreed to a Senate concurrent resolution authorizing the use of the Rotunda for the unveiling of a portrait bust of Vice President Dan Quayle.**

85. 143 CONG. REC. 11900, 105th Cong. 1st Sess.

86. See § 7.14, *supra*.

87. George Radanovich (CA).

88. 143 CONG. REC. 12636, 105th Cong. 1st Sess.

89. Michael Enzi (WY).

On September 5, 2003,<sup>(90)</sup> the following concurrent resolution was agreed to:

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE UNVEILING OF THE PORTRAIT BUST OF VICE PRESIDENT DAN QUAYLE ON SEPTEMBER 10, 2003

Mr. [Robert] NEY [of Ohio]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(91)</sup> Is there objection to the request of the gentleman from Ohio? . . .

The Clerk read the Senate concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.*

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 7.20 The House by unanimous consent considered and passed a bill authorizing the placement in Statuary Hall of a statue of Rosa Parks (after adopting an amendment imposing a ten-year moratorium on the placement of most other statues).**

On November 17, 2005,<sup>(92)</sup> the following occurred:

PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL

Mr. [Robert] NEY [of Ohio]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 4145) to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore.<sup>(93)</sup> Is there objection to the request of the gentleman from Ohio?

Ms. [Juanita] MILLENDER-McDONALD [of California]. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio to explain the purpose of this legislation. . . .

90. 149 CONG. REC. 21319, 21320, 108th Cong. 1st Sess. See also Deschler's Precedents Ch. 36 § 21.5.

91. Mac Thornberry (TX).

92. 151 CONG. REC. 26849, 26852, 26853, 109th Cong. 1st Sess. See also Deschler's Precedents Ch. 36 § 21.1.

93. Mac Thornberry (TX).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. [John] KUHLMANN of New York). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4145

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.**

(a) OBTAINING STATUE.—The Architect of the Capitol shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Architect considers appropriate consistent with applicable law.

(b) PLACEMENT.—Not later than 2 years after the date of the enactment of this Act, the Architect shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. NEY:

Strike all after the enacting clause and insert the following:

**SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.**

(a) OBTAINING STATUE.—Not later than 2 years after the date of the enactment of this Act, the Joint Committee on the Library shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Joint Committee considers appropriate consistent with applicable law.

(b) PLACEMENT.—The Joint Committee shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

**SEC. 2. ELIGIBILITY FOR PLACEMENT OF STATUES IN NATIONAL STATUARY HALL.**

(a) ELIGIBILITY.—No statue of any individual may be placed in National Statuary Hall until after the expiration of the 10-year period which begins on the date of the individual's death.

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) the statue obtained and placed in National Statuary Hall under this Act; or

(2) any statue provided and furnished by a State under section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131) or any replacement statue provided by a State under section 311 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132).

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

Mr. NEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. NEY).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A Bill to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes."

A motion to reconsider was laid on the table.

**§ 7.21 By unanimous consent, the House considered a resolution offered by the Majority Leader authorizing and directing the Sergeant-at-Arms to deliver the mace to the Smithsonian Institution for repairs during a period of adjournment under circumstances to ensure that it was safeguarded, and requiring that the mace be returned to the House before noon on the day the House would reconvene (or earlier if so directed by the Speaker).**

On July 27, 2006,<sup>(94)</sup> the following resolution was agreed to:

AUTHORIZING REPAIR OF MACE OF HOUSE OF REPRESENTATIVES

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a resolution (H. Res. 957) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved,*

**SECTION 1. REPAIR OF MACE OF HOUSE OF REPRESENTATIVES.**

(a) DELIVERY FOR REPAIR.—The Sergeant at Arms of the House of Representatives is authorized and directed, on behalf of the House of Representatives, to deliver the mace of the House of Representatives, following an adjournment of the House pursuant to concurrent resolution, to the Secretary of the Smithsonian Institution only for the purpose of having necessary repairs made to the mace and under such circumstances as will assure that the mace is properly safeguarded.

(b) RETURN.—The mace shall be returned to the House of Representatives before noon on the day before the House next reconvenes pursuant to concurrent resolution or at any sooner time when so directed by the Speaker of the House of Representatives.

The SPEAKER pro tempore.<sup>(95)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 7.22 The House suspended the rules and passed a concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.**

On April 22, 2009,<sup>(96)</sup> the following concurrent resolution was agreed to:

AUTHORIZING EMANCIPATION HALL FOR UNVEILING SOJOURNER TRUTH  
BUST

Mr. [Robert] BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 86) authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth.

94. 152 CONG. REC. 16167, 109th Cong. 2d Sess. For similar authorizations regarding the mace, see H. Res. 1449, 120 CONG. REC. 35740, 93d Cong. 2d Sess. (Oct. 16, 1974); H. Res. 487, 130 CONG. REC. 9514, 98th Cong. 2d Sess. (Apr. 12, 1984); H. Res. 221, 137 CONG. REC. 21444, 102d Cong. 1st Sess. (Aug. 2, 1991); and H. Res. 223, 147 CONG. REC. 15759, 107th Cong. 1st Sess. (Aug. 2, 2001).

95. Tom Feeney (FL).

96. 155 CONG. REC. 10336, 111th Cong. 1st Sess.

The Clerk read the title of the concurrent resolution.  
The text of the concurrent resolution is as follows:

H. CON. RES. 86

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR UNVEILING OF SOJOURNER TRUTH BUST.**

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on April 28, 2009, to unveil a bust of Sojourner Truth.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

**§ 7.23 By unanimous consent, the House considered and agreed to a Senate concurrent resolution to authorize use of the catafalque from the Capitol Visitor Center in funeral services in the Senate Chamber for deceased Senator Robert C. Byrd.<sup>(97)</sup>**

On June 30, 2010,<sup>(98)</sup> the following concurrent resolution was agreed to:

**PROVIDING FOR THE USE OF THE CAPITOL VISITOR CENTER CATAFALQUE**

Mr. [John] BOCCIERI [of Ohio]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 65) providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the United States Senate Chamber for the Honorable ROBERT C. BYRD, late a Senator from the State of West Virginia, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. [Ed] PASTOR of Arizona). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 65

*Resolved by the Senate (the House of Representatives concurring),* That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the Senate Chamber so that such catafalque may be used in connection with services to be conducted there for the Honorable Robert C. Byrd, late a Senator from the State of West Virginia.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 7.24 The House suspended the rules and adopted a resolution authorizing the placement of a statue or bust of Winston Churchill in the Capitol.**

On December 19, 2011,<sup>(99)</sup> the following resolution was agreed to:

**97.** *Parliamentarian's Note:* This marked the first concurrent resolution directing that the catafalque be taken from its new home in the Capitol Visitor Center. The catafalque was previously housed in the crypt beneath the Rotunda.

