

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 5, 2010.

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.

Presiding Over Joint Meetings

§ 11.8 A designated Speaker pro tempore may preside over a joint meeting of the House and Senate.

On April 6, 2005,⁽⁴⁴⁾ a designated Speaker pro tempore presided over a joint meeting:

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY VIKTOR YUSHCHENKO, PRESIDENT OF UKRAINE

The Speaker pro tempore (Mr. [Tom] DELAY [of Texas]) presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker pro tempore, and the Members of the Senate the seats reserved for them.

The SPEAKER pro tempore. The Chair appoints as member of the committee on the part of the House to escort His Excellency Viktor Yushchenko into the Chamber: . . .

JOINT MEETING DISSOLVED

The SPEAKER pro tempore. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 44 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

§ 12. Election of a Speaker Pro Tempore; Authorities

As noted in Section 8, a Speaker pro tempore may either be appointed by the Speaker or elected by the House. However, under modern practice,

44. 151 CONG. REC. 5711–14, 109th Cong. 1st Sess. See Deschler's Precedents Ch. 36 § 23.3.

the election of a Speaker pro tempore does not occur with great frequency.⁽¹⁾ The lack of Speaker pro tempore elections in recent years can be attributed to several factors. Perhaps the most consequential factor has been amendments to the rules of the House that provide standing authority to appoint Speakers pro tempore for certain purposes—duties that in prior years could not be exercised by a designated Speaker pro tempore. For example, until the 99th Congress in 1985, a designated Speaker pro tempore could not sign enrollments⁽²⁾ and the House would often choose instead to elect a Speaker pro tempore to carry out this function.⁽³⁾

Additionally, the House has in recent years adopted resolutions waiving the temporal limit contained in clause 8(a) of rule I.⁽⁴⁾ The use of such waivers has obviated the need for the House to elect Speakers pro tempore during extended absences of the Speaker.⁽⁵⁾

In the case of illness, the Speaker may appoint a Member to perform the duties of the Chair, for a period not to exceed ten days pursuant to clause 8(b)(1) of rule I.⁽⁶⁾ If the Speaker is absent and has omitted to make such an appointment, the House shall elect a Speaker pro tempore in the Speaker's absence.⁽⁷⁾

In addition, the House has adopted continuity of operations provisions in its rules that account for the possible extended absence, incapacity, or death of the Speaker. Clause 8(b)(3)(A) of rule I,⁽⁸⁾ provides that in the case of a vacancy in the Office of Speaker, a pre-designated Speaker pro tempore “shall act as Speaker” and “may exercise such authorities of the Office of Speaker as may be necessary and appropriate” until the election of a Speaker or Speaker pro tempore. These provisions effectively establish a line of succession for the speakership, thus avoiding the need to address these issues on an ad hoc basis via the election of temporary Speakers pro tempore.⁽⁹⁾

1. *Parliamentarian's Note*: Since 1985, there have only been five Speakers pro tempore elected by the House. See 139 CONG. REC. 20950, 103d Cong. 1st Sess. (Sept. 13, 1993); 142 CONG. REC. 16130, 104th Cong. 2d Sess. (July 8, 1996); 142 CONG. REC. 26593, 104th Cong. 2d Sess. (Sept. 30, 1996); 144 CONG. REC. 3800, 105th Cong. 2d Sess. (Mar. 17, 1998); and § 12.1, *infra*.
2. See 6 Cannon's Precedents § 274 and 2 Hinds' Precedents § 1401. See also § 10.6, *supra*.
3. See Deschler's Precedents Ch. 6 § 13.2.
4. *House Rules and Manual* § 632 (2019).
5. See, e.g., H. Res. 513, 163 CONG. REC. H7325 [Daily Ed.], 115th Cong. 1st Sess. (Sept. 13, 2017).
6. *House Rules and Manual* § 632 (2019). See 144 CONG. REC. 3800, 105th Cong. 2d Sess. (Mar. 17, 1998). See also Deschler's Precedents Ch. 6 §§ 14.1, 14.2.
7. Rule I, clause 8(b)(1), *House Rules and Manual* § 632 (2019). See also Deschler's Precedents Ch. 6 §§ 14.3–14.5.
8. *House Rules and Manual* § 632 (2019).
9. *Parliamentarian's Note*: Under prior practice, if the Speaker of the House died in office, the Clerk of the House would convene the House on the next legislative day and preside over the election of a new Speaker. See Deschler's Precedents Ch. 1 § 6.7.

