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Officers, Officials, and Employees

A. The Speaker

§ 1. Definition and Nature of Office

The Speaker of the United States House of Representatives is a unique figure in American government. The speakership is a position rife with contradictions and dual roles. On the one hand, the Speaker is an institutional representative, elected by a vote of the entire membership as the principal officer of the House.⁽¹⁾ On the other hand, the Speaker is a party official—the leader of a political group with a particular policy agenda.⁽²⁾ Like the Speaker of the House of Commons of the United Kingdom, the Speaker of the U.S. House has traditionally been a member of the same body over which he or she presides. Unlike the British Speaker, however, the U.S. Speaker does not renounce partisan affiliation, and continues to represent his or her district as a member of a particular political party. The Speaker in some ways stands aside from the legislative process, serving neither as chair nor even as a member of any standing committee and traditionally refraining from regular legislative activities (such as sponsoring legislation, engaging in debate, or voting).⁽³⁾ But in another sense, the Speaker is central to the legislative process in the House, presiding over the entire House and exercising considerable influence over the activities of the majority party to which he or she belongs.

As a result of these contradictory roles and responsibilities, each speakership is unique. The specific authorities vested in the Speaker of the House have varied considerably over time, from eras of relatively diffuse decision-making in the House to eras of tight centralization. The powers bestowed upon the Speaker by the membership, how the individual serving as Speaker exercises those powers, and the environment in which such individual operates, must all be taken in account when assessing what it means to be the Speaker of the House of Representatives.

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1. “The Speaker is said to represent all of the Members of the House...” Deschler’s Precedents Ch. 6 § 2.1.
 2. For more information on the role of party organizations in the House, see Precedents (Wickham) Ch. 3.
 3. See § 5, *infra*.

This division describes the nature of the Office of Speaker, outlines the Speaker's jurisdiction and duties,⁽⁴⁾ and illustrates limitations on the Speaker's power.⁽⁵⁾ For more information on the role of the Speaker during the assembly of Congress,⁽⁶⁾ the role of the Speaker in administering the oath to Members-elect,⁽⁷⁾ the duties of the Speaker with respect to House and Capitol facilities,⁽⁸⁾ and the role of the Speaker in recognizing Members and enforcing appropriate standards of decorum,⁽⁹⁾ the reader is encouraged to consult additional chapters in this series.

Historical Overview

Even a modest summary of the history of the speakership would exceed the scope of this publication, and the reader is encouraged to consult additional sources on individual Speakers or the speakership generally.⁽¹⁰⁾

For the purpose of documenting the Speaker's relationship to the legislative procedure of the House, it is sufficient to note that this relationship has evolved substantially since the House first began its proceedings in 1789. At the beginning of the 19th century, the Speaker was not seen as a particularly influential or important figure.⁽¹¹⁾ By the end of the century, however, the speakership had accumulated a variety of prerogatives, culminating in an era of powerful Speakers.⁽¹²⁾ With the "revolt" against Speaker

4. See §§ 2, 3, *infra*.

5. See § 4, *infra*.

6. See Precedents (Wickham) Ch. 1.

7. See Precedents (Wickham) Ch. 2.

8. See Precedents (Wickham) Ch. 4.

9. See Deschler's Precedents Ch. 29 and Precedents (Wickham) Ch. 29.

10. For a bibliography of works relating to the speakership, see DONALD R. KENNON, ED. *THE SPEAKERS OF THE U.S. HOUSE OF REPRESENTATIVES: A BIBLIOGRAPHY, 1789–1984* (Baltimore Johns Hopkins University Press 1986).

11. The first Speaker of the House, Frederick Muhlenberg of Pennsylvania, did not exercise much control over the proceedings, beyond serving as a neutral presiding officer consistent with British tradition. Speaker Henry Clay of Kentucky, first elected in the 12th Congress in 1811, is sometimes credited with dramatically increasing the power of the speakership. "Clay used both institutional and personal power to transform the office in several important ways." History of the House of Representatives, 1789–1994, H. Doc. 103–324, 103d Cong. 2d Sess. (1994), p. 100.

12. By the end of the 19th century, the Speaker chaired the Committee on Rules, assigned all Members to the standing committees of the House, and used the power of recognition to manage debate in the House. Speakers Thomas B. Reed of Maine and Joseph Cannon of Illinois were sometimes derided by opponents as "tsar" or "tyrant" for the perceived arbitrary exercise of these authorities. See RONALD M. PETERS, JR., *THE AMERICAN SPEAKERSHIP: THE OFFICE IN HISTORICAL PERSPECTIVE* (Johns Hopkins University Press 1990), pp. 62–87.

Joseph Cannon of Illinois in 1910, however, many institutional privileges of the speakership were either eliminated or transferred to other entities.⁽¹³⁾

The preeminence of the committee system throughout the middle decades of the 20th century was bolstered by both seniority rules and the relatively stable political coalitions that existed following the New Deal era.⁽¹⁴⁾ The institutional reforms of the 1970s returned some measure of power back to the speakership as the committee system was substantially restructured and the Committee on Rules began to assert more control over the legislative process.⁽¹⁵⁾ By the beginning of the 21st century, the authority of the Committee on Rules to provide for highly-structured consideration of legislation was widely acknowledged, and the Speaker's influence over the committee represents the primary avenue by which the Speaker affects the agenda of House business.⁽¹⁶⁾

Election of the Speaker

No matter the historical era or relative power of the speakership, the choice of Speaker has always been an important one for the House of Representatives. Article I, section 2, of the U.S. Constitution provides that the "House of Representatives shall chuse their Speaker,"⁽¹⁷⁾ but gives no further indication as to how the election of such individual should take place. This lacuna has been filled by customs and traditions, House rules and precedents, and certain statutory requirements.

On opening day of a new Congress, the Speaker has not yet been elected, and thus cannot preside over the membership at organization.⁽¹⁸⁾ Instead, by long-standing custom (fortified by standing rules and certain statutory authorities), the Clerk of the House for the preceding Congress convenes the

13. As a result of the changes to the standing rules put in place by the opponents of Speaker Cannon, the Speaker was removed from the Committee on Rules, and the Speaker's authority to assign Members to committees was transferred to the party caucuses. With much of the Speaker's former power exercised by the majority party caucus, the period following Speaker Cannon is sometimes referred to as the era of "King Caucus." A History of the Committee on Rules, Committee Print, 97th Cong. 2d Sess. (1983), p. 98.

14. The Democratic party was the majority party in the House of Representatives for all but two Congresses between the 73d Congress (1933–1935) and the 103d Congress (1993–1994).

15. For more on these reforms, see § 30, *infra*.

16. See, e.g., Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 19(A)(1) and Republican Conference, 115th Cong., Rule 12(b)(1).

17. *House Rules and Manual* § 26 (2019).

18. For more on the status of the House at organization generally, see Precedents (Wickham) Ch. 1.

House and establishes that a quorum of Members—elect have assembled to begin the legislative session.⁽¹⁹⁾ Once this initial quorum is established, the Clerk then presides over the election of Speaker.⁽²⁰⁾ The election of Speaker is of the highest privilege and takes precedence over virtually any other business.⁽²¹⁾

Traditionally, each party caucus nominates an individual as that party's candidate for Speaker.⁽²²⁾ Although there is no requirement that the Speaker be a Member of the House, all Speakers have been chosen from the sitting membership. A Speaker must be elected by a majority of those voting,⁽²³⁾ and successive ballots are taken if no candidate receives a majority on the first ballot.⁽²⁴⁾ Following the election, the Speaker—elect is escorted into the Chamber by a committee of Members—elect, he or she is presented with the Chair's gavel, and the oath of office is administered⁽²⁵⁾ by the Dean of the House (traditionally, the Member with the longest continuous service).⁽²⁶⁾

19. For more on the Clerk as a presiding officer, see § 14, *infra*. See also Precedents (Wickham) Ch. 1 § 3.

20. See Precedents (Wickham) Ch. 1 § 4. See also § 1.1, *infra*.

21. See Precedents (Wickham) Ch. 1 § 4.1.

22. *Parliamentarian's Note*: Although representatives of each party caucus typically nominate one individual as candidate for Speaker, any Member—elect may nominate any individual for the office. See, e.g., § 1.1, *infra* and Deschler's Precedents Ch. 3 § 3.3. Additionally, Members—elect are not required to vote for nominated candidates only, and may vote for any individual. Delegates and the Resident Commissioner cannot vote in the election of the Speaker. See 145 CONG. REC. 41–45, 106th Cong. 1st Sess. (Jan. 6, 1999). See also Precedents (Wickham) Ch. 1 § 4.2.

23. *Parliamentarian's Note*: In two instances the House chose a Speaker by a plurality of votes but confirmed the choice by majority vote. In 1849, the House had been in session 19 days without being able to elect a Speaker (no candidate having received a majority of the votes cast). Finally, after the 59th ballot, the House adopted a resolution declaring that a Speaker could be elected by a plurality. See 1 Hinds' Precedents § 221. In 1856, the House again struggled over the election of a Speaker. Ballots numbering 129 had been taken without any candidate receiving a majority of the votes cast. The House then adopted a resolution permitting the election to be decided by a plurality. See 1 Hinds' Precedents § 222. On both of these occasions, the House subsequently ratified the plurality election by a majority vote.

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

25. See 5 U.S.C. § 3331. See also Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2.

26. See 1 Hinds' Precedents §§ 131–133.

Resignation, Death or Removal of Speaker

The Speaker's term of office begins when the oath of office is taken and normally expires at the end of the Congress to which the Member was elected Speaker.⁽²⁷⁾ However, during a Congress, the Office of Speaker may become vacant due to the death of the Speaker,⁽²⁸⁾ the resignation of the Speaker,⁽²⁹⁾ or the removal of the Speaker by the House.⁽³⁰⁾

When the Office of Speaker becomes vacant due to the death of the incumbent (or, by the incumbent's physical inability to discharge the duties of the office), a Speaker pro tempore assumes the duties of the office pursuant to clause 8(b) of rule I.⁽³¹⁾ This facet of the standing rules was added in the 108th Congress in 2003, and requires the Speaker to provide a list of Members to act as Speaker pro tempore in the case of vacancy.⁽³²⁾

Prior to the adoption of this rule, were a Speaker to die in office, the House would be called to order on the next scheduled legislative day by the Clerk of the House. The House would then proceed to the election of a new Speaker.⁽³³⁾ The current rule thus maintains continuity of operations by providing that a pre-selected Member of the House (rather than the Clerk)

27. *Parliamentarian's Note*: In the 104th Congress, the standing rules were amended to provide that no one "may serve as Speaker for more than four consecutive Congresses." Former rule I, clause 7(b), *House Rules and Manual* § 633a (1995). However, this limitation was removed at the outset of the 108th Congress in 2003.
28. Five Speakers have died while in office: Michael C. Kerr of Indiana, Henry T. Rainey of Illinois, Joseph W. Byrns of Tennessee, William B. Bankhead of Alabama, and Samuel Rayburn of Texas. See Deschler's Precedents Ch. 38 §§ 2.2–2.4, 3.2, 4.1, 4.2, 5.4, 5.5, 6.10–6.12, 8.9, 9.4, and 10.6–10.8.
29. *Parliamentarian's Note*: Since 1869, only two individuals have resigned from the Office of Speaker: Speaker James Wright of Texas (Precedents (Wickham) Ch. 1 § 4.6) and Speaker John Boehner of Ohio (§ 1.2, *infra*). In each case, the resigning Speaker presided over the election of his successor, with the resignation becoming effective upon election of a new Speaker.
30. Jefferson's *Manual of Parliamentary Practice* states that "A Speaker may be removed at the will of the House." *House Rules and Manual* § 315 (2019). However, the House has never removed a Speaker before the expiration of his or her term. In the 116th Congress, the rule regarding questions of privilege was amended to provide that a resolution causing a vacancy in the Office of Speaker would only qualify if offered at the direction of a party caucus or conference. H. Res. 6, 165 CONG. REC. H17–H24 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).
31. *House Rules and Manual* § 632 (2019).
32. *Parliamentarian's Note*: Since the advent of this rule, no vacancy triggering the rule has arisen, and thus these procedures have not yet been utilized by the House. See Deschler's Precedents Ch. 38 § 2.2. After the death of any Member (including the Speaker), clause 2(i)(1) of rule II provides that the Clerk administer the Member's office until a successor is elected. See *House Rules and Manual* § 653 (2019).
33. See Deschler's Precedents Ch. 1 § 6.7 and Deschler's Precedents Ch. 38 § 2.4.

would be elevated (at least temporarily) to the position of Speaker upon the death of the incumbent Speaker. Such a Member would act as Speaker, and exercise all “necessary and appropriate” authorities until the House elects a new Speaker or Speaker pro tempore.⁽³⁴⁾

The Speaker may resign from the office at any time, and such resignation is not formally accepted by the House.⁽³⁵⁾ In the last two instances where a Speaker resigned during a Congress, such resignation was effective upon the election of a successor.⁽³⁶⁾ In both cases, the outgoing Speaker presided over the election of his successor, thus securing a seamless transition. Were the Speaker to resign without taking such steps, a pre-selected Speaker pro tempore would assume the duties of the office pursuant to the provisions of clause 8 of rule I described above.⁽³⁷⁾

The House retains the power to remove its Speaker at any time. A resolution declaring the Office of Speaker vacant may be offered as a question of the privileges of the House,⁽³⁸⁾ though it has only been used (unsuccessfully) on one occasion.⁽³⁹⁾ At the time of this writing, the House has never chosen

34. Rule I, clause 8(b)(3)(A), *House Rules and Manual* § 632 (2019).

35. See 1 Hinds’ Precedents §§ 225, 232. See also Deschler’s Precedents Ch. 37 § 9.

36. See §§ 1.2, 7.4, *infra*.

37. *Parliamentarian’s Note*: In the 19th century, the following Speakers of the House resigned from the office: Henry Clay in 1814 (to serve on the commission to negotiate an end to the War of 1812); Henry Clay in 1820 (to resume private law practice); Henry Clay in 1825 (to become Secretary of State under President John Quincy Adams); Andrew Stevenson in 1834 (to become U.S. ambassador to the United Kingdom); and Schuyler Colfax in 1869 (resigned on the last day of the Congress in order to be inaugurated as Vice President). Since the resignation of Speaker Colfax only two individuals have resigned the speakership: James Wright in 1989 and John Boehner in 2015.

38. 6 Cannon’s Precedents § 35.

39. *Parliamentarian’s Note*: In 1910, when Speaker Joseph Cannon’s rulings regarding the priority of business were overturned by the House, and amendments to the standing rules adopted over his objections, Cannon announced that it was evident that he no longer enjoyed the support of a majority of the House. Rather than resign the speakership (which, in his words, would constitute “a confession of weakness or mistake”), Cannon instead invited the membership to offer a resolution to declare the Office of Speaker vacant so that the House could choose a new Speaker if it so desired. Cannon’s effort was unprecedented in one sense: such a motion to declare the Office of Speaker vacant had never before been offered in the House. However, Cannon most likely based his action on prior precedents relating to the other elected officers of the House. For example, the House had in one instance taken up a resolution declaring the Office of the Doorkeeper vacant. 1 Hinds’ Precedents § 290. In another instance, the position of Postmaster of the House was declared vacant by resolution. 1 Hinds’ Precedents § 292. Thus, by Cannon’s time, it was well established that the House could remove any elected officer of the House via a resolution declaring that the office be deemed vacant, and

to remove a Speaker via a resolution declaring the Office of Speaker vacant.⁽⁴⁰⁾ In the 116th Congress, rule IX was amended to provide that a resolution “causing a vacancy in the Office of Speaker” shall only be considered privileged if offered at the direction of a party caucus or conference.⁽⁴¹⁾

Compensation and Benefits

Pursuant to law, the Speaker’s compensation and benefits are fixed at a higher rate as compared to other Members.⁽⁴²⁾ Statutes provide the Speaker with an expense allowance,⁽⁴³⁾ additional compensation for personal services in the Speaker’s Office,⁽⁴⁴⁾ and a “lump sum” allowance for the Speaker.⁽⁴⁵⁾ Statutory provisions also provide the Speaker with pension benefits keyed to the rate of compensation as Speaker (rather than as Member).⁽⁴⁶⁾

With respect to former Speakers of the House, it was previously the case that former Speakers were authorized by law to retain an office to “facilitate

either implicitly or explicitly calling for a new election to fill the vacancy. Furthermore, the issue of whether such a resolution constituted a valid question of the privileges of the House had also been settled by prior precedents: propositions to elect or remove officers of the House may be presented as questions of privilege. 1 Hinds’ Precedents § 284. In response to Speaker Cannon’s invitation, Rep. Albert Burleson of Texas (a Democratic Member) offered the following resolution: “*Resolved*, That the office of Speaker of the House of Representatives is hereby declared to be vacant, and the House of Representatives shall at once proceed to the election of a Speaker.” Speaker Cannon ruled that the resolution was a matter of “high constitutional privilege” but that it did yield to a motion to adjourn (which was offered by Rep. George Norris of Nebraska and rejected by the House). Subsequently, the immediate crisis regarding the rules of the House having been resolved, the Republican “insurgents” joined their fellow party members in rejecting the resolution, and Speaker Cannon retained his speakership.

40. *Parliamentarian’s Note*: In the 114th Congress, a resolution declaring the Office of Speaker vacant was introduced and referred to the Committee on Rules. H. Res. 385, 161 CONG. REC. 13076, 114th Cong. 1st Sess. (July 28, 2015). However, the resolution was never considered by the House.

41. H. Res. 6, 165 CONG. REC. H17–H24 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

42. Salaries for Members of the House (including the Speaker) are tied to the General Schedule. Schedule 6 addresses compensation for Senators and Members of Congress. Pursuant to this schedule, the Speaker of the House receives additional salary. See, e.g., Executive Order 13866. See also 2 U.S.C. § 4501. For Members’ salary and benefits generally, see Deschler’s Precedents Ch. 7 §§ 4–8 and Precedents (Wickham) Ch. 7. For an example of the House passing, under suspension of the rules, an increase in the base for computation of annuities of the Speaker, see § 29.2, *infra*. For an example of the House agreeing to a resolution authorizing additional funding for the Office of Speaker, see § 29.4, *infra*.

43. 2 U.S.C. § 5121.

44. 2 U.S.C. § 5122.

45. 2 U.S.C. § 5124.

46. See P.L. 93–260, 88 Stat. 76. See also § 29.4, *infra*.

the administration, settlement and conclusion” of matters related to the speakership, as well as an allowance to maintain said office and staff support.⁽⁴⁷⁾ The franking privilege, enjoyed by Members of Congress, was also extended to former Speakers. These benefits could be exercised by former Speakers up to five years after they left office. However, in the 115th Congress in 2018, these provisions of law were repealed and made inapplicable to Speakers serving in the 115th Congress or succeeding Congresses.⁽⁴⁸⁾ Under clause 2(i)(2) of rule II,⁽⁴⁹⁾ it was formerly the case that the Clerk would be authorized to maintain on the House payroll staff of a former Speaker for 60 days following the death of said former Speaker. However, in the 115th Congress, the statutory provisions supporting this authorization were repealed.⁽⁵⁰⁾

Election of the Speaker

§ 1.1 After establishing a quorum at the organizational session of a new Congress, the Clerk: (1) recognizes for nominations for the Office of Speaker (typically offered by the chairs of the major party caucuses);⁽⁵¹⁾ (2) appoints tellers for the election of Speaker; (3) calls the roll of Members-elect (in which they indicate their choices for Speaker by surname); (4) announces the result of the vote; and (5) appoints a committee to escort the Speaker-elect to the chair.

The proceedings of January 6, 2015,⁽⁵²⁾ typify the procedure by which the House exercises its constitutional duty to elect a Speaker:

ELECTION OF SPEAKER

The CLERK.⁽⁵³⁾ Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 114th Congress.

Nominations are now in order.

47. 2 U.S.C. §§ 5125–5129 (now repealed). Prior to the advent of these statutory provisions, the House would sometimes provide, via ad hoc resolutions, certain benefits for former Speakers. See Deschler’s Precedents Ch. 6 §§ 2.2–2.5.

48. See P.L. 115–244, 132 Stat. 2897.

49. *House Rules and Manual* § 653 (2019).

50. See P.L. 115–244, 132 Stat. 2897.

51. *Parliamentarian’s Note*: While the chairs of the respective major party caucuses typically nominate individuals for the Office of Speaker, other Members are not prohibited from placing additional names in nomination, as evidenced by the three additional nominations offered in these proceedings.

52. 161 CONG. REC. 29, 114th Cong. 1st Sess. See also Precedents (Wickham) Ch. 1 § 4.4.

53. Karen Haas.

The Clerk recognizes the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. [Cathy] MCMORRIS RODGERS [of Washington]. Madam Clerk, it is an honor to address the House at the start of the 114th Congress. If there is one thing I have learned as a legislator, it is that we cannot achieve great things alone. It takes a willingness to come together, find common ground, and advance solutions that make people's lives better. In that spirit, I welcome America's new Congress, one that will chart the path towards a government that is more open, transparent, and trustworthy.

To lead us on this path, the Republican Conference has nominated a man of great character and conviction. The second oldest of 12 children, he grew up mopping floors and waiting tables at his family's tavern. He ran a successful small business. He was elected to the Ohio State House and then this House, where he served as committee chairman, Republican Conference chairman, minority leader, majority leader, and Speaker. He is a reformer who works every day to make government more accountable to the people. For all of this, he calls himself a regular guy with a big job; and that job, he says, is to listen, because if we listen to the people, listen to one another, there is no telling what we can accomplish together for the future of this great country.

Madam Clerk, as chair of the Republican Conference and by unanimous vote of that conference, I present for election to the Office of Speaker of the House of Representatives for the 114th Congress the name of the Honorable JOHN A. BOEHNER, our dear friend and colleague, a Representative-elect from the State of Ohio.

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

Mr. [Xavier] BECERRA [of California]. Madam Clerk, first I would like to recognize each and every Member who has taken to this floor to represent the people of the United States and say congratulations to them and to all of their loved ones who are here witnessing this solemn event where we will have an opportunity to lead our country. We say congratulations to them as well.

Madam Clerk, I have the distinct pleasure of nominating someone who is a proven leader, someone who already will go down in history as one of the most effective Speakers the House of Representatives has ever seen, someone who has shown that it doesn't take a man to get the job done, that it can be done by an American who is devoted to this country, someone who knows her heritage, someone who has worked tirelessly for the American people, but someone who understands first and foremost that the job of this House is to get things done.

I have been empowered, Madam Clerk, to nominate on behalf of all working Americans, those Americans who still believe in the American Dream, to put the name of the gentlewoman from San Francisco who will serve again in the House of Representatives, put her name forward for the Office of Speaker of the House of Representatives for the 114th Congress. I, therefore, at this point put before you the name of NANCY PELOSI to serve as the Speaker of the House of Representatives.

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?

Mr. [Thomas] MASSIE [of Kentucky]. Madam Clerk, I present for election to the office of Speaker of the House of Representatives for the 114th Congress the name of the Honorable TED YOHO, a great defender of the Constitution and Representative-elect from the great State of Florida.

The CLERK. Are there further nominations?

Mr. [Jim] BRIDENSTINE [of Oklahoma]. Madam Clerk, I present for the election of the office of Speaker of the House of Representatives for the 114th Congress the name of Judge LOUIE GOHMERT, a Representative-elect from the great State of Texas.

Madam Clerk, Judge GOHMERT proudly serves the First District of Texas. He is serving his fifth term in the House of Representatives. Prior to being elected to serve in Congress, he was elected to three terms as district judge in Smith County and was appointed by Governor Rick Perry to be the chief justice of the 12th Court of Appeals.

Madam Clerk, this is not about Judge GOHMERT; it is about establishing a strong check on the executive branch. I think a quote applies to my friend LOUIE GOHMERT. It is from Mark Twain. He said:

In the beginning of a change, the patriot is a scarce man, and he is brave and hated and scorned. When his cause succeeds, the timid join him, for then it costs nothing to be a patriot.

My constituents from the First District of Oklahoma are looking for this kind of patriot.

The CLERK. Are there further nominations?

Mr. [Steve] KING of Iowa. Madam Clerk, I rise to place in a nomination for election to the constitutional office of Speaker of the United States House of Representatives a man who has served as speaker of the statehouse, a man who respects this institution, a man who understands that power and principle cannot coexist without recognizing the sanctity of each Member's vote in this House of Representatives, a man who will restore this institution of the House of Representatives. I place in nomination the name of DANIEL WEBSTER, a Representative-elect from the great State of Florida.

The CLERK. Are there further nominations?

The names of the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio; the Honorable NANCY PELOSI, a Representative-elect from the State of California; the Honorable TED YOHO, a Representative-elect from the State of Florida; the Honorable LOUIE GOHMERT, a Representative-elect from the State of Texas; and the Honorable DANIEL WEBSTER, a Representative-elect from the State of Florida, 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 will now 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 408, of which the Honorable JOHN A. BOEHNER of the State of Ohio has received 216,

the Honorable NANCY PELOSI of the State of California has received 164, the Honorable DANIEL WEBSTER of the State of Florida has received 12, the Honorable LOUIE GOHMERT of the State of Texas has received 3, the Honorable TED S. YOHO of the State of Florida has received 2, the Honorable JIM JORDAN of the State of Ohio has received 2, the Honorable JIM COOPER of the State of Tennessee has received 1, the Honorable PETER A. DEFAZIO of the State of Oregon has received 1, the Honorable JEFF DUNCAN of the State of South Carolina has received 1, the Honorable TREY GOWDY of the State of South Carolina has received 1, the Honorable JOHN LEWIS of the State of Georgia has received 1, the Honorable KEVIN MCCARTHY of the State of California has received 1, the Honorable RAND PAUL of the Commonwealth of Kentucky has received 1, the Honorable JEFF SESSIONS of the State of Alabama has received 1, and the Honorable Colin Powell 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 114th Congress.

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

The gentleman from California (Mr. MCCARTHY)

The gentlewoman from California (Ms. PELOSI)

The gentleman from Louisiana (Mr. SCALISE)

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 Indiana (Mr. MESSER)

The gentleman from New York (Mr. ISRAEL)

The gentlewoman from Kansas (Ms. JENKINS)

The gentlewoman from Connecticut (Ms. DELAURO)

The gentlewoman from North Carolina (Ms. FOXX)

The gentlewoman from Maryland (Ms. EDWARDS)

The gentlewoman from California (Mrs. MIMI WALTERS)

The gentleman from Maryland (Mr. VAN HOLLEN)

The gentleman from Texas (Mr. SESSIONS)

The gentleman from New Mexico (Mr. BEN RAY LUJÁN)

The gentleman from North Carolina (Mr. MCHENRY)

The gentlewoman from North Carolina (Ms. ADAMS)

And the Members of the Ohio delegation:

Ms. KAPTUR

Mr. CHABOT

Mr. TIBERI

Mr. RYAN

Mr. TURNER

Mr. JORDAN

Mr. LATTA

Ms. FUDGE

Mr. GIBBS

Mr. JOHNSON
 Mr. RENACCI
 Mr. STIVERS
 Mrs. BEATTY
 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 114th Congress, who was escorted to the chair by the Committee of Escort.

Ms. [Nancy] PELOSI [of California]. My colleagues of the United States House of Representatives, it is a high honor to welcome you and your families to the 114th Congress. . . .

God bless you, Mr. Speaker, and God bless America.

Mr. [John] BOEHNER [of Ohio]. Thank you.

Friends, colleagues, countrymen, and especially the people of Ohio's Eighth Congressional District, thank you for sending me here. Let us today welcome all of the new Members and all of their families to what we all know to be a truly historic day. . . .

Thank you all, and God bless the United States of America.

I am now ready to take the oath of office.

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

Mr. CONYERS 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] CONYERS [of Michigan]. Congratulations, Mr. Speaker.

Resignation of the Speaker

§ 1.2 The Speaker of the House may resign from the Office of Speaker effective upon the election of a successor.⁽⁵⁴⁾

On October 29, 2015,⁽⁵⁵⁾ John Boehner of Ohio resigned as Speaker of the House effective upon the election of his successor. Prior to his resignation

54. *Parliamentarian's Note*: Speaker Boehner was the first Speaker to resign during a Congress since Speaker James Wright of Texas in 1989. For proceedings relating to Speaker Wright's resignation, see Deschler's Precedents Ch. 37 §9.1 and Precedents (Wickham) Ch. 1 §4.6. The resignation of the Speaker is not subject to acceptance by the House. See Deschler's Precedents Ch. 37 §9.1. The Speaker may resign effective upon the election of a successor. See Precedents (Wickham) Ch. 1 §4.6. The Speaker may preside, or appoint a Speaker pro tempore to preside, over the election of a successor. 1 Hinds' Precedents §225. The resignation of the Speaker creates a vacancy in the Office of Speaker under the terms of clause 8(b)(3) of rule I. See *House Rules and Manual* §632 (2019).

55. 161 CONG. REC. H7335–H7337 [Daily Ed.], 114th Cong. 1st Sess.

becoming effective, the Speaker: (1) recognized the chairs of the Republican Conference and the Democratic Caucus for nominations for Speaker; (2) appointed tellers for an alphabetical roll call vote for Speaker; (3) announced the vote (at which point his resignation became effective); and (4) appointed a committee to escort the Speaker-elect (Paul Ryan of Wisconsin) to the Chair:

FAREWELL ADDRESS

(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 inform you that I will resign as Speaker of the House effective upon the election of my successor. I will also resign as Representative from Ohio's Eighth District at the end of this month.

I leave with no regrets, no burdens. If anything, I leave the way I started—just a regular guy, humbled by the chance to do a big job. That is what I am most proud of. I am still just me, the same guy who came here 25 years ago as a small-business man and spent all these 25 years trying to just be me.

Now, sometimes my staff thought I was too much like me, but it really is the thing I am most proud of. I am the same regular guy who came here to try to do a good job for my district and my country.

Before I go, I want to express what an honor it has been to serve with all of you. The people's House is, in my view, the great embodiment of the American Dream. Everybody here comes from somewhere, and everybody here is on some mission.

I come from a part of the world where we are used to working. As far back as I can remember, I was working. My staff was asking me the other day: Well, you know, on November 1st, you're not going to have a job. When was the last time you didn't have a job?

I thought about it and thought about it and thought about it. I thought, well, I had to be 8 or 9 years old because I was throwing newspapers back then and working in my dad's bar. As a matter of fact, I used to work from 5 a.m. on Saturday morning until 2 p.m. for \$2. Not \$2 an hour. \$2.

I never thought about growing up as the easy way or the hard way. It was just the Cincinnati way. Our city takes its name from the great Roman general Cincinnatus, a farmer who answered the call of his nation to lead and then surrendered his power to go back to his plow.

For me, it wasn't a farm. It was a small business. And it wasn't so much a calling as it was a mission—a mission to strive for a smaller, less costly, and more accountable Federal Government here in Washington.

How did we do? Here are some facts. For the first time in nearly 20 years, we have made some real entitlement reforms, saving trillions of dollars over the long term.

We have protected 99 percent of the American people from an increase in their taxes. We are on track to save taxpayers \$2.1 trillion over the next 10 years, the most significant spending reductions in modern times. We have banned earmarks altogether. Sorry.

We have protected this institution. We have made it more open to the people. Every day in this capital city there are hundreds of kids from the toughest neighborhoods who are finally getting a chance at a decent education.

I am proud of these things, but the mission is not complete. And the truth is it may never be. One thing I came to realize over the years that I have been here is that this

battle over the size and scope and cost of our government in Washington has been going on for more than 200 years, and the forces of the status quo go to an awful lot of trouble to prevent change from happening.

Real change takes time. Yes, freedom makes all things possible, but patience is what makes all things real. So believe in the long, slow struggle. Believe in this country's ability to meet her challenges and to lead the world. And, remember, you can't do a big job alone, especially this one.

So I am grateful to my family, Deb and my two girls. My two girls were 3 and 1 when I first ran for office. Now they are a lot older. So they have been through a lot. You all know what your families go through. It is one thing for us to take the bricks and the boards and everything that gets thrown at us, but it is another thing for our families. Their skin isn't as thick as ours.

I am also grateful to all of my colleagues: my fellow leaders, Mr. MCCARTHY and Mr. SCALISE, Ms. MCMORRIS RODGERS; and many on my side of the aisle, our committee chairs, people I have worked with for a long time.

But I am just as grateful to Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, and Mr. BECERRA and others for all of the work that we have done together. Over these last 5 years, we have done an awful lot of work together. There was probably more work done across the aisle over the last 5 years than in the 25 years that I have served in this institution.

Now, as much as I enjoy working with all of you, some of you still could learn to dress better. You know who you are. I saw one of the culprits, one of the usual suspects who shows up here once in a while without a tie. This morning he didn't look dressed very well, but he did have a tie on.

I am grateful to the people who work in this institution every day, whether it is the Reading Clerks or—you know, there are a lot of people, thousands of people, who allow us to do our jobs and to help make this institution what it is. Whether it is the people you see here today or the people in the CAO's office or the Capitol Police or legislative counsel, there really are thousands of people who really do allow us to do our job.

I am grateful to my staff. Now, you all know I am a big believer in staff. None of us can be what we are without a good staff, and I certainly would never have gotten to this job without having built a great team. So I really am grateful to my staff. As they like to say to each other, once you are part of Boehnerland, you are always a part of Boehnerland, and that certainly goes for me as well.

I am especially grateful to all my constituents and the volunteers over the years. That includes a student at Miami University in Oxford, Ohio, in 1990, who was putting up campaign signs for me. His name was PAUL RYAN. I don't think he could pronounce my name back in 1990 when he was putting up yard signs for me.

But, as Cincinnatus understood, there is a difference between being asked to do something and being called to do something. PAUL is being called. I know he will serve with grace and with energy, and I want to wish him and his family all the best.

My colleagues, I have described my life as a chase for the American Dream. That chase began at the bottom of the hill, just off the main drag in Reading, Ohio, right outside of Cincinnati. At the top of the hill was a small house with a big family, a shining city in its own right.

The hill had twists. The hill had turns, and even a few tears. Nothing wrong with that. But let me tell you, it was just perfect.

Never forget, we are the luckiest people on the Earth. In America, you can do anything that you are willing to work for, willing to work hard at, and anything can happen if you are willing to make the necessary sacrifices in life.

If you falter—and you will—you can just pick yourself up, dust yourself off, and go do it again, because hope always springs eternal. And if you just do the right things for the right reasons, good things will happen.

And this, too, can really happen to you.

God bless you, and God bless our great country.

ELECTION OF SPEAKER

The SPEAKER.⁽⁵⁶⁾ Pursuant to the Speaker's announcement of October 29, 2015, the Chair will receive nominations for the Office of Speaker.

The Chair recognizes the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. [Cathy] MCMORRIS RODGERS [of Washington]. Mr. Speaker, today, in the people's House, it gives me great honor to nominate the people's Speaker. . . .

As chair of the House Republican Conference, I am directed by the vote of that Conference to present for election to the Office of Speaker of the House of Representatives for the 114th Congress the Representative from the State of Wisconsin, the man from Janesville, the Honorable PAUL D. RYAN.

The SPEAKER. The Chair now recognizes the gentleman from California (Mr. BECERRA).

Mr. [Xavier] BECERRA [of California]. Mr. Speaker, I offer my congratulations to my friend, the gentleman from Wisconsin (Mr. RYAN), on his nomination by his colleagues.

At this time, as chairman of the Democratic Caucus of this House, I wish to place in nomination the name of a proven leader for the Office of Speaker of the House of Representatives: . . .

Mr. Speaker, that is leadership, and that is what Americans expect from those they elect. That is why it is my privilege, as chairman of the House Democratic Caucus and as directed by the colleagues of the Democratic Caucus, to nominate for election to the Office of Speaker of the House of Representatives, from the 12th District of the great State of California, the Honorable NANCY PATRICIA D'ALESSANDRO PELOSI.

The SPEAKER. The names of the Honorable PAUL D. RYAN, a Representative from the State of Wisconsin, and the Honorable NANCY PELOSI, a Representative from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Chair 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 will now 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.

56. John Boehner (OH).

The following is the result of the vote:

[Roll No. 581] . . .

The SPEAKER. The tellers agree in their tallies that the total number of votes cast is 432, of which the Honorable PAUL D. RYAN of the State of Wisconsin has received 236, the Honorable NANCY PELOSI of the State of California has received 184, the Honorable DANIEL WEBSTER of the State of Florida has received 9, the Honorable JIM COOPER of the State of Tennessee has received 1, the Honorable JOHN LEWIS of the State of Georgia has received 1, and the Honorable Colin Powell has received 1.

Therefore, the Honorable PAUL D. RYAN of the State of Wisconsin, having received a majority of the votes cast, is duly elected Speaker of the House of Representatives.

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

The gentleman from California (Mr. MCCARTHY)

The gentlewoman from California (Ms. PELOSI)

The gentleman from Louisiana (Mr. SCALISE)

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 Indiana (Mr. MESSER)

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 gentleman from New Mexico (Mr. BEN RAY LUJÁN)

The gentlewoman from Missouri (Mrs. WAGNER)

The gentlewoman from Connecticut (Ms. DELAURO)

The gentlewoman from California (Mrs. MIMI WALTERS)

The gentlewoman from Maryland (Ms. EDWARDS)

The gentleman from Texas (Mr. SESSIONS)

The gentleman from Maryland (Mr. VAN HOLLEN)

The gentleman from North Carolina (Mr. MCHENRY)

And the Members of the Wisconsin delegation:

Mr. SENSENBRENNER

Mr. KIND

Ms. MOORE

Mr. DUFFY

Mr. RIBBLE

Mr. POCAN

Mr. GROTHMAN

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 114th Congress, who was escorted to the chair by the Committee of Escort.

Ms. [Nancy] PELOSI [of California]. My dear colleagues of the 114th Congress of the United States, today, as every day, we come to this floor strengthened and inspired by the support of our colleagues, the trust of our constituents, and the love of our families.

My special thanks to my husband, Paul; our five children; our nine grandchildren; and the entire Pelosi and D'Alesandro families for their support.

My deep gratitude to the people of San Francisco for the continued honor they give me to represent them here.

My heartfelt thanks to my Democratic colleagues for extending me the honor of being nominated to be Speaker of the House. Thank you, my colleagues.

Today, we bid farewell to a Speaker who has served his constituents and this Congress with honor for 25 years, Speaker JOHN BOEHNER.

In his story, we are reminded of the enduring, exceptional promise of America—this hardworking son of an Ohio bartender and owner who grew up to be the Speaker of the House of Representatives. JOHN BOEHNER talked about the American Dream. JOHN BOEHNER, you are the personification of the American Dream.

As you all know, Speaker BOEHNER was a formidable spokesman for the Republican agenda. My Republican colleagues, I am sure you know—and I can attest—to the fact that he was always true and loyal to the members of his Conference in any negotiations we ever had.

Although we had our differences and often, I always respected his dedication to this House and his commitment to his values. Thank you, JOHN, for your leadership and courage as Speaker.

Your graciousness as Speaker extended and was reflected in your staff under the leadership of Mike Sommers, whom we all respect. Thank you to JOHN BOEHNER's staff.

I know I speak for everyone here, Democrats and Republicans, when I thank you for making the visit of His Holiness Pope Francis such a beautiful and meaningful experience for all of us.

Today, we extend our thanks and congratulations to Debbie; your daughters, Lindsay and Tricia; and the entire Boehner family, now including grandson, Allister.

Let's hear it for the family of JOHN BOEHNER.

On behalf of House Democrats and personally, I wish you and your family all of God's blessings in the glorious years ahead.