**98.** 156 CONG. REC. 12403, 111th Cong. 2d Sess.

**99.** 157 CONG. REC. 21369–70, 112th Cong. 1st Sess.

PROVIDING FOR PLACEMENT OF STATUE OR BUST OF WINSTON CHURCHILL  
IN CAPITOL

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 497) to provide for the placement of a statue or bust of Sir Winston Churchill in the United States Capitol.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 497

Whereas Sir Winston Churchill was Prime Minister of the United Kingdom from 1940 through 1945 and from 1951 through 1955;

Whereas the United States and the United Kingdom led the Allied Powers during World War Two;

Whereas President Franklin Delano Roosevelt and Sir Winston Churchill formed a bond that united freedom-loving people throughout the world to defeat tyranny in Europe and Asia;

Whereas, on December 26, 1941, Sir Winston Churchill addressed a Joint Session of Congress;

Whereas during that speech, Sir Winston Churchill said, "Sure I am that this day—now we are the masters of our fate; that the task which has been set us is not above our strength; that its pangs and toils are not beyond our endurance. As long as we have faith in our cause and an unconquerable will-power, salvation will not be denied us. In the words of the Psalmist, 'He shall not be afraid of evil tidings; his heart is fixed, trusting in the Lord.' Not all the tidings will be evil.";

Whereas December 26, 2011, is the 70th anniversary of this speech to a joint session of Congress;

Whereas Sir Winston Churchill was made an Honorary Citizen of the United States by an act of Congress in 1963;

Whereas Sir Winston Churchill was awarded the Congressional Gold Medal in 1969;

Whereas Sir Winston Churchill's persistence, determination and resolve remains an inspiration to freedom-fighters all over the world;

Whereas the United Kingdom remains and will forever be an important and irreplaceable ally to the United States; and

Whereas the United States Capitol does not currently appropriately recognize the contributions of Sir Winston Churchill or that of the United Kingdom: Now, therefore, be it

*Resolved*, That the Architect of the Capitol place an appropriate statue or bust of Sir Winston Churchill in the United States Capitol at a location directed by the House Fine Arts Board in consultation with the Speaker. . . .

The SPEAKER pro tempore.<sup>(100)</sup> The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and agree to the resolution, H. Res. 497.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## § 8. House Office Buildings

As noted above,<sup>(1)</sup> House office buildings fall under the jurisdiction of the Architect of the Capitol (who appoints the House Superintendent) and the House Office Building Commission.<sup>(2)</sup> The three main House office buildings

100. Steven LaTourette (OH).

1. See § 7, *supra*.

2. *Parliamentarian's Note*: The Speaker traditionally appoints the Majority Leader and the Minority Leader to serve (together with the Speaker) on the Commission. See, *e.g.*, § 8.3, *infra*.

are the Cannon Building (completed 1908), the Longworth Building (completed 1933), and the Rayburn Building (completed 1965). All three buildings were named after former Speakers of the House and all personal offices of Members of the House are located in those buildings. In 1939, the building now known as the Ford Building was constructed, and for many years housed offices of the executive branch (including the Federal Bureau of Investigation). In 1975, the building was acquired by the Architect of the Capitol for use by the House of Representatives, and in 1990 it was renamed after former Minority Leader (and later President) Gerald Ford.<sup>(3)</sup> Another building (formerly the Congressional Hotel) was acquired at the same time as the Ford Building, and was renamed after former Speaker Thomas O'Neill of Massachusetts.<sup>(4)</sup> This building used to contain both House offices and a dormitory for House Pages, but was demolished in 2002. In 2008, a Federal building next to the Ford Building was extensively renovated and its use split between the Department of Health and Human Services and the House of Representatives. In 2012, this building was named after former Speaker Thomas O'Neill of Massachusetts,<sup>(5)</sup> and in 2017, it was formally made a House office building under the jurisdiction of the Architect of the Capitol.<sup>(6)</sup>

The Speaker has inserted into the *Congressional Record* rules and policies promulgated by the House Office Building Commission.<sup>(7)</sup> Classified security briefings have been held in House office buildings,<sup>(8)</sup> and offices have been temporarily relocated from House office buildings to address security or safety issues.<sup>(9)</sup>

**§ 8.1 The Speaker inserted in the *Congressional Record* the rules and procedures governing the selection and assignment of suites in the House office buildings, promulgated by the House Office Building Commission.**

On June 19, 1978,<sup>(10)</sup> the following occurred:

HOUSE OFFICE BUILDING COMMISSION RULES AND PROCEDURES

(Mr. O'NEILL (at the request of Mr. EVANS of Georgia) asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

3. See § 7.2, *supra*.
4. *Id.*
5. See 158 CONG. REC. 15578–81, 112th Cong. 2d Sess. (Nov. 28, 2012). The House-passed text was incorporated into P.L. 112–237, 126 Stat. 1628.
6. P.L. 114–254, 130 Stat. 1005.
7. See § 8.1, *infra*. See also Deschler's Precedents Ch. 4 §§ 6.1, 6.3.
8. See § 1.15, *supra*.
9. See § 8.2, *infra*. For a question of privilege regarding fire safety in House office buildings, see § 1.8, *supra*.
10. 124 CONG. REC. 18209–10, 95th Cong. 2d Sess.

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, this is to advise Members that, effective June 7, 1978, the House Office Building Commission has approved the attached Rules and Procedures Governing the Selection and Assignment of Suites in the House Office Buildings, as recommended by the Commission at its meeting on October 20, 1977.

House Office Building Commission, House of Representatives  
rules and procedures governing the selection and assignment of suites in the house of-  
fice buildings

The following rules and procedures for the selection and assignment of suites to Mem-  
bers are hereby adopted by the House Office Building Commission:

RULE 1. OFFICE VACANCIES OCCURRING DURING A SESSION OF CONGRESS.

1.1 If an office shall become vacant during a session of Congress, due to death or res-  
ignation of a Member or for any reason, it shall not be assigned for a period of 10 days  
from the day of the vacancy. Beginning at 12:00 o'clock noon on the sixth day (or the  
next day if it falls on a Sunday) from the day of vacancy and ending at 12:00 o'clock  
noon on the tenth day (or the next day if it falls on a Sunday), the Superintendent of  
the House Office Buildings shall accept, in writing, applications (provided for convenience  
by the Superintendent) from Members for the vacancy. At 12:00 o'clock noon on the tenth  
day (or the next day if It falls on a Sunday) the vacant office will be assigned to the  
Member with the longest continuous service.

1.2 In the case of Members of equal service the one whose application was first re-  
ceived in the Superintendent's office shall have priority; if applications from Members of  
equal service are received at the same time, priority shall be determined by lot.

1.3 There shall be a 30-day period from the date of the vacancy before the occupants  
shall be required to move.

1.4 For the purposes of this Rule, the day of the vacancy shall begin at 12:00 o'clock  
noon on the day following the effective date of a Member's resignation or other termi-  
nation reason, or the day following the death of a Member.

RULE 2. ASSIGNMENT OF OFFICES FOLLOWING NOVEMBER GENERAL ELECTIONS

2.1 Following election day, the Superintendent of the House Office Buildings, under  
the direction of the House Office Building Commission, shall be responsible for preparing  
and issuing a schedule of dates on which suite applications will be received from, and  
suites assigned to, reelected Members, reelected former Members, and Members-elect  
without prior service.

