

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.

§ 2.6 Following the mid-Congress election of a new Speaker,⁽¹⁶⁴⁾ the Chair announced that the Speaker’s announced policies with respect to particular aspects of the legislative process placed in the *Congressional Record* on opening day of that Congress,⁽¹⁶⁵⁾ would continue in effect for the remainder of the Congress.⁽¹⁶⁶⁾

On October 29, 2015,⁽¹⁶⁷⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽¹⁶⁸⁾ The Chair would take this occasion to note that the Speaker’s announced policies with respect to particular aspects of the legislative process placed in the RECORD on January 6, 2015, will continue in effect for the remainder of the 114th Congress.

§ 3. Power of Appointment

As noted in the historical overview,⁽¹⁾ it was formerly the case that the Speaker of the House alone possessed the authority to assign Members to the standing committees of the House.⁽²⁾ However, this power, exercised by Speakers throughout the 19th century, was eliminated in the “revolt” against Speaker Joseph Cannon in 1910. Since that time, the Speaker’s appointment authority has been narrowed but remains present in a number of different areas.

With respect to select committees of the House, or joint committees of the House and Senate, the Speaker retains authority to appoint Members of the House to such committees, pursuant to clause 11 of rule I.⁽³⁾ This same

164. See § 1.2, *supra*.

165. See 161 CONG. REC. 61–63, 114th Cong. 1st Sess (Jan. 6, 2015).

166. *Parliamentarian’s Note*: These policies announced at the beginning of a Congress primarily concern voluntary protocols for the Speaker’s exercise of discretionary authorities. Newly-elected Speakers thus must reaffirm any such policies announced by their predecessors.

167. 161 CONG. REC. H7340 [Daily Ed.], 114th Cong. 1st Sess.

168. Mac Thornberry (TX).

1. See § 1, *supra*.

2. For the role of party organizations in assigning Members to committees, see *Precedents* (Wickham) Ch. 3 § 8. For committees generally, see *Deschler’s Precedents* Ch. 17 and *Precedents* (Wickham) Ch. 17.

3. *House Rules and Manual* § 637 (2019). See also *Deschler’s Precedents* Ch. 6 §§ 6.6–6.13 and *Deschler’s Precedents* Ch. 17 §§ 10.1–10.7. The membership requirements of the

clause authorizes the Speaker to remove Members from select committees, or appoint additional Members subsequent to the original appointment.⁽⁴⁾

Regarding the Committee on Ethics, the Speaker and the Minority Leader each appoint Members to a pool of Members available to serve on investigatory subcommittees when such subcommittees are formed to review ethics cases.⁽⁵⁾ When a member of the Committee on Ethics becomes ineligible to serve or is otherwise disqualified from service, the Speaker is authorized to appoint a replacement from the same political party.⁽⁶⁾

Pursuant to clause 2(e) of rule X,⁽⁷⁾ the Speaker may (with the approval of the House) appoint special ad hoc oversight committees “for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.”

With respect to conference committees formed to resolve differences between House and Senate versions of legislation, the Speaker has the authority to appoint all House conferees. However, clause 11 of rule I establishes certain guidelines that the Speaker must follow regarding which Members should be appointed to conference committees.⁽⁸⁾ The Speaker may remove conferees at any time, and may appoint additional conferees after the initial appointment. Pursuant to clause 12(b) of rule XXII,⁽⁹⁾ when a conference report falls to a point of order, the conference report is considered rejected, the House is deemed to have requested a new conference, and the Speaker is authorized to appoint new conferees without intervening motion.

Certain ceremonial occasions may call for the establishment of escort or notification committees, and the Speaker typically makes such appointments for the House. For example, an escort committee is appointed to accompany foreign dignitaries who have been invited to address the House in a joint meeting.⁽¹⁰⁾ A committee of notification is traditionally appointed to inform the President that the House has begun a legislative session⁽¹¹⁾ or is preparing to adjourn *sine die* to end the session.⁽¹²⁾

Permanent Select Committee on Intelligence are found in clause 11 of rule X. *House Rules and Manual* § 785 (2019).