Last month, we witnessed something truly special when Pope Francis made history addressing a joint session of Congress. Standing right here, Pope Francis called on us to seek hope, peace, and dialogue for all people and reminded us of our duty to find a way forward for everyone. "A good political leader," His Holiness said, "is one who, with the interest of all in mind, seizes the moment in a spirit of openness and pragmatism."

Pope Francis echoed the principles of our Founders that placed at the heart of our democracy the saying, "E Pluribus Unum," from many, one. The Founders could never have imagined how vast our country would become, how diverse and many we would be—ethnically, gender identities, beliefs, and priorities—but they knew we had to be one.

Every day in this House and across the country we pledge allegiance to one nation under God, indivisible, with liberty and justice for all.

This is the beauty of America, that for all of our honest differences, perspectives, and priorities aired and argued so passionately on this floor, we are committed to being one nation. Despite our differences—in fact, respecting them—I look forward to a clear debate in this marketplace of ideas, the people's House of Representatives.

So, my fellow colleagues, we have a responsibility to act upon our shared faith in the greatness of our country. We have a responsibility to be worthy of the sacrifices of our troops, our veterans, and our military families. We have a responsibility to make real the promise of the American Dream for all.

There is important work before the Congress. We must do more to promote growth, decrease the deficit, create good-paying jobs, and increase the paychecks of America's working families.

Today, in this House, a page is turned. A new chapter has begun. Today, the gavel passes to a proud son of Wisconsin, the first Speaker from Wisconsin.

PAUL RYAN has had the full breadth of experience on Capitol Hill, from a young staffer to a Tortilla Coast waiter—shall I say that again?—Tortilla Coast waiter—to a Congressman, to being a sincere and proud advocate for his point of view as chairman of the Budget Committee, as a respected leader and chairman of the Ways and Means Committee, and in a minute, he will be the Speaker of the House of Representatives.

Mr. Speaker, today, on behalf of House Democrats, I extend the hand of friendship to you.

Congratulations to you, PAUL, and to Janna; your children, Liza, Charlie, and Sam; your mother, who is here—how proud she must be—and the entire Ryan family, whom we all know mean so much to you.

Mr. Speaker, God bless you and your family. And God bless the United States of America.

This is the people's House. This is the people's gavel. In the people's name, it is my privilege to hand this gavel to the Speaker-elect of the House, Congressman and Honorable PAUL D. RYAN.

Mr. [Paul] RYAN of Wisconsin. Thank you, Madam Leader.

Before I begin, I would like to thank all of my family and friends who flew in from Wisconsin and from all over for being here today. . . .

My friends, you have done me a great honor. The people of this country, they have done all of us a great honor. Now let's prove ourselves worthy of it. Let's seize the moment. Let's rise to the occasion. And when we are done, let us say that we left the people—all the people—more united, happy, and free.

Thank you.

I am now ready to take the oath of office.

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

Mr. [John] CONYERS [of Michigan] then administered the oath of office to Mr. PAUL D. RYAN of Wisconsin, 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. CONYERS. Congratulations, Mr. Speaker.

§ 1.3 Retiring Speakers have often been given tributes by House leaders on the floor.⁽⁵⁷⁾

57. Tributes of this sort have taken different forms over the years. See, e.g., 122 CONG. REC. 35185–88, 94th Cong. 2d Sess. (Oct. 1, 1976) (resolution thanking Speaker); 120 CONG. REC. 51862–63, 93d Cong. 2d Sess. (Dec. 20, 1974) (resolution thanking Speaker); 136 CONG. REC. 36906, 101st Cong. 2d Sess. (Oct. 27, 1990) (resolution thanking

On October 28, 2015,⁽⁵⁸⁾ the following tribute was delivered by the Minority Whip:

JOHN A. BOEHNER, THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore.⁽⁵⁹⁾ The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I rise to pay tribute to the Speaker of the House, JOHN BOEHNER.

Speaker BOEHNER and I, as some would note, do not always agree. We have been on opposite sides of this floor and on opposite sides of debate many times. However, that is behind us for JOHN BOEHNER.

In all of the years I have served with him, Speaker BOEHNER has shown me the same kindness, grace, and friendship that he has shown so many of his House colleagues on both sides of the aisle.

JOHN BOEHNER is a gentleman in the truest sense of the word and is a leader who, even in the act of stepping back from his position in the leadership, has always put the best interests of our country first. . . .

JOHN BOEHNER served his country and this House of Representatives with fidelity and responsibility, and we should all thank him for that.

We wish the Speaker and his wife, Debbie, well as they embark on a new phase of their lives. He has served his country well. I am confident that he will continue to do so.

§ 2. Authority and Duties

As noted in the historical overview above,⁽¹⁾ the authorities vested in the Office of Speaker have not remained static over time. The House has chosen, in different eras, to imbue the speakership with different prerogatives and privileges, depending on the political and procedural environment of the time. The focus of this section will be on the modern speakership and the powers and responsibilities currently exercised by the Speaker under the rules and precedents of the House. However, this section will necessarily delve into historical practices when describing the origin and evolution of certain authorities.

The Speaker's institutional responsibilities touch on virtually every area of House practice—from the highly visible regulation of deliberation and

Speaker); 122 CONG. REC. 16766–68, 94th Cong. 2d Sess. (June 7, 1976) (remarks by Majority Leader honoring retiring Speaker); 153 CONG. REC. 31741–43, 110th Cong. 1st Sess. (Nov. 15, 2007) (current Speaker honoring retiring former Speaker); 158 CONG. REC. 8648–49, 112th Cong. 2d Sess. (June 7, 2012) (Minority Whip congratulating former Speaker).

58. 161 CONG. REC. H7257 [Daily Ed.], 114th Cong. 1st Sess.

59. Steven Palazzo (MS).

1. See § 1, *supra*.

conduct on the floor of the House to behind-the-scenes administrative duties more tangential to the legislative process. These authorities derive primarily from the standing rules of the House, as well as House precedents (including customs and traditions), and certain statutory and constitutional provisions.

Convening, Reconvening, and Recess

The Speaker's duties begin at the very start of the legislative day when the Speaker first brings the House into session.⁽²⁾ At the precise time previously appointed by the House, the Sergeant-at-Arms, carrying the mace, proceeds into the House Chamber followed by the Speaker. The Speaker ascends the rostrum, assumes the chair, and gavels the House into session with the customary declaration: "The House will be in order." The House is then ready to begin legislative business with its Speaker as presiding officer.

When the House completes its legislative business for the day, it formally adjourns to meet again at a subsequent time. The House typically adjourns via a motion to adjourn offered by a Member on the floor. If the motion is adopted, the Speaker gavels the House out of session and declares that the House will stand adjourned until the date and time previously appointed for the next meeting.

While the Speaker may personally preside over the House during a legislative day, the Speaker may also appoint another Member to serve as a temporary presiding officer—the Speaker pro tempore. Pursuant to clause 8 of rule I,⁽³⁾ the Speaker is authorized to appoint a Speaker pro tempore for a period not to exceed three legislative days. In case of illness, a Speaker pro tempore may be appointed for up to ten days, with the approval of the House. If the Speaker is simply absent, and has failed to appoint a Speaker pro tempore, the House elects a Speaker pro tempore to preside during the absence of the Speaker.⁽⁴⁾

If the Office of Speaker becomes vacant, the authorities of the office devolve to a previously designated Speaker pro tempore. At the beginning of each Congress, the Speaker delivers to the Clerk a list of Members who would exercise the authorities of the office should the Office of Speaker become vacant. The rule requiring such a list was put in place at the beginning of the 108th Congress as a part of a package of reforms to ensure the continuity of operations in emergency circumstances.⁽⁵⁾

2. Clause 1 of rule I provides that the "Speaker shall take the Chair on every legislative day precisely at the hour to which the House last adjourned and immediately call the House to order." *House Rules and Manual* § 621 (2019).

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

4. For more on the Speaker pro tempore, see Division B, *infra*.

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

Other continuity of Congress provisions permit the Speaker to exercise certain emergency convening authorities should circumstances warrant. Since the 103rd Congress in 1993, the Speaker has had broad authority to recess the House “for a short time”⁽⁶⁾ when no question is pending.⁽⁷⁾ Since the 108th Congress in 2003, the Speaker (and the chair of the Committee of the Whole) has had similar authority to declare the House in emergency recess when informed of an imminent threat to the safety of the House.⁽⁸⁾

If the House stands in a period of adjournment of not more than three days, and the Speaker is informed by the Sergeant-at-Arms of “an imminent impairment of the place of reconvening at the time previously appointed,”⁽⁹⁾ the Speaker may either postpone such reconvening or reconvene earlier than the appointed time (within the limits imposed by the Constitution)⁽¹⁰⁾ in order to avoid the impairment. In the 114th Congress in 2015, clause 12(e) was added to rule I,⁽¹¹⁾ allowing the Speaker, during an adjournment of not more than three days, to reconvene the House (within the constitutional limits) “at a time other than that previously appointed,” should the public interest so warrant.

In addition to emergency convening authorities provided by the standing rules, which address adjournments of three days or less, concurrent resolutions of adjournment may also provide the Speaker with authorization to respond to exigent circumstances during longer periods of adjournment. For

6. Rule I, clause 12(a), *House Rules and Manual* § 638 (2019).

7. *Parliamentarian’s Note*: The Speaker’s authority to declare the House in recess (but not adjourned) has gradually expanded in recent decades. Pursuant to clause 12(a) of rule I, the Speaker may declare the House in recess “for a short time when no question is pending before the House.” *House Rules and Manual* § 638 (2019). Pursuant to clause 4(c) of rule XVI, the Speaker has discretion to recognize a Member at any time to offer a motion authorizing the Speaker to declare a recess, or a motion that when the House adjourn, it stand adjourned to a day and time certain. *House Rules and Manual* § 911 (2019). Pursuant to clause 11(g)(2)(F) of rule X, if the House adopts a motion to resolve into a closed session to debate the disclosure of classified information in possession of the Permanent Select Committee on Intelligence, the Speaker is authorized to declare a recess to facilitate resolving into the closed session. *House Rules and Manual* § 785 (2019).

8. Rule I, clause 12(b), *House Rules and Manual* § 639 (2019). For an older precedent articulating the Speaker’s inherent power to declare recesses in emergency circumstances, see Deschler’s Precedents Ch. 6 § 3.44.

9. Rule I, clause 12(c), *House Rules and Manual* § 639 (2019).

10. *Parliamentarian’s Note*: The Constitution mandates that adjournments longer than three days must be agreed to by both the House and the Senate. Thus, any unilateral adjournment of the House alone may not extend beyond the third calendar day (Sundays excepted).

11. *House Rules and Manual* § 639 (2019). Rule I, clause 12(d), permits the Speaker to convene the House at a place within the seat of government other than the Hall of the House if circumstances warrant.

example, such concurrent resolutions of adjournment typically provide that the Speaker (or designee) may, after consultation with the Minority Leader, reassemble or recall the House from that adjournment should circumstances warrant.⁽¹²⁾

In addition to appointing Speakers pro tempore to preside over the House, the Speaker also appoints other Members to preside as the chair of the Committee of the Whole when the House considers legislation in that forum.⁽¹³⁾ The Speaker presides over joint meetings and joint sessions, but the President of the Senate is the presiding officer at the joint session to count the electoral votes for the President. The Speaker joins the President of the Senate at the rostrum to oversee the counting.⁽¹⁴⁾

The Power of Recognition

In any legislative assembly, orderly deliberation cannot take place without a presiding officer to manage debate. One of the most fundamental powers of the Speaker of the House is the power to confer recognition on Members of the body.⁽¹⁵⁾ Members may not engage in debate, make motions, or bring any matters to the attention of the House without first being recognized by the Chair.⁽¹⁶⁾

The power of recognition has been a potent tool by which Speakers manage the business of the House. When the very first rules of the House were adopted in 1789, they provided that “[w]hen two or more members happen to rise at once, the Speaker shall name the member who is first to speak.”⁽¹⁷⁾ The form of this rule has remained practically unchanged since that time, and is currently found in clause 2 of rule XVII.⁽¹⁸⁾ As stated, the rule provides the Speaker with considerable discretion to influence deliberations. With a large assembly of Members, many of whom may be seeking recognition simultaneously to put some preferred matter before the House, the Speaker’s choice of whom to recognize may have significant consequences.⁽¹⁹⁾

12. The date, time, and place of reconvening is usually left to the discretion of the Speaker. See *Precedents (Wickham)* Ch. 1 § 11.

13. Rule XVIII, clause 1, *House Rules and Manual* § 970 (2019). Delegates and the Resident Commissioner may also be appointed to chair the Committee of the Whole.

14. See 3 U.S.C. § 15.

15. Rule XVII, clause 1(a), *House Rules and Manual* § 945 (2019).

16. “No Member has the floor until the Chair has recognized him for the purpose of proceeding.” Deschler’s *Precedents* Ch. 29 § 8.1. Members remarks while not under recognition are not transcribed for the *Congressional Record*. See *Precedents (Wickham)* Ch. 5 § 22.

17. 1 ANNALS OF CONG. 103, 1st Cong. 1st Sess. (Apr. 7, 1789).

18. *House Rules and Manual* § 949 (2019).

19. *Parliamentarian’s Note*: The Speaker’s power to structure the order of business is restricted by the daily order of business laid out in clause 1 of rule XIV and the operation

Throughout the 19th century, the House would often debate the extent to which the Speaker's power of recognition should be limited—the fear being that the Speaker would abuse that discretion and give preference to friends and allies within the membership. The earliest Speakers, who saw their role as more of a facilitator than leader, usually professed a desire to exercise the power of recognition fairly and equitably.⁽²⁰⁾ However, with the rise of more active Speakers seeking to advance a particular agenda, such assertions became somewhat less credible. By the mid-point of the century, the practice of composing “Speaker's lists” arose, whereby Members would confer with the Speaker prior to the legislative session and request that they be put on a list of Members to be recognized for a particular matter or question.⁽²¹⁾ However, Speakers were never bound (by rule or otherwise) to follow such lists. In 1881, Speaker Samuel Randall held that power of recognition was “absolute” and not subject to appeal.⁽²²⁾

Despite this broad grant of authority, the Speaker is not a complete free agent with respect to recognizing Members on the floor.⁽²³⁾ The rules and precedents of the House contain many restrictions regarding who may be recognized at any given time to present certain matters to the body. Thus, the Speaker prefaces the conferral of recognition with the traditional query: “For what purpose does the gentle _____ seek recognition?”⁽²⁴⁾ By inquiring of the Member seeking recognition what matter the Member wishes to raise, the Speaker may determine whether that matter is in order and whether that matter has precedence or priority over other matters.⁽²⁵⁾ If two Members seek recognition simultaneously, and the Speaker's inquiry reveals that

of privileged questions that may interrupt the daily order of business. See *House Rules and Manual* §§ 869–872 (2019). See also § 4, *infra*.

20. Following the example of the first Speaker, Frederick Muhlenberg of Pennsylvania, early Speakers often gave inaugural speeches containing “pledges of impartiality, integrity, and assiduity.” The Speaker of the House of Representatives, Follet (1896), page 284.

21. See *Id.* at pages 251–253.

22. See 2 Hinds' Precedents §§ 1425–1428 and 8 Cannon's Precedents §§ 2429, 2646, and 2762. See also *House Rules and Manual* § 356 (2019).

23. See § 4, *infra*.

24. *Parliamentarian's Note*: In prior years, Members were required to rise from their seats in order to obtain recognition, and the Chair would inquire of any such Member “For what purpose does the gentle _____ rise?” In the 115th Congress, the House acknowledged that Members with mobility issues may not be able to physically rise and remain standing for this purpose, and the rules were revised to eliminate references to “rising,” “standing,” etc. The current form of clause 1 of rule XVII requires only that Members “respectfully address the Speaker” in order to signal a desire to be recognized. *House Rules and Manual* § 945 (2019).

25. See Deschler's Precedents Ch. 6 § 3.18.

one Member's business has priority over the other, the Speaker is constrained to recognize the Member whose business is more highly privileged. When the matters are of equal privilege, the Speaker retains discretion to recognize either Member.⁽²⁶⁾

Once a Member has been recognized, that Member holds the floor and in most cases cannot be interrupted or forced to relinquish the floor by other Members.⁽²⁷⁾ However, in certain circumstances, recognition may be withdrawn by the Speaker. When a Member is recognized to consume a certain number of minutes, the Speaker will announce when that Member's time has expired and, thus, that the Member is no longer recognized to speak. It is a breach of decorum to continue speaking beyond one's allotted time (*i.e.*, while no longer under recognition).⁽²⁸⁾ Under the Speaker's announced policies regarding special-order speeches, the Speaker may withdraw recognition at any point should circumstances warrant.⁽²⁹⁾

Pursuant to clause 1 of rule XVI,⁽³⁰⁾ the Speaker may not entertain motions deemed to be purely dilatory in nature. Several other standing rules of the House permit the Speaker to entertain one motion to adjourn during the pendency of some matter (such action being specifically authorized, and therefore not considered dilatory) but no other dilatory motions.⁽³¹⁾

26. *Parliamentarian's Note*: This principle is articulated at Deschler's Precedents Ch. 21 § 31.1. Other precedents and protocols give priority in recognition to particular individuals (*e.g.*, committee members, or minority party Members), or suggest that the Chair should endeavor to alternate recognition (between opponents and proponents, or majority and minority Members). For more details on these matters of recognition and the Speaker's discretionary authorities, see Deschler's Precedents Ch. 29 §§ 8–15 and Precedents (Wickham) Ch. 29.

27. See Deschler's Precedents Ch. 29 §§ 32, 33.

28. See § 6, *infra*.

29. The Speaker's announced policy regarding special-order speeches in the 112th Congress (reiterated in subsequent Congresses) contained this statement: "The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII and includes the ability to withdraw recognition for longer special-order speeches should circumstances warrant." 157 CONG. REC. 104–106, 112th Cong. 1st Sess. (Jan. 5, 2011).

30. *House Rules and Manual* § 902 (2019).

31. Under clause 6(b) of rule XIII, the Speaker may entertain one motion to adjourn during consideration of a special order of business resolution reported by the Committee on Rules. *House Rules and Manual* § 857 (2019). Clauses 2(d) and 2(e) of rule XV provide similar authority when a measure or special order of business is discharged pursuant to discharge petition procedures. *House Rules and Manual* § 892 (2019). Under clause 1 of rule XV, the Speaker may entertain one motion to adjourn during consideration of a measure under suspension of the rules procedures. *House Rules and Manual* § 890 (2019).

Putting Questions and Voting; Counting a Quorum

One of the most fundamental duties of a presiding officer of a legislative body is the duty to formally put questions before the membership for disposition. The Speaker thus becomes a conduit through which Members engage with one another (by making requests, offering motions, raising points of order, etc.).⁽³²⁾ When a Member on the floor attempts to place some matter before the House, it is the duty of the Speaker (if the matter is in order) to state the question⁽³³⁾ so that the membership is aware of what precisely is before the House at any given point in the proceedings.⁽³⁴⁾ It is the form of the motion as stated by the Speaker that is voted upon, and not the form as stated by the Member offering the motion.⁽³⁵⁾ Similarly, it is the Speaker's statement of a unanimous-consent request, not the Member's, that is controlling.⁽³⁶⁾ Clause 6 of rule I depicts the form that the Speaker uses when putting questions before the House for a voice vote.⁽³⁷⁾

Most questions put by the Speaker to the House are initially decided by a voice vote.⁽³⁸⁾ The Speaker first asks those on the affirmative side to express their choice, followed by those in the negative, after which the Speaker announces the result of the voice vote.⁽³⁹⁾ The Constitution provides that

32. *Parliamentarian's Note:* Even during debate, Members act through the presiding officer by addressing all remarks to the Chair rather than to others in the second person. See Deschler's Precedents Ch. 29 § 42.1.
33. Rule XVI, clause 2, requires the Speaker to state all motions. *House Rules and Manual* § 904 (2015).
34. *Parliamentarian's Note:* The form of the question is sometimes stated explicitly in the standing rules. For example, clause 8(c) of rule XVI states the form of the question on engrossment and third reading (*House Rules and Manual* § 941 (2019)), while clause 2(a) of rule XVIII states the form of the question for resolving into the Committee of the Whole (*House Rules and Manual* § 972 (2019)).
35. See Deschler's Precedents Ch. 6 § 3.15 and 6 Cannon's Precedents § 247. Pursuant to clause 1 of rule XVI, any Member may demand that a motion be reduced to writing. *House Rules and Manual* § 902 (2019).
36. Deschler's Precedents Ch. 23 § 43.1.
37. *House Rules and Manual* § 630 (2019). Decorum rules prohibit crossing the well or exiting the Chamber when the Speaker is putting a question or addressing the House. Rule XVII, clause 5, *House Rules and Manual* § 962 (2019).
38. Rule I, clause 6, *House Rules and Manual* § 630 (2019). On a specified subset of questions, the yeas and nays are, by rule, considered as ordered when the Speaker puts the question. Rule XX, clause 10, *House Rules and Manual* § 1033 (2019).
39. Rule XX, clause 1, *House Rules and Manual* § 1012 (2019). This clause provides that if the Speaker is in doubt with respect to the result of the voice vote, the House shall divide: those in favor of the proposition indicate their choice (by rising from their seats or otherwise) and are counted by the Speaker, followed by those opposed. However, in modern practice, votes by division are rarely used. Instead, if Members desire a more

any Member may demand “the yeas and nays” (*i.e.*, have each Member publicly recorded as to his or her vote) if supported by one-fifth of those present.⁽⁴⁰⁾

Further voting procedures are outlined in rule XX, which provides a variety of discretionary authorities to the Speaker in conducting votes in the House.⁽⁴¹⁾ The default method for conducting votes in the House is by use of the electronic voting system pursuant to clause 2(a) of rule XX.⁽⁴²⁾ However, the Speaker has authority to conduct votes by different methods, such as a roll call vote⁽⁴³⁾ or a vote by tellers.⁽⁴⁴⁾ Under clause 9 of rule XX,⁽⁴⁵⁾ the Speaker may reduce the minimum time for voting in certain circumstances.

The Speaker’s authority to postpone and cluster votes has gradually expanded over the course of the last few decades. Clauses 8(a) and 8(b) of rule XX⁽⁴⁶⁾ give the Speaker considerable flexibility in postponing questions and resuming them at a later time (within two legislative days). Clause 1(c) of rule XIX⁽⁴⁷⁾ allows the Speaker to postpone the consideration of measures even while the previous question is operating pursuant to a special order of business.

The Constitution also requires that a quorum of the House be present to conduct business.⁽⁴⁸⁾ It further authorizes Members of the House to compel

formal vote following the voice vote, they will make a request for a recorded vote (or a demand for the yeas and nays) and the electronic voting system will be used.

40. U.S. Const. art I, § 5, cl. 3. In the Committee of the Whole, 25 Members must support a request for a recorded vote. Rule XVIII, clause 6(e), *House Rules and Manual* § 983a (2019).
41. *Parliamentarian’s Note*: Pursuant to clause 10 of rule XX, when the Speaker puts the question on certain matters (such as general appropriation bills and budget resolutions), the yeas and nays are considered as ordered. *House Rules and Manual* § 1033 (2019).
42. *House Rules and Manual* § 1014 (2019).
43. Rule XX, clause 3, *House Rules and Manual* § 1015 (2019).
44. Rule XX, clause 4(a), *House Rules and Manual* § 1019 (2019).
45. *House Rules and Manual* § 1032 (2019).
46. *House Rules and Manual* § 1030 (2019). A similar rule applies to postponing votes in the Committee of the Whole. Rule XVIII, clause 6(g), *House Rules and Manual* § 984 (2019).
47. *House Rules and Manual* § 1000a (2019).
48. *Parliamentarian’s Note*: Throughout most of the 19th century, it was well established that the presence or absence of a quorum could be determined only on the basis of those responding to a vote (or quorum call). If the vote totals revealed less than a quorum voting, a point of no quorum could be raised, a quorum call conducted, and the vote recapitulated. This method of proceeding gave rise to the dilatory tactic known as the “disappearing quorum.” See 4 Hinds’ Precedents §§ 2898–2903. If Members of

the attendance of absent Members so that a quorum to conduct business may be obtained.⁽⁴⁹⁾ Under clause 5(a) of rule XX,⁽⁵⁰⁾ in the absence of a quorum “a majority comprising at least 15 Members” may compel the attendance of absent Members, and the Speaker may be included in such count. Clause 6 of rule XX describes the Speaker’s duties when a quorum fails to vote on a question and a call of the House is ordered.⁽⁵¹⁾

Under modern practice, quorum calls are relatively rare events. In the 93rd Congress in 1974, the quorum rules were amended to provide that the Speaker may not entertain a point of no quorum “unless a question has been put to a vote.”⁽⁵²⁾ Thus, merely debating a matter or having a matter under consideration is not sufficient to authorize the Speaker to recognize for a point of no quorum. However, the Speaker retains discretion to recognize for a call of the House at any time, pursuant to clause 7(b) of rule XX.⁽⁵³⁾

The standing rules of the House provide additional continuity of operations provisions related to quorum requirements. In the event that a catastrophic event results in the death or incapacitation of Members, or otherwise prevents the House from establishing a quorum, clause 5(c) of rule XX

the House wished to break a quorum (and those in favor of the proposition could not muster a quorum alone), they needed only to avoid responding to the roll call to deny the majority a quorum. The sequence described above could thus play out indefinitely, as quorum calls, votes, and points of no quorum proceeded in an endless cycle. Speaker Thomas Brackett Reed, a former proponent of this tactic while his party was in the minority, chose to eliminate it when he was first elected Speaker. During a dramatic confrontation on the floor, Speaker Reed instructed the Clerk to record the names of those Members present in the Chamber but refusing to vote. See 4 Hinds’ Precedents § 2895, and *House Rules and Manual* § 54 (2019). By including the Members who were “present but not voting” Speaker Reed was able to establish that a quorum was in fact present, despite the fact that the vote total showed less than a quorum voting. Speaker Reed’s principle regarding counting a quorum was later codified in the standing rules of the House (Rule XX, clause 4(b), *House Rules and Manual* § 1020 (2019)), and even affirmed as legitimate by the Supreme Court. See 4 Hinds’ Precedents § 2904; *U.S. v. Ballin*, 144 U.S. 1 (1892).

49. U.S. Const. art I, § 5, cl. 1.

50. *House Rules and Manual* § 1021 (2019).

51. *House Rules and Manual* § 1025 (2019). The Speaker must declare a quorum present when the attendance of a majority of the House has been secured. A motion to adjourn during a quorum call is in order pursuant to clause 6(c) of rule XX (*House Rules and Manual* § 1025 (2019)) but must be seconded by a majority of those present (as determined via a count by the Speaker).

52. Rule XX, clause 7(a), *House Rules and Manual* § 1027 (2019).

53. *House Rules and Manual* § 1028 (2019). Pursuant to clause 7(c) of rule XX, a call of the House is not in order after the previous question has been ordered, unless the Speaker determines by actual count that a quorum is not present. *House Rules and Manual* § 1029 (2019).

lays out procedures by which a “provisional” quorum may be established.⁽⁵⁴⁾ The Speaker is charged with receiving a “catastrophic quorum failure report” from the Sergeant-at-Arms and relaying the contents of such report to the House.⁽⁵⁵⁾ Whenever a Member dies, resigns, is expelled, or is removed, or when a new Member is sworn in, the Speaker announces to the House the current “whole number of the House.”⁽⁵⁶⁾

Points of Order and Parliamentary Inquiries

The Speaker’s prerogative to “decide questions of order” is one of the oldest rules of the House⁽⁵⁷⁾ and is now carried as clause 5 of rule I of the standing rules.⁽⁵⁸⁾ The rules of the House contain many restrictions on what matters may be brought before the House, and the question of whether a particular matter is in order will depend on the nature of the matter at issue, the time at which it is offered or raised, and, in some cases, the individual bringing the matter before the House. The Speaker, guided by the precedents of the House and the advice of the Parliamentarian, is charged with analyzing each matter as it comes before the House and determining whether that matter is in order under the rules and precedents.⁽⁵⁹⁾ In most cases, the Speaker’s determination on such matters is subject to appeal to the full House.⁽⁶⁰⁾

The Speaker’s role regarding points of order may be of two varieties. Some points of order are not “self-enforcing” in that they require a Member

54. *House Rules and Manual* § 1024a (2019).

55. *Id.*

56. *Parliamentarian’s Note*: The “whole number of the House” is defined by clause 5(c)(7)(B) of rule XX as “the number of Representatives chosen, sworn, and living whose membership in the House has not been terminated by resignation or by the action of the House.” The whole number of the House thus represents the denominator in calculations regarding proper quorum or voting requirements. *House Rules and Manual* § 1024a (2019).

57. The origin of the rule dates back to the very first set of rules adopted by the House on April 7, 1789. 1 ANNALS OF CONG. 103, 1st Cong. 1st Sess. (Apr. 7, 1789). The chair of the Committee of the Whole rules on points of order raised in that forum. *House Rules and Manual* § 971 (2019). The Clerk of the House decides questions of order when presiding over the House prior to the election of Speaker. Rule II, clause 2(a), *House Rules and Manual* § 641 (2019).

58. *House Rules and Manual* § 627 (2019). See Deschler’s Precedents Ch. 6 §§ 3.33–3.38. See also Deschler’s Precedents Ch. 31 §§ 1–13 and Precedents (Wickham) Ch. 31.

59. The Speaker also takes “authoritative” guidance from the Committee on the Budget (or its chair) with respect to certain budgetary levels. Rule XXIX, clause 4, *House Rules and Manual* § 1105b (2019).

60. For more on appeals generally, see Deschler’s Precedents Ch. 31 § 13 and Precedents (Wickham) Ch. 31.

of the House to seek recognition and formally object to the proceedings by raising a specific point of order and requiring the Chair to make a determination as to its validity.⁽⁶¹⁾ For example, whether an amendment is germane to a bill is a question that is decided only when a timely point of order is raised against the amendment. If no point of order is raised, the question does not come before the House and the Speaker does not issue a ruling.⁽⁶²⁾

Other rules or points of order are enforced through proactive engagement in the proceedings by the Chair. For example, a Member who transgresses the rule of comity between the Houses by engaging in personalities with respect to Senators is called to order by the Chair's own initiative.⁽⁶³⁾

The Speaker will often respond to inquiries from the membership regarding the parliamentary situation in which the House is operating.⁽⁶⁴⁾ However, the Speaker has complete discretion to recognize Members to propound such parliamentary inquiries or not, and such a decision is not subject to appeal.⁽⁶⁵⁾ The Speaker endeavors to limit responses to parliamentary inquiries to pending matters that are currently before the House. The Speaker will not respond to hypothetical questions, requests to place the proceedings in historical context, or political commentary in the guise of a parliamentary inquiry.⁽⁶⁶⁾

House Chamber, Capitol, and House Office Buildings

The Speaker possesses extensive authority over the House Chamber, the House side of the Capitol building, and the House office buildings. Pursuant to clause 3 of rule I,⁽⁶⁷⁾ the Speaker maintains “general control” of the House Chamber and areas of the Capitol assigned to the use of the House.

61. *Parliamentarian's Note*: Not all Member-initiated points of order require a ruling by the Chair. Under certain House rules, some points of order are decided by the Chair putting the question of consideration. The outcome of the point of order is thus decided by the House itself in adopting (or not) the question of consideration. See, e.g., Rule XXI, clause 9(c), *House Rules and Manual* § 1068d (2019). See also 2 U.S.C. § 658e and 2 U.S.C. § 933.

62. The Chair only rules on points of order when required to do so. See Deschler's Precedents Ch. 31 § 1.6.

63. *House Rules and Manual* §§ 371–374 (2019). A similar rule applies to references to the President. *House Rules and Manual* § 370 (2019).

64. See Deschler's Precedents Ch. 31 §§ 14, 15.

65. For more on what constitutes a proper parliamentary inquiry, see *House Rules and Manual* § 628a (2019).

66. *Id.*

67. *House Rules and Manual* § 623 (2019). See § 6, *infra*. See also Precedents (Wickham) Ch. 4 § 3.

Inside the House Chamber, the Speaker regulates the conduct and comportment of Members pursuant to the applicable standards of decorum.⁽⁶⁸⁾ The Speaker traditionally publishes in the *Congressional Record* certain policy statements regarding the Speaker's discretionary authority over the Chamber.⁽⁶⁹⁾ Such policy statements typically reference: the exercise of floor privileges; the use of electronic devices on the floor of the House; the conduct of votes using the Chamber's electronic voting system; the distribution of handouts on the House floor; and the status of the Chamber when the House is not in session.⁽⁷⁰⁾

With respect to floor privileges, clause 2(b) of rule IV⁽⁷¹⁾ prohibits the Speaker from entertaining unanimous-consent requests or motions to suspend clauses 1 through 5 of rule IV (granting and limiting access to the floor).⁽⁷²⁾ The Speaker typically announces at the beginning of each Congress that the rule on floor privileges will be strictly enforced.⁽⁷³⁾ Under clause 2(a) of rule IV,⁽⁷⁴⁾ staff of the respective party leaderships are afforded the privileges of the floor, but only with the approval of the Speaker. Pursuant to clause 4(b) of rule IV,⁽⁷⁵⁾ the Speaker may promulgate regulations regarding access to the House floor by lobbyists, and exempt educational or ceremonial functions from otherwise applicable restrictions. While Members' personal staff may be granted floor access, such staff may not influence Members regarding pending legislation, and the Speaker is authorized to exclude individuals who violate this prohibition from the Chamber.⁽⁷⁶⁾

The Speaker also regulates protocols for admission to the galleries of the House Chamber.⁽⁷⁷⁾ Under clause 6 of rule IV,⁽⁷⁸⁾ the Speaker is directed to set aside portions of the galleries for various dignitaries and for families and guests of Members. The Speaker also regulates the admission of news

68. Rule I, clause 2, *House Rules and Manual* § 622 (2019). See also § 6, *infra*. For decorum issues generally, see Deschler's Precedents Ch. 29 and Precedents (Wickham) Ch. 29.

69. See, e.g., 165 CONG. REC. H198–H201 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019). See also Precedents (Wickham) Ch. 5 § 9.

70. *Id.*

71. *House Rules and Manual* § 678 (2019). See also Precedents (Wickham) Ch. 4 § 5.

72. See Precedents (Wickham) Ch. 4 § 5.3 and Deschler's Precedents Ch. 4 § 4.2. The House may, by resolution, authorize individuals without floor privileges to be admitted to the House floor. See Precedents (Wickham) Ch. 4 § 5.1.

73. See, e.g., 163 CONG. REC. H34 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

74. *House Rules and Manual* § 678 (2019).

75. *House Rules and Manual* § 680 (2019).

76. Rule IV, clause 5, *House Rules and Manual* § 681 (2019).

77. See Precedents (Wickham) Ch. 4 § 4. See also Deschler's Precedents Ch. 4 §§ 5.1, 5.2.

78. *House Rules and Manual* § 682 (2019).

media representatives to the galleries under clauses 2 and 3 of rule VI.⁽⁷⁹⁾ Pursuant to clause 2 of rule I,⁽⁸⁰⁾ the Speaker is charged with preserving order in the House galleries, and may cause the galleries to be cleared in the case of a disturbance or other disorderly conduct.⁽⁸¹⁾ The Chair may remind gallery occupants of the prohibition on expressing approval or disapproval of House proceedings.⁽⁸²⁾

Audio–visual broadcasting from the House Chamber is also controlled by the Speaker under rule V.⁽⁸³⁾ Pursuant to this rule, the Speaker shall “administer, direct, and control” both in–house (closed–circuit) viewing of House proceedings and full public audio and visual broadcasting via the Cable Satellite Public Affairs Network (C–SPAN).⁽⁸⁴⁾ Members are not permitted to engage in still photography or audio–visual broadcasting by electronic device on the floor of the House, and the Sergeant–at–Arms may impose fines on Members who engage in such disorderly behavior. Under clause 3(g) of rule II,⁽⁸⁵⁾ the Speaker is informed by the Sergeant–at–Arms if any such fine is imposed. If the imposition of any fine is appealed to the Committee on Ethics, the Speaker is required to promptly notify the House as to any determination made with respect to said appeal.⁽⁸⁶⁾

Administration of the Oath of Office

Pursuant to statute, the oath of office is administered to Members–elect by the Speaker of the House.⁽⁸⁷⁾ Most Members–elect are sworn in by the Speaker *en masse* on opening day of a new Congress.⁽⁸⁸⁾ If a Member–elect is unable to travel to Washington, D.C., (due to illness, for example), the House may authorize the Speaker to appoint a deputy (often a Federal judge

79. *House Rules and Manual* §§ 693, 694 (2019).

80. *House Rules and Manual* § 622 (2019).

81. See *Precedents (Wickham)* Ch. 4 § 4.1.

82. See *Precedents (Wickham)* Ch. 4 §§ 4.2, 4.4. 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 *Precedents (Wickham)* Ch. 4 § 4.7 and *Precedents (Wickham)* Ch. 1 § 6.6. See also 40 U.S.C. § 5104(e)(2)(B).

83. *House Rules and Manual* § 684 (2019).

84. For more on audio–visual broadcasting from the Chamber (including Internet streaming of House proceedings), see *Precedents (Wickham)* Ch. 4 § 3.

85. *House Rules and Manual* § 660a (2019).

86. *Id.*

87. 2 U.S.C. § 25. The form of the oath is also prescribed by statute. 5 U.S.C. § 3331. The administration of the oath of office to the Speaker is traditionally performed by the Dean of the House. See *Precedents (Wickham)* Ch. 1 § 4.5. For more information on oaths generally, see *Precedents (Wickham)* Ch. 2.

88. See *Precedents (Wickham)* Ch. 2 § 3.1.

or similar official) to administer the oath to the absent Member.⁽⁸⁹⁾ The Speaker lays before the House communications from such deputy confirming that the oath has been properly administered.⁽⁹⁰⁾

When individuals are elected during a Congress via special election to fill vacancies, the Speaker administers the oath of office when they appear to claim their seats.⁽⁹¹⁾ Although the Speaker normally performs this function, the duty may be performed by an elected Speaker pro tempore,⁽⁹²⁾ or a designated Speaker pro tempore authorized with the approval of the House.⁽⁹³⁾

An appointed Speaker pro tempore does not take the oath of office upon his or her appointment, the position being a temporary one and the authorities conferred limited. An elected Speaker pro tempore, however, exercises virtually all of the authorities of the Speaker, and as such does take the oath of office upon election.⁽⁹⁴⁾ If the Speaker is present, the oath of office is administered by the Speaker to the elected Speaker pro tempore.⁽⁹⁵⁾

The Journal and the Congressional Record

Pursuant to clause 1 of rule I,⁽⁹⁶⁾ the Speaker examines and approves the Journal of the House⁽⁹⁷⁾ and announces to the House such approval. The Speaker's approval of the Journal is deemed agreed to unless a vote is demanded thereon.⁽⁹⁸⁾

Pursuant to clause 1 of rule VI,⁽⁹⁹⁾ the Clerk of the House appoints the Official Reporters of Debate (the stenographers tasked with transcribing the proceedings of the House for the *Congressional Record*),⁽¹⁰⁰⁾ subject to "the

89. See Precedents (Wickham) Ch. 2 § 3.13.

90. See Precedents (Wickham) Ch. 2 § 3.14.

91. See Precedents (Wickham) Ch. 2 §§ 3.5, 3.6. The House may also direct the Speaker to administer the oath of office to a Member-elect by the adoption of a privileged resolution. See, e.g., H. Res. 1161, 164 CONG. REC. H9700 [Daily Ed.], 115th Cong. 2d Sess. (Nov. 29, 2018).