2.2 Reelected Members and Reelected Former Members. The application and assign-  
ment schedule shall be arranged in a manner that will provide an opportunity for re-  
elected Members and reelected former Members to apply for vacant suites, with the order  
of priority for selection and assignment based on length of continuous service and with  
the longest continuous service having the highest priority. The Superintendent of the  
House Office Buildings shall deliver a copy of these rules and procedures, along with the  
schedule of dates for applying, to each reelected Member on Thursday following the elec-  
tion, and it shall then become incumbent upon each related Member to apply for a suite  
at the allotted time if he/she so desires. At the same time the Superintendent of the  
House Office Buildings shall mail a copy of these rules and procedures and the schedule  
application dates to each reelected former Member. Only written application forms (pro-  
vided for convenience by the Superintendent) for vacant suites will be received by the

Superintendent of the House Office Buildings; these applications will be listed in the order that they are received. If a Member desires to have someone on his staff act in his behalf in applying for vacant offices, the Superintendent must be so notified in writing by the Member.

2.2.1 No Member will be permitted to apply before the allotted day and opening time, nor after the allotted day and closing time.

2.2.2 A Member may apply for only one suite at a time; the Member may revise the application during the selection time allotted to his or her seniority group.

2.2.3 Assignments shall be made in accordance with the provisions of rule 1.2.

2.2.4 A Member who applies for a suite which is then assigned to that Member, must move.

2.3 Members-elect without prior service. Between the hours of 9:00 o'clock a.m. and 12 o'clock noon, on the date stated in the application and assignment schedule, Members-elect without prior service, or their authorized representatives, will draw numbers from a box to determine the order of their choice of an office from those remaining available. One individual may represent any number of Members-elect but he or she must draw a separate number for each person so represented and written authority from the Member-elect that is represented must be submitted. The numbers drawn will be recorded immediately and the card bearing the number drawn must be inscribed with the name of the Member-elect for whom it is drawn. This card is to be retained by the Member-elect or his representative and presented to the Superintendent of the House Office Buildings at 1:00 o'clock P.M. the same day at which time offices will be chosen and assigned in the numerical order of the numbers drawn. If more than one number is drawn out of the box at one time the higher number shall prevail and the other numbers shall be replaced in the box.

Rule 3. Members-elect without prior service or their accredited representatives who have not participated in the drawing will make their applications for offices in writing with the Superintendent of the House Office Buildings. Assignments shall be made in accordance with the provisions in Rule 1.2.

Rule 4. Unless otherwise provided by the House Office Building Commission, Members of Congress who will not be Members of the succeeding Congress must vacate their suites by 12:00 o'clock noon on December 15 of the Second Session of a Congress in order that offices may be made ready for Members of the next Congress.

Rule 5. The Superintendent of the House Office Buildings is directed to carry out the provisions of these rules.

THOMAS P. O'NEILL, JR.,  
*Chairman.*

JAMES C. WRIGHT, JR.,  
*Member.*

JOHN J. RHODES,  
*Member.*

JUNE 7, 1978.

Schedule of Dates on Which Applications Will Be Received and Suites Assigned Following November, 1978 Elections

Noon, November 13th, to Noon, November 14th—all Members who have served 14 or more terms.

Noon, November 14th, to Noon, November 15th—Members who have served 13 terms.

Noon, November 15th, to Noon, November 16th—Members who have served 12 terms.  
 Noon, November 16th, to Noon, November 17th—Members who have served 11 terms.  
 Noon, November 20th, to Noon, November 21st—Members who have served 10 terms.  
 Noon, November 21st, to Noon, November 22d—Members who have served 9 terms.  
 Noon, November 27th, to Noon, November 28th—Members who have served 8 terms.  
 Noon, November 28th, to Noon, November 29th—Members who have served 7 terms.  
 Noon, November 29th, to Noon, November 30th—Members who have served 6 terms.  
 Noon, November 30th, to Noon, December 1st—Members who have served 5 terms.  
 Noon, December 4th, to Noon, December 5th—Members who have served 4 terms.  
 Noon, December 5th, to Noon, December 6th—Members who have served 3 terms.  
 Noon, December 6th, to Noon, December 7th—Members who have served 2 terms.  
 Noon, December 7th, to Noon, December 8th—Members who have served 1 term.

Members—elect without prior service, or their accredited representative, will draw for determination of selection priority on December 11, 1978, between the hours of 9:00 a.m. and 12:00 noon, in accordance with provisions set forth in Rule 2.3. Selection of suites will take place at 1:00 p.m. on the same day.

Brief Commentary Regarding New Rules for Suite Selection

To assist in interpretation, the following comments are submitted concerning several basic changes that have been made in the rules and procedures for the selection and assignment of office space to Members:

(1) The new rules and procedures provide for specific dates for Members to apply for suites, following the general elections in November, based on their period of longest continuous service. Previously, Members could apply for suites on any of the dates during November, when applications were being received “Bumping” by Members could take place during the entire selection process; that procedure caused considerable confusion. The new rules and procedures continue the seniority system, but in a systematized and more limited manner.

The order of priority for selection of available suites will continue to be based on the period of longest continuous service; however, once having selected a suite in a particular length-of-service group the Member in that service group will no longer have a second opportunity to make a selection from other suites that become available during the remainder of the selection process.

(2) A Member who applies for a suite which is then assigned to that Member, must move; the application for a different suite automatically places the Member’s former suite in the selection pool from which it may not thereafter be withdrawn by that Member, unless withdrawn prior to the closing date for the Member’s service group.

(3) A Member who desires to be represented during the selection process must designate such a representative in writing. Previously, only Members—elect without prior service were required to designate a representative in writing to participate in the selection process.

(4) Members of Congress who will not be Members of the succeeding Congress must vacate their suites by 12 o’clock noon on December 15, of the Second Session of a Congress, unless otherwise approved by the House Office Building Commission.

JUNE 7, 1978.

**§ 8.2 The House suspended the rules and adopted a resolution expressing the gratitude of the House to the General Accounting Office<sup>(11)</sup> for accommodating Members and staff of the House and its**

11. The General Accounting Office was renamed the Government Accountability Office in 2004. See P.L. 108–271, 118 Stat. 811.

**committees in the GAO office building in northeast Washington during a recent closure of the House office buildings.**

On November 27, 2001,<sup>(12)</sup> the following resolution was agreed to:

EXPRESSING THE GRATITUDE OF HOUSE OF REPRESENTATIVES TO  
GENERAL ACCOUNTING OFFICE

Mr. [Robert] NEY [of Ohio]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 294) expressing the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of Anthrax.

The Clerk read as follows:

H. Res. 294

Whereas the House of Representatives recently found it necessary to close its office buildings to Members, staff, and the public due to the presence of Anthrax;

Whereas the Comptroller General made an offer to the House of Representatives to make the General Accounting Office's building and equipment available to the Members and staff of the House of Representatives during the period in which the House office buildings were closed, an offer the House gratefully accepted;

Whereas the House's subsequent temporary use of General Accounting Office workspaces, telephones, computers, and other equipment imposed an inconvenience on the employees of the Office, who graciously vacated their worksites; and

Whereas the sacrifices made by employees of the General Accounting Office during this period enabled the House of Representatives to continue its legislative work on behalf of the people of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its gratitude to the General Accounting Office for accommodating the House during the recent closure of the House office buildings, and sincerely thanks the hundreds of General Accounting Office employees who generously vacated their workspaces and otherwise helped to make it possible for the work of the House to continue during this period.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the Comptroller General of the United States.