4. *House Rules and Manual* § 637 (2019).
5. Rule X, clause 5(a)(4)(A), *House Rules and Manual* § 759 (2019).
6. Rule XI, clause 3(b), *House Rules and Manual* § 806 (2019).
7. *House Rules and Manual* § 743 (2019).
8. *House Rules and Manual* § 637 (2019). For more on these guidelines, see § 4, *infra*. See also Deschler’s Precedents Ch. 6 §§ 6.14–6.20 and Deschler’s Precedents Ch. 33 §§ 5–8.
9. *House Rules and Manual* § 1093 (2019).
10. See Deschler’s Precedents Ch. 3 §§ 21.7, 21.8 and Deschler’s Precedents Ch. 36 § 23.
11. See Precedents (Wickham) Ch. 1 § 5.1; Precedents (Wickham) Ch. 3 §§ 3, 6; Deschler’s Precedents Ch. 1 § 7.1; and Deschler’s Precedents Ch. 3 §§ 3.15, 21.3, 21.4, and 24.2.
12. See Precedents (Wickham) Ch. 3 §§ 3, 6; Deschler’s Precedents Ch. 3 §§ 12.2, 21.5, and 21.6; and Deschler’s Precedents Ch. 40 §§ 17.1, 17.2.

As noted elsewhere,⁽¹³⁾ the Speaker appoints Speakers pro tempore to preside over the House in the absence of the Speaker. The Speaker also appoints the chair of the Committee of the Whole when the House conducts business in that forum,⁽¹⁴⁾ and appoints tellers for vote counting should the House conduct votes by that method.⁽¹⁵⁾

Several House officials are appointed by the Speaker pursuant to the standing rules.⁽¹⁶⁾ Under clause 7 of rule II,⁽¹⁷⁾ the Speaker appoints the House Historian and other employees of the Office of the Historian. Under clause 8(a) of rule II,⁽¹⁸⁾ the Speaker appoints the House General Counsel and other employees of the Office of General Counsel. Under clause 6(b) of rule II,⁽¹⁹⁾ the Inspector General of the House is appointed jointly by the Speaker, the Majority Leader, and the Minority Leader. Other officials are appointed pursuant to statute. The Speaker appoints the Law Revision Counsel,⁽²⁰⁾ the House Legislative Counsel,⁽²¹⁾ the House Parliamentarian,⁽²²⁾ and the Director of Interparliamentary Affairs.⁽²³⁾ The Speaker, together with the President pro tempore of the Senate, appoints the Director of the Congressional Budget Office.⁽²⁴⁾ In the 116th Congress, separate orders of the House contained in the resolution adopting the standing rules created additional new positions to be appointed by the Speaker: the Director of the Office of Diversity and Inclusion, and the Whistleblower Ombudsman.⁽²⁵⁾

13. See Division B, *infra*. See also Deschler's Precedents Ch. 6 §§ 9–14.

14. Rule XVIII, clause 1, *House Rules and Manual* § 970 (2019). See also Deschler's Precedents Ch. 6 §§ 6.1, 6.2.

15. Rule XX, clause 4(a), *House Rules and Manual* § 1019 (2019). See also Deschler's Precedents Ch. 6 §§ 6.21, 6.24 and Deschler's Precedents Ch. 30 § 31.10.

16. *Parliamentarian's Note*: Under a former rule, the House established a "Corrections Calendar" for particular kinds of business, and the Speaker was authorized to appoint employees of the Corrections Calendar Office, after consultation with the Minority Leader. See § 30.1, *infra*. The Corrections Calendar was abolished in the 109th Congress (H. Res. 5, 151 CONG. REC. 43, 109th Cong. 1st Sess. (Jan. 4, 2005)). See § 30, *infra*. A former elected officer position, the Director of Non-Legislative and Financial Services, was appointed jointly by the Speaker, the Majority Leader, and the Minority Leader, before the elimination of the position in the 104th Congress. See § 13, *infra*.

17. *House Rules and Manual* § 669 (2019).

18. *House Rules and Manual* § 670 (2019).

19. *House Rules and Manual* § 667 (2019).

20. 2 U.S.C. § 285c. See also § 22, *infra*.

21. 2 U.S.C. § 282. See also § 21, *infra*.

22. 2 U.S.C. § 287a. See also § 18, *infra*.

23. 2 U.S.C. § 5582(c)(1). See also § 3.7, *infra*.

24. 2 U.S.C. § 601(a)(2). See also § 3.6, *infra*.