92. See Precedents (Wickham) Ch. 2 § 3.12.

93. See Deschler's Precedents Ch. 2 § 5.2.

94. See Division B, *infra*.

95. See Deschler's Precedents Ch. 6 § 3.3.

96. For more on the Journal generally, see Deschler's Precedents Ch. 5 §§ 8–14 and Precedents (Wickham) Ch. 5 §§ 10–14.

97. *House Rules and Manual* § 621 (2019).

98. See Precedents (Wickham) Ch. 5 § 12.

99. *House Rules and Manual* § 685 (2019).

100. For more on the *Congressional Record* generally, see Deschler's Precedents Ch. 5 §§ 15–20 and Precedents (Wickham) Ch. 5 §§ 15–24.

direction and control of the Speaker.”⁽¹⁰¹⁾ The Speaker, however, has no unilateral authority over the content of the *Congressional Record* and may not delete or insert material without the consent of the House.⁽¹⁰²⁾

Legislative Process

The Speaker retains a variety of authorities—some substantive, others more administrative—regarding the process by which legislative measures move through the House. At the front end of the process, the Speaker is responsible for referring all bills and resolutions to the appropriate committee or committees of jurisdiction.⁽¹⁰³⁾ The Speaker may refer measures to multiple committees, refer portions of the same bill to different committees, and put time limitations on committee consideration of measures.⁽¹⁰⁴⁾ With the approval of the House, the Speaker may refer matters to special, ad hoc committees appointed by the Speaker.⁽¹⁰⁵⁾

At the other end of the process, the Speaker is charged with certain responsibilities regarding the enrollment of legislative measures.⁽¹⁰⁶⁾ Pursuant to clause 4 of rule I, the “Speaker shall sign all acts and joint resolutions passed by the two Houses.”⁽¹⁰⁷⁾ Thus, before being presented to the President for signature (or veto), all bills and resolutions passed by the two Houses must first be signed by the Speaker. When the House acts last to override a veto of the President, the Speaker is responsible, pursuant to statute,⁽¹⁰⁸⁾ for the transmittal of the legislation to the Archivist of the United States.

101. *Parliamentarian’s Note*: Prior to 1978, the Official Reporters of Debate were under the jurisdiction of the Speaker alone. See *Precedents (Wickham)* Ch. 5 § 16.3.

102. See *Precedents (Wickham)* Ch. 5 § 19. For earlier authorities exercised by the Speaker regarding the *Congressional Record*, see *Deschler’s Precedents* Ch. 6 §§ 3.12, 3.13, and 4.1.

103. *Parliamentarian’s Note*: The Speaker’s authority with regard to referrals is extensive but not absolute. For example, certain statutes provide that particular measures (often resolutions of disapproval of executive actions) must be referred to particular committees. See, e.g., 50 U.S.C. § 1545. Additionally, the House has the ability to “correct” the reference of public bill under clause 1 of rule XIV (*House Rules and Manual* § 869 (2019)), although this procedure has not been used in many decades. See 4 *Hinds’ Precedents* §§ 4377, 4378 and 7 *Cannon’s Precedents* §§ 2117–2128.

104. Rule XII, clause 2, *House Rules and Manual* § 816 (2019). The Speaker’s referral authority with respect to the Permanent Select Committee on Intelligence is contained in clause 11(b)(2) of rule X. See *House Rules and Manual* § 785 (2019).

105. Rule XII, clause 2(c)(4), *House Rules and Manual* § 816 (2019).

106. See *Deschler’s Precedents* Ch. 6 §§ 4.36–4.40.

107. *House Rules and Manual* § 624 (2019). Pursuant to this rule, the Speaker may sign enrollments regardless of whether the House is in session. Formerly, the Speaker would need explicit permission from the House to do so. See *Deschler’s Precedents* Ch. 6 § 4.38.

108. 1 U.S.C. § 106a.

Between these two endpoints, the Speaker may engage with the legislative process in a number of ways. The House employs a “calendar” system for scheduling different kinds of measures or matters, and it is the duty of the Speaker to refer measures or matters reported by committees of the House to the appropriate calendars.⁽¹⁰⁹⁾ Further, rules may require the Speaker to initiate proceedings under said calendars at the appropriate time. For example, clause 5 of rule XV requires the Speaker to call the Private Calendar on certain Tuesdays.⁽¹¹⁰⁾ Similarly, the morning hour call of committees (a procedure no longer used in the modern House) requires the Speaker to call each standing and select committee for consideration of non-privileged matters on the House Calendar.⁽¹¹¹⁾ In the 116th Congress, the House created a “Consensus Calendar” for measures that had garnered at least 290 cosponsors.⁽¹¹²⁾ Under Consensus Calendar procedures contained in clause 7 of rule XV,⁽¹¹³⁾ the Speaker is required to designate qualifying measures for consideration on a weekly basis.

Other standing rules provide the Speaker with discretion regarding scheduling matters for disposition by the House. The Speaker has the discretion, on certain days of the week, to recognize Members to offer motions to suspend the rules.⁽¹¹⁴⁾ When a special order of business vests the Speaker with authority to resolve the House into the Committee of the Whole, clause 2(b) of rule XVIII⁽¹¹⁵⁾ provides that such authority may be exercised at any time (when no question is pending before the House). The scheduling of resolutions raised as questions of privilege under rule IX⁽¹¹⁶⁾ (when offered by someone other than the floor leaders) is at the discretion of the Speaker (within two legislative days of the offeror giving proper notice). When a

109. Rule XIII, clause 2, *House Rules and Manual* § 831 (2019). For more on the Calendar system generally, see *Precedents* (Wickham) Ch. 22 and *Deschler’s Precedents* Ch. 22.

110. *House Rules and Manual* § 895 (2019). It was formerly the case that the Speaker had the discretion to call the Private Calendar on the third Tuesday of a month, where preference would be given to omnibus private bills. See *Deschler’s Precedents* Ch. 22 § 11.4. In the 116th Congress, this discretionary authority was expanded to include any day of the month, subject to certain notice requirements. H. Res. 6, 165 CONG. REC. H17–H24 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

111. Rule XIV, clause 4, *House Rules and Manual* § 880 (2019).

112. Rule XIII, clause 1(c), *House Rules and Manual* § 830a (2019).

113. *House Rules and Manual* § 901a (2019).

114. Rule XV, clause 1(a), *House Rules and Manual* §§ 885–889a (2019). Although there is no “suspension calendar” under House rules, the Majority Leader typically works with committees to formulate a list of bills and resolutions to be considered under suspension procedures each week.

115. *House Rules and Manual* § 972 (2019).

116. *House Rules and Manual* § 699 (2019).

Member gives notice of an intent to offer a motion to instruct conferees under clause 7(c) of rule XXII,⁽¹¹⁷⁾ the Speaker has discretion to schedule consideration of that motion at any time during that legislative day. As noted above, the Speaker has considerable flexibility in postponing and clustering votes for the convenience of Members, pursuant to clauses 8(a) and 8(b) of rule XX.⁽¹¹⁸⁾ Finally, unanimous-consent requests are frequently used to structure the House's legislative schedule, and the Speaker has wide (though not unlimited) discretion to recognize Members for such requests.⁽¹¹⁹⁾

The Speaker is responsible for the disposition of business on “the Speaker's table.” Certain Senate and presidential communications, when received by the House, are placed on the Speaker's table, and (depending on the matter at issue) the Speaker has authority to refer those messages to the appropriate committees of jurisdiction.⁽¹²⁰⁾ Under modern practice, Senate amendments to House measures that lie on the Speaker's table are typically taken from the table by unanimous consent, suspension of the rules, or a special order of business resolution from the Committee on Rules. Pursuant to clause 1 of rule XXII,⁽¹²¹⁾ certain motions to dispose of Senate amendments are privileged for consideration at the discretion of the Speaker and if offered by direction of the committees of jurisdiction. The Speaker has traditionally announced policies regarding the referral of nongermane Senate amendments to committees and entertaining unanimous-consent requests to dispose of Senate amendments at the Speaker's table.⁽¹²²⁾

When the House and Senate agree to form a conference committee to resolves differences over a legislative measure, it is the Speaker who has authority to appoint conferees for the House.⁽¹²³⁾ When the conferees file their conference report in the House, the Speaker makes an initial determination as to the validity of the report (*i.e.*, whether or not conferees have exceeded their authority).⁽¹²⁴⁾

117. *Parliamentarian's Note*: The Speaker may (but is not required to) announce the time designated for offering the resolution. See, *e.g.*, 163 CONG. REC. H7935 [Daily Ed.], 115th Cong. 1st Sess. (Oct. 11, 2017). *House Rules and Manual* § 1079 (2019).

118. *House Rules and Manual* § 1030 (2019).

119. See, *e.g.*, 165 CONG. REC. H198–H201 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019). See also Deschler's Precedents Ch. 23 §§ 42–48. For limitations on the Speaker's authority generally, see § 4, *infra*.

120. Rule XIV, clause 2, *House Rules and Manual* §§ 873–875 (2019).

121. *House Rules and Manual* § 1069 (2019).

122. See, *e.g.*, 165 CONG. REC. H198–H201 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

123. Rule I, clause 11, *House Rules and Manual* § 637 (2019). See also §§ 3, 4, *infra*.

124. *House Rules and Manual* § 628 (2019). See also 5 Hinds' Precedents §§ 6409, 6410, and 6414–6416 and 8 Cannon's Precedents §§ 3256, 3264. For more on conferences generally, see Precedents (Wickham) Ch. 33 and Deschler's Precedents Ch. 33.

Questions of Privilege

When a resolution is raised as a question of the privileges of the House under rule IX, the Speaker must determine whether the resolution qualifies as a valid question of privilege under the rules and precedents of the House.⁽¹²⁵⁾ The Speaker's determination that a resolution does not qualify as a question of privilege prevents that resolution from coming immediately before the House. Such a determination, however, may be appealed to the full House.⁽¹²⁶⁾

Responsibilities Regarding Service of Process and Litigation

When Members or officers of the House become involved in judicial inquiries (for example, when a subpoena is issued to a Member or officer), rule VIII⁽¹²⁷⁾ provides procedures for determining whether the judicial request is consistent with the rights and privileges of the House and its Members.⁽¹²⁸⁾ The Speaker's role in these procedures is basically ministerial. The Speaker receives notification that the Member or officer has been properly served with a subpoena. The Speaker is then required to "promptly" lay before the House such notification.⁽¹²⁹⁾

Under clause 4 of rule I,⁽¹³⁰⁾ the Speaker signs all "writs, warrants, and subpoenas" issued by order of the House. Pursuant to clause 8(b) of rule II,⁽¹³¹⁾ the Speaker is a member of the Bipartisan Legal Advisory Group (BLAG), which articulates the House's institutional position in all legal matters. In the 115th Congress, clause 8(c) was added to rule II,⁽¹³²⁾ authorizing the Speaker (as well as the House itself, committees thereof, or committee

125. *House Rules and Manual* §§ 698, 699 (2019). Under rule IX, the Speaker has authority to set the time for consideration of a resolution raised as a question of the privileges of the House when offered by a Member other than the Majority Leader or Minority Leader (within two legislative days of formal notice being given that the Member intends to raise the question).

126. For more on questions of privilege generally, see Deschler's Precedents Ch. 11 and Precedents (Wickham) Ch. 11.

127. *House Rules and Manual* § 697 (2019). Under clause 3(b) of rule VIII, the Speaker is permitted to take appropriate actions in response to subpoenas when the House is not in session, but must notify the House of such actions upon reconvening.

128. See §§ 26, 27, *infra*. For service of process on Members, see Deschler's Precedents Ch. 7 and Precedents (Wickham) Ch. 7.

129. See § 26.2, *infra*.

130. *House Rules and Manual* §§ 624, 626 (2015).

131. *House Rules and Manual* § 670a (2019). See also § 19, *infra*.

132. *House Rules and Manual* § 670b (2019).

chairs) to act as a “successor in interest” in any litigation commenced in a prior Congress.

Contempt of Congress

Individuals who fail to comply with subpoenas properly issued by the House of Representatives may be cited for contempt of Congress.⁽¹³³⁾ Although the Supreme Court has affirmed the inherent power of Congress to punish witnesses for contempt,⁽¹³⁴⁾ Congress has enacted statutory contempt procedures to supplement this inherent authority.⁽¹³⁵⁾ Under those procedures, “it shall be the duty of the . . . Speaker of the House . . . to certify”⁽¹³⁶⁾ the statement of facts to the appropriate United States Attorney so that the recalcitrant witness may be prosecuted by the judicial branch. The Speaker then notifies the House that such certification has taken place.⁽¹³⁷⁾

Duty to Pronounce Censure

The House, and not the Speaker, has the authority to discipline its Members.⁽¹³⁸⁾ Methods of discipline are varied, running the gamut from mere reprimands to full expulsion from the House.⁽¹³⁹⁾ Under the precedents, when the House formally censures a Member, it is the Speaker’s duty to personally pronounce censure.⁽¹⁴⁰⁾ The offending Member is brought to the bar of the House and the Speaker reads the pronouncement of censure, which is entered into the Journal.⁽¹⁴¹⁾

Messages and Communications; Announcements

The Speaker often acts as the institutional representative of the House for the purposes of receiving a variety of messages and communications from the executive branch, the judicial branch, the Senate,⁽¹⁴²⁾ or the public

133. See Deschler’s Precedents Ch. 15 §§ 17–22 and Deschler’s Precedents Ch. 6 §§ 3.40–3.43.

134. See *Anderson v. Dunn* 19 U.S. 204 (1821) and *Marshall v. Gordon*, 243 U.S. 521 (1917).

135. 2 U.S.C. § 192.

136. *Id.*

137. See § 2.1, *infra*.

138. For disciplinary actions generally, see Deschler’s Precedents Ch. 12 and Precedents (Wickham) Ch. 12. For ethics investigations of the Speaker, see § 7, *infra*.

139. Each 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.

140. See 2 Hinds’ Precedents §§ 1251, 1259 and 6 Cannon’s Precedents § 236.

141. See § 2.2, *infra*.

142. See Deschler’s Precedents Ch. 32 §§ 1, 2.

generally. Executive and presidential communications are typically addressed to the Speaker, even if it is the Clerk of the House who receives the communication in his or her administrative capacity. Pursuant to clause 8 of rule XII, “estimates of appropriations and all other communications from the executive departments”⁽¹⁴³⁾ must be addressed to the Speaker for proper referral to committee. Petitions and memorials are likewise referred under clause 3 of rule XII,⁽¹⁴⁴⁾ and the Speaker has authority to exclude any such communications judged to be “obscene or insulting.”

The Speaker has an implicit obligation to keep Members informed as to relevant events regarding the legislative process and House operations generally.⁽¹⁴⁵⁾ Thus, the Speaker often makes announcements to the body from the chair informing Members of such things as the receipt of messages from other bodies, the Speaker’s signing of enrolled bills, notification that Members or officers had been served with subpoenas,⁽¹⁴⁶⁾ the Speaker’s certification of contempt,⁽¹⁴⁷⁾ etc.

Pursuant to clause 5(d) of rule XX (first adopted in the 108th Congress in 2003),⁽¹⁴⁸⁾ the Speaker is required announce to the body any adjustment to the “whole number” of the House (*i.e.*, the number of current Members who have been sworn). The Speaker makes such announcements upon the swearing-in of a new Member-elect, or when a Member ceases to be a Member of the House (through death, resignation, or expulsion).

Other Authorities

Administrative duties of the Speaker include designating Members, officers, or employees of the House to travel on official House business.⁽¹⁴⁹⁾ Pursuant to clause 9 of rule I,⁽¹⁵⁰⁾ the Speaker (in consultation with the Minority Leader) shall develop a drug testing system in the House (comparable to similar programs within the executive branch). The drug testing system may apply to Members, officers, or employees of the House.

Certifying Contempt

§ 2.1 Pursuant to law,⁽¹⁵¹⁾ the Speaker informs the House whenever a contempt case has been certified to a United States Attorney.

143. *House Rules and Manual* § 827 (2019).

144. *House Rules and Manual* § 818 (2019).

145. See Deschler’s Precedents Ch. 6 §§ 3.8–3.10.

146. See § 26, *infra*.

147. See § 2.1, *infra*.

148. *House Rules and Manual* § 1024b (2019).

149. Rule I, clause 10, *House Rules and Manual* § 636 (2019).

150. *House Rules and Manual* § 635 (2019).

151. 2 U.S.C. § 194.

On May 8, 2014,⁽¹⁵²⁾ pursuant to law and House resolution, the Speaker announced to the House certification of a contempt case as follows:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽¹⁵³⁾ The Chair would inform the House that, pursuant to House Resolution 574, the Speaker has certified to the United States Attorney for the District of Columbia the refusal of Lois G. Lerner to provide testimony before the Committee on Oversight and Government Reform.

Pronouncing Censure

§ 2.2 When directed by the House pursuant to a resolution of censure the Member appears in the well of the House, and the Speaker makes the pronouncement of censure from the Chair.

On December 2, 2010,⁽¹⁵⁴⁾ the House adopted a resolution that Rep. Charles Rangel of New York be censured:⁽¹⁵⁵⁾

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL OF NEW YORK

Ms. ZOE LOFGREN of California. Mr. Speaker, I call up privileged resolution, H. Res. 1737, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1737

Resolved, That (1) Representative Charles B. Rangel of New York be censured; (2) Representative Charles B. Rangel forthwith present himself in the well of the House for the pronouncement of censure; (3) Representative Charles B. Rangel be censured with the public reading of this resolution by the Speaker; and (4) Representative Rangel pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

The SPEAKER pro tempore.⁽¹⁵⁶⁾ The gentlewoman from California is recognized for 1 hour.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 30 minutes to the gentleman from New York (Mr. RANGEL) for purposes of debate only, and I ask unanimous consent that he be permitted to control those 30 minutes.

152. 160 CONG. REC. 7624, 113th Cong. 2d Sess. See also H. Res. 574, 160 CONG. REC. 7490, 113th Cong. 2d Sess. (May 7, 2014). For prior similar announcement, see 158 CONG. REC. 10769, 112th Cong. 2d Sess. (June 29, 2012).

153. Mark Meadows (NC).

154. 156 CONG. REC. 18721, 18728–30, 111th Cong. 2d Sess.

155. *Parliamentarian's Note*: The House, and not the Speaker, determines whether a Member is to be censured. If the House by resolution so determines, it is the Speaker who pronounces censure. See also Precedents (Wickham) Ch. 3 § 3.1; Deschler's Precedents Ch. 29 §§ 23.50, 30.12; 129 CONG. REC. 20030, 20035–37, 98th Cong. 1st Sess. (July 20, 1983); and 2 Hinds' Precedents § 1275.

156. John Salazar (CO).

Ch. 6 § 2

PRECEDENTS OF THE HOUSE

Of my remaining 30 minutes, I yield 15 minutes to the gentleman from Alabama, the ranking member on the Committee on Standards of Official Conduct, Mr. BONNER, for purposes of debate only, and I ask unanimous consent that he be permitted to control those 15 minutes.

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

There was no objection.

Ms. ZOE LOFGREN of California. . . .

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

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

RECORDED VOTE

Mr. [Josiah] BONNER [of Alabama]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 79, not voting 21, as follows:

[Roll No. 607] . . .

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.

The SPEAKER.⁽¹⁵⁷⁾ Will the gentleman from New York (Mr. RANGEL) kindly appear in the well.

By its adoption of House Resolution 1737, the House has resolved—that Representative CHARLES B. RANGEL of New York be censured; that Representative CHARLES B. RANGEL forthwith present himself in the well of the House for the pronouncement of censure; that Representative CHARLES B. RANGEL be censured with the public reading of this resolution by the Speaker; and that Representative RANGEL pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

Administrative Duties

§ 2.3 The Speaker may answer queries from Members regarding the policy for distribution of certain House documents.

On October 6, 1977,⁽¹⁵⁸⁾ in response to a parliamentary inquiry regarding the Clerk's report on House expenditures, the Speaker stated that the policy was to postpone distribution of House documents until printed copies were available to all Members:

PARLIAMENTARY INQUIRY

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

¹⁵⁷. Nancy Pelosi (CA).

¹⁵⁸. 123 CONG. REC. 32614, 95th Cong. 1st Sess.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽¹⁵⁹⁾ The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, I propound this parliamentary inquiry to the Chair. The gentleman from Maryland for the last 4 days has been seeking permission from the Clerk of the House to examine the report of the Clerk of the House covering January through June 1977 which was submitted to the Speaker 2 months ago. The report includes official expenditures of all Members, committees, and others.

It is my understanding that this report was to have been printed within 60 days of its submission and is in galley form and could be made available for my inspection. On at least four occasions I have been told by the Clerk of the House or his staff that I would be able to examine the report, most recently that it would be available this afternoon.

I have just been informed that it is still not available. I ask the Chair what right a Member of the House has to an official report, and whether or not the Chair might consider interceding on behalf of all Members to allow them to examine a copy of this report prior to consideration of the Obey Commission proposals next week.

The SPEAKER. The Chair would like to inform the gentleman of this point: That it is his understanding that it is presently in galley form. There are approximately 600 different pages which are looseleaf, some of which would have to be cut and folded. It will be available to all Members on Tuesday next.

Mr. BAUMAN. Mr. Speaker, the Government Printing Office Assistant Printer, Mr. Boyle, informed me yesterday that copies now are available for my inspection and would be sent to my office. The Clerk subsequently vetoed that and told me that there would be a copy in his office available this afternoon. I have again been refused access to this, and have further been told that bound copies will not be available to Members or the public until next Thursday, after consideration of the Obey Commission resolution.

The SPEAKER. While there has been some confusion, it is the policy that a document should not be available to just one Member of Congress alone, but it should be available to all Members at the same time. For that reason, while it would have been available to the gentleman, it would not have been available to all Members.

The Chair would say that the Clerk has acted within his rights. He has not tried to refrain from giving the gentleman a copy, but is working in the interests of the House and doing what he thinks best for the House and all of its Members.

Having been aware of this, the Chair ordered that it be handled in an expeditious manner. It is the understanding of the Chair that it will be ready on Tuesday next for every Member of the House.

Mr. [John] RHODES [of Arizona]. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Arizona.

Mr. RHODES. Would it not be possible, since the gentleman from Maryland has repeatedly expressed his interest in this particular report, for the gentleman from Maryland to be allowed, as an individual Member, to go to the office of the Clerk or wherever the report now is, to look at the report in whatever form it now is in, rather than to await the time that might be available for the inspection of all Members?

The SPEAKER. It is my understanding that the copy is not available in the Clerk's office, and it is at the Government Printing Office.

The Chair will make a request to the Printing Office that a copy be sent to the Clerk's office and remain in the Clerk's office, available for any Member who so desires to look

159. Thomas O'Neill (MA).

at it. The Chair will direct the Parliamentarian to call the Office of the Printer and have them deliver it to the Clerk's office. It will be available to any Member who wishes to peruse it in the Clerk's office.

Mr. BAUMAN. I thank the Chair.

§ 2.4 The Speaker, in a “Dear Colleague” letter inserted in the *Congressional Record*, articulated a drug-free work policy for the House.

On June 5, 1991,⁽¹⁶⁰⁾ the following occurred:

AMENDMENT OFFERED BY MR. SOLOMON

Mr. [Gerald] SOLOMON [of New York]. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 40, after line 21, insert the following new section:

“SEC. 313. (a) Each House of Congress, and each other entity within the legislative branch, shall establish and implement a random controlled substances testing program for employees and officers, whether appointed or otherwise, within their respective bodies.

(b) For the purpose of this section, the term “controlled substance” has the meaning given such term by section 102 of the Controlled Substances Act.

Mr. [Victor] FAZIO [of California]. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN.⁽¹⁶¹⁾ The gentleman from California [Mr. FAZIO] reserves a point of order. . . .

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. FAZIO] wish to be heard on his reservation of a point of order?

Mr. FAZIO. Mr. Chairman, I would simply say that the House does feel very deeply about the problem of drug abuse. We have a policy which has been promulgated by our Speaker, put into effect on October 2, 1990. I will place that in the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 1990.

DEAR COLLEAGUE: Substance abuse is a serious problem affecting many Americans throughout our Nation. The House of Representatives, as a governmental institution employing several thousand individuals, is committed to providing our employees, and those we serve, with a drug-free workplace. This statement is intended to articulate the policy designed to meet that goal.

The unauthorized possession, use, or distribution of controlled substances in the offices of the House of Representatives is violative of applicable laws. Furthermore, if such violations occur in the offices of the House of Representatives, it does not reflect creditably

160. 137 CONG. REC. 13587–88, 102d Cong. 1st Sess.

161. Brian Donnelly (MA).

on the House of Representatives. Each employing authority in the House shall take appropriate action which may include termination or other properly available employment action, when such use, possession, or distribution occurs, depending upon the specific facts and circumstances of any such instance. It is fundamental to the employer-employee relationship that any policy concerning remedies with respect to possession or use of controlled substances in the workplace be administered in a humanitarian fashion. Therefore, in the administration of this drug-free workplace policy, remedial measures, such as counseling and rehabilitation, as well as the full range of properly available employment actions, may be and should be considered. With respect to counseling and rehabilitative services the Employee Assistance Program which is being established under the auspices of the Clerk of the House will provide one internally available resource for such services.

This policy is designed to ensure that workplaces in the House of Representatives be, in a manner consistent with law, free from the illegal use, possession, or distribution of controlled substances (as defined by the Controlled Substances Act) by the Members, officers, and employees of the House of Representatives.

Sincerely,

THOMAS S. FOLEY,
Speaker.

But at this point, I cannot accept the authorization language on this appropriation bill.

Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violated clause 2 of rule XXI.

Mr. SOLOMON. Mr. Chairman, as I said before, I recognized that a point of order legitimately lies against the amendment, and rather than appeal to the Chair on something I know is correct, why, I am going to accept the ruling of the Chair.

The CHAIRMAN (Mr. DONNELLY). The Chair will rule that, for the reason stated by the gentleman from California [Mr. FAZIO], the point of order is sustained.

Speaker's Announced Policies

§ 2.5 At the beginning of each Congress, the Speaker customarily inserts into the *Congressional Record* certain policy statements regarding particular aspects of the legislative process and protocols for the use of discretionary authorities.

On January 3, 2017,⁽¹⁶²⁾ the Speaker inserted into the *Congressional Record* certain policy statements for 114th Congress, including those relating to: (1) strict enforcement of the rule on privileges of the floor; (2) introduction and reference of bills and resolutions; (3) recognition for unanimous-consent requests for consideration of bills and resolutions; (4) recognition for one-minute speeches and special-order speeches; (5) decorum in debate; (6) conduct of electronic votes; (7) use of handouts on the House floor;

¹⁶². 163 CONG. REC. H34–H36 [Daily Ed.], 115th Cong. 1st Sess. See also 161 CONG. REC. 61–63, 114th Cong. 1st Sess (Jan. 6, 2015). For an example of the Speaker reiterating

(8) use of electronic equipment on the House floor; and (9) use of the House Chamber when not in session:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽¹⁶³⁾ The Chair customarily takes this occasion at the outset of a Congress to announce his 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 115th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clauses 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 115th 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 personal staff of Members who are sponsors of pending bills. 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 in the jurisdiction of 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

proper decorum standards pursuant to the Speaker's Announced Policies, see 161 CONG. REC. 2553–54, 114th Cong. 1st Sess. (Feb. 25, 2015).

163. Steve Womack (AR).

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 her.

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 his 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 115th Congress.

ANNOUNCEMENT BY THE SPEAKER, FEBRUARY 1, 2006

The SPEAKER. 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 cloak-rooms 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.

2. *Introduction of Bills and Resolutions*

The policy that the Chair announced on January 3, 1983, with respect to the introduction and reference of bills and resolutions will continue to apply in the 115th Congress. The Chair has advised all officers and employees of the House who are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

The Chair has noted a need for increased attention to detail regarding the addition of cosponsors to measures to ensure accuracy. To that end, Members are encouraged to use the template provided by the Office of the Clerk, which requests Members seeking to be added as cosponsors to include their printed name, original signature, and state. Members routinely include their original signatures, states, and districts when voting by card in the well, so the Chair is hopeful that the inclusion of such information on a cosponsor form will be a familiar task.

3. *Unanimous-Consent Requests for the Consideration of Legislation*

The policy the Chair announced on January 6, 1999, with respect to recognition for unanimous-consent requests for the consideration of certain legislative measures will continue to apply in the 115th Congress. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills, resolutions, and other measures only when assured that the majority and minority floor leadership and the relevant committee chairs and ranking minority members have no objection. Consistent with those guidelines and with the Chair’s inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for the unanimous-consent requests chronicled in section 956 without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on

the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

4. Recognition for One-Minute Speeches

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO ONE-MINUTE SPEECHES

The Speaker's policy announced on August 8, 1984, with respect to recognition for one-minute speeches will apply during the 115th Congress. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

In addition, during the 115th Congress, the Chair will continue the practice of not recognizing Members for a one-minute speech more than one time per legislative day.

5. Recognition for Special-Order Speeches

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO SPECIAL-ORDER SPEECHES

The Speaker's policy with regard to special-order speeches announced on February 11, 1994, as clarified and reiterated by subsequent Speakers, will continue to apply in the 115th Congress, with the following modifications.

The Chair may recognize Members for special-order speeches for up to 4 hours. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, the Chair will not recognize Members for any special-order speeches beyond 10 o'clock in the evening.

The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. The second hour reserved to each party will be divided into two 30-minute periods. Recognition for one-hour periods and for 30-minute periods will alternate initially and subsequently between the parties each day. The Chair wishes to clarify for Members that any 60- or 30-minute period that is not claimed at the appropriate time will be considered to have expired; this includes the first 60-minute period of the day.

The allocation of time within each party's 2-hour period (or shorter period if prorated to end by 10 p.m.) will be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than one week prior to the special order. Additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating the conduct of morning-hour debate or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. The Chair may announce other adaptations during this period.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII and includes the ability to withdraw recognition for longer special-order speeches should circumstances warrant.

6. Decorum in Debate

The Chair's announced policies of January 7, 2003, January 4, 1995, and January 3, 1991, will apply in the 115th Congress. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but also to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; to address the Chair only during, and not beyond, the time recognized, and not to address the television or other imagined audience; to refrain from passing between the

Chair and a Member speaking, or directly in front of a Member speaking from the well; to refrain from smoking in the Chamber; to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid “personalities” in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds’ Precedents, at section 1248 and was reiterated on January 19, 1995.

7. Conduct of Votes by Electronic Device

The Speaker’s policy announced on January 4, 1995, with respect to the conduct of electronic votes will continue in the 115th Congress with modifications as follows.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary record 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. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by record votes. The Chair 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 the example of October 30, 1991, 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. 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. Members will be given a reasonable amount of time in which to accurately record their votes, and the Chair will endeavor to assess the presence of the membership and the expectation of further votes prior to exercising his authority under clause 8(c)(2) or clause 9(b) of rule XX or clause 6(g)(2) of rule XVIII. The Speaker believes the best practice for presiding officers is to await the Clerk’s certification that a vote tally is complete and accurate. Members are further reminded, in accordance with the Speaker’s statement of January 7, 2016, that the standard policy is to not terminate the vote when a Member is in the well attempting to cast a vote. Other efforts to hold the vote open are not similarly protected.

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 on Standards of Official Conduct, will continue in the 115th 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 clarified on January 6, 2009, and as modified by the change in clause 5 of rule XVII in the 112th Congress, will continue in the 115th Congress with modifications as follows. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of mobile electronic devices that impair decorum. Those devices include wireless telephones and

personal computers. The Chair wishes to note that electronic tablet devices do not constitute personal computers within the meaning of this policy and thus may be unobtrusively used in the Chamber. No device may be used for still photography or for audio or video recording or for live broadcasting.

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.

In light of the changes to rule II and rule XVII in the 115th Congress, the Chair would like to take this opportunity to educate all Members and staff on how these changes will be implemented. The Sergeant at Arms is charged with enforcement of clause 3(g) rule II, which prohibits the use of electronic devices for still photography or for audio or visual recording or broadcasting in contravention of clause 5 of rule XVII and the policies just articulated. The Chair would advise Members of the following policies of the Sergeant at Arms surrounding the rules change.

The Sergeant at Arms will enforce the prohibition with respect to violations observed first-hand on the House floor as well as violations that become apparent at a later time, such as through publication online or broadcast on television.

In the case of violations observed on the floor, the Sergeant at Arms will hand the offending Member a card noting the violation, and will follow up by sending the Member a written letter. In the case of other violations, Members will receive a written letter detailing the offending conduct.

The fine for a first offense is \$500. The fine for each subsequent offense is \$2500. The Sergeant at Arms will endeavor to provide Members a written warning prior to assessing a fine for a first offense. Because of the inherent difficulty of enforcing this prohibition during ceremonial events, the Sergeant at Arms may choose not to cite minor violations occurring during such an event.

Pursuant to clause 2(g)(3) of rule II, in addition to notifying the Member, Delegate, or Resident Commissioner concerned, the Sergeant at Arms will also notify the Speaker, the Chief Administrative Officer, and the Committee on Ethics of any fine imposed. Upon receiving notification of a fine, a Member, Delegate, or Resident Commissioner may appeal the fine to the Committee on Ethics within 30 calendar days or 5 legislative days, whichever is later.

The Sergeant at Arms and the Committee on Ethics are each authorized to establish policies and procedures for the implementation of these rules. The Chief Administrative Officer is authorized to establish policies and procedures for deducting any such fine from a Member's net salary. It is the desire of the Chair that any such policies and procedures be submitted for printing in the CONGRESSIONAL RECORD.

Nothing in the House rules or this policy deprives the House of its ability to address breaches of decorum or other violations of House rules that may give rise to questions of the privileges of the House under rule IX.

The Chair appreciates the attention of all Members to these efforts.

10. Use of Chamber

The Speaker's policy announced on January 6, 2009, with respect to use of the Chamber will continue in the 115th 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 or 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.

§ 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 Inter-parliamentary 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).

Limitations in General; Rules and Precedents

As an initial matter, the Speaker is bound by the rules and precedents of the House (including customs and traditions) and is not free to simply ignore or disregard them. The parliamentary rules of the House represent its legal code, and the Speaker must abide by that code just as any other Member or officer of the body.⁽¹⁾ The precedents of the House may be thought of as a common law of the House, with the same binding effect as precedents established in the judicial sphere.⁽²⁾ While any Speaker may choose to disagree with or overturn prior precedents, Speakers have traditionally been very deferential to established precedents and will typically not reverse precedents absent some change in circumstance or other compelling reason.⁽³⁾ The Speaker thus exercises power within an established legal framework that guides his or her decisions.

The Speaker is also bound to obey the will of the House, even when the House disagrees with the Speaker's decisions. Pursuant to clause 5 of rule I,⁽⁴⁾ decisions of the Speaker on questions of order are subject to appeal to the full House upon demand of any Member.⁽⁵⁾ Thus, the membership of the body as a whole, rather than the Speaker, is the locus of true sovereignty in the House and is the ultimate arbiter of what is or is not permissible.⁽⁶⁾

On occasion, Members may inquire of the Speaker to issue a ruling or make a decision regarding some matter that is not within the province of the Speaker to opine on or provide guidance. For instance, the Speaker does not rule as to the constitutionality of proposed actions by the House, that being a matter for the body to decide in taking the action (or not).⁽⁷⁾ The Speaker does not construe vote results or assess the consequences of voting a particular way.⁽⁸⁾ The Speaker does not rule on the effect, purpose, merits, or consistency of amendments,⁽⁹⁾ or determine whether language in legislative measure is ambiguous.⁽¹⁰⁾ The Speaker does not interpret special orders

1. For example, the Speaker, like any other Member, is subject to ethics rules established by the House (such as the Code of Official Conduct in rule XXIII (*House Rules and Manual* §1095 (2019))) and must abide by the same decorum standards applicable to all Members. See §5, *infra*.
2. For more on the nature of rules and precedents generally, see *Precedents* (Wickham) Ch. 5 §1.
3. See Deschler's *Precedents* Ch. 6 §§ 4.4, 4.5 and Deschler's *Precedents* Ch. 31 § 1.1.
4. *House Rules and Manual* § 627 (2019).
5. For appeals generally, see Deschler's *Precedents* Ch. 31 § 13 and *Precedents* (Wickham) Ch. 31.
6. *Parliamentarian's Note*: Certain decisions or actions by the Chair have been recognized as not subject to appeal. See *House Rules and Manual* § 629 (2019).
7. See *Precedents* (Wickham) Ch. 1 § 6.8; Deschler's *Precedents* Ch. 6 § 4.18; Deschler's *Precedents* Ch. 31 § 13.4; 2 Hinds' *Precedents* § 1490; and 4 Hinds' *Precedents* § 3507.
8. See Deschler's *Precedents* Ch. 6 §§ 4.27, 4.28.
9. See Deschler's *Precedents* Ch. 6 §§ 4.19–4.21; 8 Cannon's *Precedents* § 3458; and 5 Hinds' *Precedents* § 5781.
10. See Deschler's *Precedents* Ch. 6 § 4.24.

of business while they are pending;⁽¹¹⁾ nor does the Speaker interpret Senate rules.⁽¹²⁾ The Speaker does not rule on the legal or substantive effect of measures or committee report language.⁽¹³⁾ The Speaker will not speculate as to what judicial bodies may or may not consider part of the legislative history of a measure or the legislative intent of particular provisions.⁽¹⁴⁾ The Speaker does not opine as to the effect of amending House rules.⁽¹⁵⁾ Further, the Speaker will not answer questions within the purview of the Committee of the Whole.⁽¹⁶⁾

Parliamentary Inquiries

The Speaker has discretion to entertain parliamentary inquiries from the membership⁽¹⁷⁾ and may decline improper inquiries.⁽¹⁸⁾ Generally, the Speaker will respond to inquiries only when such parliamentary inquiries are limited in scope to the immediate parliamentary circumstances before the House, and will not respond to inquiries that go beyond the instant proceedings.⁽¹⁹⁾ Thus, the Speaker refrains from issuing advisory opinions,⁽²⁰⁾ and does not rule retrospectively on questions not raised at the proper time or anticipate future rulings.⁽²¹⁾ The Speaker does not respond to hypothetical questions⁽²²⁾ or requests to place proceedings in historical context.⁽²³⁾ The Speaker does not speculate as to what matters may become the

11. See Deschler's Precedents Ch. 21 § 19. See also 132 CONG. REC. 30862, 99th Cong. 2d Sess. (Oct. 14, 1986); 139 CONG. REC. 17116, 103d Cong. 1st Sess. (July 27, 1993); 141 CONG. REC. 20741, 104th Cong. 1st Sess. (July 27, 1995); 142 CONG. REC. 7064, 104th Cong. 2d Sess. (Mar. 28, 1996); 146 CONG. REC. 12649, 106th Cong. 2d Sess. (June 28, 2000); 147 CONG. REC. 3229, 107th Cong. 1st Sess. (Mar. 8, 2001); 148 CONG. REC. 8681, 107th Cong. 2d Sess. (May 22, 2002); 149 CONG. REC. 25031, 108th Cong. 1st Sess. (Oct. 17, 2003).
12. See Deschler's Precedents Ch. 6 § 4.6.
13. See Deschler's Precedents Ch. 31 § 14.35; Deschler's Precedents Ch. 6 §§ 4.22, 4.23; 6 Cannon's Precedents § 254; 7 Cannon's Precedents § 2112; 8 Cannon's Precedents §§ 2280, 2841; and 2 Hinds' Precedents §§ 1274, 1323, and 1324. See also § 4.1, *infra*.
14. See 134 CONG. REC. 2932, 100th Cong. 2d Sess. (Mar. 2, 1988).
15. See Deschler's Precedents Ch. 6 § 4.8.
16. *House Rules and Manual* § 971 (2019). See also 5 Hinds' Precedents §§ 6927, 6928, and 6932–6937.
17. See Deschler's Precedents Ch. 31 § 14.1; 6 Cannon's Precedents § 541; and *House Rules and Manual* § 628a (2019).
18. See Deschler's Precedents Ch. 6 § 4.11.
19. See Deschler's Precedents Ch. 31 § 14.2. Where an inquiry is not relevant to the current parliamentary situation, the Chair may take the issue under advisement. Deschler's Precedents Ch. 31 §§ 14.25, 14.27, and 14.28.
20. See Deschler's Precedents Ch. 31 § 14.34.
21. See Deschler's Precedents Ch. 31 §§ 14.19, 14.33.
22. See Deschler's Precedents Ch. 31 §§ 14.16, 14.17 and Deschler's Precedents Ch. 6 §§ 4.7, 4.13, 4.14, 4.25, and 4.26.
23. See Deschler's Precedents Ch. 31 § 14.15.

subject of future votes,⁽²⁴⁾ what actions may be taken by committees of the House,⁽²⁵⁾ or what the future legislative schedule of the House may be.⁽²⁶⁾

Consultation and Delegation of Authority

In exercising the Speaker's authorities, the Speaker will often consult with the House Parliamentarian to determine how a rule should be interpreted or which precedents may be applicable to a given parliamentary situation.⁽²⁷⁾ The Speaker delegates much of the responsibility for referring measures to committees to the Parliamentarian, who researches prior referrals for interpretations of committee jurisdiction and makes recommendations accordingly.⁽²⁸⁾ Similarly, when ruling on Congressional Budget Act points or order or making other budget-related procedural decisions, the Speaker (or other presiding officer) is guided by estimates provided by the Committee on the Budget or its chair.⁽²⁹⁾

Forms

The rules of the House may provide specific language that the Speaker must use in carrying out the duties of a presiding officer. For example, the form of certain questions may be provided in the rules themselves. Clause 6 of rule I⁽³⁰⁾ states the general form that the Speaker must use in putting questions before the body. The form of the question for resolving into the Committee of the Whole is provided in clause 2(a) of rule XVIII,⁽³¹⁾ while the form of the question for engrossment and third reading of a measure prior to final passage is provided in clause 8(c) of rule XVI.⁽³²⁾

Recognition

As noted above,⁽³³⁾ the Speaker has broad authority to recognize Members who seek the floor, and decisions regarding which Member to recognize are

24. See Deschler's Precedents Ch. 6 § 4.17.

25. See Deschler's Precedents Ch. 6 § 4.15.

26. See Deschler's Precedents Ch. 31 § 14.30.

27. See § 18, *infra*.

28. See Deschler's Precedents Ch. 6 § 4.3. For referrals generally, see Deschler's Precedents Ch. 16 § 3 and Precedents (Wickham) Ch. 16.