The SPEAKER pro tempore.<sup>(13)</sup> Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from North Carolina (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise here today on behalf of my colleague, the gentleman from Maryland (Mr. HOYER), of the Committee on House Administration for consideration of H. Res. 294. This resolution expresses the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of anthrax.

Mr. Speaker, I want the citizens of the United States to know that later on representatives on behalf of all employees of the GAO will be present in the Capitol in Statuary Hall so that we may speak with them and personally express our gratitude.

**§ 8.3 Pursuant to statute,<sup>(14)</sup> the Speaker appointed the Majority and Minority Leaders to serve with herself on the House Office Building Commission.**

12. 147 CONG. REC. 23058, 107th Cong. 1st Sess.

13. Johnny Isakson (GA).

14. 2 U.S.C. § 2001.

On January 6, 2009,<sup>(15)</sup> the following occurred:

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore.<sup>(16)</sup> Pursuant to 2 U.S.C. 2001, and the order of the House of today, the Chair announces the Speaker's appointment of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) as members of the House Office Building Commission to serve with herself.

## § 9. The Capitol Visitor Center

Plans for a Capitol Visitor Center began as early as the 1970s, but it wasn't until the 1990s that formal design reports were finally issued. Those designs underwent significant revisions after the shooting of two U.S. Capitol Police officers in 1998 and the terrorist attacks of September 11, 2001. Groundbreaking took place in 2000 and the Capitol Visitor Center officially opened on December 2, 2008. The entire Center is located below ground, on the East Front of the Capitol, and contains numerous exhibits, artworks, and meetings spaces for Members of the House and Senators. In 2007, the great hall of the Capitol Visitor Center was designated "Emancipation Hall."<sup>(1)</sup> In 2008, Congress established an "Office of the Capitol Visitor Center" within the Office of the Architect of the Capitol, and further clarified jurisdiction over the Center.<sup>(2)</sup> In 2011, one of the rooms in the Center was named the "Gabriel Zimmerman Meeting Room," to honor a Capitol Hill employee killed at a district event.<sup>(3)</sup> Congress has authorized the use of the Capitol Visitor Center for ceremonial occasions<sup>(4)</sup> and for classified security briefings for Members.<sup>(5)</sup>

### § 9.1 The House suspended the rules and passed a bill reported from the Committee on Transportation and Infrastructure to name the great hall of the Capitol Visitor Center as "Emancipation Hall."

On November 13, 2007,<sup>(6)</sup> the following bill was passed:

15. 155 CONG. REC. 25, 111th Cong. 1st Sess.

16. Tammy Baldwin (WI).

1. See § 9.1, *infra*.

2. See § 9.2, *infra*.

3. See § 9.4, *infra*.

4. See § 7.13, *supra*.

5. See § 9.3, *infra*.

6. 153 CONG. REC. 30974, 110th Cong. 1st Sess.

PROVIDING THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER  
SHALL BE KNOWN AS EMANCIPATION HALL

Ms. [Eleanor] NORTON [of District of Columbia]. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3315) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL.**

(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as “Emancipation Hall”, and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act.

**§ 9.2 The House suspended the rules and passed a bill establishing within the Office of the Architect of the Capitol an Office of the Capitol Visitor Center to provide for the effective management and administration of the Capitol Visitor Center.**

On March 5, 2008,<sup>(7)</sup> the following bill was passed:

CAPITOL VISITOR CENTER ACT OF 2008

Mr. [Robert] BRADY [of Pennsylvania]. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Capitol Visitor Center Act of 2008” . . . .

**SEC. 101. DESCRIPTION AND PURPOSES OF CAPITOL VISITOR CENTER.**

(a) TREATMENT AS PART OF CAPITOL.—In this Act, the “Capitol Visitor Center” is the facility authorized for construction under the heading “Capitol Visitor Center” under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-569), and such facility shall be considered to be part of the United States Capitol for all provisions of law in accordance with this Act. . . .

**SEC. 102. OVERSIGHT OF COMMITTEES.**

The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives (hereafter in this Act referred to as the “supervising Committees”) shall exercise policy review and oversight over the Capitol Visitor Center.

**SEC. 103. SPECIAL RULE FOR CERTAIN SPACES IN THE CAPITOL VISITOR CENTER.**

(a) SENATE AND HOUSE OF REPRESENTATIVES EXPANSION SPACE.—Notwithstanding any other provision of this Act, the Senate and House of Representatives *expansion space described as “unassigned space”* under the heading “Architect of the Capitol, Capitol Visitor

7. 154 CONG. REC. 3224, 3225, 110th Cong. 2d Sess.

Center” in the Legislative Branch Appropriations Act, 2002 (Public Law 107-68; 115 Stat. 588)—

(1) shall not be treated as part of the Capitol Visitor Center for purposes of this Act; and

(2) shall be treated for purposes of law (including *rules of the House* of Representatives and Senate)—

(A) in the case of space assigned for the use of the Senate, as part of the Senate wing of the Capitol and subject to the authority and control of the Committee on Rules and Administration of the Senate, or

(B) in the case of space assigned for the use of the House, as part of the House of Representatives wing of the Capitol and subject to the authority and control of the Speaker.

(b) TREATMENT OF CONGRESSIONAL AUDITORIUM AND RELATED ADJACENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the space in the Capitol Visitor Center known as the Congressional Auditorium, together with each of the areas referred to in paragraph (2), shall be assigned for Congressional use by the Chief Executive Officer for Visitor Services under guidelines established by the supervising Committees.

(2) AREAS DESCRIBED.—The areas referred to in this paragraph are as follows, as identified and designated by the Architect of the Capitol on October 1, 2007:

(A) The North Congressional Meeting Room (CVC268) and the South Congressional Meeting Room (CVC217).

(B) The North Pre-function Area (CVC268CR) and the South Pre-function Area (CVC217CR).

(C) Lobbies CVC215 and CVC212.

(D) The North Cloak Room (CVC210) and the South Cloak Room (CVC208).

(E) The Projection Room (CVC209).

(F) The Green Room (CVC207).

(G) The TV Control Room (CVC105).

(H) Offices CVC101, CVC102, CVC103, CVC104, CVC106, CVC204, and CVC205.

### § 9.3 The Majority Leader took the floor by unanimous consent to announce the scheduling of a classified briefing in the Capitol Visitor Center.

On April 25, 2013,<sup>(8)</sup> the following occurred:

#### ANNOUNCEMENT OF CLASSIFIED BRIEFING REGARDING SYRIA AND NORTH KOREA

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

Mr. [Eric] CANTOR [of Virginia]. Mr. Speaker, today, the administration has confirmed that the Assad regime in Syria has crossed a dangerous, game-changing red line, using chemical weapons against its own citizens.

The Syrian conflict has raged for many months, and nearly 100,000 Syrian civilians have been killed. The conflict now threatens to spill over Syria’s borders, destabilizing key American allies. This dangerous conflict threatens American national security interests in the region.