25. H. Res. 6, 165 CONG. REC. H22 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

The officers of the House (the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain) are not appointed by the Speaker but are instead elected by the full House pursuant to nominating resolutions offered by the party caucuses.⁽²⁶⁾ However, when one of these offices becomes vacant, the Speaker has the authority by law to appoint a temporary replacement until a new officer can be elected.⁽²⁷⁾ Clause 1 of rule II⁽²⁸⁾ permits the Speaker or the House to remove the Clerk, Sergeant-at-Arms, or Chief Administrative Officer.

Finally, the Speaker is authorized by numerous statutes to appoint individuals to a variety of boards, commissions, and external committees.⁽²⁹⁾ For example, the Speaker appoints Members to the United States Capitol Preservation Commission,⁽³⁰⁾ the House Office Building Commission,⁽³¹⁾ the Commission on Civil Rights,⁽³²⁾ and similar groups. Some of these appointments require consultation with, or the concurrence of, the Majority Leader and/or the Minority Leader.

Appointments to Select Committees

§ 3.1 Pursuant to clause 11 of rule I,⁽³³⁾ the Speaker appoints all Members to select committees established by the House.

On September 26, 2005,⁽³⁴⁾ the Chair announced the Speaker's appointment of a Member to serve on the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:

The SPEAKER pro tempore.⁽³⁵⁾ Pursuant to section 2(a) of House Resolution 437, 109th Congress, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina to fill an existing vacancy thereon:

Mr. MILLER, Florida

§ 3.2 Pursuant to clause 11 of rule X⁽³⁶⁾ and clause 11 of rule I,⁽³⁷⁾ as well as “recess appointment” authority, the Speaker appoints Members to the Permanent Select Committee on Intelligence.

26. See § 13, *infra*. See also Precedents (Wickham) Ch. 3 § 2.

27. 2 U.S.C. § 5501. See also Deschler's Precedents Ch. 6 § 6.25.

28. *House Rules and Manual* § 640 (2019).

29. See Deschler's Precedents Ch. 6 §§ 6.3–6.5. See also §§ 3.3–3.5, *infra*.

30. 2 U.S.C. § 2081.

31. 2 U.S.C. § 2001.

32. 42 U.S.C. § 1975 note.

33. *House Rules and Manual* § 637 (2019).

34. 151 CONG. REC. 21178, 109th Cong. 1st Sess.

35. John Boozman (AR).

36. *House Rules and Manual* § 765 (2019).

37. *House Rules and Manual* § 637 (2019).

On January 3, 2013,⁽³⁸⁾ the following announcement was made:

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON
INTELLIGENCE

The SPEAKER pro tempore.⁽³⁹⁾ Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of today, the Chair announces the Speaker's appointment of the following members of the House to the Permanent Select Committee on Intelligence:

Mr. ROGERS, Michigan, Chairman

Mr. RUPPERSBERGER, Maryland

Appointment to Boards and Commissions

§ 3.3 The Speaker, the Majority Leader, and the Minority Leader are typically authorized by unanimous consent to accept resignations and to make appointments to commissions, boards, and external committees during a Congress.

On January 3, 2017,⁽⁴⁰⁾ the following unanimous-consent request was transacted:

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO AC-
CEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE 115TH
CONGRESS

Mr. [Kevin] McCARTHY [of California]. Mr. Speaker, I ask unanimous consent that, during the 115th Congress, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore.⁽⁴¹⁾ Is there objection to the request of the gentleman from California?

There was no objection.

§ 3.4 Pursuant to law⁽⁴²⁾ as well as “recess appointment” authority,⁽⁴³⁾ the Speaker may appoint Members to external boards and commissions, such as the British–American Interparliamentary Group.

On March 26, 2015,⁽⁴⁴⁾ the following appointments were announced:

38. 159 CONG. REC. 44, 113th Cong. 1st Sess.

39. Mac Thornberry (TX).

40. 163 CONG. REC. H29 [Daily Ed.], 115th Cong. 1st Sess.

41. Steve Womack (AR).

42. 22 U.S.C. § 276.

43. 161 CONG. REC. 60, 114th Cong. 1st Sess. (Jan. 6, 2015).