29. Section 312 of the Congressional Budget Act provides that certain budgetary levels shall be determined on the basis of estimates provided by the Committee on the Budget. 2 U.S.C. § 643. Clause 4 of rule XXIX provides that such estimates may be provided to the presiding officer by the chair of the Committee on the Budget. *House Rules and Manual* § 1105b (2019).

30. *House Rules and Manual* § 630 (2019).

31. *House Rules and Manual* § 972 (2019).

32. *House Rules and Manual* § 941 (2019).

33. See § 2, *supra*.

not subject to appeal.⁽³⁴⁾ That being said, the Speaker is constrained to follow the rules and precedents of the House regarding the priority and precedence of motions, requests, or other items of business. Thus, where two Members seek recognition at the same time, the Speaker must recognize the Member whose matter is more highly privileged.⁽³⁵⁾ If the matters are of equal privilege, the choice is left to the discretion of the Speaker.⁽³⁶⁾

While many of the rules regarding the precedence of business or priority in recognition derive from established precedents and traditions, the standing rules may also specify when the Speaker must confer recognition on a Member seeking to proffer certain matters. Clause 6(d) of rule XIII⁽³⁷⁾ permits any member of the Committee on Rules to call up a special order of business resolution that has been reported by the committee but not called up within seven legislative days. Upon the filing of proper notice by the Member, the Speaker “shall recognize” that Member for the purpose of calling up the resolution.

Pursuant to clause 2 of rule XIX,⁽³⁸⁾ the Speaker must give priority in recognition for a motion to recommit to an opponent of the measure. The Speaker does not attempt to assess the degree of the Member’s opposition to the bill, and takes the opposition at the Member’s word.⁽³⁹⁾

While the Speaker generally has wide discretion to recognize Members to make any request or motion that is in order under the rules and precedents, several standing rules of the House specifically prohibit the Speaker from entertaining particular requests or motions. Rule IV⁽⁴⁰⁾ imposes restrictions on who may be admitted to the floor of the House, and the Speaker is barred from entertaining unanimous-consent requests or motions to suspend these restrictions. Members are prohibited from introducing or referencing visitors in the House galleries, and the Speaker “may not entertain a request for the suspension of this rule by unanimous consent or otherwise.”⁽⁴¹⁾

Any Member may raise a point of no quorum, but under clause 7(a) of rule XX,⁽⁴²⁾ the Speaker may not entertain a point of no quorum where no question is pending before the House.

34. See § 2, *supra*. See also Deschler’s Precedents Ch. 29 § 11.

35. For example, clause 4(a) of rule XVI establishes the relative precedence of various motions available in the House. *House Rules and Manual* § 911 (2019). The Speaker is thus constrained to recognize a Member with a higher priority motion over a Member with a lower priority motion. See 8 Cannon’s Precedents §§ 2609–2611.

36. See Deschler’s Precedents Ch. 29 §§ 9.55, 9.56, and 11.4.

37. *House Rules and Manual* § 861 (2019).

38. *House Rules and Manual* § 1001 (2019).

39. *House Rules and Manual* § 1002c (2019).

40. Rule IV, clause 2(b), *House Rules and Manual* § 678 (2019).

41. Rule XVII, clause 7, *House Rules and Manual* § 966 (2019).

42. *House Rules and Manual* § 1027 (2019).

With regard to sponsors and cosponsors of legislation, the Speaker is prohibited by clause 7(b) of rule XII⁽⁴³⁾ from entertaining any request to delete the name of the sponsor of a bill or resolution. The same clause places restrictions on when the Speaker may entertain requests to add or delete cosponsors.⁽⁴⁴⁾

Normally, the Speaker may permit a Member to reserve a right to object to a request that is before the body, but this is not the case for objections to private legislation under the Private Calendar rule. Under clause 5(c) of rule XV,⁽⁴⁵⁾ the Speaker “may not entertain a reservation of the right to object to the consideration of a bill or resolution under this clause.”

The Speaker may not entertain dilatory motions pursuant to clause 1 of rule XVI.⁽⁴⁶⁾ Other rules permit one motion to adjourn during the pendency of some matter, but otherwise prohibit the Speaker from entertaining other intervening motions until the underlying matter is disposed of by the House.⁽⁴⁷⁾

Under the standing rules, certain motions or matters are only in order on specified days, and the Speaker’s discretion to recognize Members for such business may be restricted.⁽⁴⁸⁾ For example, motions to suspend the rules are only in order on Mondays, Tuesdays, or Wednesdays (or during the last six days of a session), and unless specifically authorized by the House, the Speaker may not entertain motions to suspend on any other day.⁽⁴⁹⁾ If no privileged business or other authorized matter interrupts the daily order of business found in clause 1 of rule XIV,⁽⁵⁰⁾ the Speaker is constrained to recognize Members for business in accordance with its requirements.

43. *House Rules and Manual* § 825 (2019).

44. *Id.*

45. *House Rules and Manual* § 895 (2019).

46. *House Rules and Manual* §§ 902, 903 (2019).

47. See, e.g., rule XIII, clause 6, *House Rules and Manual* § 857 (2019); rule XV, clause 1(b), *House Rules and Manual* § 890 (2019); and rule XV, clause 2(e), *House Rules and Manual* § 892 (2019).

48. Other examples of such business include District of Columbia business (rule XV, clause 4, *House Rules and Manual* § 894 (2019)), Private Calendar business (rule XV, clause 5, *House Rules and Manual* § 895 (2019)), and the consideration of adverse reports from the Committee on Rules (rule XIII, clause 6(e), *House Rules and Manual* § 861 (2019)). It was formerly the case that business on the Discharge Calendar (rule XV, clause 2, *House Rules and Manual* § 892 (2019)) was only in order on certain Mondays, but this limitation was removed in the 116th Congress. H. Res. 6, 165 CONG. REC. H17–H24 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

49. Rule XV, clause 1(a), *House Rules and Manual* § 885 (2019). See also Deschler’s Precedents Ch. 21 § 11.

50. *House Rules and Manual* § 869 (2019).

Appointment Authority

The Speaker's various appointment authorities are extensive but may be subject to restrictions that curtail these authorities. With respect to conference committees, the Speaker has wide latitude in appointing Members of his or her choosing, but the standing rules do provide certain guidelines for the Speaker to follow in making such appointments. Under clause 11 of rule I⁽⁵¹⁾ the Speaker, "shall appoint no less than a majority who generally supported the House position as determined by the Speaker, shall name those who are primarily responsible for the legislation and shall, to the fullest extent feasible, include the principal proponents of the major provisions of the bill or resolution passed or adopted by the House."

With regard to the Committee on Ethics, members of the committee may become disqualified from reviewing certain ethics cases or wish to recuse themselves, in which case the Speaker is charged with appointing replacements (who, by rule, must come from the same political party as the disqualified Member).⁽⁵²⁾ The Speaker is also charged with appointing 10 Members to a pool for purposes of being assigned to investigatory subcommittees, and such Members must come from the same political party as the Speaker.⁽⁵³⁾

Ministerial Duties

As an officer of the House, the Speaker is charged with carrying out a variety of ministerial or administrative duties. Such duties typically involve notifying the membership of actions taken or events that have transpired, in order to apprise Members of necessary information. Often, these requirements are quite specific and do not provide the Speaker with any discretion. For example, the standing rules require the Speaker to make various notifications to the House about events that have occurred or actions that have been taken. Under rule VIII, Members, officers, or employees of the House who are served with judicial subpoenas must notify the Speaker of such service, and the Speaker in turn is required to promptly lay such notification before the House.⁽⁵⁴⁾ Similar notification requirements are found in clause 5(b)(1) of rule X regarding vacating committee assignments,⁽⁵⁵⁾ and in clause 5(c)(3)(B) of rule XX regarding catastrophic quorum failure reports.⁽⁵⁶⁾ Failure to undertake these ministerial duties may subject the

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

52. Rule XI, clause 3(b), *House Rules and Manual* § 806 (2019).

53. Rule X, clause 5(a)(4)(A), *House Rules and Manual* § 759 (2019).

54. *House Rules and Manual* § 697 (2019).

55. *House Rules and Manual* § 760 (2019).

56. *House Rules and Manual* § 1024a (2019).

Speaker to sanction in the form of a resolution raised as a question of the privileges of the House.⁽⁵⁷⁾

Former Practice

As noted in the historical overview, the powers of the Speaker are not static, and have changed considerably over the history of the House.⁽⁵⁸⁾ In recent decades, the Speaker's authorities have gradually expanded in several key areas, and thus former limitations or restrictions may no longer apply. For example, the Speaker's ability to declare the House in recess previously was quite limited, and the House would often specifically authorize the Speaker to declare recesses for particular events or over certain time periods.⁽⁵⁹⁾ Since the 103d Congress, pursuant to clause 12(a) of rule I, the Speaker has broad authority to declare a recess of the House whenever there is no question pending.⁽⁶⁰⁾

Formerly, the use of exhibits by Members in debate could be objected to by any Member, and such objection would then automatically cause a vote on the question of permitting the exhibit.⁽⁶¹⁾ The Speaker had no discretion in this regard and did not make an initial ruling as to the propriety of the exhibit. In the 107th Congress, this rule was amended to give the Speaker additional discretion in submitting the question of the use of an exhibit to the House for its determination.⁽⁶²⁾

The authority for the Speaker to sign enrolled bills and resolutions when the House is not in session was added to the standing rules in 1981⁽⁶³⁾ and is now found in clause 4 of rule I.⁽⁶⁴⁾ Prior to that time, the Speaker would need to be granted specific authority by the House to sign enrollments when the House was not in session.⁽⁶⁵⁾

§ 4.1 It is for the House by its vote on the merits of a proposition, and not the Speaker, to determine the legal significance of a pending matter.

57. See § 26.2, *infra*.

58. See § 1, *supra*.

59. See Deschler's Precedents Ch. 6 §§ 4.34, 4.35. For recesses generally, see Deschler's Precedents Ch. 39 and Precedents (Wickham) Ch. 39.

60. *House Rules and Manual* § 638 (2019).

61. See Deschler Ch. 6 § 4.10. A similar rule formerly applied to the reading of papers on the floor as well. See *House Rules and Manual* §§ 964, 965 (2019). See also Deschler's Precedents Ch. 29 §§ 80–84.

62. Rule XVII, clause 6, *House Rules and Manual* § 963 (2019).

63. See H. Res. 5, 127 CONG. REC. 98–113, 97th Cong. 1st Sess. (Jan. 5, 1981).

64. *House Rules and Manual* § 624 (2019). The Speaker's determination as to the propriety of an exhibit may be appealed to the full House. See, e.g., 164 CONG. REC. H592, H593 [Daily Ed.], 115th Cong. 2d Sess. (Jan. 20, 2018).

65. See Deschler's Precedents Ch. 6 §§ 4.37, 4.38. See also Deschler's Precedents Ch. 24 §§ 15.1–15.8.

On March 16, 1983,⁽⁶⁶⁾ the following occurred:

POINT OF ORDER

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I rise to a point of order.

The SPEAKER.⁽⁶⁷⁾ The gentleman will state the point of order.

Mr. WALKER. Mr. Speaker, I make a point of order against consideration of House Joint Resolution 13 on the grounds that it is not before the House in a form required by the precedents and I ask to be heard on my point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. WALKER. Mr. Speaker, the resolution before us is clearly a sense of the Congress resolution on its face, expressing those objectives which the Congress feels should be pursued in a nuclear arms negotiation.

Obviously, this cannot be meant as legislation having binding effect on the President and his negotiators, since under article II, section 2, clause 2 of the Constitution, the President, not the Congress, has the sole power to make all treaties subject to the advice and consent of the Senate. . . .

The SPEAKER. The Chair appreciates the fact that the gentleman from Pennsylvania brought his point of order to the Chair previous to making it and has had an opportunity to examine it.

The committee has reported to the House a joint resolution which was properly introduced and referred to that committee.

No point of order lies against the consideration of this report. No rule is violated by its consideration, since consideration has been made in order by the Committee on Rules.

Whether the joint resolution is the appropriate legislative form for the aims intended is for the House to decide by its vote on the proposition itself, after it has been considered and perfected. It is not a matter for the Chair—but for the House to determine by its vote on passage.

Paraphrasing from page 49 of Deschler's Procedure in the House, chapter 6, section 2, relating to the authority of the Chair, the Chair notes: "It is for the House and not the Chair to determine the legal significance of House actions;" and the Chair does not anticipate what interpretation the House may later give to a pending amendment or measure. Consequently, the point of order is not well taken, and is overruled.

§ 4.2 Although the Speaker responds to parliamentary inquiries concerning the rules of order and decorum in debate, the Speaker does not: rule on hypothetical questions; rule retrospectively on questions not timely raised; or rule anticipatorily on questions not yet presented.

On November 20, 1989,⁽⁶⁸⁾ the following parliamentary inquiries were raised:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Pat] WILLIAMS [of Montana]). Before the Chair recognizes the gentleman from Massachusetts, the Chair would like to say to Members on

66. 129 CONG. REC. 5669–70, 98th Cong. 1st Sess.

67. Thomas O'Neill (MA).

68. 135 CONG. REC. 30225–26, 101st Cong. 1st Sess.

both sides of the aisle that the Chair may intervene to prevent the arraignment of the motives of other Members. The Chair would, therefore, echo the sentiments expressed by the honorable minority leader, the gentleman from Illinois [Mr. MICHEL], this morning when he asked the Members to debate the issue and the policy and not to become involved in attacking or laying for question the motives of other Members.

PARLIAMENTARY INQUIRIES

Mr. [John] WEBER [of Minnesota]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEBER. Mr. Speaker, I just would like to clarify on the ruling of the Chair right now.

Does the Chair believe, if someone did suggest that Members, not by name, but that Members of this body supported Marxist revolution, that would be unparliamentary language?

The SPEAKER pro tempore. The Chair is not called upon to rule on possible prior violation of the rules of the House or Jefferson's Manual.

Mr. WEBER. My parliamentary inquiry is, I do not believe this, but that seemed to be a statement of objectives, not a statement of motivation; would that be correct?

The SPEAKER pro tempore. The gentleman is expressing his own opinion. The Chair has simply stated that the Chair will move to prevent the arraignment and attack of the motives of any Member of this House in accordance with the rules of this House.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, has there been any such language repeated in debate so far today?

The SPEAKER pro tempore. The Chair has not so ruled.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. MOAKLEY].

§ 4.3 The Speaker does not issue rulings anticipatorily on questions not yet presented or retrospectively on questions not timely raised.

On September 21, 2001,⁽⁶⁹⁾ the following occurred:

Mr. [Roy] BLUNT [of Missouri]. Mr. Speaker, I thank the gentleman for yielding me this time.

What has happened, Mr. Speaker, in the last week, is that 100,000 layoff announcements have been issued. I do not know how many fewer of those would have been announced if we had acted last week, but I think fewer than that. And if we do not act this week, there will be more layoffs next week. . . .

This is a critical time. There will be more legislation that relates to this industry. Many of the points that have been made here tonight can be addressed. Those points were not made during the week in these discussions. Now, that does not mean they cannot be made; that does not mean they cannot be made or will not be made in the next

69. 147 CONG. REC. 17612–13, 107th Cong. 1st Sess.

few days. It does mean that we need to stop the layoffs now, we need to keep these planes in the air, and we need to keep this irreplaceable industry a viable part of our economy.

We do this with the action we take here tonight. I urge my colleagues to vote for the rules and for the bill.

POINT OF ORDER

Mr. [Peter] DEFAZIO [of Oregon]. Mr. Speaker, I rise to a point of personal privilege on the previous statement of the gentleman. If I could state that, or I could ask to have his words taken down, if you would give me a moment.

The SPEAKER pro tempore.⁽⁷⁰⁾ The Chair would inform the gentleman that there is no point of personal privilege based on the debate which is in order at this time.

Mr. DEFAZIO. Well, then, if the gentleman made a statement that was untrue about the position of the Democratic leaders and basically directly casting aspersion on them by saying that they did not raise the issues raised by many Members here on the floor in those discussions, and we know that they did, is there a process under which I could have his words taken down or reviewed?

The SPEAKER pro tempore. It is certainly the right of any Member during debate to ask that a Member's words be taken down. At that point the words must be transcribed and read to the House and the Chair will rule upon them.

Mr. DEFAZIO. But what my question is, since he made an assertion about the Democratic leaders, which I know and others know to be untrue, and about the points we are making on the floor, that these issues were not raised in the negotiations, is there some objection that I could lodge against such an untrue statement on the floor of the House?

The SPEAKER pro tempore. The Chair is unable to rule or respond in anticipation of the actual words being read back to the House.

§ 5. The Speaker as a Member

The extent to which the Speaker of the House engages in ordinary legislative activity is primarily a function of the Speaker's personal desires and attitude towards the office. As noted in the historical overview, Speakers over the course of the history of the House have evinced very different views on the speakership, with some largely eschewing regular legislative pursuits and others preferring a more active role. For the most part, the rules and precedents of the House treat the Speaker as any other Member with respect to the ability to debate, offer motions, propound requests, or take other routine parliamentary actions.

Committees

Traditionally, the Speaker of the House does not serve on any standing committees.⁽¹⁾ Thus, the Speaker's influence at the committee level is less

70. Mac Thornberry (TX).

1. See § 5.6, *infra*. See also Deschler's Precedents Ch. 1 § 6.5 and 1 Hinds' Precedents § 230.

apparent than it is at other stages of the legislative process. To the extent that the Speaker affects committee deliberations, it is primarily through the majority party caucus,⁽²⁾ whose procedures may give the Speaker special prerogatives in assigning Members to committees and determining the chairs of said committees.⁽³⁾ The Speaker's power of referral⁽⁴⁾ may also play a role in affecting the agenda of different committees.⁽⁵⁾ The Speaker's influence over the Committee on Rules⁽⁶⁾ tends to have a substantial effect on the relative power of the standing committees in the House, as the Committee on Rules has considerable discretion in the extent to which it wishes to defer to committees in setting the agenda for House business.

Pursuant to clause 11(a)(2) of rule X,⁽⁷⁾ the Speaker is an ex officio member of the Permanent Select Committee on Intelligence. However, the Speaker has no vote on the committee and is not counted for purposes of determining a quorum. Under clause 11(a)(3) of rule X,⁽⁸⁾ the Speaker may designate leadership staff to assist the Speaker in carrying out duties related to membership on the committee.

Debate

As a full Member of the House, the Speaker may engage in debate in the same manner as any other Member.⁽⁹⁾ While the Speaker is serving as the House's presiding officer, however, it is not appropriate for such individual to engage in debate directly with Members, as the presiding officer must maintain the appearance of neutrality and objectivity in managing the business of the House. Under older precedents, it was held that the Speaker may speak from the Chair only by leave of the House.⁽¹⁰⁾ Should the Speaker wish to engage in debate, the traditional method of obtaining the floor

2. See Precedents (Wickham) Ch. 3.

3. For a compilation of Democratic Caucus and Republican Conference rules, see Rules Committee Print 115–37.

4. See § 2, *supra*. For more on referrals generally, see Deschler's Precedents Ch. 16 § 3 and Precedents (Wickham) Ch. 16.

5. *Parliamentarian's Note*: The Speaker's ability to place time limits on the referral of legislative measures to committees (pursuant to clause 2(c)(5) of rule XII) is an important prerogative affecting the relationship between the Speaker and committee chairs. *House Rules and Manual* § 816 (2019).

6. *Parliamentarian's Note*: The Speaker served as chair of the Committee on Rules from the 36th Congress in 1859 to the 63d Congress in 1910. Today, the Speaker's influence over the committee is primarily a function of internal caucus and conference rules.

7. *House Rules and Manual* § 785 (2019).

8. *Id.*

9. See *House Rules and Manual* §§ 358, 947 (2019). See also Deschler's Precedents Ch. 29 § 1.1.

10. 2 Hinds' Precedents §§ 1367, 1373, and 1374.

has been to appoint a Speaker pro tempore so that the Speaker may be recognized by the Chair as any other Member.⁽¹¹⁾ When the House is operating in the Committee of the Whole, the Speaker has already appointed a presiding officer (the chair of the Committee of the Whole), and is thus free to be recognized to offer remarks in that forum.⁽¹²⁾

On legislative matters, Speakers have engaged in debate on a wide variety of topics and matters, including budget agreements,⁽¹³⁾ constitutional amendments,⁽¹⁴⁾ and special orders of business.⁽¹⁵⁾ The Speaker has been recognized in opposition to a motion to recommit.⁽¹⁶⁾ Speakers have also engaged in different forms of non-legislative debate, such as one-minute speeches,⁽¹⁷⁾ “morning-hour debate,”⁽¹⁸⁾ and special-order speeches.⁽¹⁹⁾ In one instance, the Speaker called up a ceremonial resolution by unanimous consent and was recognized to manage debate on the measure.⁽²⁰⁾

By long-standing custom, the Speaker and party floor leaders are (in most circumstances) accorded extra latitude in debate so that the House may hear such individuals at their full length. Thus, the Speaker may be yielded a nominal amount of time (typically one minute) but permitted to proceed without limit.⁽²¹⁾

Voting

The Speaker is permitted to vote but is not required to do so unless the Speaker’s vote would create or break a tie vote (*i.e.*, the Speaker’s vote would be decisive).⁽²²⁾ The Speaker may vote on questions regardless of the

11. See Deschler’s Precedents Ch. 6 §§ 5.1, 5.2.

12. See Deschler’s Precedents Ch. 6 § 5.3.

13. 136 CONG. REC. 27946, 101st Cong. 2d Sess. (Oct. 7, 1990).

14. 138 CONG. REC. 14452, 102d Cong. 2d Sess. (June 11, 1992).

15. 145 CONG. REC. 4266, 106th Cong. 1st Sess. (Mar. 11, 1999).

16. See § 5.2, *infra*.

17. 138 CONG. REC. 684, 102d Cong. 2d Sess. (Jan. 28, 1992).

18. 144 CONG. REC. 6922, 105th Cong. 2d Sess. (Apr. 28, 1998).

19. 144 CONG. REC. 1361–62, 105th Cong. 2d Sess. (Feb. 12, 1998).

20. See § 5.1, *infra*.

21. See, *e.g.*, Precedents (Wickham) Ch. 3 § 6.20.

22. Rule I, clause 7, *House Rules and Manual* § 631 (2019). See §§ 5.4, 5.5, *infra*, (examples of the Speaker breaking a tie) and Deschler’s Precedents Ch. 6 § 5.6 (example of the Speaker making a tie). The Speaker may vote after intervening business if a correction of the roll shows a condition wherein such vote would be decisive. See 5 Hinds’ Precedents §§ 5969, 6061–6063. Clause 7 of rule I also requires the Speaker to vote when the House is engaged in voting by ballot. However, the last time the House voted by ballot appears to have taken place in 1868. 5 Hinds’ Precedents § 6003. For an example of the Speaker announcing an intent to vote even though not required, see 137 CONG.

method of voting—votes taken by the yeas and nays,⁽²³⁾ votes by division,⁽²⁴⁾ or votes by tellers.⁽²⁵⁾ Resigning Speakers have voted in the election of their successors.⁽²⁶⁾ The Speaker may also be recorded as present in order to establish a quorum.⁽²⁷⁾

The Speaker may sponsor legislative measures just as any other Member. However, instances of the Speaker introducing measures are relatively rare and typically confined to foreign policy initiatives (such as authorizations for the use of military force),⁽²⁸⁾ ceremonial measures,⁽²⁹⁾ or measures related specifically to the Speaker's congressional district.⁽³⁰⁾

Participation in Debate

§ 5.1 In rare circumstances, the Speaker has called up a measure for consideration and managed debate thereon.

On December 13, 2005,⁽³¹⁾ the Speaker asked unanimous consent for the consideration of a commemorative resolution⁽³²⁾ honoring Rep. John Dingell of Michigan, and was recognized to manage debate on the resolution:

HONORING THE 50TH ANNIVERSARY OF THE HONORABLE JOHN D.
DINGELL'S SERVICE IN THE HOUSE OF REPRESENTATIVES

Mr. [Dennis] HASTERT [of Illinois]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 594) honoring the 50th anniversary of the Honorable JOHN D. DINGELL's

REC. 1085–86, 102d Cong. 1st Sess. (Jan. 12, 1991). Having voted on the prevailing side, the Speaker is eligible (as any other Member would be) to offer the motion to reconsider. See, e.g., 161 CONG. REC. 9534, 114th Cong. 1st Sess. (June 12, 2015) and 164 CONG. REC. H4233 [Daily Ed.], 115th Cong. 2d Sess. (May 18, 2018).

23. See Deschler's Precedents Ch. 6 § 5.5.

24. See Deschler's Precedents Ch. 6 § 5.7.

25. See Deschler's Precedents Ch. 6 § 5.8. When voting by tellers, the Speaker is not obligated to pass through the tellers to indicate his or her choice. See Deschler's Precedents Ch. 6 § 5.9.

26. See 161 CONG. REC. H7335–H7337 [Daily Ed.], 114th Cong. 1st Sess. (Oct. 29, 2015). See also 135 CONG. REC. 10800, 101st Cong. 1st Sess. (June 6, 1989).

27. See Deschler's Precedents Ch. 6 § 5.4.

28. See, e.g., H.J. Res. 114, 148 CONG. REC. 18962, 107th Cong. 2d Sess. (Oct. 2, 2002) and H.R. 1595, 141 CONG. REC. 12204, 104th Cong. 1st Sess. (May 9, 1995).

29. See, e.g., H. Res. 497, 157 CONG. REC. 21090, 112th Cong. 1st Sess. (Dec. 15, 2011).

30. See, e.g., H.R. 3119, 155 CONG. REC. 16959, 111th Cong. 1st Sess. (July 7, 2009) and Deschler's Precedents Ch. 16 § 1.7.

31. 151 CONG. REC. 28129–31, 28145–46, 109th Cong. 1st Sess.

32. *Parliamentarian's Note*: The Speaker has often taken to the floor for other tributes or commemorative occasions. See, e.g., 158 CONG. REC. 8648–49, 112th Cong. 2d Sess. (June 7, 2012).

service in the House of Representatives, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. [Jeb] BRADLEY of New Hampshire). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES 594

Whereas John D. Dingell learned firsthand about the institution of Capitol Hill at an early age, serving as a House of Representatives Page from 1938 to 1943;

Whereas John D. Dingell served his country during the World War II as a member of the United States Army;

Whereas John D. Dingell has served 50 years in the House of Representatives, since succeeding his late father, the Honorable John David Dingell, Sr., a 12-term incumbent, in a special election to the 84th Congress on December 13, 1955;

Whereas a member of the Dingell family has represented the Detroit metropolitan area in the House of Representatives since 1933;

Whereas John D. Dingell, the Dean of the House of Representatives since the 104th Congress, is the longest serving current Member of the House of Representatives, having been re-elected on 25 subsequent occasions;

Whereas John D. Dingell's term of service is the third-longest term of service in the history of the House of Representatives and the fifth-longest in Congressional history; and

Whereas John D. Dingell has served on the Energy and Commerce Committee (and its predecessors) since the 85th Congress in 1957, and chaired that panel from the 97th through the 103rd Congresses (1981–1995): Now, therefore, be it

Resolved,

SECTION 1. HONORING THE 50TH ANNIVERSARY OF JOHN D. DINGELL'S SERVICE IN THE HOUSE.

The House of Representatives—

(1) honors the lifelong commitment of the Honorable John D. Dingell to the ideals of our Nation;

(2) recognizes the Honorable John D. Dingell's half-century of exceptional dedication to his constituents, to the State of Michigan, and to the United States; and

(3) congratulates the Honorable John D. Dingell on 50 years of superior service in the United States Congress.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Honorable John D. Dingell.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HASTERT) is recognized for 1 hour.

Mr. HASTERT. Ladies and gentlemen, it is important for the House to recognize important milestones. Tonight, the Democratic leader and I on behalf of the House take this brief time to honor our colleague JOHN DINGELL.

If Members would also like to add words of congratulations, I would encourage them to insert remarks as part of the CONGRESSIONAL RECORD or partake in a Special Order following votes tonight.

I rise in support of this resolution saluting and congratulating our good friend, JOHN DINGELL, for 50 years of service in the U.S. House of Representatives.

As the Clerk said, only two other House Members have made the 50-year milestone, Jamie Whitten and Carl Vinson. For a half century, JOHN has walked the Halls of this Capitol doing the business of the people of southeast Michigan. And I must say the Congress is a better place because we have men like JOHN DINGELL.

I first met JOHN when I came to the House in 1986, and he had already been here three decades at that time. We really got to know each other better when I started my

third term when I was named to the House Energy and Commerce Committee. I knew him as Mr. Chairman. In fact, I think I only started to call him JOHN after I became Speaker.

Mr. DINGELL earned my respect early on. He knew the issues under his committee's jurisdiction, which was just about everything. He knew their legislative history. He knew how to count votes. He knew how to get legislation through the process. He was tough, but he was fair.

His congressional work has done much to benefit the American people. During his time in the House, he has left his mark on historic legislation like the Clean Air Act of 1990, the Safe Drinking Water Act, the Children's Health Insurance Program, and every other major energy and telecommunications bill since the 1970s. In fact, during the 1980s, he oversaw the investigation into the safety of the Nation's blood supply, including the procedures that we now have to ensure that donated blood is disease free.

As Dean of the House, JOHN DINGELL administers the oath of office to the Speaker. The Speaker then administers the oath of office to all the Members as well. I could not be more proud to have had JOHN DINGELL administer my oath four times.

Mr. Speaker, in this age of sound-bite politicians, JOHN DINGELL is the real deal. You always know where he stands, and you can always rest assured that he stands for something. And so today we salute JOHN DINGELL for 50 years of service with dignity, with dedication, with courage, with principle, and with honor. I thank you, JOHN, for your good work.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), the Democratic leader, for her remarks. . . .

The SPEAKER.⁽³³⁾ Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

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

§ 5.2 The Speaker may be recognized in opposition to a motion to recommit.

On April 27, 2012,⁽³⁴⁾ Speaker John Boehner of Ohio claimed time in opposition to a motion to recommit:

MOTION TO RECOMMIT

Mrs. [Lois] CAPPS [of California]. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore.⁽³⁵⁾ Is the gentlewoman opposed to the bill?

Mrs. CAPPS. Yes, I am opposed to this bill in its current form.

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

The Clerk read as follows:

33. Dennis Hastert (IL).

34. 158 CONG. REC. 5918, 5922, 112th Cong. 2d Sess.

35. Steve Womack (AR).

Mrs. Capps moves to recommit the bill H.R. 4628 to the Committee on Education and the Workforce and the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment: Add at the end of the bill the following new section:

SEC. 5. PROHIBITION AGAINST CUTS IN HEALTH INSURANCE BENEFITS FOR WOMEN AND CHILDREN.

Nothing in this Act shall endorse, promote, or result in a reduction of, or increased costs for, benefits in health insurance coverage offered by health insurance companies for women and children, including benefits for commonly prescribed contraception, mammograms, cervical cancer screenings, childhood immunizations, and health screenings for newborns. . . .

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. How in the world did we ever get here? . . .

Vote “no” on this motion to recommit. Vote “yes” on the final bill. Let’s send it over to the Senate now.

I yield back the balance of my time.

Sponsoring Legislation

§ 5.3 Although rare, the Speaker may introduce legislation.

On September 9, 2015,⁽³⁶⁾ the following bill sponsored by the Speaker was introduced:

By Mr. BOEHNER:

H.R. 3461. A bill to approve the Joint Comprehensive Plan of Action, signed at Vienna on July 14, 2015, relating to the nuclear program of Iran; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Voting by the Speaker

§ 5.4 Where a vote in the House by electronic device results in a tie, the Speaker announces the number of votes for and against the question and then announces the Speaker’s decisive vote from the Chair immediately prior to announcing the final result.

On May 23, 1974,⁽³⁷⁾ Speaker Carl Albert of Oklahoma, cast a tie-breaking vote from the Chair:

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union,

36. 161 CONG. REC. H5865 [Daily Ed.], 114th Cong. 1st Sess. For a prior example of legislation introduced by the Speaker, see H.R. 1595, 141 CONG. REC. 12204, 104th Cong. 1st Sess. (May 9, 1995).

37. 120 CONG. REC. 16264–65, 93d Cong. 2d Sess.

reported that that Committee having had under consideration the bill (H.R. 14832) to provide for a temporary increase in the public debt limit, pursuant to House Resolution 1141, he reported the bill back to the House.

The SPEAKER.⁽³⁸⁾ Under the rule, 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. The question is on the passage of the bill.

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

Mr. [Harold] GROSS [of Iowa]. 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 191, nays 190, not voting 53, as follows:

[Roll No. 245] . . .

The SPEAKER. The Chair announces that he votes “aye.”

So the bill was passed.

The Clerk announced the following pairs: . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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, the Chair announced the bill was passed. This Member is under the impression that it is a tie vote, and the bill should be rejected.

The SPEAKER. The Chair voted “aye.” The Chair announced that all time had expired. Then the Chair voted “aye” and then announced the vote and that the bill had passed.

§ 5.5 Before announcing the result of a vote by electronic device the Speaker may advise the Tally Clerk directly of the Speaker’s vote to break a tie thereon.⁽³⁹⁾

On October 17, 1990,⁽⁴⁰⁾ after Speaker Thomas Foley of Washington announced his intention to vote “aye,” a Member asked a parliamentary inquiry concerning the Speaker’s vote:

38. Carl Albert (OK).

39. *Parliamentarian’s Note*: Prior to electronic voting, the Speaker’s name was not on the roll from which the yeas and nays were called. The Speaker would signal an intention to vote at the end of the roll. Even when the electronic voting system is used, any Member may cast a vote from the well by means of a vote card.

40. 136 CONG. REC. 30229–32, 101st Cong. 2d Sess.

TITLE VI—INCENTIVES FOR PEACE IN ANGOLA . . .

The SPEAKER pro tempore.⁽⁴¹⁾ The question is on the amendment.

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

Mr. [Harold] VOLKMER [of Missouri]. 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 207, nays 206, not voting 21, as follows:

[Roll No. 482] . . .

The SPEAKER.⁽⁴²⁾ On this vote the yeas are 206, and the nays are 206.

The Chair votes “aye.”

The yeas are 207.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

PARLIMENTARY INQUIRY

Mr. [Henry] HYDE [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HYDE. Mr. Speaker, as I understood it, the vote was by electronic device. I did not see you vote by electronic device. You had announced the vote, Mr. Speaker. You passed the vote.

The SPEAKER. The gentleman will suspend while the Chair explains the result of the vote.

The Chair’s vote is entered into the electronic system upon the announcement of the Chair of his vote and prior to the announcement of the final result.

The Chair’s vote is entered into the system at the time of the Chair’s announced vote, the Chair will advise the gentleman.

Mr. HYDE. Once more this evening, I thank the Chair.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill 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.

Committee Service

§ 5.6 Although there is no House rule requiring newly-elected Speakers to resign their committee assignments upon election, Speakers have traditionally done so.

On October 29, 2015,⁽⁴³⁾ newly-elected Speaker Paul Ryan of Wisconsin resigned from his committee assignments:

41. Andrew Gephardt (MO).

42. Thomas Foley (WA).

43. 161 CONG. REC. H7340 [Daily Ed.], 114th Cong. 1st Sess.

RESIGNATIONS AS MEMBER OF COMMITTEE ON WAYS AND MEANS AND
JOINT COMMITTEE ON TAXATION⁽⁴⁴⁾

The SPEAKER pro tempore (Mr. [Mac] THORNBERRY [of Texas]) laid before the House the following resignations as a member of the Committee on Ways and Means and the Joint Committee on Taxation:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 29, 2015.

Hon. KAREN HAAS,
*Clerk of the House of Representatives,
U.S. Capitol, Washington, DC.*

DEAR MS. HAAS: As a result of my election today as Speaker, this letter is to inform you that I resign as Chairman of the Committee on Ways and Means and from further service on that Committee. I also resign as Chairman and a member of the Joint Committee on Taxation.

Sincerely,

PAUL D. RYAN,
Chairman.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

§ 6. Preserving Order

For any parliamentary body, it is imperative that proper decorum be observed in order to ensure that orderly deliberations take place. Under one of the oldest rules of the House, the Speaker has a duty to “preserve order and decorum” in the House.⁽¹⁾ The Speaker is assisted by the House Sergeant-at-Arms, who has a similar duty to “maintain order under the direction of the Speaker.”⁽²⁾ Decorum rules in the House may be divided into two

44. *Parliamentarian’s Note*: The House must accept a Member’s resignation from a standing committee of the House, but it does not accept a resignation from the Joint Committee on Taxation. Pursuant to law, one cannot be a member of the Joint Committee on Taxation if not also a member of the Committee on Ways and Means. See 26 U.S.C. § 8002. Accordingly, Rep. Ryan’s resignation from the Committee on Ways and Means rendered him ineligible to serve on the Joint Committee on Taxation.