I wanted to take this opportunity, Mr. Speaker, to urge Members to attend the classified briefing that the administration will be providing tomorrow morning at 9:30 a.m. in the CVC auditorium. Secretary of State Kerry, Deputy Secretary of Defense Ash Carter, Vice Chairman of the Joint Chiefs Admiral Sandy Winnefeld, and Deputy Director of National Intelligence Robert Cardillo will be there to brief Members on the situations in both Syria and in North Korea.

With that, Mr. Speaker, I’d like to say to Members that we won’t be having another vote in this series.

8. 159 CONG. REC. H2322 [Daily Ed.], 113th Cong. 1st Sess. For a list of similar security briefings, see Precedents (Wickham) Ch. 1 § 10.1.

**§ 9.4 The House passed a resolution honoring an employee who was killed at a district event by designating a room in the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room.”**

On November 30, 2011,<sup>(9)</sup> the House considered the following resolution and adopted the resolution on December 1, 2011:<sup>(10)</sup>

GABRIEL ZIMMERMAN MEETING ROOM

Mr. [Chuck] FLEISCHMANN [of Tennessee]. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 364

Whereas public events allowing Members of Congress to meet with constituents are an intrinsic element of American democracy and representative government;

Whereas at approximately 10:10 a.m. on January 8, 2011, a gunman attempted the assassination of Congresswoman Gabrielle Giffords, opening fire at her “Congress on your Corner” event in front of a Safeway supermarket in Tucson, Arizona, killing 6 and wounding 13, including Congresswoman Giffords;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in the attack;

Whereas Gabriel Zimmerman began his Congressional career in January 2007 as Constituent Services Supervisor for then newly elected Congresswoman Giffords, a role in which he supervised a robust constituent services operation and worked directly with the people of Arizona’s Eighth Congressional District to help them resolve problems with Federal agencies and to offer other forms of assistance;

Whereas Gabriel Zimmerman then served as Congresswoman Giffords’ Director of Community Outreach, a position in which he proactively engaged the Congresswoman and her office with constituencies, organizations, and citizens throughout southern Arizona;

Whereas Gabriel Zimmerman organized hundreds of events to allow constituents to meet with Congresswoman Giffords while serving as Director of Community Outreach, and led the organization, planning, and implementation of Congresswoman Giffords’ January 8, 2011 “Congress on your Corner” event;

Whereas Gabriel Zimmerman was a 1998 graduate of University High School in Tucson, Arizona, a 2002 graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in social work;

Whereas prior to joining Congresswoman Giffords’ staff, Gabriel Zimmerman was a social worker assisting troubled youth;

Whereas Gabriel Zimmerman was an outdoor enthusiast, all-around athlete, and lover of history, who at the time of his death at the age of 30 was engaged to be married, and who was known and respected by countless individuals throughout the Eighth Congressional District;

Whereas staff serve a vital role in the Congress, allowing the legislative branch to exercise its critical constitutional duties and enabling Members to effectively represent their constituents;

Whereas over 15,000 individuals are currently serving as Congressional staffers;

Whereas, on January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, “I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve.”; and

Whereas Gabriel Zimmerman was the first Congressional staffer in history to be murdered in the performance of his official duties: Now, therefore, be it

*Resolved*, That room HVC 215 of the Capitol Visitor Center is designated as the “Gabriel Zimmerman Meeting Room”.

9. 157 CONG. REC. 18427, 18434, 112th Cong. 1st Sess.

10. *Id.* at 18559.

## Ch. 4 § 9

## PRECEDENTS OF THE HOUSE

The SPEAKER pro tempore.<sup>(11)</sup> Pursuant to the rule, the gentleman from Tennessee (Mr. FLEISCHMANN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee. . . .

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. [Debbie] WASSERMAN SCHULTZ [of Florida]. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed. . . .

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### GABRIEL ZIMMERMAN MEETING ROOM

The SPEAKER pro tempore.<sup>(12)</sup> The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows: . . .

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## § 10. The Senate Chamber

The Senate Chamber is located on the north side of the Capitol building and, like the House Chamber, has been renovated on numerous occasions to allow for the introduction of new technologies. As early as the 1920s, the Senate Chamber was equipped with audio microphones for use by Senators.

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11. Candice Miller (MI).

12. Lynn Westmoreland (GA).

Television broadcasting of Senate proceedings did not occur until 1986,<sup>(1)</sup> though prior to this time the Senate did authorize limited, ad hoc broadcasts of certain proceedings.<sup>(2)</sup> During the impeachment trial of President William Clinton, the Senate authorized additional lighting and broadcasting equipment to be used in the Senate Chamber.<sup>(3)</sup> The Senate Chamber has also been utilized for funeral services for a deceased Senator.<sup>(4)</sup>

The Senate Chamber has been used for the opposing party's response to the President's state of the Union address,<sup>(5)</sup> and Senate proceedings have been translated live by a sign language interpreter on the floor.<sup>(6)</sup> Senators have agreed to meet in the Old Senate Chamber (also located within the Capitol) to discuss a classified treaty.<sup>(7)</sup> When a disturbance occurs in the Senate gallery, the Presiding Officer may order the galleries cleared.<sup>(8)</sup> Senate floor privileges have been extended to the House Parliamentarian during various Congresses.<sup>(9)</sup>

On one occasion, the Senate met in pro forma session at the nearby Postal Square Building, due to an earthquake in the Washington, D.C., area.<sup>(10)</sup>

**§ 10.1 By unanimous consent, the Senate considered a resolution authorizing ad hoc radio and television coverage of Senate proceedings (relating to the determination of a contested election for a seat from the state of New Hampshire).**

On June 9, 1975,<sup>(11)</sup> the following occurred in the Senate:

Mr. ROBERT C. BYRD [of West Virginia]. Mr. President, I ask unanimous consent that the pending business before the Senate be temporarily laid aside for not to exceed 5 minutes, and that the Senate resume the consideration of Senate Resolution 177.

The PRESIDING OFFICER.<sup>(12)</sup> Without objection, it is so ordered. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) to permit radio, television, and photographic coverage of all proceedings of the Senate relating to the determination of the contested election for a seat in the United States Senate from the State of New Hampshire. . . .

1. See § 10.2, *infra*.
2. See § 10.1, *infra*.
3. See § 10.7, *infra*.
4. See § 7.23, *supra*.
5. See § 10.3, *infra*.
6. See § 10.6, *infra*.
7. See § 10.4, *infra*.
8. See § 10.5, *infra*.
9. See § 10.8, *infra*.
10. See § 10.9, *infra*.
11. 121 CONG. REC. 17864-65, 94th Cong. 1st Sess.
12. James Abourezk (SD).

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended. The resolution (S. Res. 177) as amended, was agreed to, as follows:

*Resolved*, That the proceedings in open session of the Senate with respect to the determination of the contested election for a seat in the United States Senate from the State of New Hampshire may be broadcast by radio and television, contingent upon some limitations of debate being ordered by the Senate. Rule IV of the Rules for Regulation of the Senate wing of the United States Capitol is also accordingly suspended for the purpose of photography, contingent upon some limitation of debate being ordered by the Senate. Be it further

*Resolved*, That such broadcasting shall be accomplished in conformity with procedures thereon agreed upon by the joint floor leadership. The implementation of such procedures shall be effected by the joint floor leadership after consultation with the chairman and ranking minority member of the Committee on Rules and Administration.