44. 161 CONG. REC. 4563, 114th Cong. 1st Sess.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY
GROUP

The SPEAKER pro tempore.⁽⁴⁵⁾ The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276, and the order of the House of January 6, 2015, of the following Members on the part of the House to the British-American Interparliamentary Group:

Mr. CRENSHAW, Florida, Chairman

Mr. LATTA, Ohio

Mr. ADERHOLT, Alabama

Mr. HOLDING, North Carolina

Mr. WHITFIELD, Kentucky

Mr. ROE, Tennessee

§ 3.5 Pursuant to resolution,⁽⁴⁶⁾ as well as “recess appointment” authority,⁽⁴⁷⁾ the Speaker appointed two individuals to fill vacancies on the Governing Board of the Office of Congressional Ethics, one nominated by the Speaker with the concurrence of the Minority Leader and one nominated by the Minority Leader with the concurrence of the Speaker.⁽⁴⁸⁾

On January 8, 2014,⁽⁴⁹⁾ the following appointments were announced:

APPOINTMENT OF INDIVIDUALS TO SERVE ON THE GOVERNING BOARD OF
THE OFFICE OF CONGRESSIONAL ETHICS

The SPEAKER pro tempore.⁽⁵⁰⁾ The Chair announces the Speaker's appointment, pursuant to section 4(d) of House Resolution 5, 113th Congress, and the order of the House of January 3, 2013, of the following individuals to serve on the Governing Board of the Office of Congressional Ethics.

Nominated by the Speaker with the concurrence of the minority leader:

Ms. Judy Biggert, Illinois, Alternate, for the remainder of the term of Mr. Bill Frenzel.

Nominated by the minority leader with the concurrence of the Speaker:

Brigadier General (retired) Belinda Pinckney, Virginia, for the remainder of the term of Mrs. Yvonne Brathwaite Burke.

45. John Ratcliffe (TX).

46. H. Res. 5, 159 CONG. REC. 27, 113th Cong. 1st Sess. (Jan. 3, 2013).

47. 159 CONG. REC. 28, 113th Cong. 1st Sess. (Jan. 3, 2013).

48. *Parliamentarian's Note*: In the 115th and 116th Congresses, the requirement of “concurrence” was changed to “consultation” only. See, e.g., 165 CONG. REC. H22 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

49. 160 CONG. REC. 142, 113th Cong. 2d Sess. See also 159 CONG. REC. 499, 113th Cong. 1st Sess. (Jan. 23, 2013).

50. Roger Williams (TX).

Appointment of Officials**§ 3.6 The Director of the Congressional Budget Office is appointed jointly by the Speaker of the House and the President pro tempore of the Senate for a four-year term.⁽⁵¹⁾**

On February 27, 2015,⁽⁵²⁾ the following appointment was announced:

COMMUNICATION FROM THE PRESIDENT PRO TEMPORE OF THE SENATE
AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Honorable ORRIN G. HATCH, President Pro Tempore of the Senate, and the Honorable JOHN A. BOEHNER, Speaker of the House of Representatives:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 27, 2015.

§ 3.7 Pursuant to law,⁽⁵³⁾ the Speaker appoints the Director of Interparliamentary Affairs.

On September 22, 2011,⁽⁵⁴⁾ the following appointment was announced:

APPOINTMENT OF DIRECTOR OF OFFICE OF INTERPARLIAMENTARY AFFAIRS

The SPEAKER.⁽⁵⁵⁾ Pursuant to section 103(c) of Public Law 108–83, the Speaker appoints Janice C. Robinson as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

§ 4. Restrictions on the Speaker's Authority

The Speaker of the House is one of the institution's most powerful figures, having been granted numerous prerogatives and discretionary authorities by the standing rules and precedents of the House. However, these same rules and precedents also impose limitations or restrictions on how the Speaker exercises the powers and prerogatives of the office. In essence, the Speaker's power is not absolute.

51. *Parliamentarian's Note*: Section 201(a) of the Congressional Budget Act (2 U.S.C. § 601) establishes the Congressional Budget Office and requires its Director to be appointed jointly by the Speaker and the President pro tempore of the Senate upon recommendations from the Committees on the Budget, as a nonpartisan official for a four-year term.

52. 161 CONG. REC. 2894, 114th Cong. 1st Sess.

53. 2 U.S.C. § 5582.

54. 157 CONG. REC. 14165, 112th Cong. 1st Sess.

55. John Boehner (OH).