Authorities

An elected Speaker pro tempore wields virtually all of the same authorities as the Speaker, and thus, unlike a designated Speaker pro tempore, is not simply a temporary replacement called to the chair for a limited purpose. An elected Speaker pro tempore takes the oath of office upon his or her election, signifying that the authorities of the speakership are being conferred upon such individual. As a result, the unanimous consent of the House is not required for an elected Speaker pro tempore to undertake regular duties normally performed by the Speaker. However, where the Speaker must be authorized by the House to take some action, an elected Speaker pro tempore must also be so authorized.⁽¹⁰⁾

An elected Speaker pro tempore exercises the same appointment authorities as the Speaker, and thus may (without the unanimous consent of the House) appoint Members to select, joint, or conference committees, or external boards and commissions.⁽¹¹⁾ By contrast, a designated Speaker pro tempore must obtain unanimous consent to make such appointments. If that request draws objection, the House may choose to elect a Speaker pro tempore in order to make the appointments.⁽¹²⁾

An elected Speaker pro tempore may administer the oath of office to Members—elect.⁽¹³⁾ An elected Speaker pro tempore may preside over joint sessions or joint meetings.⁽¹⁴⁾ The Speaker's authority to appoint or designate Speakers pro tempore is itself a power that may be exercised by an elected Speaker pro tempore. Thus, elected Speakers pro tempore may themselves appoint other Members to preside over the House (or for other purposes, such as signing enrollments).⁽¹⁵⁾

10. *Parliamentarian's Note*: In several areas, the Speaker's authorities have expanded in recent years, and these authorities generally may be exercised by an elected Speaker pro tempore without unanimous consent. For example, it was formerly the case that the Speaker would need to be formally authorized by the House to declare certain recesses. Thus, an elected Speaker pro tempore would likewise have to be authorized to declare those recesses. See Deschler's Precedents Ch. 6 §§ 14.15, 14.16. However, beginning in the 103d Congress, the Speaker has had broad authority to declare recesses when no question is pending. Rule I, clause 12(a), *House Rules and Manual* § 638 (2019). Thus, an elected Speaker pro tempore would be able to declare recesses pursuant to that rule, and unanimous consent is not required. A similar situation prevails with regard to signing enrollments during adjournments of the House. See Deschler's Precedents Ch. 6 § 14.14.

11. See Deschler's Precedents Ch. 6 §§ 14.9–14.11, and 14.13.

12. See, e.g., 130 CONG. REC. 17708, 98th Cong. 2d Sess. (June 21, 1984).

13. Deschler's Precedents Ch. 6 § 14.8. See also § 12.4, *infra*.

14. See Deschler's Precedents Ch. 6 § 14.12.

15. See 2 Hinds' Precedents § 1384 and 6 Cannon's Precedents § 275. See also § 12.3, *infra*.

Election Procedure

The election of a Speaker pro tempore normally proceeds by the adoption of a simple resolution declaring that a Member has been duly elected by the House.⁽¹⁶⁾ Such resolutions are privileged for consideration,⁽¹⁷⁾ and, due to their uncontroversial nature, are typically adopted with little or no debate.⁽¹⁸⁾ When the need to elect a Speaker pro tempore is known in advance (*i.e.*, the Speaker's travel schedule requires an extended absence from Washington, D.C.), the Speaker may personally invite a Member to offer the requisite resolution.⁽¹⁹⁾ Upon the election of a Speaker pro tempore, both the President and the Senate are notified of said election.⁽²⁰⁾

The rules and precedents impose no restrictions on who may be elected as Speaker pro tempore.⁽²¹⁾ A Member previously designated by the Speaker to act as Speaker pro tempore may be elected to that position.⁽²²⁾ When the election of a Speaker pro tempore was a more frequent occurrence, it was common for a majority party leader (*i.e.*, the Majority Leader⁽²³⁾ or Majority Whip)⁽²⁴⁾ to be elected as a Speaker pro tempore.⁽²⁵⁾ On February 6, 1996, a female Member of the House was elected as Speaker pro tempore for the first time.