Mr. HUGH SCOTT [of Pennsylvania]. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. [Michael] MANSFIELD [of Montana]. I move to lay that motion on the table. The motion to lay on the table was agreed to.

**§ 10.2 Over the course of several years, the Senate authorized studies and limited experiments in audio and television coverage of its proceedings, culminating in full cable broadcast of Senate proceedings on the Cable-Satellite Public Affairs Network (C-SPAN) in 1986.**

On April 21, 1982,<sup>(13)</sup> the Senate agreed to a resolution directing its Committee on Rules and Administration to provide for television and radio coverage of Senate sessions, said resolution to become effective on the date the Senate agreed to a subsequent resolution reported by that committee containing regulations to implement such coverage:

The PRESIDING OFFICER.<sup>(14)</sup> The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 20), as amended, was passed as follows:

S. RES. 20

*Resolved*, That the Committee on Rules and Administration is authorized and directed to provide for television and/or radio coverage (including videotapes and radio broadcasting recordings) of proceedings in the Senate Chamber. This resolution shall become effective on the date on which the Senate agrees to a resolution which is hereby required to be reported by the Senate Committee on Rules and Administration 60 days from adoption of this resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

Mr. [Howard] BAKER [of Tennessee]. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD [of West Virginia]. I move to lay that motion on the table. The motion to lay on the table was agreed to.

On February 27, 1986,<sup>(15)</sup> the Senate adopted a resolution providing, *inter alia*, for radio coverage of Senate proceedings to begin immediately and for

13. 128 CONG. REC. 7306, 97th Cong. 2d Sess.

14. Dan Quayle (IN).

15. 132 CONG. REC. 3130-32, 3151, 3156, 99th Cong. 2d Sess.

live continuous television coverage to begin on June 1, 1986, terminating on July 15, 1986, with a requirement that the Senate vote on permanent television coverage:

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER.<sup>(16)</sup> The clerk will state the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate proceedings.

The Senate resumed consideration of the resolution.

Mr. [Robert] DOLE [of Kansas]. Mr. President, pending business is Senate Resolution 28; is that correct?

The PRESIDING OFFICER. That is correct.

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AMENDMENT NO. 1636

(Purpose: To improve Senate procedures)

Mr. DOLE. Mr. President, I am about to send to the desk a substitute amendment sponsored by the leadership, and others. There will be a number of other Members who I assume may want to cosponsor, and some may not want to, which is the result of hours and hours and hours of discussion by Members on each side, some who were for, some who were against, and some who had no strong feelings on TV in the Senate. I believe we have reached a point where we ought to determine whether this more or less consensus will be adopted by the Senate.

In my view, it strikes a good balance. I would be happy to discuss it in detail after it is before the Senate.

I therefore send it to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself, and Senators MATHIAS, BYRD, ARMSTRONG, GORE, and WILSON, proposes an amendment numbered 1636.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the substitute amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment follows:

In lieu of the language proposed to be inserted, insert the following:

“That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

- (1) provided in accordance with provisions of this resolution;
- (2) provided continuously, except for any time when the Senate is conducting a quorum call, or when a meeting with closed doors is ordered; and
- (3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

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16. Daniel Evans (WA).

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking clerks and the Chaplain except during rollcall votes when the television cameras shall show the entire Chamber.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality “live” audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

*Provided*, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings, and copies thereof as requested by the Secretary under clause (4) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio Coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than May 1, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Television coverage of Senate proceedings shall go live June 1, 1986. The test period aforementioned shall end on July 15, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted between May 1st and June 1st, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of T.V. coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of \$3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

“(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any

stage of such proceedings the Senate may remove the injunction of secrecy from the treaty." . . .

SEC. 10. That paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

SEC. 14. Provided, that if the Senate authorizes the permanent televising of the Senate pursuant to section 15, that radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts. . . .

Mr. DOLE. Mr. President, let me state very quickly, and then I will turn it over to Senator MATHIAS, Chairman of the Rules Committee, Senator BYRD, Senator LONG, Senator ARMSTRONG, and others who may want to discuss this. Let me just summarize what the substitute does.

The first section of the resolution provides for a test period for coverage of the Senate by television to begin no later than May 1, 1986—hopefully it will start earlier than that, but no later than May 1, 1986—and to go live on June 1, 1986. Coverage will be gavel to gavel except for those times that the Senate is conducting quorum calls.

I might add as an aside that I would assume from time to time when there is no business that we would probably be standing in recess, and of course those periods would not be covered.

Only Senators speaking, and the Presiding Officer as well as the Chaplain and the clerks, will be shown on television. The entire Chamber will be shown during rollcall votes to give the viewer an opportunity to see what happens during a rollcall vote. And we have provided that obviously the clerk should be covered when they are reading the amendments, the Chaplain obviously should be covered, the Presiding Officer covered when there is actually some action which involves the Presiding Officer, or when you are showing the entire Chamber you also would show the Presiding Officer. . . .

The rules changes include a 30-hour limit on postcloture consideration, reduction of the 3-day rule on reports to 2 days, waiving the reading of the Journal by a vote, elimination of the Committee of the Whole on treaties, and a provision requiring the conference reports be available on each Senator's desk before they are in order to be called up are proposed.

I say with reference to the motion to proceed which I felt very strongly about, we now have a substitute which does help the leadership at least bring matters before the Senate by waiving the reading of the Journal. . . .

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], on behalf of himself and Mr. LONG, proposes an amendment numbered 1641.

Mr. [David] Boren. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike Sec. 15 and insert in lieu thereof the following:

SEC. 15. Television coverage of the Senate shall cease at the close of business July 15, 1986, and television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 29, 1986, "Shall radio and television coverage continue after

this date, and shall the rules changes contained herein continue?" There shall be 12 hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?". . . .

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll. . . .

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 21, as follows:

[Rollcall Vote No. 24 Leg.]

On June 2, 1986,<sup>(17)</sup> the Majority Leader of the Senate announced the inception of televised Senate proceedings on a six-week test basis, pursuant to the resolution previously adopted:

#### A DAY OF HISTORY: TELEVISION IN THE SENATE

Mr. [Robert] DOLE [of Kansas]. Mr. President, there is no doubt about it: This day is historic in many ways. It is exciting in many ways.

Not that TV in the Senate is here, now that the public has an opportunity—and we underscore "opportunity—I doubt that we will ever be without television in the Senate, except for that period when we pull the plug and take a look at ourselves and see what we might do to correct certain areas.

On July 29, 1986,<sup>(18)</sup> the Senate voted to continue radio and television coverage of its proceedings as well as the rules changes implementing that coverage:

The PRESIDING OFFICER.<sup>(19)</sup> All time having been yielded back, the question before the Senate is, Shall radio and television coverage continue after this date, and shall the rules changes contained in Senate Resolution 28 continue?

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. [Alan] SIMPSON [of Wyoming]. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. GOLDWATER] would vote "nay."

The PRESIDING OFFICER (Mr. [Jacob] HECHT [of Nevada]). Are there any other Senators in the Chamber who desire to vote?