1. Rule I, clause 2, *House Rules and Manual* § 622 (2019). A form of this clause was originally adopted in 1789. See 1 ANNALS OF CONG. 103, 1st Cong. 1st Sess. (Apr. 7, 1789). See also Deschler’s Precedents Ch. 6 §§ 7.1–7.16; Deschler’s Precedents Ch. 29 §§ 40–66; Precedents (Wickham) Ch. 29; and §§ 6.1, 6.2, *infra*.
2. Rule II, clause 3(a), *House Rules and Manual* § 656 (2019).

classes: those involving disorderly words and those involving disorderly conduct. The Speaker's role may differ with respect to each class, depending on the precise circumstances.

Unparliamentary Remarks; Disorderly Speech

One of the most fundamental rules of decorum for any legislative assembly is the requirement to engage in respectful debate with other members of the body. In the House of Representatives, Members do not debate directly but engage with one another through the Speaker or other presiding officer.⁽³⁾ All remarks in debate are thus addressed to the Chair and not to other Members. When Members wish to refer to their colleagues in debate, they do so indirectly, typically by describing the individual by the state in which his or her district is located (*i.e.*, “The gentleman from Alabama” or “The gentlewoman from Wyoming”).⁽⁴⁾ Remarks in debate should not be addressed to those outside the Chamber, such as television viewers,⁽⁵⁾ the media,⁽⁶⁾ or the President.⁽⁷⁾ The Speaker will take the initiative to call Members to order should they use profanity or vulgar language in debate.⁽⁸⁾

Pursuant to clause 1(b) of rule XVII, remarks in debate must be “confined to the question under debate, avoiding personality.”⁽⁹⁾ A “personality” in this context refers to negative remarks that reference the personal qualities of the individual described (rather than the individual's ideas or arguments). It is not proper for Members to engage in personalities with respect to other Members, Senators, or the President.⁽¹⁰⁾ The Speaker will unilaterally call Members to order when remarks descend to personalities with respect to Senators or the President.⁽¹¹⁾

3. Rule XVII, clause 1(a), provides that Members who desire to speak “shall respectfully address the Speaker.” *House Rules and Manual* § 945 (2019). See also Deschler's Precedents Ch. 29 §§ 42.1, 42.2, and 42.5.
4. See Deschler's Precedents Ch. 6 § 7.3 and Deschler's Precedents Ch. 29 §§ 42.24–42.26. Even when Members engage in colloquies on the floor of the House, they maintain indirect engagement by continuing to address all remarks to the Chair. See Precedents (Wickham) Ch. 5 § 20. It is not in order to address the Chair and other members simultaneously. See also Deschler's Precedents Ch. 29 § 42.5.
5. See Deschler's Precedents Ch. 29 §§ 42.15–42.23.
6. See Deschler's Precedents Ch. 6 § 7.4.
7. See Deschler's Precedents Ch. 29 § 42.3.
8. See Deschler's Precedents Ch. 29 §§ 43.6–43.8.
9. *House Rules and Manual* § 945 (2019).
10. *Parliamentarian's Note*: The prohibition on personalities directed toward the President extends to the President-elect and major-party candidates for the office. See *House Rules and Manual* § 370 (2019). See also 162 CONG. REC. H6111–H6112 [Daily Ed.], 114th Cong. 2d Sess. (Nov. 14, 2016). The Vice President, as President of the Senate, is similarly covered under this prohibition against personalities.
11. See Deschler's Precedents Ch. 6 §§ 7.7, 7.8 and Deschler's Precedents Ch. 29 §§ 44, 47.

However, the Chair will typically not call Members to order for personalities directed at other Members of the House. In most cases, it is left to other Members to object to unparliamentary remarks or personalities directed at fellow Members. The procedure involves calling for the offending words to be “taken down,” *i.e.*, deleted from the *Congressional Record* transcript of the proceedings.⁽¹²⁾ Pursuant to clause 4(b) of rule XVII, it is the duty of the Speaker to rule on the validity of the demand that words be taken down (*i.e.*, whether the words objected to were unparliamentary or constituted a breach of decorum).⁽¹³⁾

It is not in order to engage in personalities with respect to the Speaker of the House. Although Members may make remarks critical of the Speaker’s actions, it is not in order to arraign the motives of the Speaker or otherwise speak disrespectfully of the Speaker’s personal conduct or character.⁽¹⁴⁾ The Speaker’s announced policy with regard to decorum in debate has, since the 104th Congress, specified that remarks critical of the Speaker may not descend to personalities.⁽¹⁵⁾ If a Member does violate the rules of decorum with respect to the Speaker, such Member’s words may be taken down via the procedure described above.⁽¹⁶⁾

When the Speaker chooses to engage in debate, he or she must abide by the same rules of decorum as any other Member. If the Speaker transgresses such rules, the Speaker may be admonished,⁽¹⁷⁾ and the Speaker’s words may be taken down and stricken from the *Congressional Record*.⁽¹⁸⁾

As noted above,⁽¹⁹⁾ one of the Speaker’s most significant powers is the ability to confer recognition on Members. A Member may not speak on the House floor without first being properly recognized by the presiding officer. It is not in order for a Member to begin remarks before being properly recognized, nor to continue speaking after the Member is no longer recognized. If a Member is recognized for a specific amount of time, it is a breach of decorum to continue to speak after the Speaker indicates (using the gavel or otherwise) that the Member’s time has expired.⁽²⁰⁾ The Speaker may withdraw recognition in certain circumstances.⁽²¹⁾

12. *House Rules and Manual* § 960 (2019).

13. *Id.*

14. See § 6.4, *infra*. See also Deschler’s Precedents Ch. 29 §§ 57.1–57.7. For an example of remarks in the Senate critical of the Speaker’s actions, see 134 CONG. REC. 24729, 100th Cong. 2d Sess. (Sept. 22, 1988).

15. See § 2.5, *supra*. See also Precedents (Wickham) Ch. 5 § 9 and § 6.6, *infra*.

16. See § 6.7, *infra*. If the issue of unparliamentary remarks directed at the Speaker comes before the body, the Speaker will appoint a Speaker pro tempore to issue the preliminary ruling in order to maintain the neutrality of the presiding officer position.

17. See, *e.g.*, 165 CONG. REC. H500 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 11, 2019).

18. See § 6.9, *infra*. See also § 6.8, *infra*.

19. See § 2, *supra*.

20. See Deschler’s Precedents Ch. 29 § 11.19.

21. See § 2.5, *supra*.

When one Member has been recognized to control the floor, it is a breach of decorum to interrupt that Member and interject remarks.⁽²²⁾ The Chair will use the gavel to indicate that an interrupting Member has not been properly recognized and should therefore cease. Interjected remarks are not carried in the *Congressional Record*.⁽²³⁾

Comportment; Disorderly Acts

The Speaker's control of the House Chamber is another component of the Speaker's ability to regulate Member behavior in order to preserve decorum.⁽²⁴⁾ As an initial matter, the Speaker enforces House rules on admission to the floor of the House, thus ensuring that only properly authorized individuals are present in the Chamber.⁽²⁵⁾ For many decades, the Speaker has inserted into the *Congressional Record* a list of policy statements that explain how the Speaker will exercise discretionary authorities regarding Member comportment in the Chamber.⁽²⁶⁾ In addition to regulating admission to the floor, such policy statements also typically address: the prohibition on trafficking the well during debate (*i.e.*, passing between the Chair and the Member speaking or passing directly in front of a Member speaking in the well of the House),⁽²⁷⁾ proper attire to be worn in the Chamber; proper procedure for conducting votes using the electronic voting system; the prohibition on smoking in the Chamber; the distribution of handouts and other materials on the floor;⁽²⁸⁾ the prohibition on unauthorized audio or visual recording or broadcasting within the Chamber; the appropriate use of personal electronic devices (including mobile phones, laptop computers, tablets, and similar technology); and comportment in the House Chamber when the House is not in session. Rules and precedents also prohibit the wearing of hats in the Chamber (other than religious headdress),⁽²⁹⁾ and displaying communicative badges while under recognition.⁽³⁰⁾

Clause 9(a) of rule XVII⁽³¹⁾ prohibits Members from engaging in "disorderly or disruptive conduct in the Chamber," including: obstructing the

22. See Deschler's Precedents Ch. 6 §§ 7.1, 7.2 and Deschler's Precedents Ch. 29 §§ 42.8–42.12. A Member may respectfully request that the Member currently occupying the floor yield for comments, but the choice of whether to yield or not lies with the Member who has the floor. See Deschler's Precedents Ch. 29 §§ 42.9, 42.14.

23. See Deschler's Precedents Ch. 29 § 42.13 and Precedents (Wickham) Ch. 5 § 22.

24. See Deschler's Precedents Ch. 29 §§ 40, 41.

25. Rule IV, clause 2(a), *House Rules and Manual* § 678.

26. See § 2.5, *supra*.

27. See Deschler's Precedents Ch. 6 § 7.13 and Deschler's Precedents Ch. 29 §§ 41.4, 41.5.

28. See Deschler's Precedents Ch. 6 § 7.15.

29. Rule XVII, clause 5, *House Rules and Manual* § 962 (2019). The clarification regarding religious headdress was added in the 116th Congress.

30. *House Rules and Manual* § 945 (2019).

31. *House Rules and Manual* § 968a (2019).

passage of other Members in the Chamber; using exhibits to disturb or disrupt proceedings; and denying others the use of legislative instruments (such as microphones or lecterns). Clause 3(g) of rule III⁽³²⁾ authorizes the Sergeant-at-Arms to impose monetary fines on Members who violate the prohibition on still photography or audio-visual recording or broadcasting in the Chamber (subject to appeal to the Committee on Ethics).

Under clause 6 of rule XVII, Members may object to the use of any exhibit by another Member, and the Speaker has discretion to submit the question of whether the exhibit should be allowed to the House for a vote.⁽³³⁾

It is a violation of House rules for Members to bring to the attention of the House guests seated in the House galleries. Introducing or referencing such individuals in the galleries is prohibited by clause 7 of rule XVII, and the Speaker will proactively enforce this prohibition.⁽³⁴⁾

Maintaining Order in the House Galleries

Under clause 2 of rule I,⁽³⁵⁾ the Speaker has a duty to maintain order and decorum in the House galleries. The Speaker's general authority over the House Chamber⁽³⁶⁾ permits the Speaker to regulate admission to the galleries (which may involve issuing tickets for admission or other procedures).⁽³⁷⁾

Guests in the gallery may view the proceedings of the House in a respectful manner and are expected to maintain proper decorum at all times.⁽³⁸⁾ Manifestations of approval or disapproval of the proceedings are strictly prohibited, as are any other disruptive acts or demonstrations.⁽³⁹⁾ The Speaker admonishes guests in the gallery who transgress these rules.⁽⁴⁰⁾ If the disturbance is sufficiently egregious, the Speaker may direct the Sergeant-at-

32. *House Rules and Manual* § 660a (2019).

33. *House Rules and Manual* § 963 (2019). Prior to employing an exhibit in debate, Members often consult with the Chair and Parliamentarian to determine whether use of the exhibit represents a breach of decorum. For a history of this rule regarding exhibits and a similar rule regarding the reading of papers, see § 4, *supra*. See also Deschler's Precedents Ch. 29 § 84 and Deschler's Precedents Ch. 6 § 4.10.

34. *House Rules and Manual* § 966 (2019). Pursuant to the rule, the Speaker is prohibited from entertaining any request or motion to waive or suspend this restriction.

35. *House Rules and Manual* § 622 (2019).

36. See Precedents (Wickham) Ch. 4 §§ 1–6. See also Deschler's Precedents Ch. 4 § 5.

37. For older precedents regarding admission to the galleries, see Deschler's Precedents Ch. 6 §§ 8.1, 8.2.

38. See Precedents (Wickham) Ch. 4 § 4. Guests in the gallery who engage in disruptive behavior may be prosecuted under statutes that prohibit individuals from impeding or disrupting session of Congress. See 40 U.S.C. §§ 193f(b)(4), 193h(b).

39. See Deschler's Precedents Ch. 6 § 8.3.

40. *Parliamentarian's Note*: The Speaker has authority to quell demonstrations in the gallery even prior to the adoption of rules. See Precedents (Wickham) Ch. 1 § 6.6; Precedents (Wickham) Ch. 4 § 4.7; and Precedents (Wickham) Ch. 5 § 5.7.

Arms and the Capitol Police to remove the disorderly individuals from the gallery.⁽⁴¹⁾ In extreme circumstances, the Speaker has the authority to order the galleries to be cleared.⁽⁴²⁾

§ 6.1 Under clause 2 of rule I,⁽⁴³⁾ the Speaker shall preserve order and decorum.

On June 22, 2016,⁽⁴⁴⁾ in response to the presence of large numbers of Members in the well of the House, the Chair made the following announcement:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁴⁵⁾ Under clause 2 of rule I, the Chair is charged with preserving order and decorum in the proceedings of the House. The Chair finds that the House is currently not in a state of order due to the presence of Members in the well who are not under recognition.

The Chair would ask Members to please leave the well so that the House may proceed with business.

§ 6.2 The Chair frequently reiterates for Members proper decorum standards, including the importance of heeding the gavel when time for debate has expired.

On July 28, 2009,⁽⁴⁶⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁴⁷⁾ The Chair must ask all Members to bear in mind that the principle of heeding the gavel that sounds at the expiration of their time is one of the most essential ingredients of the decorum that properly dignifies the proceedings of the House.

No Member should labor under a misapprehension that ignoring the gavel at the expiration of one's time can be a demonstration of civil disobedience. To the contrary, such a willful discourtesy is an act of stark incivility and has been the object of a formal call to order.

The Chair enlists the understanding and cooperation of all the Members at this point.

41. See Deschler's Precedents Ch. 6 § 8.4.

42. See Deschler's Precedents Ch. 6 § 8.5 and Precedents (Wickham) Ch. 4 § 4.1.

43. *House Rules and Manual* § 622 (2019).

44. 162 CONG. REC. H4066 [Daily Ed.], 114th Cong. 2d Sess.

45. Ted Poe (TX).

46. 155 CONG. REC. 19565, 111th Cong. 1st Sess.

47. John Salazar (CO).

*Remarks Critical of the Speaker***§ 6.3 Remarks in the House concerning the Speaker's conduct should be directed to the Chair even if the Speaker is not occupying the Chair.**⁽⁴⁸⁾

On November 1, 1983,⁽⁴⁹⁾ the following remarks were made concerning the Speaker, even though the Speaker was not occupying the Chair at the time:

ATTACK ON THE PRESIDENT

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

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, it is apparent from your remarks in the New York Times this morning that the political rhetoric of 1984 is going to get plenty rough.

It becomes clear that you are finding that you can no longer sustain rational opposition to the President's policies, so you have decided to unleash irrational personal attacks on the President, his family, and the people within his administration. . . .

 PARLIAMENTARY INQUIRY

Mr. [Samuel] STRATTON [of New York]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore.⁽⁵⁰⁾ The gentleman will state it.

Mr. STRATTON. Mr. Speaker, is it in order for any Member of the House to address a Speaker pro tempore who is occupying the chair and make charges that were directed at the Speaker himself?

It would appear to be improper. I would think, under the rules of the House.

The SPEAKER pro tempore. The Chair is advised that the remarks are directed to the Chair, whoever the occupant of the chair is.

Mr. STRATTON. But the Chair has not been interviewed in the New York Times this morning, has he?

The SPEAKER pro tempore. The Chair has not.

Mr. STRATTON. Well, but the gentleman from Pennsylvania seems to have been disturbed about the altering of the record, and I thought it was important that we direct the remarks toward one Member, specifically to that Member, and not to confuse it with some temporary outkickment of the Chair.

48. *Parliamentarian's Note*: Various precedents state that it is not in order to use personally offensive language regarding the Speaker. However, even if these remarks are unparliamentary, they should still be directed to the Chair (see, e.g., 2 Hinds' Precedents § 1248; 5 Hinds' Precedents §§ 5094, 5188, and 5192; and 8 Cannon's Precedents §§ 2497, 2498, and 2531).

49. 129 CONG. REC. 30267, 98th Cong. 1st Sess. See also Deschler's Precedents Ch. 6 § 3.11.

50. Paul Simon (IL).

The SPEAKER pro tempore. I thank the gentleman from New York for coming to my defense.

§ 6.4 Debate on a question of personal privilege must be confined to the statements or issue which gave rise to the question of privilege, and should not include critical remarks directed at the Speaker.

On May 31, 1984,⁽⁵¹⁾ the following remarks caused the Speaker pro tempore to remind Members to confine their remarks to the question of personal privilege:

Mr. [Robert] WALKER [of Pennsylvania]. Again, I thank the gentleman for his characterization. I just would refer the gentleman to the rules of the House. Under rule I of clause 2, one of the duties of the Speaker is to preserve order and decorum. I would suggest that engaging in partisan name calling is hardly preserving the decorum of the House.

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, the gentleman said he thought the American people viewed the responsibility of the Speaker as being fair and impartial as the presiding officer. I think that is right, and I think this Speaker has been fair and impartial as a presiding officer.

As a matter of fact, going back over the last decade it is absolutely rare, probably to the point of being able to count the times on one hand, where we have had an appeal from a ruling of the Chair, whether it is being occupied by the Speaker personally, or by someone acting in his behalf. This cannot be said of the other body or of most State legislatures.

The reason that has been true of the House is that Members on both sides, regardless of their philosophy or party, have learned to respect the rulings of this Speaker as fair and impartial to all Members. I think the gentleman misstates his complaint if he suggests that this presiding officer is unfair.

Mr. WALKER. I thank the gentleman for his defense of the Speaker, but I would suggest to the gentleman that this gentleman is simply raising the point that when the Speaker engages in name calling as part of his regular duties as Speaker, as part of the press conference that he holds as Speaker each day, that that is not fair, that that is not impartial, that that is not the kind of behavior that the American people think that the Speaker should be engaged in.

The gentleman can disagree with that, but I happen to think that a majority of Americans will not appreciate the fact that this Speaker has become unfair.

Mr. [Vin] WEBER [of Minnesota]. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Minnesota.

Mr. WEBER. I would just say to my colleague from Washington, the fact that there have not been appeals of the rulings of the chair, I believe it is a lot more than a decade, I think it is over several speakerships, is indicative of the respect that all Members hold

51. 130 CONG. REC. 14622–23, 98th Cong. 2d Sess. See also 5 Hinds' Precedents §§ 5075–5077; 6 Cannon's Precedents §§ 576, 608; and 8 Cannon's Precedents §§ 2448, 2481.

for the institution of the Speaker. The point that we are making is that an individual Speaker can conduct himself in a manner that damages that respect.

Mr. FOLEY. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I would be glad to yield to the gentleman from Washington.

Mr. FOLEY. The point I was trying to make, I will tell the gentleman, is that this Speaker as well as other Speakers in both parties, going back to the last generation or more, have had the confidence of the House in their rulings as presiding officers because they have been fair. They have had respect not simply because of the office they hold, but because the actual conduct of the Speaker, including THOMAS P. O'NEILL, Jr., has been absolutely fair and impartial when he presides over the House or someone presides in his place.

The fact of the matter is that that is reflected in the respect that has been given to his rulings on both sides.

I only make this comment because it is one thing for the gentleman to suggest that some action of the Speaker off the floor and not presiding over the floor is something he wants to criticize; it is another thing to imply that there is unfairness, partiality or partisanship in the way this Speaker has conducted himself in this Chamber.

Mr. WALKER. I would say to the gentleman that the Speaker of the House is the Speaker of the House full time. He is the symbol of this body when he is on the floor and when he is off the floor. What he says and does as Speaker of the House reflects on us all, all of the time. I am suggesting that in what he is saying in his press conference is, in fact, a reflection of his opinion of at least some Members in this body. That is not, it seems to me, in the tradition of fairness that we have come to expect of the Speakers of the House with regard to elected Members of this institution.

That is the question that I raise here. Again, I would expect a member of the leadership of the Democratic side to come to the defense of their Speaker, but I do believe that there is a need to air what I regard as a serious problem.

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

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

What we have just heard from our colleague from Washington is a definition of fairness of the chair being that that Speaker's rulings are not appealed. Well, I will say to you on this side of the aisle we do not think that this Speaker has been fair. We do not think it is fair that legislation is bottled up in committee and not brought to the floor for votes, we do not think it is fair that constitutional amendments are scheduled for action on the Suspension, Calendar, we do not think it is fair that we are not given proportional representation on any committees of the House of Representatives, and I could go on and on and on.

All the gentleman is telling me, though, is that none of that matters and that the only way you can demonstrate your feeling about the unfairness of the Speaker is by appealing his rulings. If that is what the gentleman is saying to us, then he is giving us instruction on what should be our future behavior. . . .

The SPEAKER pro tempore.⁽⁵²⁾ The Chair would like to have order.

Let the Chair remind the Members to confine their remarks to the issue of personal privilege which is the newspaper article which was brought up in the first place.

52. John Murtha (PA).

§ 6.5 At the beginning of each Congress, the Speaker customarily inserts into the *Congressional Record* certain policy statements regarding proper decorum, including the proper standard for references to the Speaker.

On January 4, 1995,⁽⁵³⁾ the following policies were inserted into the *Congressional Record*:

POLICIES OF THE CHAIR

The SPEAKER.⁽⁵⁴⁾ The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, the introduction of bills and resolutions; third, unanimous-consent requests for the consideration of bills and resolutions; fourth, recognition for 1-minute speeches and special orders; fifth, decorum in debate; sixth, the conduct of votes by electronic device; and seventh, requests for leave of committees to sit during the 5-minute rule.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 104th Congress the policies reflected in these statements. The policy announced in Congresses prior to the 103d Congress with respect to requests for committees to sit during the 5-minute rule is once again pertinent. The policy announced in the 102d Congress with respect to jurisdictional concepts related to clause 5(b) 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*. . . .

5. Decorum in Debate

The Speaker's statement in the 102d Congress on January 3, 1991, with respect to decorum in debate, will apply during the 104th Congress as supplemented by an announcement made by the Speaker earlier today.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The Speaker. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly but the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; second,

53. 141 CONG. REC. 551–53, 104th Cong. 1st Sess. The policy statement with regard to references to the Speaker was new for the 104th Congress, but has been reiterated in subsequent Congresses. See, e.g., 159 CONG. REC. 45–46, 113th Cong. 1st Sess. (Jan. 3, 2013). See also § 2.5, *supra*.

54. Newt Gingrich (GA).

to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995

The SPEAKER. The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Before gavelling Members down precisely when their time has expired, the Chair will lightly tap the gavel as a warning that a Member has 10 seconds remaining. Furthermore, the Chair may immediately interrupt Members in debate who transgress rule XIV by failing to avoid “personalities” in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds’ Precedents, at section 1248.

§ 6.6 A revision in the *Congressional Record* of the Chair’s ruling regarding unparliamentary remarks concerning the Speaker was held not to constitute a substantive change in the *Record* within the meaning of clause 9 of rule XIV (now clause 1 of rule XVII).⁽⁵⁵⁾

On January 18, 1995,⁽⁵⁶⁾ the Chair ruled that words personally offensive to the Speaker were out of order and the ruling was sustained on appeal. Modifications were made to the Chair’s statements in the daily *Congressional Record*.⁽⁵⁷⁾ On January 19, 1995,⁽⁵⁸⁾ the following point of order was raised:

POINT OF ORDER

Mr. [Barney] FRANK of Massachusetts. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore.⁽⁵⁹⁾ The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the CONGRESSIONAL RECORD shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

55. *House Rules and Manual* § 945 (2019).

56. 141 CONG. REC. 1441–47, 104th Cong. 1st Sess.

57. *Parliamentarian’s Note*: The language of the Chair’s ruling was modified to clarify that references to the personal conduct or characteristics of the Speaker are out of order. No substantive change to the ruling was intended. Nevertheless, in response to the point of order raised on January 19, 1995, the House (by unanimous consent) agreed to allow the original, unmodified version of the ruling to be retained in the *Record*. See 141 CONG. REC. 1866, 104th Cong. 1st Sess. (Jan. 20, 1995).

58. 141 CONG. REC. 1599–602, 104th Cong. 1st Sess.

59. David Dreier (CA).

In the CONGRESSIONAL RECORD that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the RECORD.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, "It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order."

That has been altered and that does not appear verbatim in the CONGRESSIONAL RECORD. Instead, it says, "It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order."

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, "it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker."

In the CONGRESSIONAL RECORD that has been changed to "a proper level of respect."

Now, I do not believe that changing "personal" to "critical" and "proper" to "higher" is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the RECORD, there would be no objection to what the gentlewoman from Florida said.

The SPEAKER pro tempore.⁽⁶⁰⁾ The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined. . . .

The SPEAKER pro tempore. If the Chair might respond to the gentleman.

Mr. [John] DINGELL [of Michigan]. I would like to persist in my parliamentary inquiry. Or that the rulings of the Chair of yesterday are going to be reexamined?

The SPEAKER pro tempore. The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct

60. Clifford Stearns (FL).

of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities.

The Chair will inform that the Chair is going to proceed with 1-minutes.

§ 6.7 It is not order to refer to the Speaker in terms personally offensive, such as accusing the Speaker of lying to Congress.

On April 17, 1997,⁽⁶¹⁾ a Member's words were ruled out of order by the Chair as unparliamentary. After objection was heard to the traditional unanimous-consent request to strike the offending language, the House, by a recorded vote, agreed to strike the words:⁽⁶²⁾

SPEAKER'S COMPENSATION FOR COST OF ETHICS INVESTIGATION

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

Mr. [John] LEWIS of Georgia. Mr. Speaker, I am surprised to see my Republican colleagues on the floor today congratulating Speaker NEWT GINGRICH for doing something he should have done months ago, paying \$300,000 for lying to Congress.

61. 143 CONG. REC. 5831, 105th Cong. 1st Sess.

62. *Parliamentarian's Note*: Although the House voted to strike the offending words, they were inadvertently retained in the *Congressional Record*, necessitating a correction in the permanent *Record* of April 21, 1997. See 143 CONG. REC. 5943-44, 105th Cong. 1st Sess.

Speaker GINGRICH admitted to bringing discredit on the House of Representatives. He has admitted to lying to this House.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I ask the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. [James] KOLBE [of Arizona]). The gentleman will suspend. The gentleman from Georgia will be seated.

The SPEAKER pro tempore (Mr. KOLBE). The Clerk will report the words.

The Clerk read as follows:

I am surprised to see my Republican colleagues on the floor today congratulating Speaker NEWT GINGRICH for doing something he should have done months ago, paying \$300,000 for lying to Congress. Speaker GINGRICH admitted to bringing discredit on the House of Representatives. He has admitted to lying to this House.

The SPEAKER pro tempore. The Chair is prepared to rule.

The words of the gentleman from Georgia constitute a personality against the Speaker. Under the precedents, the debate should not go to the official conduct of a Member where that question is not pending as a question of privilege on the House floor. The fact that the House has addressed a Member's conduct at a prior time does not permit this debate at this time. Therefore, the gentleman's words are out of order.

Without objection, the gentleman's words will be stricken from the RECORD.

Mr. [Lloyd] DOGGETT [of Texas]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Unparliamentary Remarks by the Speaker

§ 6.8 By unanimous consent, words used in debate by the Speaker in reference to a specific Member were withdrawn, following a demand that the words be taken down.

On July 2, 1980,⁽⁶³⁾ Speaker Thomas O'Neill of Massachusetts made the following remarks:

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I have served in legislative bodies for 44 years. In my legislative lifetime I have never seen a Speaker ever make a wrong ruling. When he makes a ruling, he makes it for posterity.

At no time do I ever want to make a ruling and have anyone look at the record and say, "He was political." I have my life to live with, and the records will always be there.

I was 16 years in the Massachusetts Legislature, and only once did I ever see anybody appeal the Chair's ruling. Every member of his party voted against him. . . .

I am sorry that the gentlewoman from Massachusetts was duped the way she was. I am sorry, in my opinion—

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. O'NEILL. She was duped the way she was.

Mr. BAUMAN. I demand the gentleman's words be taken down.

Mr. O'NEILL. Here we go, with the same dilatory manner.

63. 126 CONG. REC. 18361, 96th Cong. 2d Sess.

Mr. BAUMAN. You said it, Mr. Speaker.

Mr. O'NEILL. The man who lives 50 miles from here——

Mr. BAUMAN. I demand his words be taken down.

Mr. O'NEILL. And commutes every night. What concern is it to you?

Mr. BAUMAN. Regular order. The Speaker no longer has the floor. I demand his words be taken down.

The SPEAKER pro tempore.⁽⁶⁴⁾ Does the gentleman from Massachusetts withdraw the word that was used?

Mr. O'NEILL. The Speaker will withdraw the word.

Mr. [John] ASHBROOK [of Ohio]. Louder. Could not hear it.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to withdraw the word “duped.”

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

There was no objection.

§ 6.9 Remarks of the Speaker may be subject to a demand that the words be taken down.

On May 15, 1984,⁽⁶⁵⁾ Speaker Thomas O'Neill of Massachusetts made the following remarks, which the Majority Whip, Rep. Trent Lott of Mississippi, demanded be taken down:

Mr. [Newt] GINGRICH [of Georgia]. OK. I would be delighted to yield to our distinguished Speaker, if he wishes to continue this, Mr. Speaker.

Mr. [Thomas] O'NEILL [of Massachusetts]. You yield to me.

I just want to say this.

Mr. GINGRICH. Please use the mike.

Mr. O'NEILL. There is no question in my mind that the arguments and statements that I said on this floor came to me by complaint of the Members.

First, that they had not been notified. I do not believe that they were notified. I believe that truly, that they did not get the mail in their office, No. 1.

No. 2, the sense of your letter here: “I am inviting you to hear a dialog on my perception of what American policy and foreign affairs should be. I am going to go back,” you did not tell them you were going to go back to 1970 to get clips, 1972 in the instance of Mr. EDWARD BOLAND, the gentleman whom I have the greatest respect for; chairman of our Intelligence Committee. And you were going to ask him a question as to their policy and how they felt about the Vietnam war and the question of “Did you beat your wife lately?” “I want you to come in and answer the questions of the philosophy that you had then.”

You talk about Angola, you did not—you do not talk about Angola, how during the Eisenhower administration we were for the very, very people that later on the Nixon people were opposed to. Change in strategy. You do not say anything about things of that nature. Very interesting.

64. Paul Simon (IL).

65. 130 CONG. REC. 12201–202, 98th Cong. 2d Sess.

My personal opinion is this: You deliberately stood in that well before an empty House and challenged these people, and you challenged their Americanism, and it is the lowest thing that I have ever seen in my 32 years in Congress.

Mr. GINGRICH. Mr. Speaker, If I may reclaim my time, let me say first of all that—

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I demand that the Speaker's words be taken down.

The SPEAKER pro tempore.⁽⁶⁶⁾ Words will be taken down.

The Clerk will report the words.

The Clerk read as follows:

My personal opinion is this: you deliberately stood in that well before an empty House and challenged these people and you challenged their Americanism and it is the lowest thing that I have ever seen In my 32 years in Congress.

Mr. LOTT. Mr. Speaker, has the Chair ruled?

The SPEAKER pro tempore. The Chair has not ruled.

Mr. LOTT. If the Chair would rule, I have a request that I would like to make.

The SPEAKER pro tempore. The Chair feels that that type of characterization should not be used in debate.

Mr. LOTT. Mr. Speaker, I ask unanimous consent at this point that the Speaker be allowed to continue in order.

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

Mr. [William] THOMAS of California. Mr. Speaker, reserving the right to object, will the gentleman from Mississippi indicate to me the intent and purpose of that unanimous-consent request. . . .

Mr. THOMAS of California. And that requires unanimous consent?

Mr. LOTT. I am asking for that unanimous consent. Our point has been made. I think that we want to change the tenor of this debate and we should now proceed on a higher plane with this debate.

Mr. THOMAS of California. Mr. Speaker, I shall not object.

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

There was no objection.

§ 7. Ethics Investigations of the Speaker

The Speaker, like all Members, must abide by ethics rules established in House rules and statutes, and is therefore subject to the same disciplinary measures as any other Member.⁽¹⁾ The Speaker thus may become the subject of an inquiry⁽²⁾ conducted by the Committee on Ethics (previously the

66. John Joseph Moakley (MA).

1. For ethics and disciplinary matters generally, see Deschler's Precedents Ch. 12 and Precedents (Wickham) Ch. 12.

2. *Parliamentarian's Note*: Speaker James Wright of Texas became the subject of an investigation by the Committee on Standards of Official Conduct (now the Committee on

Committee of Standards of Official Conduct).⁽³⁾ A resolution requesting that the Committee on Ethics open an inquiry into allegations relating to the Speaker's conduct constitutes a question of the privileges of the House under rule IX.⁽⁴⁾ The House may also establish a special select committee to conduct an investigation into alleged violations by the Speaker.⁽⁵⁾ A resolution alleging improper delay in the conduct of an investigation of the Speaker may be raised as a valid question of the privileges of the House.⁽⁶⁾ The Speaker, like any Member, may rise to a point of personal privilege to address allegations of unethical conduct.⁽⁷⁾

Introduction of Resolution

§ 7.1 A resolution directing the Committee on Standards of Official Conduct (now the Committee on Ethics) to investigate possible disclosure of classified information by the Speaker was introduced by a Member and referred to the Committee on Rules.⁽⁸⁾

On September 30, 1988,⁽⁹⁾ the following resolution was introduced and referred to the Committee on Rules:

Ethics) in the 100th Congress in 1988. Following the committee's release of its "Statement of Alleged Violation," Speaker Wright resigned the speakership on June 6, 1989. For more specifics on this case, see Precedents (Wickham) Ch. 12. See also § 7.4, *infra*. In the 104th Congress, Speaker Newt Gingrich of Georgia became the subject of an investigation by the Committee on Standards of Official Conduct (now the Committee on Ethics). See § 7.3, *infra*. The case was transferred to a special Select Committee on Ethics created at the beginning of the 105th Congress to review the matter. See H. Res. 5, 143 CONG. REC. 122, 105th Cong. 1st Sess. (Jan. 7, 1997). See also Precedents (Wickham) Ch. 3 § 8.7. The House adopted the report of the select committee on January 21, 1997. See § 7.3, *infra*. Following adoption of the report, Speaker Gingrich remained in office for the remainder of the Congress, but resigned his seat for the following Congress. For more specifics on this case, see Precedents (Wickham) Ch. 12. See also §§ 7.2, 7.5, *infra* and Precedents (Wickham) Ch. 3 § 8.7.

3. From the 90th Congress until the 111th Congress, this committee was known as the Committee on Standards of Official Conduct. Its name was changed to the Committee on Ethics at the outset of the 112th Congress in 2011.
4. *House Rules and Manual* §§ 698, 699, and 703 (2019). For a resolution requesting that the Committee on Standards of Official Conduct (now the Committee on Ethics) open an inquiry into possible unauthorized release of classified information by the Speaker, see § 7.1, *infra*.
5. See § 7.3, *infra*.
6. See § 7.2, *infra*. See also 141 CONG. REC. 35075, 104th Cong. 1st Sess. (Nov. 30, 1995).
7. See §§ 7.4, 7.5, *infra*.
8. *Parliamentarian's Note*: Although this resolution was introduced through the hopper and referred to the appropriate committee, it would have been privileged for immediate consideration had it been raised as a question of the privileges of the House under rule IX. See Deschler's Precedents Ch. 11 §§ 9, 10. See also *House Rules and Manual* §§ 698, 699, and 703 (2019).
9. 134 CONG. REC. 27328–29, 100th Cong. 2d Sess.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows: . . .

By Mr. CHENEY (for himself, Mr. HYDE, Mr. LIVINGSTON, Mr. MCEWEN, Mr. LUNGREN, and Mr. SHUSTER):

H. Res. 561. Resolution directing the Committee on Standards of Official Conduct to conduct an investigation regarding a possible unauthorized disclosure of classified information in violation of the Rules of the House of Representatives; to the Committee on Rules.

Resolution Alleging Procedural Irregularities by Committee

§ 7.2 A resolution alleging procedural irregularities and delay by the Committee on Standards of Official Conduct (now the Committee on Ethics) in the disposition of ethics complaints against the Speaker and resolving that the committee report to the House on the status of the investigation, constitutes a question of the privileges of the House under rule IX.⁽¹⁰⁾

On November 17, 1995,⁽¹¹⁾ the following resolution was raised as a question of the privileges of the House (and subsequently laid on the table):

Mr. [Pete] PETERSON of Florida. Mr. Speaker, I rise to a question of the privileges of the House, and pursuant to rule IX, I offer a resolution on behalf of myself and the gentleman from Florida [Mr. JOHNSTON] and ask for its immediate consideration.

The SPEAKER pro tempore.⁽¹²⁾ The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 277

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established;

Whereas, although complaints against Speaker Gingrich have been under consideration for more than 14 months, the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore be it resolved that;

10. *House Rules and Manual* § 698 (2019).

11. 141 CONG. REC. 33846–47, 104th Cong. 1st Sess. For a similar question of the privileges of the House, see 141 CONG. REC. 35075, 104th Cong. 1st Sess. (Nov. 30, 1995). For a special-order speech reciting the text of a resolution raised as a question of the privileges of the House relative to complaints against the Speaker, see 141 CONG. REC. 33853–54, 104th Cong. 1st Sess. (Nov. 17, 1995).

12. Robert Walker (PA).

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than November 28, 1995, concerning:

The status of the Committee's investigation of the complaints against Speaker Gingrich;

The Committee's disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel's investigation;

A timetable for Committee action on the complaints.

The SPEAKER pro tempore. The Chair holds that the resolution gives rise to a question of the privileges of the House concerning the integrity of its proceedings.

PARLIAMENTARY INQUIRY

Mr. [Harry] JOHNSTON of Florida. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. [Nancy] JOHNSON of Florida. Mr. Speaker, I understand that a motion to table will be made. In the event that the motion to table is passed, this would be an adverse disposition of the privileged resolution.

My inquiry, Mr. Speaker, is, with minor changes of the privileged resolution, would it be in order for the gentleman from Florida [Mr. PETERSON] and myself to file a similar resolution tomorrow and each business day from now to the conclusion of the 104th Congress? . . .

The SPEAKER pro tempore (Mr. [John] LINDER [of Georgia]). The Chair will note that proper questions of privilege may be renewed.

MOTION TO TABLE OFFERED BY MR. ARMEY

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, the rules of the House prohibit members of the Committee on Standards of Official Conduct from discussing ongoing business. Accordingly, I offer a motion.

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

Mr. ARMEY moves to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

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

RECORD VOTE

Mr. PETERSON of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 177, answered “present” 10, not voting 26, as follows:

[Roll No. 815] . . .

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.

Filing of Report

§ 7.3 A report from the Committee on Standards of Official Conduct (now the Committee on Ethics) regarding the results of an inquiry into the official conduct of the Speaker is filed from the floor as privileged under clause 5 of rule XIII.⁽¹³⁾

On December 12, 1995,⁽¹⁴⁾ the following report informing the House that the Committee on Standards of Official Conduct had notified Speaker Newt Gingrich of Georgia of several violations of the rules of the House (while dismissing other complaints) was filed as privileged and referred to the House Calendar:

REPORT ON INQUIRY INTO VARIOUS COMPLAINTS FILED AGAINST REPRESENTATIVE NEWT GINGRICH

Mrs. JOHNSON of Connecticut, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 104–401) on the inquiry into various complaints filed against Representative NEWT GINGRICH, which was referred to the House Calendar and ordered to be printed.

STATEMENT ON REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. [Nancy] JOHNSON of Connecticut. Mr. Speaker, today, at the direction of the Committee on Standards of Official Conduct, I have introduced a resolution which eliminates one of the few exceptions to House Rules regarding outside earned income.

As you know, the Rules of the House now restrict the amount of outside income a Member or senior staffer may earn to \$20,040 per year. However, copyright royalties and book advances are exempted from this restriction. A Member may publish a book and receive a large cash advance and unlimited royalties.