Electing Members as Speaker Pro Tempore**§ 12.1 A Speaker pro tempore is elected by the House via adoption of a privileged resolution, and upon election, the Speaker pro tempore is administered the oath of office.**

16. See, *e.g.*, 144 CONG. REC. 3800, 105th Cong. 2d Sess. (Mar. 17, 1998). See also Deschler's Precedents Ch. 6 § 14.1. Under older practice, the election of a Speaker pro tempore could take place via a motion to that effect. See 2 Hinds' Precedents § 1380.
17. See 125 CONG. REC. 37317, 96th Cong. 1st Sess. (Dec. 20, 1979).
18. See, *e.g.*, Deschler's Precedents Ch. 6 § 14.1.
19. See Deschler's Precedents Ch. 6 §§ 14.3–14.5.
20. See Deschler's Precedents Ch. 6 § 14.2. Directions to the Clerk to make such notifications are typically included in the resolution electing the Speaker pro tempore. Earlier practice shows some variance with regard to these notifications. 2 Hinds' Precedents §§ 1406–1412.
21. *Parliamentarian's Note*: Just as there is no constitutional requirement that the Speaker of the House be chosen from the sitting membership, there is similarly no positive requirement that an elected Speaker pro tempore be a Member of the House. However, no non-Member has ever been elected Speaker or Speaker pro tempore.
22. See Deschler's Precedents Ch. 6 § 14.6 (a designated Speaker pro tempore is "normally" elected to the position when the need arises). See also Deschler's Precedents Ch. 6 § 14.7 (on "rare occasions" a Member other than the designated Speaker pro tempore is elected Speaker pro tempore).
23. See, *e.g.*, 144 CONG. REC. 3800, 105th Cong. 2d Sess. (Mar. 17, 1998).
24. See, *e.g.*, 130 CONG. REC. 32340, 98th Cong. 2d Sess. (Oct. 12, 1984).
25. See § 12.1, *infra*. The second female Member to assume the position was elected on July 8, 1996. See 142 CONG. REC. 16130, 104th Cong. 2d Sess.

On February 6, 1996,⁽²⁶⁾ the following occurred:⁽²⁷⁾

Mr. [Thomas] DAVIS [of Virginia]. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 363

Resolved, That the Honorable CONSTANCE A. MORELLA, a Representative from the State of Maryland, be, and she is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than Tuesday, February 27, 1996.

SEC. 2. The Clerk of the House shall notify the President and the Senate of the election of the Honorable CONSTANCE A. MORELLA as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**SWEARING IN OF THE HONORABLE CONSTANCE A. MORELLA AS SPEAKER
PRO TEMPORE DURING ABSENCE OF THE SPEAKER**

The SPEAKER pro tempore.⁽²⁸⁾ Will the gentleman from Virginia [Mr. DAVIS] please come to the well of the House and administer the oath of office.

Mrs. [Constance] MORELLA [of Maryland] took the oath of office administered to her by the gentleman from Virginia [Mr. DAVIS] 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.

§ 12.2 The Majority Leader was elected Speaker pro tempore during the absence of the Speaker and was administered the oath by the Speaker.

On April 12, 1984,⁽²⁹⁾ Majority Leader Jim Wright was elected Speaker pro tempore and Speaker Thomas O'Neill administered the oath to him:

**ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE
ABSENCE OF THE SPEAKER**

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 488) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That the Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

26. 142 CONG. REC. 2335, 104th Cong. 2d Sess.

27. *Parliamentarian's Note*: Rep. Morella was the first woman to be elected as Speaker pro tempore.