17. 132 CONG. REC. 12042, 99th Cong. 2d Sess.

18. 132 CONG. REC. 17905, 99th Cong. 2d Sess.

19. Thad Cochran (MS).

The result was announced—yeas 78, nays 21 as follows:

**§ 10.3 The Senate suspended, by unanimous consent, the Rules for the Regulation of the Senate Wing (and the standing rules of the Senate) to permit the Senate Majority Leader to use the Senate Chamber for the televised Democratic party response following the President's state of the Union address.**

On January 25, 1988,<sup>(20)</sup> the following occurred in the Senate:

WAIVER OF CERTAIN SENATE RULES

Mr. [Robert] BYRD [of West Virginia]. Mr. President, I ask unanimous consent that rule III and rule IV, paragraph 1, of the Rules for the Regulation of the Senate Wing, and rule XXXIII, paragraph 1, of the Standing Rules of the Senate be suspended for the purpose of the response by the majority leader to the State of the Union Address today.

Mr. [Ted] STEVENS [of Alaska]. Mr. President, reserving the right to object, and I shall not object, I would like to state that it is my understanding that the chairman of the Rules Committee has cleared this matter.

I have been contacted by the distinguished majority leader, as the ranking Republican on the Rules Committee. I wonder, if there would be no objection that following the request of the majority leader, I could put in the RECORD the letter that was sent by the majority leader to our Republican leader, setting forth the terms under which this unanimous-consent request has been agreed to.

The ACTING PRESIDENT pro tempore.<sup>(21)</sup> Without objection, the letter will be printed in the RECORD.

The letter is as follows:

*U.S. Senate,*  
OFFICE OF THE MAJORITY LEADER,  
*Washington, DC, January 23, 1988.*

Hon. ROBERT DOLE,  
*Republican Leader, U.S. Senate, Washington, DC.*

DEAR ROBERT: This will refer to our telephone conversation in which we discussed the use of the Senate floor for the Democratic Response immediately following the President's State of the Union Address on Monday evening.

As one who is very particular about the Senate's rules and regulations, I specified that the use of the Senate Chamber in this instance would be under the following strict conditions:

(1) The precedent is limited to "the formal response" to the President's State of the Union Address.

(2) The precedent is further limited to "the formal response" carried by one or more of the major networks.

(3) Only a Senate Leader (myself in this instance) would be using and speaking from the Senate Chamber.

(4) The occasion is the official response by one of the two major political parties—the party not in control of the White House.

<sup>20</sup>. 134 CONG. REC. 3–4, 100th Cong. 2d Sess.

<sup>21</sup>. Harry Reid (NV).

(5) There is no participant in the response other than a Senate Leader; the response follows immediately after the President's address to the two Houses; and no charts or other visual aids will be used.

(6) There will be no audience present in the galleries or on the floor of the Chamber, the only persons present being the network pool camera personnel.

Inasmuch as the State of the Union Address occurs only once a year, and the President speaks from the House Chamber, I feel that this request is appropriate, especially when limited to the foregoing restrictions. At such time as the Democratic Party may be in control of the White House in a future year, the Republican Leader would be entitled to the same privilege.

With best regards.

Sincerely yours,

ROBERT C. BYRD.

Mr. [Robert] DOLE [of Kansas]. Mr. President, if the majority leader will yield—and reserving the right to object—I have discussed this at length with the majority leader. I have no problem with it. I think it has been very tightly circumscribed, as the letter will indicate, and I have no objection to the request.

I appreciate the majority leader calling me in South Dakota, in Rapid City, on Saturday. We had a good discussion. I had been apprised earlier by the distinguished Senator from Alaska, through staff.

I thank the majority leader for his courtesy.

The ACTING PRESIDENT pro tempore. Without objection, the request of the majority leader is granted.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I thank the distinguished Senator from Alaska [Mr. STEVENS], who is the ranking member of the Rules Committee, and I thank Mr. FORD, who is the chairman of the Rules Committee.

The restrictions are very, very tight, and the precedent they will set is one which, of course, will be the privilege of the leader on the other side of the aisle at some point in the future.

**§ 10.4 By unanimous consent, the Senate agreed to meet in closed session in the Old Senate Chamber the next day for a three-hour session to debate classified information.**

On March 28, 1988,<sup>(22)</sup> the following occurred in the Senate:

The PRESIDING OFFICER.<sup>(23)</sup> Is there any objection to that unanimous-consent request? Without objection, it is so ordered.

CLOSED SESSION AT 9:30 A.M. TUESDAY

Mr. [Robert] BYRD [of West Virginia]. Mr. President, I ask unanimous consent that at the hour of 9:30 a.m. tomorrow the Senate go into closed session; that it meet in the Old Senate Chamber for this closed session; that it stay in closed session no longer than 12:45 p.m., and that the time for debate be equally divided between the two leaders or their designees.

22. 134 CONG. REC. 5415, 100th Cong. 2d Sess.

23. Wendell Ford (KY).

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request of the majority leader? Without objection, it is so ordered.

RECESS AT 12:45 P.M.

**§ 10.5 In the Senate, where there is a disturbance in the galleries, the Presiding Officer has the discretion to order those responsible for the disturbance to be removed, or to order the entire galleries to be cleared temporarily.**

On November 21, 1989,<sup>(24)</sup> the following occurred in the Senate:

SENATE GALLERIES

Mr. [Lincoln] CHAFEE [of Rhode Island]. Mr. President, I notice the galleries have been cleared. Is there a reason for that? I hope the public would be permitted back into the gallery.

The PRESIDING OFFICER.<sup>(25)</sup> The Senator's observation is well taken. The Chair, as soon as business is completed, was going to allow the galleries to be again filled.

Mr. CHAFEE. I thank the Chair.

Mr. [Alan] SIMPSON [of Wyoming]. Mr. President, I thank the acting leader for his cooperation.

The PRESIDING OFFICER. The Sergeant at Arms is instructed that the galleries can now be filled with people wishing to view the proceedings of the Senate.

Mr. CHAFEE. Mr. President, might I make a further suggestion?

It would be my hope that if there are disturbances in the gallery, the individuals be removed rather than the galleries cleared. I think we have adequate staff to control the galleries, and I think it is giving in to a few malcontents, a few disturbers, to clear everybody out because there are several who are causing trouble.

Mr. President, I suspect that there will be probably more to come in who will cause trouble, but I do not think the answer is to clear all the galleries.

Obviously, the situation has not come out of control. I hope that the Sergeant at Arms would have adequate personnel, and I believe he does, to remove those who are causing the disturbances rather than having everybody, many of them innocent visitors to Washington who have come to see the Senate, forced out of the galleries after they have waited in line a considerable time to observe the proceedings.

The PRESIDING OFFICER. The Chair would respond to the Senator from Rhode Island, it is discretionary with the Chair as to whether or not the individuals should be removed from the gallery.

Mr. CHAFEE. I appreciate that, Mr. President, and I have full confidence in the Chair's judgment. I do offer that as a suggestion, because I do not think this is the last time we are going to see that occur.

I thank the Chair.