The resolution introduced today would amend rule 47 of the Rules of the House of Representatives so as to prohibit advances and treat copyright royalties as earned income subject to the \$20,040 yearly cap. The new restriction would apply to royalties earned after December 31, 1995, for any book published after the beginning of House service, and would prohibit the deferral of royalties beyond the year in which earned.

It is the committee's hope that this resolution will be considered and approved this year.

13. *House Rules and Manual* § 853 (2019).

14. 141 CONG. REC. 36212, 36266, 104th Cong. 1st Sess.

As with our necessary reforms, this proposal may cause some momentary financial hardship in individual cases, or even delay the communication of useful ideas. In the long run, however, this proposal, by preventing the perception that book contracts are offered or their terms altered in deference to a Member's position rather than as a reflection of the book's content, will bring added attention to whatever ideas we may put forth.

As has passage of the gift rule resolution and, hopefully, other reform initiatives, this change in our House rules will assure that our actions—both in fact and perception—merit public confidence.

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: . . .

Mrs. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Inquiry into various complaints filed against Representative NEWT GINGRICH (Rept. 104–401). Referred to the House Calendar.

In the following Congress, the House created a Select Committee on Ethics to complete the continuing investigation into Speaker Newt Gingrich of Georgia's conduct.⁽¹⁵⁾ On January 21, 1997,⁽¹⁶⁾ the House adopted the final report of the select committee, thereby reprimanding the Speaker and ordering him to reimburse the committee for the costs of the investigation:

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

Mrs. [Nancy] JOHNSON of Connecticut. Mr. Speaker, pursuant to rule IX and by direction of the Select Committee on Ethics, I send to the desk a privileged resolution (H. Res. 31) in the matter of Representative NEWT GINGRICH, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 31

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

Resolved, That the House adopt the report of the Select Committee on Ethics dated January 17, 1997, In the Matter of Representative Newt Gingrich.

The SPEAKER pro tempore.⁽¹⁷⁾ The resolution constitutes a question of privilege and may be called up at any time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before we proceed, the Chair will have a statement about the decorum expected of the Members.

15. See H. Res. 5, 143 CONG. REC. 122, 105th Cong. 1st Sess. (Jan. 7, 1997). See also Precedents (Wickham) Ch. 3 § 8.7 (appointing a Member to the select committee).

16. 143 CONG. REC. 393–95, 419–20, 422, 445–49, and 459, 105th Cong. 1st Sess.

17. Doug Bereuter (NE).

The Chair has often reiterated that Members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House, either by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House.

This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses. It derives its force primarily from clause 1 of rule XIV which broadly prohibits engaging in personality in debate. It has been part of the rules of the House since 1789.

On the other hand, the calling up of a resolution reported by the Committee on Standards of Official Conduct, or the offering of a resolution as a similar question of the privileges of the House, embarks the House on consideration of a proposition that admits references in debate to a Member's conduct. Disciplinary matters by their very nature involve personalities.

Still, this exception to the general rule against engaging in personality—admitting references to a Member's conduct when that conduct is the very question under consideration by the House—is closely limited. This point was well stated on July 31, 1979, as follows: While a wide range of discussion is permitted during debate on a disciplinary resolution, clause 1 of rule XIV still prohibits the use of language which is personally abusive. This is recorded in the Deschler-Brown Procedure in the House of Representatives in chapter 12, at section 2.11.

On the question now pending before the House, the resolution offered by the gentleman from Connecticut, Members should confine their remarks in debate to the merits of that precise question. Members should refrain from remarks that constitute personalities with respect to members of the Committee on Standards of Official Conduct or the Select Committee on Ethics or with respect to other sitting Members whose conduct is not the subject of the pending report. Finally, Members should exercise care to maintain an atmosphere of mutual respect.

On January 27, 1909, the House adopted a report that stated the following: It is the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members.

This is recorded in Cannon's Precedents in volume 8 at section 2497.

The report adopted on that occasion responded to improper references in debate to the President, but it articulated a principle that occupants of the Chair over many Congresses have held equally applicable to Members' remarks toward each other.

The Chair asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

The gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 1 hour.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that debate on the resolution be extended for a half an hour.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 90 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, for purposes of debate only, I yield 45 minutes to the gentleman from Maryland [Mr. CARDIN], pending which I yield myself such time as I may consume.

Mr. Speaker, I rise as chairman of the Select Committee on Ethics to lay before you the committee's bipartisan recommendation for final action on the matter of Representative NEWT GINGRICH. The committee recommends that Representative GINGRICH be reprimanded and reimburse the House \$300,000. The penalty is tough and unprecedented. It is also appropriate. No one is above the rules of the House of Representatives.

This matter centered on two key questions: whether the Speaker violated Federal tax law and whether he intentionally filed incorrect information with the Ethics Committee. While the committee investigated these questions extensively, its findings were inconclusive. Rather, the committee found that Representative GINGRICH brought discredit to the House by failing to get appropriate legal advice to ensure that his actions would be in compliance with tax law and to oversee the development of his letters to the committee to ensure they were accurate in every respect.

Each Member of Congress, especially those in positions of leadership, shoulders the responsibility of avoiding even the appearance of impropriety. Representative GINGRICH failed to exercise the discipline and caution of his office and so is subject to penalty today.

As I have said, the penalty recommended by the committee is tough and unprecedented. In past cases of this nature, the House has reprimanded a Member only where the Member was found to have intentionally made false statements to the Ethics Committee. In this case, the committee recommended a reprimand of Representative GINGRICH even though the statement of alleged violations did not assert that he intentionally misled the committee. Likewise in past cases where the committee imposed monetary sanctions on a Member, the committee found that the Member had been personally enriched by the misconduct. The committee made no such finding against Representative GINGRICH, yet recommends that a cost reimbursement of \$300,000 be paid to the House by him.

The report before us contains several hundred pages of exhibits and a detailed analysis of the subcommittee's findings. The allegations and the key facts supporting them were laid out by the special counsel during a public hearing on January 17. The committee's recommendations before you today end 2 long years of work.

Throughout this process we never lost sight of our key goals: full and complete disclosure of the facts and a bipartisan recommendation. We accomplished both. Even though it would have been easy for Republicans or Democrats to walk away from the process at many stages, we did not, because we believed in this institution and in the ethics process.

The investigative subcommittee was ably chaired by Representative PORTER GOSS. Representatives BEN CARDIN, STEVE SCHIFF, and NANCY PELOSI, along with Mr. GOSS deserve the gratitude of this House for the extraordinary workload they shouldered and for their dedication to pursuing each issue until they reached consensus. Together with Mr. James Cole, the special counsel, they laid the groundwork for the bipartisan conclusion of this matter. I want to thank Mr. CARDIN, the current ranking member, as well, for working with me through difficult times to enable the bipartisan Ethics Committee process to succeed.

In the last 2 years the committee was forced to conduct its work against the backdrop of harsh political warfare. It is the first time ever that members of the Ethics Committee have been the target of coordinated partisan assaults in their districts. Coordinated political pressure on members of the Ethics Committee by other Members is not only destructive of the ethics oversight process but is beneath the dignity of this great institution and those who serve here. . . .

Mr. [Benjamin] CARDIN [of Maryland]. Mr. Speaker, I yield myself such time as I may consume. . . .

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the report of the Select Committee on Ethics be made a part of the RECORD.

The SPEAKER pro tempore (Mr. [Douglas] BEREUTER [of Nebraska]). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The report is as follows:

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

I. INTRODUCTION

A. Procedural Background

On September 7, 1994, a complaint was filed with the Committee on Standards of Official Conduct ("Committee") against Representative Newt Gingrich by Ben Jones, Mr. Gingrich's opponent in his 1994 campaign for re-election. The complaint centered on a course taught by Mr. Gingrich called "Renewing American Civilization." Among other things, the complaint alleged that Mr. Gingrich had used his congressional staff to work on the course in violation of House Rules. The complaint also alleged that Mr. Gingrich had created a college course under the sponsorship of 501(c)(3) organizations in order "to meet certain political, not educational, objectives" and, therefore, caused a violation of section 501(c)(3) of the Internal Revenue Code to occur. In partial support of the allegation that the course was a partisan, political project, the complaint alleged that the course was under the control of GOPAC, a political action committee of which Mr. Gingrich was the General Chairman.

Mr. Gingrich responded to this complaint in letters dated October 4, 1994, and December 8, 1994, but the matter was not resolved before the end of the 103rd Congress. On January 26, 1995, Representative David Bonior filed an amended version of the complaint originally filed by Mr. Jones. It restated the allegations concerning the misuse of tax-exempt organizations and contained additional allegations. Mr. Gingrich responded to that complaint in a letter from his counsel dated March 27, 1995.

On December 6, 1995, the Committee voted to initiate a Preliminary Inquiry into the allegations concerning the misuse of tax-exempt organizations. The Committee appointed an Investigative Subcommittee ("Subcommittee") and instructed it to: determine if there is reason to believe that Representative Gingrich's activities in relation to the college course "Renewing American Civilization" were in violation of section 501(c)(3) or whether any foundation qualified under section 501(c)(3), with respect to the course, violated its status with the knowledge and approval of Representative Gingrich * * *.

The Committee also resolved to appoint a Special Counsel to assist in the Preliminary Inquiry. On December 22, 1995, the Committee appointed James M. Cole, a partner in the law firm of Bryan Cave LLP, as the Special Counsel. Mr. Cole's contract was signed January 3, 1996, and he began his work.

On September 26, 1996, the Subcommittee announced that, in light of certain facts discovered during the Preliminary Inquiry, the investigation was being expanded to include the following additional areas:

(1) Whether Representative Gingrich provided accurate, reliable, and complete information concerning the course entitled "Renewing American Civilization," GOPAC's relationship to the course entitled "Renewing American Civilization," or the Progress and Freedom Foundation in the course of communicating with the Committee, directly or through counsel (House Rule 43, Cl. 1);

(2) Whether Representative Gingrich's relationship with the Progress and Freedom Foundation, including but not limited to his involvement with the course entitled "Renewing American Civilization," violated the foundation's status under 501(c)(3) of the Internal Revenue Code and related regulations (House Rule 43, Cl. 1);

(3) Whether Representative Gingrich's use of the personnel and facilities of the Progress and Freedom Foundation constituted a use of unofficial resources for official purposes (House Rule 45); and

(4) Whether Representative Gingrich's activities on behalf of the Abraham Lincoln Opportunity Foundation violated its status under 501(c)(3) of the Internal Revenue Code and related regulations or whether the Abraham Lincoln Opportunity Foundation violated its status with the knowledge and approval of Representative Gingrich (House Rule 43, Cl. 1).

As discussed below, the Subcommittee issued a Statement of Alleged Violation with respect to the initial allegation pertaining to Renewing American Civilization and also with respect to items 1 and 4 above. The Subcommittee did not find any violations of House Rules in regard to the issues set forth in items 2 and 3 above. The Subcommittee, however, decided to recommend that the full Committee make available to the IRS documents produced during the Preliminary Inquiry for use in its ongoing inquiries of 501(c)(3) organizations. In regard to item 3 above, the Subcommittee decided to issue some advice to Members concerning the proper use of outside consultants for official purposes.

On January 7, 1997, the House conveyed the matter of Representative Newt Gingrich to the Select Committee on Ethics by its adoption of clause 4(e)(3) of rule X, as contained in House Resolution 5.

On January 17, 1997, the Select Committee on Ethics held a sanction hearing in the matter pursuant to committee rule 20. Following the sanction hearing, the Select Committee ordered a report to the House, by a roll call vote of 7-1, recommending that Representative Gingrich be reprimanded and ordered to reimburse the House for some of the costs of the investigation in the amount of \$300,000. The following Members voted aye: Mrs. Johnson of Connecticut, Mr. Goss, Mr. Schiff, Mr. Cardin, Ms. Pelosi, Mr. Borski, and Mr. Sawyer. The following Member voted no: Mr. Smith of Texas.

The adoption of this report by the House shall constitute such a reprimand and order of reimbursement. Accordingly, the Select Committee recommends that the House adopt a resolution in the following form.

HOUSE RESOLUTION —

Resolved, That the House adopt the report of the Select Committee on Ethics dated January 17, 1997, in the Matter of Representative Newt Gingrich.

Statement Pursuant to Clause 2(l)(3)(A) of Rule XI
No oversight findings are considered pertinent.

B. Investigative Process

The investigation of this matter began on January 3, 1996, and lasted through December 12, 1996. In the course of the investigation, approximately 90 subpoenas or requests for documents were issued, approximately 150,000 pages of documents were reviewed, and approximately 70 people were interviewed. Most of the interviews were conducted by Mr. Cole outside the presence of the Subcommittee. A court reporter transcribed the interviews and the transcripts were made available to the Members of the Subcommittee. Some of the interviews were conducted before the Members of the Subcommittee primarily to explore the issue of whether Mr. Gingrich had provided the Committee, directly or through counsel, inaccurate, unreliable, or incomplete information.

During the Preliminary Inquiry, Mr. Cole interviewed Mr. Gingrich twice and Mr. Gingrich appeared before the Subcommittee twice. Several draft discussion documents, with notebooks of exhibits, were prepared for the Subcommittee in order to brief the Members on the findings and status of the Preliminary Inquiry. After receiving the discussion documents, the Subcommittee met to discuss the legal and factual questions at issue.

In most investigations, people who were involved in the events under investigation are interviewed and asked to describe the events. This practice has some risk with respect to the reliability of the evidence gathered because, for example, memories fade and can change when a matter becomes controversial and subject to an investigation. One advantage the Subcommittee had in this investigation was the availability of a vast body of documentation from multiple sources that had been created contemporaneously with the events under investigation. A number of documents central to the analysis of the matter, in fact, had been written by Mr. Gingrich. Thus, the documents provided a unique, contemporaneous view of people's purposes, motivations, and intentions with respect to the facts at issue. This Report relies heavily, but not exclusively, on an analysis of those documents to describe the acts, as well as Mr. Gingrich's purpose, motivations, and intentions.

As the Report proceeds through the facts, there is discussion of conservative and Republican political philosophy. The Committee and the Special Counsel, however, do not take any positions with respect to the validity of this or any other political philosophy, nor do they take any positions with respect to the desirability of the dissemination of this or any other political philosophy. Mr. Gingrich's political philosophy and its dissemination is discussed only insofar as it is necessary to examine the issues in this matter.

C. Summary of the Subcommittee's Factual Findings

The Subcommittee found that in regard to two projects, Mr. Gingrich engaged in activity involving 501(c)(3) organizations that was substantially motivated by partisan, political goals. The Subcommittee also found that Mr. Gingrich provided the Committee with

material information about one of those projects that was inaccurate, incomplete, and unreliable. . . .

D. Statement of Alleged Violation

On December 21, 1996, the Subcommittee issued a Statement of Alleged Violation stating that Mr. Gingrich had engaged in conduct that did not reflect creditably on the House of Representatives in that by failing to seek and follow legal advice, Mr. Gingrich failed to take appropriate steps to ensure that activities with respect to the AOW/ACTV project and the Renewing American Civilization project were in accordance with section 501(c)(3); and that on or about December 8, 1994, and on or about March 27, 1995, information was transmitted to the Committee by and on behalf of Mr. Gingrich that was material to matters under consideration by the Committee, which information, as Mr. Gingrich should have known, was inaccurate, incomplete, and unreliable.

On December 21, 1996, Mr. Gingrich filed an answer with the Subcommittee admitting to this violation of House Rules.

The following is a summary of the findings of the Preliminary Inquiry relevant to the facts as set forth in the Statement of Alleged Violation.

II. SUMMARY OF FACTS PERTAINING TO AMERICAN CITIZENS TELEVISION . . .

IX. ANALYSIS AND CONCLUSION

A. Tax Issues

In reviewing the evidence concerning both the AOW/ACTV project and the Renewing American Civilization project, certain patterns became apparent. In both instances, GOPAC had initiated the use of the messages as part of its political program to build a Republican majority in Congress. In both instances there was an effort to have the material appear to be non-partisan on its face, yet serve as a partisan, political message for the purpose of building the Republican Party.

Under the "methodology test" set out by the Internal Revenue Service, both projects qualified as educational. However, they both had substantial partisan, political aspects. Both were initiated as political projects and both were motivated, at least in part, by political goals.

The other striking similarity is that, in both situations, GOPAC was in need of a new source of funding for the projects and turned to a 501(c)(3) organization for that purpose. Once the projects had been established at the 501(c)(3) organizations, however, the same people continued to manage it as had done so at GOPAC, the same message was used as when it was at GOPAC, and the dissemination of the message was directed toward the same goal as when the project was at GOPAC—building the Republican Party. The only significant difference was that the activity was funded by a 501(c)(3) organization.

This was not a situation where one entity develops a message through a course or a television program for purely educational purposes and then an entirely separate entity independently decides to adopt that message for partisan, political purposes. Rather, this was a coordinated effort to have the 501(c)(3) organization help in achieving a partisan, political goal. In both instances the idea to develop the message and disseminate it for partisan, political use came first. The use of the 501(c)(3) came second as a source of funding.

This factual analysis was accepted by all Members of the Subcommittee and the Special Counsel. However, there was a difference of opinion as to the result under 501(c)(3) when applying the law to these facts. Ms. Rody, the Subcommittee's tax expert, was of the opinion that the facts presented a clear violation of 501(c)(3) because the evidence showed that the activities were intended to benefit Mr. Gingrich, GOPAC, and other Republican candidates and entities. Mr. Holden, Mr. Gingrich's tax attorney, disagreed. He found that the course was non-partisan in its content, and even though he assumed that the motivation for disseminating it involved partisan, political goals, he did not find a sufficiently narrow targeting of the dissemination to conclude that it was a private benefit to anyone.

Some Members of the Subcommittee and the Special Counsel agreed with Ms. Rody and concluded that there was a clear violation of 501(c)(3) with respect to AOW/ACTV and Renewing American Civilization. Other Members of the Subcommittee were troubled by reaching this conclusion and believed that the facts of this case presented a unique situation that had not previously been addressed by the legal authorities. As such, they did not feel comfortable supplanting the functions of the Internal Revenue Service or the Tax Court in rendering a ruling on what they believed to be an unsettled area of the law.

B. Statements Made to the Committee

The letters Mr. Gingrich submitted to the Committee concerning the Renewing American Civilization complaint were very troubling to the Subcommittee. They contained definitive statements about facts that went to the heart of the issues placed before the

Committee. In the case of the December 8, 1994 letter, it was in response to a direct request from the Committee for specific information relating to the partisan, political nature of the course and GOPAC's involvement in it.

Both letters were efforts by Mr. Gingrich to have the Committee dismiss the complaints without further inquiry. In such situations, the Committee does and should place great reliance on the statements of Members.

The letters were prepared by Mr. Gingrich's lawyers. After the Subcommittee deposed the lawyers, the reasons for the statements being in the letters was not made any clearer. The lawyers did not conduct any independent factual research. Looking at the information the lawyers used to write the letters, the Subcommittee was unable to find any factual basis for the inaccurate statements contained therein. A number of exhibits attached to the complaint were fax transmittal sheets from GOPAC. While this did not on its face establish anything more than GOPAC's fax machine having been used for the project, it certainly should have put the attorneys on notice that there was some relationship between the course and GOPAC that should have been examined before saying that GOPAC had absolutely no involvement in the course.

The lawyers said they relied on Mr. Gingrich and his staff to ensure that the letters were accurate; however, none of Mr. Gingrich's staff had sufficient knowledge to be able to verify the accuracy of the facts. While Mr. Gaylord and Mr. Eisenach did have sufficient knowledge to verify many of the facts, they were not asked to do so. The only person who reviewed the letters for accuracy, with sufficient knowledge to verify those facts, was Mr. Gingrich.

The Subcommittee considered the relevance of the reference to GOPAC in Mr. Gingrich's first letter to the Committee dated October 4, 1994. In that letter he stated that GOPAC was one of the entities that paid people to work on the course. Some Members of the Subcommittee believed that this was evidence of lack of intent to deceive the Committee on Mr. Gingrich's part because if he had planned to hide GOPAC's involvement, he would not have made such an inconsistent statement in the subsequent letters. Other Members of the Subcommittee and the Special Counsel appreciated this point, but believed the first letter was of little value. The statement in that letter was only directed to establishing that Mr. Gingrich had not used congressional resources in developing the course. The first letter made no attempt to address the tax issues, even though it was a prominent feature of the complaint. When the Committee specifically focused Mr. Gingrich's attention on that issue and questions concerning GOPAC's involvement in the course, his response was not accurate.

During his testimony before the Subcommittee, Mr. Gingrich stated that he did not intend to mislead the Committee and apologized for his conduct. This statement was a relevant consideration for some Members of the Subcommittee, but not for others.

The Subcommittee concluded that because these inaccurate statements were provided to the Committee, this matter was not resolved as expeditiously as it could have been. This caused a controversy over the matter to arise and last for a substantial period of time, it disrupted the operations of the House, and it cost the House a substantial amount of money in order to determine the facts.

C. Statement of Alleged Violation

Based on the information described above, the Special Counsel proposed a Statement of Alleged Violations ("SAV") to the Subcommittee on December 12, 1996. The SAV contained three counts: (1) Mr. Gingrich's activities on behalf of ALOF in regard to AOW/ACTV, and the activities of others in that regard with his knowledge and approval, constituted a violation of ALOF's status under section 501(c)(3); (2) Mr. Gingrich's activities on behalf of Kennesaw State College Foundation, the Progress and Freedom Foundation, and Reinhardt College in regard to the Renewing American Civilization course, and the activities of others in that regard with his knowledge and approval, constituted a violation of those organizations' status under section 501(c)(3); and (3) Mr. Gingrich had provided information to the Committee, directly or through counsel, that was material to matters under consideration by the Committee, which Mr. Gingrich knew or should have known was inaccurate, incomplete, and unreliable.

1. DELIBERATIONS ON THE TAX COUNTS

There was a difference of opinion regarding whether to issue the SAV as drafted on the tax counts. Concern was expressed about deciding this tax issue in the context of an ethics proceeding. This led the discussion to the question of the appropriate focus for the Subcommittee. A consensus began to build around the view that the proper focus was on the conduct of the Member, rather than a resolution of issues of tax law. From the beginning of the Preliminary Inquiry, there was a desire on the part of each of the Members to find a way to reach a unanimous conclusion in this matter. The Members felt it was important to confirm the bipartisan nature of the ethics process.

The discussion turned to what steps Mr. Gingrich had taken in regard to these two projects to ensure they were done in accord with the provisions of 501(c)(3). In particular, the Subcommittee was concerned with the fact that: (1) Mr. Gingrich had been “very well aware” of the *American Campaign Academy* case prior to embarking on these projects; (2) he had been involved with 501(c)(3) organizations to a sufficient degree to know that politics and tax-deductible contributions are, as his tax counsel said, an “explosive mix;” (3) he was clearly involved in a project that had significant partisan, political goals, and he had taken an aggressive approach to the tax laws in regard to both AOW/ACTV; and (4) Renewing American Civilization projects. Even Mr. Gingrich’s own tax lawyer told the Subcommittee that if Mr. Gingrich had come to him before embarking on these projects, he would have advised him to not use a 501(c)(3) organization for the dissemination of AOW/ACTV or Renewing American Civilization. Had Mr. Gingrich sought and followed this advice, he would not have used the 501(c)(3) organizations, would not have had his projects subsidized by taxpayer funds, and would not have created this controversy that has caused significant disruption to the House. The Subcommittee concluded that there were significant and substantial warning signals to Mr. Gingrich that he should have heeded prior to embarking on these projects. Despite these warnings, Mr. Gingrich did not seek any legal advice to ensure his conduct conformed with the provisions of 501(c)(3).

In looking at this conduct in light of all the facts and circumstances, the Subcommittee was faced with a disturbing choice. Either Mr. Gingrich did not seek legal advice because he was aware that it would not have permitted him to use a 501(c)(3) organization for his projects, or he was reckless in not taking care that, as a Member of Congress, he made sure that his conduct conformed with the law in an area where he had ample warning that his intended course of action was fraught with legal peril. The Subcommittee decided that regardless of the resolution of the 501(c)(3) tax question, Mr. Gingrich’s conduct in this regard was improper, did not reflect creditably on the House, and was deserving of sanction.

2. DELIBERATIONS CONCERNING THE LETTERS

The Subcommittee’s deliberation concerning the letters provided to the Committee centered on the question of whether Mr. Gingrich intentionally submitted inaccurate information. There was a belief that the record developed before the Subcommittee was not conclusive on this point. The Special Counsel suggested that a good argument could be made, based on the record, that Mr. Gingrich did act intentionally, however it would be difficult to establish that with a high degree of certainty.

The culmination of the evidence on this topic again left the Subcommittee with a disturbing choice. Either Mr. Gingrich intentionally made misrepresentations to the Committee, or he was again reckless in the way he provided information to the Committee concerning a very important matter.

The standard applicable to the Subcommittee’s deliberations was whether there is reason to believe that Mr. Gingrich had acted as charged in this count of the SAV. All felt that this standard had been met in regard to the allegation that Mr. Gingrich “knew” that the information he provided to the Committee was inaccurate. However, there was considerable discussion to the effect that if Mr. Gingrich wanted to admit to submitting information to the Committee that he “should have known” was inaccurate, the Subcommittee would consider deleting the allegation that he knew the information was inaccurate. The Members were of the opinion that if there were to be a final adjudication of the matter, taking into account the higher standard of proof that is involved at that level, “should have known” was an appropriate framing of the charge in light of all the facts and circumstances.

3. DISCUSSIONS WITH MR. GINGRICH’S COUNSEL AND RECOMMENDED SANCTION

On December 13, 1996, the Subcommittee issued an SAV charging Mr. Gingrich with three counts of violations of House Rules. Two counts concerned the failure to seek legal advice in regard to the 501(c)(3) projects, and one count concerned providing the Committee with information which he knew or should have known was inaccurate.

At the time the Subcommittee voted this SAV, the Members discussed the matter among themselves and reached a consensus that it would be in the best interests of the House for the matter to be resolved without going through a disciplinary hearing. It was estimated that such a hearing could take up to three months to complete and would not begin for several months. Because of this, it was anticipated that the House would have to deal with this matter for another six months. Even though the Subcommittee Members felt that it would be advantageous to the House to avoid a disciplinary hearing, they all were committed to the proposition that any resolution of the matter had to reflect adequately the seriousness of the offenses. To this end, the Subcommittee Members discussed and agreed upon a recommended sanction that was fair in light of the conduct reflected in this matter, but explicitly recognized that the full Committee would make the

ultimate decision as to the recommendation to the full House as to the appropriate sanction. In determining what the appropriate sanction should be in this matter, the Subcommittee and Special Counsel considered the seriousness of the conduct, the level of care exercised by Mr. Gingrich, the disruption caused to the House by the conduct, the cost to the House in having to pay for an extensive investigation, and the repetitive nature of the conduct.

As is noted above, the Subcommittee was faced with troubling choices in each of the areas covered by the Statement of Alleged Violation. Either Mr. Gingrich's conduct in regard to the 501(c)(3) organizations and the letters he submitted to the Committee was intentional or it was reckless. Neither choice reflects creditably on the House. While the Subcommittee was not able to reach a comfortable conclusion on these issues, the fact that the choice was presented is a factor in determining the appropriate sanction. In addition, the violation does not represent only a single instance of reckless conduct. Rather, over a number of years and in a number of situations, Mr. Gingrich showed a disregard and lack of respect for the standards of conduct that applied to his activities.

Under the Rules of the Committee, a reprimand is the appropriate sanction for a serious violation of House Rules and a censure is appropriate for a more serious violation of House Rules. Rule 20(g), Rules of the Committee on Standards of Official Conduct. It was the opinion of the Subcommittee that this matter fell somewhere in between. Accordingly, the Subcommittee and the Special Counsel recommend that the appropriate sanction should be a reprimand and a payment reimbursing the House for some of the costs of the investigation in the amount of \$300,000. Mr. Gingrich has agreed that this is the appropriate sanction in this matter.

Beginning on December 15, 1996, Mr. Gingrich's counsel and the Special Counsel began discussions directed toward resolving the matter without a disciplinary hearing. The discussions lasted through December 20, 1996. At that time an understanding was reached by both Mr. Gingrich and the Subcommittee concerning this matter. That understanding was put on the record on December 21, 1996 by Mr. Cole follows:

Mr. Cole: The subcommittee has had an opportunity to review the facts in this case, and has had extensive discussion about the appropriate resolution of this matter.

Mr. Cardin: If I might just add here to your next understanding, the Members of the subcommittee, prior to the adoption of the Statement of Alleged Violation, were concerned that the nonpartisan deliberations of the subcommittee continue beyond the findings of the subcommittee. Considering the record of the full Ethics Committee in the 104th Congress and the partisan environment in the full House, the Members of the subcommittee felt that it was important to exercise bipartisan leadership beyond the workings of the subcommittee. * * *

Mr. Cole: It was the opinion of the Members of the subcommittee and the Special Counsel, that based on the facts of this case as they are currently known, the appropriate sanction for the conduct described in the original Statement of Alleged Violations is a reprimand and the payment of \$300,000 toward the cost of the preliminary inquiry.

In light of this opinion, the subcommittee Members and the Special Counsel intend to recommend to the full committee that this be the sanction recommended by the full committee to the House. The Members also intend to support this as the sanction in the committee and on the Floor of the House.

However, if new facts are developed or brought to the attention of the Members of the subcommittee, they are free to change their opinions.

The Subcommittee, through its counsel, has communicated this to Mr. Gingrich, through his counsel. Mr. Gingrich has agreed that if the subcommittee will amend the Statement of Alleged Violations to be one count, instead of three counts, however, still including all of the conduct described in the original Statement of Alleged Violations, and will allow the addition of some language which reflects aspects of the record in this matter concerning the involvement of Mr. Gingrich's counsel in the preparation of the letters described in the original Count 3 of the Statement of Alleged Violations,⁸⁸ he will admit to the entire Statement of Alleged Violation and agree to the view of the subcommittee Members and the Special Counsel as to the appropriate sanction.

⁸⁸These changes included the removal of the word "knew" from the original Count 3, making the charge read that Mr. Gingrich "should have known" the information was inaccurate.

In light of Mr. Gingrich's admission to the Statement of Alleged Violation, the subcommittee is of the view that the rules of the committee will not require that an adjudicatory hearing take place; however, a sanction hearing will need to be held under the rules.

The subcommittee and Mr. Gingrich desire to have the sanction hearing concluded as expeditiously as possible, but it is understood that this will not take place at the expense of orderly procedure and a full and fair opportunity for the full committee to be informed of any information necessary for each Member of the full committee to be able to make a decision at the sanction hearing.

After the subcommittee has voted a new Statement of Alleged Violation, Mr. Gingrich will file his answer admitting to it. The subcommittee will seek the permission of the full committee to release the Statement of Alleged Violation, Mr. Gingrich's answer, and a brief press release which has been approved by Mr. Gingrich's counsel. At the same time, Mr. Gingrich will release a brief press release that has been approved by the subcommittee's Special Counsel.

Both the subcommittee and Mr. Gingrich agree that no public comment should be made about this matter while it is still pending. This includes having surrogates sent out to comment on the matter and attempt to mischaracterize it.

Accordingly, beyond the press statements described above, neither Mr. Gingrich nor any Member of the subcommittee may make any further public comment. Mr. Gingrich understands that if he violates this provision, the subcommittee will have the option of reinstating the original Statement of Alleged Violations and allowing Mr. Gingrich an opportunity to withdraw his answer.

And I should note that it is the intention of the subcommittee that "public comments" refers to press statements; that, obviously, we are free and Mr. Gingrich is free to have private conversations with Members of Congress about these matters.⁸⁹

⁸⁹It was also agreed that in the private conversations Mr. Gingrich was not to disclose the terms of the agreement with the Subcommittee.

After the Subcommittee voted to issue the substitute SAV, the Special Counsel called Mr. Gingrich's counsel and read to him what was put on the record concerning this matter. Mr. Gingrich's counsel then delivered to the Subcommittee Mr. Gingrich's answer admitting to the Statement of Alleged Violation.

D. Post-December 21, 1996 Activity

Following the release of this Statement of Alleged Violation, numerous press accounts appeared concerning this matter. In the opinion of the Subcommittee Members and the Special Counsel, a number of the press accounts indicated that Mr. Gingrich had violated the agreement concerning statements about the matter. Mr. Gingrich's counsel was notified of the Subcommittee's concerns and the Subcommittee met to consider what action to take in light of this apparent violation. The Subcommittee determined that it would not nullify the agreement. While there was serious concern about whether Mr. Gingrich had complied with the agreement, the Subcommittee was of the opinion that the best interests of the House still lay in resolving the matter without a disciplinary hearing and with the recommended sanction that its Members had previously determined was appropriate. However, Mr. Gingrich's counsel was informed that the Subcommittee believed a violation of the agreement had occurred and retained the right to withdraw from the agreement with appropriate notice to Mr. Gingrich. To date no such notice has been given.

X. SUMMARY OF FACTS PERTAINING TO USE OF UNOFFICIAL RESOURCES

The Subcommittee investigated allegations that Mr. Gingrich had improperly utilized the services of Jane Fortson, an employee of the Progress in Freedom Foundation ("PFF"), in violation of House Rule 45, which prohibits the use of unofficial resources for official purposes.

Ms. Fortson was an investment banker and chair of the Atlanta Housing Project who had experience in urban and housing issues. In January 1995 she moved to Washington, D.C., from Atlanta to work on urban and housing issues as a part-time PFF Senior Fellow and subsequently became a full-time PFF Senior Fellow in April, 1995.

The Subcommittee determined that Mr. Gingrich sought Ms. Fortson's advice on urban and housing issues on an ongoing and meaningful basis. During an interview with Mr. Cole, Mr. Gingrich stated that although he believed he lacked the authority to give Ms. Fortson assignments, he often requested her assistance in connection with urban issues in general and issues pertaining to the District of Columbia in particular. The investigation further revealed that Ms. Fortson appeared to have had unusual access to Mr. Gingrich's official schedule and may have occasionally influenced his official staff in establishing his official schedule.

In her capacity as an unofficial policy advisor to Mr. Gingrich, Ms. Fortson provided ongoing advice to Mr. Gingrich and members of Mr. Gingrich's staff to assist Mr. Gingrich in conducting official duties related to urban issues. Ms. Fortson frequently attended meetings with respect to the D.C. Task Force during which she met with Members

of Congress, officials of the District of Columbia, and members of their staffs. Although Mr. Gingrich and principal members of his staff advised the Subcommittee that they perceived Ms. Fortson's assistance as limited to providing information on an informal basis, the Subcommittee discovered other occurrences which suggested that Mr. Gingrich and members of his staff specifically solicited Ms. Fortson's views and assistance with respect to official matters.

The Subcommittee acknowledges that Members may properly solicit information from outside individuals and organizations, including nonprofit and for-profit organizations. Regardless of whether auxiliary services are accepted from a nonprofit or for-profit organization, Members must exercise caution to limit the use of outside resources to ensure that the duties of official staff are not improperly supplanted or supplemented. The Subcommittee notes that although Mr. Gingrich received two letters of reproof from the Committee on Standards regarding the use of outside resources, Ms. Fortson's activities ceased prior to the date the Committee issued those letters to Mr. Gingrich. While the Subcommittee did not find that Ms. Fortson's individual activities violated House Rules, the Subcommittee determined that the regular, routine, and ongoing assistance she provided Mr. Gingrich and his staff over a ten-month period could create the appearance of improper commingling of unofficial and official resources. The Subcommittee determined, however, that these activities did not warrant inclusion as a Count in the Statement of Alleged Violation.

XI. AVAILABILITY OF DOCUMENTS TO INTERNAL REVENUE SERVICE

In light of the possibility that documents which were produced to the Subcommittee during the Preliminary Inquiry might be useful to the IRS as part of its reported ongoing investigations of various 501(c)(3) organizations, the Subcommittee decided to recommend that the full Committee make available to the IRS all relevant documents produced during the Preliminary Inquiry. It is the Committee's recommendation that the House Committee on Standards of Official Conduct in the 105th Congress establish a liaison with the IRS to fulfill its recommendation and that this liaison be established in consultation with Mr. Cole.

A P P E N D I X . . .

Mrs. JOHNSON of Connecticut. Mr. Speaker, I move the previous question on the resolution.

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 ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 28, answered “present” 5, not voting 6, as follows:

[Roll No. 8] . . .

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.

Addressing Report

§ 7.4 The Speaker has risen to a question of personal privilege to address a report issued by the Committee on Standards of Official

Conduct (now the Committee on Ethics), and to further announce his intention to resign as Speaker and as a Member of the House.⁽¹⁸⁾

On May 31, 1989,⁽¹⁹⁾ following the release by the Committee on Standards of Official Conduct of a “Statement of Alleged Violation” regarding improper official conduct by the Speaker, Speaker James Wright took to the floor on a question of personal privilege:

QUESTION OF PERSONAL PRIVILEGE—JIM WRIGHT, SPEAKER OF THE HOUSE

The SPEAKER pro tempore. (Mr. [Thomas] FOLEY [of Washington]). The Chair recognizes the distinguished Speaker of the House.

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I ask that I may be heard on a question of personal privilege.

The SPEAKER pro tempore. The distinguished Speaker is recognized for 1 hour.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, for 34 years I have had the great privilege to be a Member of this institution, the people’s House, and I shall forever be grateful for that wondrous privilege. I never cease to be thankful to the people of the 12th District of Texas for their friendship and their understanding and their partiality toward me. . . .⁽²⁰⁾

§ 7.5 The Speaker has risen to a question of personal privilege to address the House adoption of a resolution recommended by the Select Committee on Ethics reprimanding the Speaker and requiring him to reimburse the House for the costs of the committee’s investigation.

On April 17, 1997,⁽²¹⁾ Speaker Newt Gingrich took to the floor on a question of personal privilege:

QUESTION OF PERSONAL PRIVILEGE

Mr. [Newt] GINGRICH [of Georgia]. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. (Mr. [James] KOLBE [of Arizona]). The gentleman from Georgia [Mr. GINGRICH] is recognized for 1 hour.

Mr. GINGRICH. Mr. Speaker, I am standing here in the People’s House at the center of freedom, and it is clear to me that for America to be healthy, our House of Representatives must be healthy. The Speaker of the House has a unique responsibility in this regard.

18. For proceedings regarding the Speaker’s resignation, see 135 CONG. REC. 10800–803, 101st Cong. 1st Sess. (June 6, 1989). See also Deschler’s Precedents Ch. 37 § 9.1.

19. 135 CONG. REC. 10431, 101st Cong. 1st Sess.

20. For the full transcript of Speaker Wright’s resignation speech, see Deschler’s Precedents Ch. 37 § 9.1.

21. 143 CONG. REC. 5834, 105th Cong. 1st Sess.

When I became Speaker of the House, it was the most moving day I could have imagined. It was the culmination of a dream. Little did I know that only 2 years later, I would go through a very painful time.

During my first 2 years as Speaker, 81 charges were filed against me. Of the 81 charges, 80 were found not to have merit and were dismissed as virtually meaningless. But the American public might wonder what kind of man has 81 charges brought against him?

Under our system of government, attacks and charges can be brought with impunity against a Congressman, sometimes with or without foundation. Some of these charges involved a college course I taught about renewing American civilization. . . .

B. The Speaker Pro Tempore

§ 8. Definition and Nature of Office; Authorities

This division details the precedents concerning Speakers pro tempore.⁽¹⁾ These precedents address the designation⁽²⁾ or election⁽³⁾ of Members to act as Speaker pro tempore, the functions and authorities of Speakers pro tempore, and limitations on Speaker pro tempore authorities.