28. Richard Armey (TX).

29. 130 CONG. REC. 9515–16, 98th Cong. 2d Sess.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.
A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING
THE ABSENCE OF THE SPEAKER

The SPEAKER.⁽³⁰⁾ The gentleman from Texas (Mr. WRIGHT) will take the chair.
Mr. WRIGHT assumed the chair and took the oath of office administered to him by the Speaker, the gentleman from Massachusetts (Mr. O'NEILL).

Designating a Speaker Pro Tempore

§ 12.3 An elected Speaker pro tempore may designate a Speaker pro tempore⁽³¹⁾ pursuant to clause 8(a) of rule I.⁽³²⁾

On February 23, 1996,⁽³³⁾ the following designation was made:

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. [Thomas] DAVIS [of Virginia].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 20, 1996.

I hereby designate the Honorable THOMAS M. DAVIS to act as Speaker pro tempore on Friday, February 23, 1996.

CONSTANCE A. MORELLA,
*Speaker pro tempore of the
House of Representatives.*

Administration of the Oath of Office to Members

§ 12.4 An elected Speaker pro tempore may administer the oath of office to a Member-elect.

30. Thomas O'Neill (MA).

31. *Parliamentarian's Note*: A Speaker pro tempore elected pursuant to clause 8(b)(1) of rule I, may in turn designate another Member to act as Speaker pro tempore on the same terms as the Speaker.

32. *House Rules and Manual* § 632 (2019).

33. 142 CONG. REC. 2807, 104th Cong. 2d Sess. See also *House Rules and Manual* § 634 (2019).

On March 17, 1998,⁽³⁴⁾ the following occurred:

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. [Richard] ARMEY [of Missouri]) 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, DC.

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 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 22nd 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.

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:

34. 144 CONG. REC. 3835–36, 105th Cong. 2d Sess. See also Precedents (Wickham) Ch. 2 § 3.12 and Deschler's Precedents Ch. 6 § 14.8. An elected Speaker pro tempore does not need the approval of the House to administer the oath of office to a Member-elect. However, a designated Speaker pro tempore would need the approval of the House to administer an oath to a Member. See § 11, *supra*.

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 Congress of the United States.

C. Elected House Officers

§ 13. In General

Although the U.S. Constitution provides that the House “shall chuse their Speaker and other Officers,”⁽¹⁾ it does not enumerate these additional officers nor specify their duties. Pursuant to clause 1 of rule II,⁽²⁾ the officers of the House (other than Speaker) are the Clerk,⁽³⁾ the Sergeant-at-Arms,⁽⁴⁾ the Chief Administrative Officer (CAO),⁽⁵⁾ and the Chaplain.⁽⁶⁾ Pursuant to clause 4(d)(1)(A) of rule X,⁽⁷⁾ the Committee on House Administration provides policy direction for the Clerk, Sergeant-at-Arms, and CAO. Although the House has established different positions throughout its history, the principal officers of the House have remained remarkably static over the centuries.

Historical Background

When the First Congress met in 1789, the House quickly established the positions of Clerk,⁽⁸⁾ Doorkeeper, Assistant Doorkeeper,⁽⁹⁾ and (some weeks

1. U.S. Const. art. I, § 2, cl. 5; *House Rules and Manual* § 26 (2019).
2. *House Rules and Manual* § 640 (2019).
3. See § 14, *infra*.
4. See § 15, *infra*.
5. See § 17, *infra*.
6. See § 16, *infra*.
7. *House Rules and Manual* § 752 (2019).
8. 1 ANNALS OF CONG. 100, 1st Cong. 1st Sess. (Apr. 1, 1789). When the first rules were adopted, several provisions therein pertained to the duties of the Clerk. See 1 ANNALS OF CONG. 102–106, 1st Cong. 1st Sess. (Apr. 7, 1789).
9. 1 ANNALS OF CONG. 101, 1st Cong. 1st Sess. (Apr. 2, 1789). The Assistant Doorkeeper was an elected position as late as 1821, but was abolished soon thereafter. See 1 Hinds’ Precedents § 187 (fn. 1).