Mr. SIMPSON. Mr. President, I think my colleagues might be interested to recall that Senator BYRD, as majority leader, and Senator DOLE, as our minority leader, appointed

24. 135 CONG. REC. 31277, 101st Cong. 1st Sess.

25. Harry Reid (NV).

Senator CRANSTON and myself as a working group with the two whips from the House, the majority and minority whips, to discuss security issues in the Capitol area. That was some years ago.

Our work was presented. Some did not accept that work; they felt it was intrusive, and yet you will note that we have cleared the Capitol Plaza of automobiles—that was never thought to be a possibility—because we were told by security people of the highest caliber that if we were to be the target of terrorism or simply malcontents or whoever may be involved, one of the most extraordinary ways of doing that is simply to target our cars, place a plastic explosive underneath the vehicle, so that it is parked next to the Capitol, and take a chunk of the Capitol off with it, plus a few more cars.

Then, of course, one evening right here—some may not recall—we had a late session. We would have been here. It was a Monday night. I remember there were many clustered off the floor watching various activities, including Monday night football.

We left then about 11. And at 12 o'clock, an explosive device blew in all the windows in this hall, and would have taken several Democratic and Republican Senators.

So I agree totally with Senator CHAFEE; yet, there is a sensitive balance between democracy and anarchy. I hope we can always keep the Galleries open. But in my capacity, with Senator CRANSTON, as the leader of that group, I can show you some remarkable cases of people bringing devices into the Capital area who had a great mischief in mind.

I think it is worth considering that we should not let the actions of a few deter this great experiment that does take place in our Congress.

I did want my colleagues to know that it is a very serious issue, and if any of you wish to review any of that confidential material you are certainly welcome to do so. It is rather startling.

I thank the Chair.

**§ 10.6 By unanimous consent, the Senate permitted debate on a conference report to be “signed” (live sign language for hearing impaired in corner of television screen by signer on Senate floor).**

On July 11, 1990,<sup>(26)</sup> the following occurred in the Senate:

Mr. President, I submit a report of the committee of conference on S. 933 and ask for its immediate consideration.

The PRESIDING OFFICER.<sup>(27)</sup> The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 933) to establish a clear and comprehensive prohibition of discrimination on the basis of disability, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 26, 1990.)

26. 136 CONG. REC. 17029, 17059, 101st Cong. 2d Sess.

27. Brock Adams (WA).

Mr. [George] MITCHELL [of Maine]. Mr. President, I ask unanimous consent that during consideration of the conference report on S. 933, debate be signed as part of Senate television coverage today. . . .

**§ 10.7 The Senate by unanimous consent considered and adopted a resolution providing for additional equipment and furniture to be installed in its chamber to accommodate the impeachment trial managers on the part of the House and counsel for the President, including equipment for display of video or audio evidence.**

On January 14, 1999,<sup>(28)</sup> the following occurred in the Senate:

The Senate met at 1:04 p.m. and was called to order by the Chief Justice of the United States.

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TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE.<sup>(29)</sup> The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

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PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose providential care has never varied all through our Nation's history, we ask You for a special measure of wisdom for the women and men of this Senate as they act as jurors in this impeachment trial. You have been our Nation's refuge and strength in triumphs and troubles, prosperity and problems. Now, dear Father, help us through this difficult time. As You guided the Senators to unity in matters of procedure, continue to make them one in their search for the truth and in their expression of justice. Keep them focused in a spirit of nonpartisan patriotism today and in the crucial days to come. Bless the distinguished Chief Justice as he presides over this trial. We commit to You all that is said and done and ultimately decided. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The Presiding Officer recognizes the majority leader.

Mr. [Trent] LOTT [of Mississippi]. Thank you, Mr. Chief Justice.

INSTALLING EQUIPMENT AND FURNITURE IN THE SENATE CHAMBER

Mr. LOTT. I send a resolution to the desk providing for installing equipment and furniture in the Senate Chamber and ask that it be agreed to and the motion to reconsider be laid upon the table.

28. 145 CONG. REC. 357, 106th Cong. 1st Sess.

29. William Rehnquist.

The CHIEF JUSTICE. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 17), to authorize the installation of appropriate equipment and furniture in the Senate Chamber for the impeachment trial.

The CHIEF JUSTICE. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 17) was agreed to, as follows:

S. RES. 17

*Resolved*, That in recognition of the unique requirements raised by the impeachment trial of a President of the United States, the Sergeant at Arms shall install appropriate equipment and furniture in the Senate chamber for use by the managers from the House of Representatives and counsel to the President in their presentations to the Senate during all times that the Senate is sitting for trial with the Chief Justice of the United States presiding.

SEC. 2. The appropriate equipment and furniture referred to in the first section is as follows:

(1) A lectern, a witness table and chair if required, and tables and chairs to accommodate an equal number of managers from the House of Representatives and counsel for the President which shall be placed in the well of the Senate.

(2) Such equipment as may be required to permit the display of video, or audio evidence, including video monitors and microphones, which may be placed in the chamber for use by the managers from the House of Representatives or the counsel to the President.

SEC. 3. All equipment and furniture authorized by this resolution shall be placed in the chamber in a manner that provides the least practicable disruption to Senate proceedings.

**§ 10.8 By unanimous consent, the Senate granted to the House Parliamentarian and his five assistants privileges of the floor of the Senate during the 111th Congress.<sup>(30)</sup>**

On January 6, 2009,<sup>(31)</sup> the following occurred:

UNANIMOUS CONSENT AGREEMENT

Mr. [Harry] REID [of Nevada]. Mr. President, I send to the desk en bloc 12 unanimous-consent requests and I ask for their immediate consideration en bloc; that the requests be agreed to en bloc, that the motion to reconsider the adoption of these requests be laid upon the table and that they appear separately in the record.

Before the Chair rules, I would like to point out these requests are routine, done at the beginning of each new Congress, and they entail issues such as authority for the Committee on Standards of Official Conduct to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day, and floor privileges for House Parliamentarians.

The PRESIDING OFFICER.<sup>(32)</sup> Without objection, it is so ordered.

The requests read as follows: . . .

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 111th Congress.

**30.** *Parliamentarian's Note:* This privilege had been extended to the House Parliamentarian consistently for many decades but has not been renewed in recent Congresses.

**31.** 155 CONG. REC. 43, 111th Cong. 1st Sess.

**32.** John Tester (MT).

**§ 10.9 Form of Senate proceedings convened at an alternate time and place due to an earthquake.**

The Senate was scheduled for a 2:30 p.m. pro forma on August 23, 2011. The earthquake tremors struck the Washington region at approximately 1:51 p.m. The Senate instead convened at 3:30 p.m. in the Postal Square Building. On August 23, 2011,<sup>(33)</sup> the following occurred:

The Senate met at 3:30 p.m. and 9 seconds and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

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APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER.<sup>(34)</sup> The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, August 23, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

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RECESS UNTIL AUGUST 26, 2011 AT 11:15 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11:15 a.m. on Friday.

Whereupon, the Senate, at 3:30 and 37 seconds, recessed until Friday, August 26, 2011, at 11:15 a.m.

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**33.** 157 CONG. REC. 12952, 112th Cong. 1st Sess.

**34.** Chris Coons (DE).



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