The Speaker serves as presiding officer of the House, but is not required to preside at all times. In the earliest days of the House, the Speaker would personally preside over all sessions of the House, only leaving the Chair in order to appoint another Member to preside over the Committee of the Whole.⁽⁴⁾ In 1811, the standing rules of the House were amended to provide that the Speaker be permitted to “name any Member to substitute him and to perform the duties of the Chair temporarily, but such substitution shall not extend beyond an adjournment.”⁽⁵⁾ The Member assuming this function is known as the Speaker pro tempore.

1. See Deschler's Precedents Ch. 6 §§ 9, 10. See also 2 Hinds' Precedents §§ 1377–1418; 6 Cannon's Precedents §§ 263–282; and Deschler's Precedents Ch. 6 §§ 9–14.

2. See § 11, *infra*.

3. See § 12, *infra*.

4. *Parliamentarian's Note*: The parliamentary device of the Committee of the Whole in House practice dates to the First Congress in 1789. 1 ANNALS OF CONG. 103, 1st Cong. 1st Sess. (Apr. 7, 1789). The current rule authorizing the House to resolve into the Committee of the Whole is clause 1 of rule XVIII. *House Rules and Manual* § 970 (2019). For more on the history of the Committee of the Whole, see 4 Hinds' Precedents § 4705. For the Committee of the Whole generally, see Precedents (Wickham) Ch. 19 and Deschler's Precedents Ch. 19.

5. 2 Hinds' Precedents § 1377.

As the speakership grew in power and prestige throughout the 19th century, the authority to appoint Speakers pro tempore gradually expanded. In 1876, the rule was amended to provide authority to appoint a Speaker pro tempore for up to ten days (with the approval of the House) in cases where the Speaker's illness precluded the Speaker from presiding.⁽⁶⁾ In 1920, the rule was amended to provide that the Speaker's appointment of a Speaker pro tempore may extend up to three legislative days.⁽⁷⁾ In 1983, the rule was again amended to provide that the Speaker be authorized to appoint a Speaker pro tempore (with the approval of the House) solely for the purpose of signing enrolled bills and joint resolutions over a specified time.⁽⁸⁾ The current rule encompassing these different Speaker pro tempore appointing authorities is clause 8 of rule I.⁽⁹⁾

Following the terrorist attacks of September 11, 2001, the House rules were amended in various ways to provide increased flexibility in responding to emergency circumstances. One such amendment addressed situations where the Speaker might become incapacitated or otherwise unable to exercise the duties of the office. Pursuant to clause 8(b)(3) of rule I, the Speaker is required to deliver to the Clerk a list of Members designated to act as Speaker pro tempore should the Office of Speaker become vacant (due to the death of the Speaker or the inability of the Speaker to perform the duties of the office).⁽¹⁰⁾ This Speaker pro tempore "may exercise such authorities of the Office of Speaker as may be necessary and appropriate" until the House is able to elect a new Speaker or a Speaker pro tempore.

In addition to these rules regarding the appointment of a Speaker pro tempore by the Speaker, earlier precedents demonstrate the ability of the House, in the absence of the Speaker, to elect a Speaker pro tempore.⁽¹¹⁾ In 1798, Speaker Jonathan Dayton of New Jersey fell ill and was unable to preside over the House. The Clerk convened the House and a motion was offered (and adopted) to elect a "Speaker pro tem" to temporarily exercise the duties of Speaker.⁽¹²⁾ A subsequent resolution was also adopted to inform the Senate of the election.⁽¹³⁾ This appears to have been the first instance of the House electing another Member to assume the duties of the

6. *Id.*

7. 6 Cannon's Precedents § 263.

8. *House Rules and Manual* § 632 (2019). See also § 11, *infra*. For prior practice regarding the authority of Speakers pro tempore to sign enrollments, see Deschler's Precedents Ch. 6 §§ 4.36–4.40.

9. *House Rules and Manual* § 632 (2019). The rule does not permit Delegates or the Resident Commissioner to be appointed Speaker pro tempore.

10. *House Rules and Manual* § 632 (2019). See § 10.2, *infra* and Precedents (Wickham) Ch. 1 § 3.2.

11. *House Rules and Manual* § 634 (2019).

12. 2 Hinds' Precedents § 1405. These proceedings occurred prior to the adoption of the present rule regarding the appointment of Speakers pro tempore due to the illness of the Speaker.

13. *Id.*

Speaker on a temporary basis. Since that time, it has been recognized that the House may use either method to install a Speaker pro tempore—through appointment by the Speaker, or via election by the House.

The differences between an appointed or designated Speaker pro tempore⁽¹⁴⁾ and an elected Speaker pro tempore are discussed below.⁽¹⁵⁾ The authorities exercised by a Speaker pro tempore will depend in large measure on which type of Speaker pro tempore is involved. Where a Speaker pro tempore does not have inherent authority to take some action, the House may nevertheless permit the action by unanimous consent.

§ 9. Oath of Office

A Speaker pro tempore who is designated or appointed by the Speaker (either to preside over the House, or merely to sign enrollments pursuant to clause 8(b)(2) of rule I) does not take the oath of office upon appointment.⁽¹⁾ The Speaker's appointment in such cases is for a limited duration and for a limited purpose—the individual holding the office thus may be viewed as a merely a temporary replacement for the Speaker.⁽²⁾

By contrast, a Speaker pro tempore elected by the House assumes virtually all of the duties, authorities, and prerogatives of the Speaker of the House.⁽³⁾ As such, an elected Speaker pro tempore is administered the oath

14. *Parliamentarian's Note*: The Speaker's selection of an individual to act as Speaker pro tempore may be described as an appointment or a designation. Throughout this division, the terms "designated Speaker pro tempore" and "appointed Speaker pro tempore" will be used interchangeably, there being no parliamentary difference between the two formulations.

15. See §§ 11, 12, *infra*.

1. *Parliamentarian's Note*: There are two cases in which the House formally approves of the Speaker's appointment of a Speaker pro tempore. Under clause 8(b)(1) of rule I, the House's approval is required for an appointment of a Speaker pro tempore for up to ten days due to the illness of the Speaker. See *House Rules and Manual* § 632 (2019). Under clause 8(b)(2) of rule I, the House's approval is required for the Speaker to appoint a Speaker pro tempore to sign enrolled bills and joint resolutions. Under modern practice, this approval is generally given to a list of Members at the beginning of the session via unanimous consent, and the oath of office is not administered. However, under prior practice, the House would often adopt a resolution formally approving of the appointment of a Speaker pro tempore, and the Speaker pro tempore would take the oath of office under such circumstances. See Deschler's Precedents Ch. 6 § 11.2. However, this practice was not always uniform. See Deschler's Precedents Ch. 6 § 11.3.

2. *Parliamentarian's Note*: An appointed or designated Speaker pro tempore has been described as "characteristically a "stand-in" Speaker," indicating the limited nature of the office. Deschler's Precedents Ch. 6 § 12.

3. See § 12, *infra*.

of office upon his or her election.⁽⁴⁾ The oath of office is the same as that which is administered to the Speaker and Members at the outset of a new Congress.⁽⁵⁾

The oath of office may be administered to a Speaker pro tempore by the Speaker (if present),⁽⁶⁾ or another Member chosen by the elected Speaker pro tempore (such as the Dean of the House,⁽⁷⁾ a party floor leader,⁽⁸⁾ or other Member).⁽⁹⁾

Oath Administered by the Speaker

§ 9.1 When the House adopts a privileged resolution electing a Speaker pro tempore, the oath may be administered to the Speaker pro tempore by the Speaker.⁽¹⁰⁾

On March 17, 1998,⁽¹¹⁾ after the House elected a Speaker pro tempore, the oath was administered to the elected Speaker pro tempore by Speaker Newt Gingrich of Georgia:

ELECTION OF HON. RICHARD K. ARMEY AS SPEAKER PRO TEMPORE ON TODAY

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a privileged resolution (H. Res. 386) electing the Honorable RICHARD K. ARMEY of Texas to act as Speaker pro tempore, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 386

Resolved, that the Honorable Richard K. Armeý, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore on this day.

SEC. 2. The Clerk of the House shall notify the President and the Senate of the election of the Honorable Richard K. Armeý as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

4. See Deschler's Precedents Ch. 6 § 11.1.
5. *Parliamentarian's Note*: The oath prescribed by law reads 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." 5 U.S.C. § 3331. See also Precedents (Wickham) Ch. 2 § 3.
6. See § 9.1, *infra*.
7. See § 9.2, *infra*.
8. *Id.* For more on party leaders, see Precedents (Wickham) Ch. 3.
9. *Id.* See also Deschler's Precedents Ch. 6 §§ 11.5, 11.6.
10. If the Speaker is absent, the oath may be administered by another Member, such as the Dean of the House. See § 9.2, *infra*.
11. 144 CONG. REC. 3800, 105th Cong. 2d Sess. See also Deschler's Precedents Ch. 6 § 11.4.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. RICHARD K. ARMEY AS SPEAKER PRO TEMPORE
DURING ABSENCE OF THE SPEAKER

The SPEAKER.⁽¹²⁾ Will the gentleman from Texas (Mr. ARMEY) assume the chair and take the oath of office.

Mr. [Richard] ARMEY [of Texas] took the oath of office administered to him by the Speaker, 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.

Oath Administered by Member

§ 9.2 An elected Speaker pro tempore may be administered the oath by Members other than the Speaker.

On June 26, 1975,⁽¹³⁾ after the House adopted a privileged resolution electing a Speaker pro tempore during the absence of the Speaker, the oath was administered by the Dean of the House:

ELECTION OF HON. JOHN J. McFALL AS SPEAKER PRO TEMPORE DURING
ABSENCE OF THE SPEAKER

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I send to the desk a resolution (H. Res. 571) electing the Honorable JOHN J. McFALL Speaker pro tempore during the absence of the Speaker, and ask unanimous consent for its immediate consideration.

The SPEAKER.⁽¹⁴⁾ Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 571

Resolved, That the Honorable John J. McFall, a Representative from the State of California, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

12. Newt Gingrich (GA).

13. 121 CONG. REC. 20967, 94th Cong. 1st Sess. See also Deschler's Precedents Ch. 6 § 11.5.

14. Carl Albert (OK).

SWEARING IN OF HON. JOHN J. MCFALL AS SPEAKER PRO TEMPORE DURING
ABSENCE OF THE SPEAKER

The SPEAKER. I now ask the dean of the House of Representatives, the Honorable WRIGHT PATMAN, of Texas, to administer the oath of office to the gentleman from California (Mr. MCFALL), as Speaker pro tempore.

Mr. MCFALL assumed the chair and took the oath of office administered to him by the gentleman from Texas (Mr. PATMAN).

On August 19, 1982,⁽¹⁵⁾ after the House adopted a privileged resolution electing a Speaker pro tempore during the absence of the Speaker, the oath was administered by the Majority Whip to the elected Speaker pro tempore:

ELECTION OF HON. MELVIN PRICE AS SPEAKER PRO TEMPORE DURING THE
ABSENCE OF THE SPEAKER

Mr. [Daniel] ROSTENKOWSKI [of Illinois]. Mr. Speaker, I offer a privileged resolution (H. Res. 573) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 573

Resolved, That Hon. Melvin Price, a Representative from the State of Illinois, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker. *Resolved*, That the President and the Senate be notified by the Clerk of the election of Hon. Melvin Price 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. MELVIN PRICE AS SPEAKER PRO TEMPORE DURING
ABSENCE OF THE SPEAKER

The SPEAKER pro tempore.⁽¹⁶⁾ The Chair asks the distinguished gentleman from Illinois (Mr. PRICE) to assume the chair.

Mr. PRICE assumed the chair and took the oath of office administered to him by the gentleman from Washington (Mr. FOLEY).

On May 22, 1980,⁽¹⁷⁾ after the House adopted a privileged resolution electing a Speaker pro tempore during the absence of the Speaker, the oath was administered by another Member to the Speaker pro tempore:

ELECTION OF THE HONORABLE JOHN BRADEMAS AS SPEAKER PRO
TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, I offer a privileged resolution (H. Res. 680) and ask for its immediate consideration.

15. 128 CONG. REC. 22279, 97th Cong. 2d Sess.

16. Thomas Foley (WA).

17. 126 CONG. REC. 12238, 96th Cong. 2d Sess. See also Deschler's Precedents Ch. 6 §§ 11.5, 11.6.

The Clerk read the resolution, as follows:

H. RES. 680

Resolved, That Honorable JOHN BRADEMAS, A REPRESENTATIVE FROM THE STATE OF INDIANA, BE, AND HE IS HEREBY, ELECTED SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER.

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

The SPEAKER pro tempore.⁽¹⁸⁾ Without objection, the resolution is agreed to.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, reserving the right to object, Mr. Speaker, does the Speaker pro tempore feel the election of a new Speaker is of such great merit or importance that a rollcall might be in order?

The SPEAKER pro tempore. It just makes allowance for enrollments to be signed over the weekend.

Mr. BAUMAN. But it makes the gentleman from Indiana the Speaker of the House, does it not?

The SPEAKER pro tempore. The Speaker pro tempore.

Mr. BAUMAN. With that assurance, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF THE HONORABLE JOHN BRADEMAS AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. The Chair will ask the gentleman from Illinois (Mr. PRICE) to administer the oath of office to the gentleman from Indiana (Mr. BRADEMAS) as Speaker pro tempore.

Mr. [John] BRADEMAS [of Indiana] assumed the chair and took the oath of office administered to him by the gentleman from Illinois (Mr. PRICE).

§ 10. Term of Office

The term of office for a Speaker pro tempore varies depending on the circumstances. A Speaker pro tempore appointed pursuant to clause 8(a) of rule I⁽¹⁾ may not continue in office beyond the third legislative day of the appointment.⁽²⁾ At the other end of the spectrum, a designated Speaker pro

18. John Murtha (PA).

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

2. *Parliamentarian's Note*: This restriction essentially creates an obligation for the Speaker to personally convene the House every fourth legislative day. If the Speaker continued to be absent after the expiration of the designated Speaker pro tempore's appointment, the House would be required to elect a Speaker pro tempore. The election of a

tempore's appointment may last as little as a few moments (for example, to preside over the election of a Speaker pro tempore).⁽³⁾ Speakers pro tempore may be appointed for any period up to the three day limit.⁽⁴⁾ A Speaker pro tempore elected by the House is typically elected for the duration of the Speaker's absence, and is not temporally limited in the same manner as appointed Speakers pro tempore under clause 8 of rule I.⁽⁵⁾

Illness of the Speaker

When the Speaker is unable to preside over the House due to illness, the Speaker may, pursuant to clause 8(b)(1) of rule I,⁽⁶⁾ appoint a Member to perform the duties of the Chair for a period not to exceed ten days. Such an appointment is subject to the approval of the House.⁽⁷⁾ Should the Speaker remain ill at the expiration of the appointment, the House would be required to elect a Speaker pro tempore to serve until the Speaker is able to return.

Signing Enrollments

In the 99th Congress in 1985, clause 8 of rule I,⁽⁸⁾ was amended to include authority for the Speaker to appoint Speakers pro tempore solely for the purpose of signing enrolled bills and joint resolutions over a specified period of time. Such an appointment requires the approval of the House.⁽⁹⁾ Under prior practice, the House would sometimes grant the Speaker the same authority on an ad hoc basis.⁽¹⁰⁾

The duration of the Speaker's appointment authority under this clause is not temporally limited, and thus may cover an entire Congress. In prior

Speaker pro tempore by the House effectively resets the clock for purposes of further appointments, as an elected Speaker pro tempore qualifies as a Speaker for purposes of appointments under clause 8(a) of rule I. See 142 CONG. REC. 27040, 104th Cong. 2d Sess. (Oct. 2, 1996).

3. See Deschler's Precedents Ch. 6 § 11.7.
4. Speakers pro tempore have been appointed for: the remainder of the legislative day (Deschler's Precedents Ch. 6 § 11.8); one legislative day (Deschler's Precedents Ch. 6 § 11.9); a two-day period (Deschler's Precedents Ch. 6 § 11.10); two separate legislative days (Deschler's Precedents Ch. 6 § 11.11); three legislative days (Deschler's Precedents Ch. 6 § 11.12); and "the balance of the week" (where such period did not exceed three legislative days) (Deschler's Precedents Ch. 6 § 11.13).
5. See, e.g., § 12.1, *infra*.
6. *House Rules and Manual* § 632 (2019).
7. *Parliamentarian's Note*: The approval of the House may be tacit. See, e.g., § 10.3, *infra*.
8. *House Rules and Manual* § 632 (2019). For the inaugural invocation of this authority, see § 10.6, *infra*.
9. *House Rules and Manual* § 632 (2019).
10. See, e.g., Deschler's Precedents Ch. 6 § 13.2.

years, the appointment of such Speakers pro tempore usually did not extend beyond a discrete period (for example, a lengthy period of adjournment in which the Speaker would not be present in Washington, D.C., to sign enrollments).⁽¹¹⁾ Beginning in the 111th Congress in 2009, however, the Speaker has traditionally made appointments of Speakers pro tempore to sign enrollments that cover the entire Congress.⁽¹²⁾ In order to increase flexibility, the Speaker has also designated multiple Members to act as Speaker pro tempore to carry out this function, any of whom would be authorized to sign enrollments in the Speaker's absence.⁽¹³⁾

Adjournment Authorities

In recent Congresses, resolutions adopted by the House have sometimes included authority for the Speaker to appoint Speakers pro tempore “as though under clause 8(a) of rule I”⁽¹⁴⁾ for the duration of the adjournment period. Such resolutions effectively waive the three legislative day limit imposed by clause 8 of rule I.⁽¹⁵⁾ This type of waiver may also be granted by unanimous consent.⁽¹⁶⁾

§ 10.1 Pursuant to clause 8(a) of rule I,⁽¹⁷⁾ the Speaker is authorized to appoint another Member as Speaker pro tempore.⁽¹⁸⁾

The proceedings of January 4, 2016,⁽¹⁹⁾ typify the procedure by which the Speaker appoints a Speaker pro tempore and such appointment is announced to the House:

11. See, e.g., 138 CONG. REC. 34799, 102d Cong. 2d Sess. (Oct. 9, 1992).

12. See 155 CONG. REC. 25, 111th Cong. 1st Sess. (Jan. 6, 2009).

13. See, e.g., § 10.7, *infra* and 157 CONG. REC. 3539–40, 112th Cong. 1st Sess. (Mar. 9, 2011).

14. See, e.g., H. Res. 513, 163 CONG. REC. H7325 [Daily Ed.], 115th Cong. 1st Sess. (Sept. 13, 2017).

15. *Parliamentarian's Note*: With the growing infrequency of concurrent resolutions of adjournment, the House has used special order of business resolutions to carry out functions of the House during recess periods, including approval of the Journal, adjournment, and setting the time for reconvening on the next scheduled legislative day.

16. See § 10.5, *infra*.

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

18. *Parliamentarian's Note*: For an example of a Speaker designating a Member to act as Speaker pro tempore on the day following two legislative days of service by an elected Speaker pro tempore, see 142 CONG. REC. 27040, 104th Cong. 2d Sess. (Oct. 2, 1996). In that instance, the Speaker had not opened the House for five legislative days. Designated Speakers pro tempore opened the House for two legislative days, a Member was elected as Speaker pro tempore and opened the House on the following two legislative days, and the Speaker designated a Member to act as Speaker pro tempore for the fifth legislative day. Because an elected Speaker pro tempore qualifies as a “Speaker” for purposes of clause 8(a) of rule I, the Speaker was able to designate a Speaker pro tempore on that fifth legislative day.

19. 162 CONG. REC. H1 [Daily Ed.], 114th Cong. 2d Sess.

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 4, 2016.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

In Case of Vacancy in Office of Speaker

§ 10.2 Following the election of a new Speaker, the Speaker delivers to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the Office of Speaker, pursuant to clause 8(b)(3)(B) of rule I.⁽²⁰⁾

On January 6, 2015,⁽²¹⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽²²⁾ The Chair announces that the Speaker has delivered to the Clerk a letter dated January 6, 2015, listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

Illness of Speaker

§ 10.3 Pursuant to clause 8(b)(1) of rule I,⁽²³⁾ the Speaker cited illness as the predicate for appointing a Speaker pro tempore to perform the duties of the Chair for a fourth consecutive legislative day.⁽²⁴⁾

On February 26, 2001,⁽²⁵⁾ the following appointment was tacitly approved by the House:

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

21. 161 CONG. REC. 63, 114th Cong. 1st Sess. See also § 10.10, *infra*.

22. Virginia Foxx (NC).

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

24. *Parliamentarian's Note*: The rule allows the designation of Speakers pro tempore for up to ten days when the Speaker is absent due to illness. In this circumstance, the Speaker had emergency surgery during the recess and was unable to open the House on the fourth consecutive day (having designated Speakers pro tempore for the preceding three days under clause 8(a) of rule I). Because the ten-day illness rule requires specific approval of the House, the Chair should have queried whether any Member objected to the appointment. Due to the uncontroversial nature of the appointment, no such query was made.

25. 147 CONG. REC. 2192, 107th Cong. 1st Sess. See also *House Rules and Manual* § 634 (2019).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 26, 2001.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore due to my illness.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

Waiving the Three-Day Limitation

§ 10.4 A special order may waive the three-day limit found in clause 8(a) of rule I,⁽²⁶⁾ and the Speaker, thus, may be authorized by such special order to appoint Speakers pro tempore for the duration of a certain period.

On November 15, 2012,⁽²⁷⁾ the following resolution was adopted by the House:

PROVIDING FOR CONSIDERATION OF H.R. 6156, RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

Mr. [David] DREIER [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 808 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 808

Resolved, . . .

SEC. 3. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of this resolution as though under clause 8(a) of rule I. . . .

The SPEAKER pro tempore.⁽²⁸⁾ The question is on the resolution, H. Res. 808.

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

RECORDED VOTE

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 150, not voting 30, as follows: . . .

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

27. 158 CONG. REC. 15310, 15312, 112th Cong. 2d Sess.

28. Robert Dold (IL).

So the previous question was ordered.

The result of the vote was announced as above recorded

§ 10.5 The House, by unanimous consent, authorized the Speaker to appoint Speakers pro tempore for the duration of a discrete period as though under clause 8(a) of rule I (thus waiving the three-day limitation imposed by such rule).⁽²⁹⁾

On July 8, 2011,⁽³⁰⁾ the following occurred:

PERMISSION TO APPOINT MEMBERS TO PERFORM THE DUTIES OF THE
CHAIR

Mr. [Eric] CANTOR [of Virginia]. Mr. Speaker, I ask unanimous consent that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period from August 8, 2011, through September 6, 2011, as though under clause 8(a) of rule I.

The SPEAKER pro tempore.⁽³¹⁾ Is there objection to the request of the gentleman from Virginia?

There was no objection.

Appointing Speakers Pro Tempore to Sign Enrollments

§ 10.6 Pursuant to former clause 7 of rule I (now clause 8 of rule I),⁽³²⁾ the Speaker designated a Speaker pro tempore to sign enrollments over a discrete period.⁽³³⁾

On April 4, 1985,⁽³⁴⁾ the House approved the Speaker's designation of a Member to act as Speaker pro tempore to sign enrollments until a certain date:

DESIGNATION OF HON. JIM WRIGHT TO ACT AS SPEAKER PRO TEMPORE TO
SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL APRIL 16, 1985

The SPEAKER laid before the House the following communication:

WASHINGTON, DC.
April 4, 1985.

²⁹. *House Rules and Manual* § 632 (2019).

³⁰. 157 CONG. REC. 10682, 112th Cong. 1st Sess.

³¹. Aaron Schock (IL).

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

³³. *Parliamentarian's Note*: In the 99th Congress, clause 8(b)(2) of rule I was added to allow the Speaker (with the concurrence of the House) to designate Speakers pro tempore solely to sign enrollments over a specific period of time. The proceedings here were the first invocation of this authority under the new rule. In 2009, this authority was exercised to designate Speakers pro tempore to perform this function for the duration of the entire Congress. See 155 CONG. REC. 25, 111th Cong. 1st Sess. (Jan. 6, 2009).

³⁴. 131 CONG. REC. 7577, 99th Cong. 1st Sess. See also Deschler's Precedents Ch. 6 § 13.2 and 138 CONG. REC. 34799, 102d Cong. 2d Sess. (Oct. 9, 1992).

I hereby designate the Honorable Jim Wright to act as Speaker pro tempore to sign enrolled bills and joint resolutions until April 16, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

The SPEAKER.⁽³⁵⁾ Without objection, the designation is agreed to.
There was no objection.

§ 10.7 Pursuant to clause 8(b)(2) of rule I,⁽³⁶⁾ the Speaker appointed two Members in the alternative to act as Speakers pro tempore to sign enrollments during the remainder of the session.

On December 21, 2010,⁽³⁷⁾ the House approved the Speaker's appointment of Speakers pro tempore as follows:

APPOINTMENT OF HON. DONNA F. EDWARDS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 111TH CONGRESS

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

DECEMBER 21, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS or, if she is not available to perform this duty, the Honorable GERALD E. CONNOLLY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eleventh Congress.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore.⁽³⁸⁾ Without objection, the appointment is approved.
There was no objection.

§ 10.8 Where a Speaker pro tempore is designated for the purpose of signing enrollments over a discrete period, the Chair announces to the House when such authority has been exercised.

On January 17, 2014,⁽³⁹⁾ the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁴⁰⁾ Pursuant to clause 4 of Rule I, the following enrolled bill was signed by Speaker pro tempore HARRIS on Friday, January 17, 2014:

35. Thomas O'Neill (MA).

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

37. 156 CONG. REC. 23371–72, 111th Cong. 2d Sess. See also 157 CONG. REC. 3539–40, 112th Cong. 1st Sess. (Mar. 9, 2011) and 155 CONG. REC. 25, 111th Cong. 1st Sess. (Jan. 6, 2009).

38. Deborah Halvorson (IL).

39. 160 CONG. REC. 1790, 113th Cong. 2d Sess. The authority exercised here was provided by House Resolution 458. See 160 CONG. REC. 702, 113th Cong. 2d Sess. (Jan. 15, 2014).

40. Andrew Harris (MD).

H.R. 3547, making consolidated appropriations for the fiscal year ending September 30, 2014, and for other purposes.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HARRIS:

H.R. 3547. An act making consolidated appropriations for the fiscal year ending September 30, 2014, and for other purposes.

§ 10.9 The House, by unanimous consent, approved the Speaker's designation of Members to act as Speaker pro tempore to sign enrollments over a specified period pursuant to clause 8 of rule I.⁽⁴¹⁾

On January 6, 2015,⁽⁴²⁾ the following designation was approved by the House:

APPOINTMENT OF MEMBERS TO ACT AS SPEAKER PRO TEMPORE TO SIGN
ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE 114TH CONGRESS

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

*The Speaker's Rooms,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 2015.*

I hereby appoint the Honorable Jeff Denham, the Honorable Mac Thornberry, the Honorable Fred Upton, the Honorable Andy Harris, the Honorable Barbara Comstock, and the Honorable Luke Messer to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the One Hundred Fourteenth Congress.

JOHN A. BOEHNER,
Speaker.

The SPEAKER pro tempore.⁽⁴³⁾ Without objection, the appointments are approved.
There was no objection.

§ 10.10 Upon the election of a new Speaker,⁽⁴⁴⁾ the House, by unanimous consent, approved the Speaker's designation⁽⁴⁵⁾ of Members

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

42. 161 CONG. REC. 63, 114th Cong. 1st Sess.

43. Virginia Foxx (NC).

44. See § 10.9, *supra*.

45. *Parliamentarian's Note*: These appointments were made immediately following Rep. Paul Ryan of Wisconsin's election as Speaker. He designated the same individuals to serve as Speaker pro tempore to sign enrollments as Speaker Boehner had designated on January 6, 2015, at the beginning of the Congress. See § 10.2, *supra*.

to act as Speaker pro tempore to sign enrollments for a remainder of the Congress pursuant to clause 8 of rule I.⁽⁴⁶⁾

On October 29, 2015,⁽⁴⁷⁾ the following designation was approved by the House:

APPOINTMENT OF MEMBERS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE 114TH CONGRESS

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

HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 2015.

I hereby appoint the Honorable Jeff Denham, the Honorable Mac Thornberry, the Honorable Fred Upton, the Honorable Andy Harris, the Honorable Barbara Comstock, and the Honorable Luke Messer to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the One Hundred Fourteenth Congress.

PAUL D. RYAN,
Speaker.

The SPEAKER pro tempore.⁽⁴⁸⁾ Without objection, the appointments are approved.
There was no objection.

§ 11. Designation of a Speaker Pro Tempore

An appointed or designated Speaker pro tempore does not possess the full panoply of authorities and prerogatives that the Speaker enjoys. Rather, an appointed Speaker pro tempore is merely a temporary substitute for the Speaker—a Member most often called to the chair simply to preside over the House for a set period of time. Throughout the course of a legislative day, numerous Speakers pro tempore may be appointed to assume this function. While it is normally the Speaker who makes the appointment of a Speaker pro tempore, an elected Speaker pro tempore may also appoint other Members to be appointed Speaker pro tempore.⁽¹⁾

There are no particular restrictions with regard to who the Speaker may appoint as Speaker pro tempore, other than the fact that such individual must be a full Member of the House.⁽²⁾ Neither Delegates nor the Resident

^{46.} *House Rules and Manual* § 632 (2019).

^{47.} 161 CONG. REC. H7340 [Daily Ed.], 114th Cong. 1st Sess. See also Deschler's Precedents Ch. 38 § 2.2.

^{48.} Mac Thornberry (TX).

1. See Deschler's Precedents Ch. 6 §§ 12.3, 12.4.

2. Rule I, clause 8, *House Rules and Manual* § 632 (2019).

Commissioner may be appointed as Speaker pro tempore.⁽³⁾ The Dean of the House has been appointed as Speaker pro tempore,⁽⁴⁾ as well as party floor leaders,⁽⁵⁾ though often the Member chosen has no particular status within the House. Although minority party Members have been appointed as Speakers pro tempore in the past (almost exclusively for ceremonial occasions), this has not been done in many years.⁽⁶⁾

The appointment of a Speaker pro tempore is normally effectuated via a letter from the Speaker designating the individual chosen to serve.⁽⁷⁾ Such letter is usually the first item of business addressed by the House on any given legislative day, and it is read aloud by the Reading Clerk for the information of Members. When different Members assume the chair throughout the legislative day, there is typically no announcement to the body (although the *Congressional Record* will note that a new Member has been designated at the point at which such Speaker pro tempore first addresses the House). Under prior practice, the Speaker would occasionally make appointments orally rather than through formal letter, but no such oral appointments have been made in recent years.⁽⁸⁾ Although it is not required, the Speaker may indicate reasons for the designation (such as illness) at the time of appointment.⁽⁹⁾ The Speaker may withdraw a prior designation of a Speaker pro tempore.⁽¹⁰⁾

Appointment Authority

A designated Speaker pro tempore does not exercise the same appointment authorities as the Speaker. While the Speaker appoints Members to select committees, joint committees, and external boards and commissions, a designated Speaker pro tempore may only make such appointments directly with the unanimous consent of the House.⁽¹¹⁾ As a practical matter,

3. *Parliamentarian's Note*: Pursuant to clause 1 of rule XVIII, Delegates and the Resident Commissioner may be appointed as chair of the Committee of the Whole. *House Rules and Manual* § 970 (2019).
4. See 119 CONG. REC. 1555, 93d Cong. 1st Sess. (Jan. 18, 1973) and § 11.2, *infra*.
5. See § 11.1, *infra*.
6. See Deschler's Precedents Ch. 6 § 12.7.
7. See Deschler's Precedents Ch. 6 §§ 12.2, 12.4.
8. See Deschler's Precedents Ch. 6 §§ 12.1, 12.3.
9. See Deschler's Precedents Ch. 6 § 12.5.
10. See Deschler's Precedents Ch. 6 § 12.6.
11. See, e.g., 125 CONG. REC. 1511, 96th Cong. 1st Sess. (Jan. 31, 1979); 139 CONG. REC. 1316, 103d Cong. 1st Sess. (Jan. 27, 1993); 139 CONG. REC. 1621, 103d Cong. 1st Sess. (Feb. 2, 1993); 143 CONG. REC. 3293, 105th Cong. 1st Sess. (Mar. 6, 1997); and 153 CONG. REC. 2626, 110th Cong. 1st Sess. (Jan. 30, 2007). See also Deschler's Precedents Ch. 6 § 14.11.

a designated Speaker pro tempore will typically make the formal announcement to the House that these types of appointments have been made by the Speaker (such announcement being an action not requiring unanimous consent).

With respect to appointments to conference committees, a designated Speaker pro tempore must be granted unanimous consent to make the initial appointment,⁽¹²⁾ to appoint additional conferees at a later time,⁽¹³⁾ or to remove conferees.⁽¹⁴⁾ If the unanimous-consent request to permit the appointed Speaker pro tempore to undertake any of these actions draws objection,⁽¹⁵⁾ the House may choose instead to elect a Speaker pro tempore⁽¹⁶⁾ (an elected Speaker pro tempore being able to exercise this authority without unanimous consent).⁽¹⁷⁾

Veto Messages

Under prior practice,⁽¹⁸⁾ unanimous consent was also required for designated Speakers pro tempore to lay down veto messages and to order the same to be spread at large upon the Journal. However, under modern practice,⁽¹⁹⁾ unanimous consent is no longer required.⁽²⁰⁾

Administration of the Oath of Office to Members-elect

The Speaker administers the oath of office to Members-elect, both on opening day of a new Congress and throughout the Congress as special elections are held to fill vacancies. A designated Speaker pro tempore, however, is not competent to perform this function as a matter of inherent authority.

12. See § 11.4, *infra*. See also Deschler's Precedents Ch. 6 § 12.9 and Deschler's Precedents Ch. 33 § 6.6.
13. See 139 CONG. REC. 16260, 103d Cong. 1st Sess. (July 20, 1993) and 144 CONG. REC. 8354, 105th Cong. 2d Sess. (May 6, 1998). See also Deschler's Precedents Ch. 6 § 12.10.
14. See § 11.5, *infra*.
15. See § 11.3, *infra*.
16. See Deschler's Precedents Ch. 6 §§ 14.9, 14.10. See also § 12, *infra*.
17. *Parliamentarian's Note*: Although unanimous consent is required for a designated Speaker pro tempore to appoint conferees to a conference committee, unanimous consent is not required for such Speaker pro tempore to merely announce to the House an appointment made by the Speaker. In such cases, it is the Speaker exercising the appointment authority, not the Speaker pro tempore.
18. See Deschler's Precedents Ch. 6 § 12.11.
19. See § 11.6, *infra*.
20. *Parliamentarian's Note*: The laying down of a veto message is a ministerial act similar to other functions regarding communications to the House that a designated Speaker pro tempore is competent to perform. Thus, modern practice aligns the receipt of veto messages with comparable authorities over messages and communications.

For an appointed Speaker pro tempore to administer the oath of office to a Member-elect, the unanimous consent of the House is required.⁽²¹⁾ Alternatively, the House may choose to elect a Speaker pro tempore for purposes of administering the oath.⁽²²⁾

Presiding at Organization

On opening day of a new Congress, the Clerk of the House from the prior Congress presides over the initial organizational steps, including the quorum call of Members-elect and the election of Speaker. Following the election of Speaker, the Speaker will typically remain in the Chair to preside over other organizational business, such as the administration of the oath of office to Members *en masse* and the consideration of notification and other administrative resolutions. Under modern practice, however, the Speaker will often relinquish the Chair soon after by appointing Speakers pro tempore for the remainder of the legislative day.⁽²³⁾ With respect to a second (or subsequent) session of Congress, the Speaker is not required to preside over organization, but has typically done so (if only to initiate the quorum call to begin the session before appointing a Speaker pro tempore).⁽²⁴⁾

Presiding over Joint Sessions and Joint Meetings

Although the Speaker traditionally presides over a joint session of the House to hear a message from the President, a Speaker pro tempore may be appointed for this purpose.⁽²⁵⁾ Similarly, a designated Speaker pro tempore may preside over a ceremonial joint meeting for the purpose of hearing an address by a foreign dignitary or other individual.⁽²⁶⁾ Unanimous consent is not required for a designated Speaker pro tempore to undertake this function.

Designating Floor Leaders as Speakers Pro Tempore

§ 11.1 The Speaker has designated the Majority Whip to act as Speaker pro tempore.

21. See Deschler's Precedents Ch. 6 § 12.8.

22. See § 12.4, *infra*.

23. *Parliamentarian's Note*: The Speaker has the inherent authority under general parliamentary law to appoint Speakers pro tempore prior to the adoption of the standing rules. See, e.g., 157 CONG. REC. 80, 112th Cong. 1st Sess. (Jan. 5, 2011).

24. See § 11.7, *infra*. See also Deschler's Precedents Ch. 6 § 12.16.

25. See, e.g., 131 CONG. REC. 32951, 99th Cong. 1st Sess. (Nov. 21, 1985). For an example of an elected Speaker pro tempore presiding over a joint session, see Deschler's Precedents Ch. 6 § 14.12.

26. See § 11.8, *infra*.

On February 20, 1974,⁽²⁷⁾ the following occurred:

The House met at 12 o'clock noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [John] McFALL [of California]). The Clerk will read the following communication.

The Clerk read as follows:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 20, 1974.

I hereby designate the Honorable JOHN J. McFALL⁽²⁸⁾ to act as Speaker pro tempore today.

CARL ALBERT,
Speaker of the House of Representatives.

Designating the Dean of the House as Speaker Pro Tempore

§ 11.2 The Speaker has designated the Dean of the House to act as Speaker pro tempore to lead the House procession to the inauguration of the President and Vice President.

On January 19, 1989,⁽²⁹⁾ the following occurred:

DESIGNATION OF SPEAKER PRO TEMPORE TO LEAD HOUSE PROCESSION IN INAUGURATION CEREMONY

The SPEAKER.⁽³⁰⁾ The Chair designates the Honorable JAMIE L. WHITTEN, of Mississippi, dean of the House, to act as Speaker pro tempore on Friday, January 20, 1989, to lead the House procession to the inauguration of the President and Vice President.

Appointments to Conference Committees

§ 11.3 While a designated Speaker pro tempore may appoint conferees only by approval of the House,⁽³¹⁾ an elected Speaker pro

27. 120 CONG. REC. 3514, 93d Cong. 2d Sess.

28. *Parliamentarian's Note*: Rep. John McFall of California served as Majority Whip during the 93d and 94th Congresses.

29. 135 CONG. REC. 244, 101st Cong. 1st Sess. See also 135 CONG. REC. 324, 325, 101st Cong. 1st Sess. (Jan. 20, 1989) (where the designated Speaker pro tempore announced that the House proceed to the West Front of the Capitol). See also 119 CONG. REC. 1555, 93d Cong. 1st Sess. (Jan. 18, 1973) and Deschler's Precedents Ch. 36 § 25.9.

30. James Wright (TX).

31. Rule I, clause 8, *House Rules and Manual* § 632 (2019). See also Deschler's Precedents Ch. 6 §§ 12.9, 12.10, 12.17, 14.9, and 14.10.

tempore exercises the same appointment authorities as the Speaker, and thus may appoint conferees without such approval.

On June 21, 1984,⁽³²⁾ after objection was made for the appointment of conferees by a designated Speaker pro tempore, the House elected a Speaker pro tempore, and the following conferees were appointed:

APPOINTMENT OF CONFEREES ON H.R. 5167, DEPARTMENT OF DEFENSE
AUTHORIZATION ACT, 1985

Mr. [Charles] PRICE [of Illinois]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes, . . .

Mr. [Richard] CHENEY [of Wyoming]. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore.⁽³³⁾ The gentleman reserves a right to object to the Chair's appointment of conferees?

Mr. CHENEY. That is correct, Mr. Speaker.

Mr. Speaker, it is my understanding that one of the individuals to be appointed to serve on the conference from the House on the Defense authorization bill is not a member of the appropriate committee. I wonder if the Chair could clarify that for me.

The SPEAKER pro tempore. The Chair will tell the gentleman that the Members to be appointed are those who were designated by Speaker O'NEILL, and they are Members designated under the rule, members of the committee, and for purposes of specific amendments, as the rules of the House provide, when requested by the author of a specific amendment, the author of that specific amendment may be appointed to the conference expressly and solely for purposes of consideration of that amendment.

Mr. CHENEY. Further reserving the right to object, it is my understanding, to be specific, that the gentleman from Oregon [Mr. AUCOIN], who is not a member of the Armed Services Committee, is being appointed as a member of the conference, specifically with respect to the MX.

I wonder if the Chair could confirm that for me.

The SPEAKER pro tempore. The Chair, would simply declare that the Speaker's designation of conferees is not for that reason subject to challenge, and whomever the Speaker has asked this presiding officer to appoint, will be appointed.

Mr. CHENEY. Further reserving the right to object, Mr. Speaker, it is indeed my understanding under rule 10, clause 6, section F, that the Speaker does indeed have that authority, but the gentleman in the chair, obviously, is currently serving in that capacity but has asked for unanimous consent that we proceed with the appointment of the conferees.

I am deeply concerned about the precedent of appointing someone to serve on a conference committee who is not a member of the authorizing committee, and on that basis, I would be constrained to object to the appointment of conferees.

32. 130 CONG. REC. 17707-09, 98th Cong. 2d Sess. See also Deschler's Precedents Ch. 33 § 6.14.

33. James Wright (TX).

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

Mr. [Gillis] LONG of Louisiana. Mr. Speaker, I offer a privileged resolution (H. Res. 531) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 531

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.

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 SPEAKER pro tempore. The question is on the resolution.

Mr. CHENEY. 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 230, nays 148, not voting 55, as follows: . . .

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

The SPEAKER pro tempore (Mr. [James] WRIGHT [of Texas]). Will the dean of the House please come forward and administer the oath of office?

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the gentleman from Mississippi [Mr. WHITTEN].

ORDER OF BUSINESS

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will recognize the gentleman from California [Mr. DANNEMEYER] later. At this moment the Chair is appointing conferees.

APPOINTMENT OF CONFEREES ON H.R. 5167

The SPEAKER pro tempore. The Chair appoints the following conferees on H.R. 5167:

From the Committee on Armed Services: Messrs. PRICE, BENNETT, STRATTON, NICHOLS, DANIEL, MONTGOMERY, ASPIN, DELLUMS, DICKINSON, WHITEHURST, and SPENCE, Mrs. HOLT, Mr. HILLIS, and Mr. BADHAM.

As additional conferees: From the Permanent Select Committee on Intelligence, solely when differences regarding intelligence-related activities are under consideration: Messrs. BOLAND, MINETA, HAMILTON, MCCURDY, ROBINSON, and STUMP.

From the Committee on Education and Labor, solely for the consideration of sections 1026, 1036, and 292, and title IV of the Senate amendment and modifications committed to conference: Messrs. PERKINS, FORD of Michigan, ANDREWS of North Carolina, MILLER of California, SIMON, ERLNBORN, GOODLING, and COLEMAN of Missouri.

From the Committee on Foreign Affairs, solely for the consideration of sections 1021, 1025, 1029, 1030, 1035, 1037, 1038, 1039, 1041, 1042, and 1047, and title IV of the Senate amendment and modifications committed to conference: Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, BONKER, MICA, BROOMFIELD, WINN, and PRITCHARD.

Solely for the consideration of section 207 of the House bill and section 1011 of the Senate amendment: Mr. BROWN of California and Mr. MAVROULES.

Solely for consideration of sections 110 and 1132 of the House bill and section 1008 of the Senate amendment: Mrs. SCHROEDER, Mr. MAVROULES, and Mr. AUCOIN.

Solely for consideration of section 812 of the House bill and those portions of section 199 of the Senate bill which add section 2323 to title 10 of the United States Code relating to spare parts: Mr. BEDELL.

Solely for consideration of section 1112 of the House bill and modifications committed to conference: Mr. SKELTON.

§ 11.4 Pursuant to clause 11 of rule I,⁽³⁴⁾ a designated Speaker pro tempore may appoint conferees on a bill only with approval of the House.

On November 16, 2004,⁽³⁵⁾ the following conferees were appointed by unanimous consent:

APPOINTMENT OF CONFEREES ON H.R. 4818, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

Mr. [James] KOLBE [of Arizona]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore.⁽³⁶⁾ Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees:

From the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. KOLBE, KNOLLENBERG, LEWIS of California, WICKER, BONILLA, VITTER, KIRK, CRENSHAW, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. ROTHMAN and Ms. KAPTUR.

From the Committee on Appropriations, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Florida, REGULA, HOBSON, OBEY and VISCLOSKY.

There was no objection.

§ 11.5 Pursuant to clause 11 of rule I,⁽³⁷⁾ a designated Speaker pro tempore may modify an appointment of conferees by adding or removing Members, but only with the approval of the House.

On April 20, 2007,⁽³⁸⁾ the following modification to conferee appointments was made by unanimous consent:

^{34.} *House Rules and Manual* § 637 (2019).

^{35.} 150 CONG. REC. 23593, 108th Cong. 2d Sess.

^{36.} Doug Ose (CA).

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

^{38.} 153 CONG. REC. 9582, 110th Cong. 1st Sess. See also 144 CONG. REC. 8354, 105th Cong. 2d Sess. (May 6, 1998).

SUBSTITUTION OF CONFEREE ON H.R. 1591, U.S. TROOP READINESS,
VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The SPEAKER pro tempore.⁽³⁹⁾ Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from North Carolina (Mr. PRICE) as a conferee on H.R. 1591 and appoints the gentlewoman from Michigan (Ms. KILPATRICK) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

Veto Messages

§ 11.6 A designated Speaker pro tempore may order a veto message to be spread at large upon the Journal and, under modern practice, unanimous consent is not required.

On July 19, 2006,⁽⁴⁰⁾ the following occurred:⁽⁴¹⁾

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—VETO MESSAGE FROM
THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–127)

The SPEAKER pro tempore (Mr. [Randy] KUHL of New York) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 810, the “Stem Cell Research Enhancement Act of 2005.”

Like all Americans, I believe our Nation must vigorously pursue the tremendous possibilities that science offers to cure disease and improve the lives of millions. Yet, as science brings us ever closer to unlocking the secrets of human biology, it also offers temptations to manipulate human life and violate human dignity. Our conscience and history as a Nation demand that we resist this temptation. With the right scientific techniques and the right policies, we can achieve scientific progress while living up to our ethical responsibilities.

In 2001, I set forth a new policy on stem cell research that struck a balance between the needs of science and the demands of conscience. When I took office, there was no Federal funding for human embryonic stem cell research. Under the policy I announced 5 years ago, my Administration became the first to make Federal funds available for this research, but only on embryonic stem cell lines derived from embryos that had already been destroyed. My Administration has made available more than \$90 million for research of these lines. This policy has allowed important research to go forward and has

39. James McDermott (WA).

40. 152 CONG. REC. 15095–96, 15113, 109th Cong. 2d Sess.

41. *Parliamentarian's Note*: Historically, unanimous consent was required for a designated Speaker pro tempore to order a veto message spread at large upon the Journal. See 7 Cannon's Precedents § 1103 and Deschler's Precedents Ch. 6 § 12.11. In modern practice, however, unanimous consent is not required to do so.

allowed America to continue to lead the world in embryonic stem cell research without encouraging the further destruction of living human embryos.

H.R. 810 would overturn my Administration's balanced policy on embryonic stem cell research. If this bill were to become law, American taxpayers for the first time in our history would be compelled to fund the deliberate destruction of human embryos. Crossing this line would be a grave mistake and would needlessly encourage a conflict between science and ethics that can only do damage to both and harm our Nation as a whole.

Advances in research show that stem cell science can progress in an ethical way. Since I announced my policy in 2001, my Administration has expanded funding of research into stem cells that can be drawn from children, adults, and the blood in umbilical cords with no harm to the donor, and these stem cells are currently being used in medical treatments. Science also offers the hope that we may one day enjoy the potential benefits of embryonic stem cells without destroying human life. Researchers are investigating new techniques that might allow doctors and scientists to produce stem cells just as versatile as those derived from human embryos without harming life. We must continue to explore these hopeful alternatives, so we can advance the cause of scientific research while staying true to the ideals of a decent and humane society.

I hold to the principle that we can harness the promise of technology without becoming slaves to technology and ensure that science serves the cause of humanity. If we are to find the right ways to advance ethical medical research, we must also be willing when necessary to reject the wrong ways. For that reason, I must veto this bill.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 19, 2006.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Presiding on Opening Day

§ 11.7 At the convening of the House on the day set for commencement of the second session of a Congress, a designated Speaker pro tempore may call the House to order.⁽⁴²⁾

On January 5, 2010,⁽⁴³⁾ on the opening day of the second session of the 111th Congress, the following occurred:

This being the day fixed pursuant to the 20th amendment to the Constitution by Public Law 111–121 for the meeting of the second session of the 111th Congress, the House met at noon and was called to order by the Speaker pro tempore (Ms. [Donna] EDWARDS of Maryland).

42. *Parliamentarian's Note:* House Resolution 976 authorized the Speaker to appoint Members to perform the duties of the Chair for the remainder of the first session as though under clause 8(a) of rule I. *House Rules and Manual* § 637 (2019). The House assembled a quorum on January 12, 2010. See 156 CONG. REC. 6, 111th Cong. 2d Sess. Although Speakers often personally preside over the quorum call at the beginning of a second session of a Congress, there is no requirement that they do so.

43. 156 CONG. REC. 2–3, 111th Cong. 2d Sess. See also Deschler's Precedents Ch. 6 § 12.6.

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).

later) Sergeant-at-Arms.⁽¹⁰⁾ Originally, the distribution of mail was overseen by the Doorkeeper, but the House created a separate position of Postmaster in 1838.⁽¹¹⁾ Similarly, the position of Chaplain was not originally a House officer but became one in the years preceding the Civil War.⁽¹²⁾ The various rules and customs surrounding the election of these officers were consolidated in the major revision of the standing rules undertaken by Rep. Israel Washburn of Maine in 1860.⁽¹³⁾ Thus, for over a century, the five principal officers of the House (apart from the Speaker) were the Clerk, the Sergeant-at-Arms, the Doorkeeper, the Postmaster, and the Chaplain.

In the 1990s, several reform efforts aimed at improving House operations succeeded in modifying these elected officer positions—abolishing obsolete offices, creating new offices, and consolidating and transferring duties. In the 102d Congress in 1992, the Office of the Postmaster was abolished, and the responsibilities of that office transferred to other officers.⁽¹⁴⁾ At the same time, a new position of Director of Non-Legislative and Financial Services was created. At the beginning of the 104th Congress in 1995, the position of Doorkeeper was abolished, and the Director of Non-Legislative and Financial Services was replaced by a new CAO position.⁽¹⁵⁾ Since that time, the four elected officers of the House have been established as: the Clerk, the Sergeant-at-Arms, the CAO, and the Chaplain.⁽¹⁶⁾

Qualifications; Terms of Office

Although the Speaker of the House has always been selected from the sitting membership (despite there being no constitutional requirement to that effect), sitting Members of the House have never been elected to any of the other officer positions.⁽¹⁷⁾ All officers of the House are required to take an

10. 1 ANNALS OF CONG. 128, 129, 1st Cong. 1st Sess. (Apr. 14, 1789).

11. See 1 Hinds' Precedents § 270. The first Postmaster was appointed on April 5, 1838. See CONG. GLOBE 281, 25th Cong. 2d Sess. See also 1 Hinds' Precedents § 269 and 6 Cannon's Precedents § 34.

12. See 1 Hinds' Precedents § 275. See also § 16, *infra*.

13. See CONG. GLOBE 1178, 36th Cong. 1st Sess. (Mar. 15, 1860). DE ALVA STANWOOD ALEXANDER, OTHER OFFICERS AND THE WHIP, IN HISTORY AND PROCEDURE OF THE HOUSE OF REPRESENTATIVES pp. 192–193 (1916).

14. H. Res. 423, 138 CONG. REC. 9040, 102d Cong. 2d Sess. (Apr. 9, 1992). See also § 13.3, *infra*.

15. H. Res. 6, 141 CONG. REC. 463, 104th Cong. 1st Sess. (Jan. 4, 1995). For more information on the former position of Doorkeeper, see Deschler's Precedents Ch. 6 § 20. See also § 13.2, *infra*.

16. Rule II, clause 1, *House Rules and Manual* § 640 (2019).

17. *Parliamentarian's Note*: Throughout the 19th century, and even into the 20th century, it was not uncommon for elected officers of the House to later take seats as Members

oath to support the Constitution of the United States, which is administered by the Speaker of the House following their election at the opening of a new Congress.⁽¹⁸⁾ All officers are required to attest to their commitment to the “true and faithful exercise of the duties” of their offices.⁽¹⁹⁾ Pursuant to clause 6 of rule XXV,⁽²⁰⁾ an individual may not be elected as an officer of the House if “acting as an agent for the prosecution of a claim against the Government or if interested in such claim, except as an original claimant or in the proper discharge of official duties.” In the 116th Congress, the Code of Official Conduct was amended to prohibit an officer or employee of the House from serving as an officer or director of any public company.⁽²¹⁾

Apart from the Speaker, the elected officers of the House “continue in office until their successors are chosen and qualified.”⁽²²⁾ This provision of the

of the House (or, alternatively, for Members who were unsuccessful candidates for reelection to take officer positions instead). Thus, various Clerks, Sergeants-at-Arms, Doorkeepers, Postmasters, and even Chaplains of the House have all served, at one time or another, as Members of the House. Asher Hinds of Maine and Clarence Cannon of Missouri, who compiled the first two series of precedents of the House, were both later elected as Members of the House. The last individual who served as both a Member of the House and an elected officer was William Pat Jennings of Virginia (a Member during the 84th through 89th Congresses, and Clerk of the House during the 90th through 94th Congresses).

18. See Precedents (Wickham) Ch. 2. The form of the oath is provided by statute. 5 U.S.C. § 3331.
19. Rule II, clause 1, *House Rules and Manual* § 640 (2019). Pursuant to this clause, all officers of the House are further required “to keep the secrets of the House.” This provision of the standing rules has its origin in the Twelfth Congress in 1811, when the Doorkeeper and Sergeant-at-Arms were required to subscribe to an oath of secrecy regarding secret sessions of the House conducted prior to the War of 1812. See 1 Hinds’ Precedents § 187. In the revisions to the House rules adopted in 1860 and 1880, this requirement was expanded to include all officers of the House. However, the rule quickly became obsolete, as no secret sessions of the House were held between 1830 and 1979. See Deschler’s Precedents Ch. 29 § 85 and *House Rules and Manual* § 969 (2019). Although the rule has remained in place for two centuries, it has been effectively superseded by clause 13 of rule XXIII (adopted in the 104th Congress in 1995) which requires all officers to subscribe to an oath of secrecy regarding access to classified information. *House Rules and Manual* § 1095 (2019). In modern practice, when the House conducts a secret session to discuss secret or classified information, all officers of the House attending such session must take the oath provided in clause 13 of rule XXIII. Copies of these executed oaths are retained by the Sergeant-at-Arms. See Precedents (Wickham) Ch. 2 § 1.
20. *House Rules and Manual* § 1102 (2019). This provision was originally adopted in 1842. See 5 Hinds’ Precedents § 7227. For an earlier treatment of qualifications for officers of the House, see Deschler’s Precedents Ch. 6 § 15.
21. *House Rules and Manual* § 1095 (2019).
22. Rule II, clause 1, *House Rules and Manual* § 640 (2019).

standing rules suggests that the officers elected in one Congress continue to hold that office until their reelection, or the election of new officers, in the next Congress. For a time (approximately 1860–1890), a House rule explicitly stated that “These rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered.”⁽²³⁾ This provision thus provided a basis for considering the officers of the House as having retained their offices even upon the expiration of a Congress. However, this provision of the standing rules was consistently questioned during the years in which it purported to operate, and it was eventually eliminated from the House rules on February 14, 1890.⁽²⁴⁾ Since that time, it has been definitively established that the House, when a new Congress first convenes, operates under “general parliamentary law” (and not the rules of the prior Congress) until the standing rules are formally adopted.⁽²⁵⁾

Nevertheless, a tradition dating back to the expiration of the First Congress in 1791⁽²⁶⁾ established the procedure whereby the Clerk of the previous House would preside over the organization of the new House—primarily to oversee the election of the Speaker.⁽²⁷⁾ This mode of proceeding has been the uniform practice of the House since that time, and has been codified in the standing rules of the House.⁽²⁸⁾ Thus, as a practical matter, the Clerk of one House does continue in office at least until the House is able to elect its Speaker. Under established House precedents, the Sergeant-at-Arms would preside over the opening of a new Congress in the absence of the Clerk, thus suggesting that the other officers continue in office as well.⁽²⁹⁾ However, as clause 1 of rule II is not in operation until after the standing rules are formally adopted (which generally occurs after the

23. See 5 Hinds’ Precedents § 6743.

24. *Id.*

25. See Precedents (Wickham) Ch. 1 §§ 3–6.

26. See 1 Hinds’ Precedents § 235.

27. See Precedents (Wickham) Ch. 1 § 3.

28. Rule II, clause 2(a), *House Rules and Manual* § 641 (2019). Despite the inclusion of this provision in the standing rules, such rules are not operative until formally adopted by the House at the opening of a new Congress, with the Clerk’s service as presiding officer preceding the adoption of rules. See Precedents (Wickham) Ch. 1. The efficacy of this provision can thus only be ascribed to immemorial custom.

29. *Parliamentarian’s Note*: For statutory authority for the Sergeant-at-Arms to continue in office until a successor is chosen and qualified, see 2 U.S.C. § 5602. For an early example of officers of the previous Congress taking actions prior to the election of officers for the current Congress, see 1 Hinds’ Precedents § 244. For an example of officers of one Congress continuing in office in the next Congress due to the failure of the House to elect new officers, see 1 Hinds’ Precedents § 193.

election of officers), the authority for officers of the prior Congress to take actions in the new Congress may only be justified as consistent with long-standing custom—fortified by the consistent adoption of the provisions of clause 1 of rule II from Congress to Congress.

Election of Officers

The Constitution provides that the House shall choose its officers, but does not specify the method by which such selections are to be made.⁽³⁰⁾ Until 1839, the House elected its officers by ballot, but the standing rules were amended to provide that such elections proceed by viva voce vote instead.⁽³¹⁾ Although this provision of the rules was not altered until 1999, the custom (dating back to the 19th century)⁽³²⁾ has been to elect officers other than the Speaker via the adoption of a simple House resolution.⁽³³⁾

For well over a century, the resolution electing the officers of the House has been offered on a partisan basis.⁽³⁴⁾ Beginning in the 1870s, a member of the majority party (customarily the chair of the party caucus) would offer a resolution proposing that certain named individuals be elected to the various officer positions. A member of the minority party would then offer a substitute amendment, recommending a different slate of candidates.⁽³⁵⁾ Two votes would then be taken: first, a vote on the minority's substitute (which would be rejected),⁽³⁶⁾ and then a vote on the majority party's original selections (which would be adopted). This procedure has been used for many decades and is still the method used today.

Beginning in the 62nd Congress in 1911,⁽³⁷⁾ the minority party began a tradition of requesting a division of the question on the resolution electing

30. See Precedents (Wickham) Ch. 1 § 5.1 and Precedents (Wickham) Ch. 3 § 2. See also Deschler's Precedents Ch. 6 § 16.

31. DE ALVA STANWOOD ALEXANDER, *Other Officers and The Whip*, in *History and Procedure of the House of Representatives* 91 (1916).

32. See, e.g., CONG. GLOBE 10–11, 42d Cong. 1st Sess. (Mar. 4, 1871).

33. *Parliamentarian's Note*: There is a certain inconsistency in the sequencing of events on opening day of a new Congress with respect to the election of officers. Since the 19th century, the election of officers has preceded the adoption of the standing rules. However, the officer positions do not technically exist until the adoption of the rules creating them. This sequence can therefore only be countenanced as reflecting the independent constitutional mandate to elect officers (as distinct from the requirement to adopt rules of proceeding), as well as the unaltered custom of the House.

34. For a rare instance where the minority did not submit a substitute amendment, see 111 CONG. REC. 20, 89th Cong. 1st Sess. (Jan. 4, 1965).

35. See Precedents (Wickham) Ch. 3 § 2.

36. *Parliamentarian's Note*: The losing minority party candidates are traditionally appointed to certain "minority employee" positions created by statute. For more on these "minority employees," see § 31, *infra*. See also Precedents (Wickham) Ch. 1 § 5.1 and Precedents (Wickham) Ch. 3 § 2.

37. See 47 CONG. REC. 8, 62d Cong. 1st Sess. (Apr. 4, 1911).

the officers of the House so that a vote could be taken separately on the Office of the Chaplain.⁽³⁸⁾ The impetus for this procedure appears to have been a desire to acknowledge the nonpartisan nature of the Office of the Chaplain via a unanimous vote on a previously agreed-upon candidate. This tradition has now been observed for over a century.

Removal or Resignation of Officers; Vacancies

A proposition to remove an officer of the House (typically taking the form of a simple House resolution) constitutes a question of the privileges of the House.⁽³⁹⁾ Throughout its history, the House has removed officers for a variety of reasons—most often due to some alleged misconduct or failure to properly execute the duties of the office.⁽⁴⁰⁾ Pursuant to clause 1 of rule II,⁽⁴¹⁾ the Clerk, Sergeant-at-Arms, and CAOs may be removed by the House or the Speaker. On one occasion, the Speaker exercised this authority to remove the CAO.⁽⁴²⁾ The House has removed officers on several occasions, although it has not done so in many years.⁽⁴³⁾

An officer of the House may resign the position at any time,⁽⁴⁴⁾ and such resignation is contingent upon acceptance⁽⁴⁵⁾ by the House.⁽⁴⁶⁾ However,

38. See § 16, *infra*.

39. 1 Hinds' Precedents § 284. For questions of privilege generally, see Deschler's Precedents Ch. 11 and Precedents (Wickham) Ch. 11.

40. See 1 Hinds' Precedents §§ 284, 288–290; 6 Cannon's Precedents §§ 35–37; and Deschler's Precedents Ch. 6 § 22.

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

42. *Parliamentarian's Note*: At the time of this writing, Speaker Paul Ryan's removal of the Chief Administrative Officer has been the only invocation of the Speaker's authority to remove officers. The Chief Administrative Officer, Ed Cassidy, had submitted a letter of resignation that did not specify an effective date for the resignation. Thus, the Speaker exercised the authority in clause 1 of rule II to remove Cassidy from the position prospectively (so that it coincided with the end of the calendar year). See § 17.5, *infra*.

43. The last known instance of the House removing an officer appears to have occurred in 1890. See 1 Hinds' Precedents § 292 (declaring the Office of the Postmaster vacant). If there is controversy over an elected officer of the House continuing in that position, it is more common for the individual simply to resign the office. See Deschler's Precedents Ch. 37 §§ 9, 10.

44. For resignations of officers generally, see Deschler's Precedents Ch. 37 §§ 9, 10.

45. *Parliamentarian's Note*: There does not seem to be any evidence of the House ever having rejected the resignation of an officer. In one instance, the Postmaster of the House attempted to resign his office prior to the consideration of committee report recommending that the office be declared vacant. The House did not act upon the resignation, but instead adopted the resolution declaring the office vacant. See 1 Hinds' Precedents § 292.

46. See Deschler's Precedents Ch. 27 § 9.2

under the precedents, the House does not formally accept the resignation of the Speaker.⁽⁴⁷⁾ Officers of the House have resigned both prospectively⁽⁴⁸⁾ and retroactively.⁽⁴⁹⁾

When an elected officer position (other than that of Speaker) becomes vacant, due to the removal, resignation, or death⁽⁵⁰⁾ of the incumbent, the House will typically move quickly to fill the vacancy. The most common method is for the House to elect a new officer to the vacant position via the adoption of a simple House resolution.⁽⁵¹⁾ However, a provision of the Legislative Reorganization Act of 1946 (as amended in 1953 and 1995)⁽⁵²⁾ authorizes the Speaker of the House to temporarily fill vacancies in the offices of Clerk, Sergeant-at-Arms, CAO, or Chaplain.⁽⁵³⁾ The individual appointed to the vacant office exercises all of the same authorities as an individual elected to the position.⁽⁵⁴⁾ In one instance, the Clerk of the House was elected to fill a vacancy caused by the death of the Sergeant-at-Arms, and the individual held both offices concurrently (though with no additional compensation for exercising the duties of Sergeant-at-Arms).⁽⁵⁵⁾ When a vacancy is filled (either by a new election or through the Speaker's statutory power of appointment), the newly-elected officer is administered the oath of office.⁽⁵⁶⁾

47. See 1 Hinds' Precedents §§ 225, 232 and Deschler's Precedents Ch. 37 § 9.1.

48. See § 17.3, *infra*.

49. See § 16.5, *infra*.

50. See 1 Hinds' Precedents §§ 236, 266, and 267; 6 Cannon's Precedents § 32; and Deschler's Precedents Ch. 38 §§ 2.13, 2.14. For precedents relating to the death of the Speaker, see 1 Hinds' Precedents § 234; Deschler's Precedents Ch. 1 §§ 6.6–6.8; and Deschler's Precedents Ch. 38 §§ 2.2–2.4.

51. See, e.g., § 14.3, *infra*.

52. 2 U.S.C. § 5501. The provision regarding the appointment of officers to fill vacancies was added on August 5, 1953 (P.L. 83–197, 67 Stat. 387). The Act was amended in 1996 to remove references to abolished positions (Doorkeeper and Postmaster) and substitute a new position (Chief Administrative Officer). P.L. 104–186, 110 Stat. 1718.

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

54. *Parliamentarian's Note*: The statute prescribes that the individual chosen to fill the vacancy is “to act as, and to exercise temporarily the duties” of the office, until the House is able to elect a permanent replacement. 2 U.S.C. § 5501. Thus, an individual appointed by the Speaker to temporarily fill such a vacancy does not need to be formally removed from the position before the election by the House of an individual to fill the position on a permanent basis. By contrast, where the House has elected an officer and subsequently wishes to elect a different person to that position, it must first create a vacancy in the office before proceeding to the election of the new officer.

55. See Deschler's Precedents Ch. 6 §§ 16.3, 17.1, and 22.

56. The text of the oath may be found at: 5 U.S.C. § 3331. See also Deschler's Precedents Ch. 6 §§ 17.1, 17.2. For oaths generally, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2.

Compensation

Compensation for House officers is a matter of statutory law.⁽⁵⁷⁾ Funding for House operations, including salaries and expenses for the elected officers of the House, is provided in the annual Legislative Branch Appropriations bill. Compensation for the Chaplain of the House is provided by statute⁽⁵⁸⁾ and is linked to the House Employees Schedule.⁽⁵⁹⁾ Federal law also prohibits the Sergeant-at-Arms from receiving additional fees, compensation, or emoluments relating to the performance of official duties.⁽⁶⁰⁾

Former Officers: Doorkeeper

Over the course of the House's history, several officer positions have been eliminated and their duties transferred to other officers or officials. For over 200 years (between 1789 and 1995), the Doorkeeper was an elected officer of the House.⁽⁶¹⁾ The Doorkeeper's duties were primarily concerned with the House Chamber (including the enforcement of rules relating to the privileges of the Hall of the House),⁽⁶²⁾ but ranged to other areas, such as maintaining furniture, books, and other property of the House and its committees. The Doorkeeper was responsible for preserving order in the House galleries (under the direction of the Speaker)⁽⁶³⁾ and for making announcements of messengers at the door of the House and visitors during joint sessions and meetings.⁽⁶⁴⁾ The Doorkeeper was also responsible for overseeing the House document room, the Publication Distribution System, and the cloakrooms.

Prior to the abolition of the office in 1995, a statute provided that the duty of composing the Clerk's roll at the commencement of a Congress

57. For more on compensation for officers, officials, and employees of the House, see § 29, *infra*. See also Deschler's Precedents Ch. 6 § 27.

58. 2 U.S.C. § 5521.

59. 2 U.S.C. § 293.

60. 2 U.S.C. § 5601.

61. Former rule V enumerated the duties of the Doorkeeper. *House Rules and Manual* § 652 (1993). See also 1 Hinds' Precedents §§ 260–268; Deschler's Precedents Ch. 6 § 20; and *House Rules and Manual* § 663b (2019). The first rule detailing the duties of the Doorkeeper was adopted in 1838 and amended in 1880. For several early Congresses, the House also elected an Assistant Doorkeeper, but the position was abolished sometime after 1821. 1 Hinds' Precedents § 187 (fn. 1). For a list of Doorkeepers of the House, see <http://history.house.gov/People/Office/Doorkeepers/> (last visited Oct. 24, 2019).

62. See Precedents (Wickham) Ch. 4 § 5. The Doorkeeper was also responsible for closing or locking the doors to the Chamber under certain circumstances. See Deschler's Precedents Ch. 6 §§ 20.6, 20.7.

63. See Deschler's Precedents Ch. 6 §§ 20.1–20.5.

64. See 5 Hinds' Precedents § 6591.

would fall to the Doorkeeper (if the Clerk and Sergeant-at-Arms were both unable to fulfill this function).⁽⁶⁵⁾ The Doorkeeper of the House has served as presiding officer at the organization of a new Congress, when the Clerk and Sergeant-at-Arms were both unavailable to assume that duty.⁽⁶⁶⁾ Following the elimination of the office in 1995,⁽⁶⁷⁾ most of the duties of the Doorkeeper were assumed by the CAO of the House⁽⁶⁸⁾ and the Sergeant-at-Arms.⁽⁶⁹⁾

Former Officers: Postmaster

The Postmaster of the House was an elected officer from 1838 until 1992.⁽⁷⁰⁾ Originally, the Doorkeeper of the House was authorized to hire a postmaster to assist in mail delivery duties, but the position became an elected office soon after. As early as 1802,⁽⁷¹⁾ the House requested that the Postmaster of the United States establish a post office at or near the Capitol. Postmasters of the House supervised the operations of the post office and facilitated the delivery of mail to Members' offices. When the position was eliminated⁽⁷²⁾ in the 102d Congress in 1992, mail duties were transferred to the new Director of Non-Legislative and Financial Services (who supervised the Director of Postal Operations).⁽⁷³⁾ On January 5, 1993, the Chair laid before the House a communication from the chair of the Committee on House Administration from the prior Congress, informing the Speaker that all of the responsibilities of the Office of the Postmaster had

65. This provision of law was found at 2 U.S.C. § 26 before it was amended by P.L. 104-186, 110 Stat. 1718.

66. Deschler's Precedents Ch. 6 § 20.8.

67. See 138 CONG. REC. 9039-40, 9074-75, 102d Cong. 2d Sess. (Apr. 9, 1992). For proceedings relating to the resignation of a Doorkeeper, see § 13.2, *infra*. See also *House Rules and Manual* § 640 (2019).

68. For more information on the Office of the Chief Administrative Officer, see § 17, *infra*.

69. For more information on the Office of the Sergeant-at-Arms, see § 15, *infra*.

70. Former rule VI, *House Rules and Manual* § 654 (1991). See also 1 Hinds' Precedents § 270 and 6 Cannon's Precedents § 34. For a list of Postmasters of the House, see <http://history.house.gov/People/Office/Postmasters/> (last visited Oct. 24, 2019).

71. 1 Hinds' Precedents § 270.

72. For more on the circumstances leading to the dissolution of the Office of the Postmaster, see Precedents (Wickham) Ch. 12.

73. *House Rules and Manual* § 668 (2019). The resolution authorizing the transfer was House Resolution 423 of the 102d Congress, adopted on April 9, 1992. See 138 CONG. REC. 9040, 102d Cong. 2d Sess. See also H. Rept. 102-713, 102d Cong. 2d Sess. On several occasions, the House by unanimous consent authorized extensions of the deadline to transfer these authorities. See 138 CONG. REC. 18307, 102d Cong. 2d Sess. (July 8, 1992) and 138 CONG. REC. 24373-74, 102d Cong. 2d Sess. (Sept. 10, 1992). See also 138 CONG. REC. 27726-27, 102d Cong. 2d Sess. (Sept. 25, 1992).

been successfully transferred to other officers. Ultimately, postal operations were transferred to the Office of the CAO when that position was created in 1995.⁽⁷⁴⁾

Former Officers: Director of Non-Legislative and Financial Services

The Director of Non-Legislative and Financial Services was a short-lived officer position in the House. It was created in 1992 by the adoption of House Resolution 423.⁽⁷⁵⁾ The Director was not an elected officer, but was instead to be appointed jointly by the Speaker, the Majority Leader, and the Minority Leader. The Director could be removed by the House or the Speaker, and was subject to the policy direction and oversight of the Committee on House Administration. Various administrative functions and subsidiary offices of the House were transferred to the Director by the operation of House Resolution 423.⁽⁷⁶⁾

The first Director of Non-Legislative and Financial Services (Leonard Wishart) was appointed on October 23, 1992, and reappointed to the position on January 5, 1993.⁽⁷⁷⁾ His resignation of the position was accepted by the House effective January 21, 1994.⁽⁷⁸⁾ The second (and last) Director of Non-Legislative and Financial Services (Randall Medlock) filled the vacancy created by the resignation of the previous Director, and held the position for the remainder of the Congress. The office was abolished in the following Congress and replaced by a new elected officer position: the Chief Administrative Officer.⁽⁷⁹⁾

Resolution Electing Officers

§ 13.1 At the beginning of a Congress, the House elects the officers of the House by the adoption of a privileged resolution.

On January 3, 2017,⁽⁸⁰⁾ the following privileged resolution was adopted and the officers-elect were sworn in by the Speaker:

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.

74. See § 17, *infra*.

75. 138 CONG. REC. 9040, 102d Cong. 2d Sess. (Apr. 9, 1992).

76. See § 13.3, *infra*.

77. See 139 CONG. REC. 104, 103d Cong. 1st Sess. (Jan. 5, 1993).

78. See 140 CONG. REC. 1047, 103d Cong. 2d Sess. (Feb. 3, 1994).

79. See H. Res. 6, 141 CONG. REC. 463, 104th Cong. 1st Sess. (Jan. 4, 1995). See also § 17, *infra*.

80. 161 CONG. REC. H6 [Daily Ed.], 115th Cong. 1st Sess.

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 Philip George Kiko of the State of Ohio 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 New York (Mr. CROWLEY) for the purpose of offering an amendment.

Mr. [Joseph] CROWLEY [of New York]. 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.⁽⁸¹⁾ 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. CROWLEY

Mr. CROWLEY. 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. CROWLEY:

That Robert D. Edmonson of the District of Columbia be, and is hereby, chosen Clerk of the House of Representatives;

That Wyndee Parker of the State of Maryland be, and is hereby, chosen Sergeant at Arms of the House of Representatives; and

That James Fleet of the Commonwealth of Pennsylvania 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 New York.

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.

81. Paul Ryan (WI).

The SPEAKER. Congratulations.

Former Officers

§ 13.2 The Speaker laid before the House the resignation of the Doorkeeper (a former elected officer of the House).⁽⁸²⁾

On December 20, 1974,⁽⁸³⁾ Speaker Carl Albert of Oklahoma laid before the House the resignation of the Doorkeeper and appointed a temporary replacement:

RESIGNATION AS DOORKEEPER

The SPEAKER laid before the House the following communication from the Doorkeeper:

WASHINGTON, DC,
December 18, 1974.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to tender my resignation as Doorkeeper, U.S. House of Representatives at the close of business December 31, 1974.

It has been my pleasure over the years to be of service to you and the other illustrious and distinguished Members of Congress.

With kind regards, I remain

Faithfully yours,

WILLIAM M. MILLER,
Doorkeeper,
U.S. House of Representatives.

APPOINTMENT AS DOORKEEPER

Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 USC 75a-1(a)), the Chair appoints, effective at the close of business on December 31, 1974, James T. Molloy, of New York, to act as and to exercise temporarily the duties of Doorkeeper of the House of Representatives.

§ 13.3 The Chair laid before the House a communication from the chair of the Committee on House Administration from the prior Congress, notifying the House that the functions and duties of the House Postmaster under former rule VI⁽⁸⁴⁾ of that Congress had

82. The Office of the Doorkeeper was eliminated at the beginning of the 104th Congress. See *House Rules and Manual* § 663b (2019).

83. 120 CONG. REC. 41855, 93d Cong. 2d Sess.

84. *House Rules and Manual* § 668 (2019).

been transferred to the newly-established Director of Non-Legislative and Financial Services.⁽⁸⁵⁾

On January 5, 1993,⁽⁸⁶⁾ the following communication was laid before the House, informing Members that the functions of the Postmaster (a former elected officer of the House) had been successfully transferred (and the position eliminated):

COMMUNICATION FROM THE HONORABLE CHARLIE ROSE, CHAIRMAN OF
THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 28, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
H-204, the Capitol,
Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you that, pursuant to the authority vested in the Committee on House Administration by House Resolution 423 (102nd Congress), and other laws, rules and regulations, the Committee has directed the following effective just prior to noon on January 3, 1993:

1. All functions, entities, duties and responsibilities under the House Postmaster are transferred to the Director of Non-legislative and Financial Services.

2. There is established an Office of the Director of Non-legislative and Financial Services, which office shall be comprised of the Director of Non-legislative and Financial Services (Director) appointed pursuant to House Rule 52, an Executive Assistant to the Director to be appointed by the Director, an Administrative Assistant to be appointed by the Director, and a Director of House Postal Operations to be appointed by the Director, subject to the following requirement: the Committee directs that the initial appointee to the position of Director of House Postal Operations shall be the person serving as House Postmaster immediately prior to the abolition of the position of House Postmaster by virtue of the transfer made pursuant to paragraph 1 above.

3. Until otherwise provided by law, the above positions under the Director, and all positions transferred to, or created for the Director, are hereby approved by the Committee and the Director pursuant to the criteria established in the House Employees Position Classification Act and other applicable laws, rules and regulations. The Committee will establish the appropriate grade and level for the positions so transferred or created.

By copy of this letter, the Clerk of the House has been authorized and directed to disburse from the contingent fund or other appropriate account, such sums as may be necessary for salary disbursement for the above personnel, and for supplies and materials

85. The Office of the Chief Administrative Officer supplanted the Director of Non-Legislative and Financial Services in the 104th Congress. See H. Res. 5, 145 CONG. REC. 47, 106th Cong. 1st Sess. (Jan. 6, 1999). See also § 17, *infra*.

86. 139 CONG. REC. 104, 103d Cong. 1st Sess.

reasonably necessary for the operation of the Office of the Director of Non-legislative and Financial Services until otherwise provided by law.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

§ 14. The Clerk

Second only to the Speaker, the Clerk of the House is arguably the most significant of all of the elected officer positions in the House. The Clerk's responsibilities cover a wide range of areas, both legislative and administrative in nature. The primary duties of the Clerk relate to the legislative process and involve: (1) handling legislative measures introduced by Members and referred to committees of the House; (2) accepting legislative and other reports following committee action; (3) executing legislative actions on the floor of the House (including reading proposals for the body, distributing legislative text, and conducting votes and quorum calls); (4) maintaining a record of House legislative activities (including supervising the production of the House Journal, the *Congressional Record*, and the Calendars of the House); and (5) managing the receipt and transmittal of formal messages between the House and Senate, and between the House and the executive branch (including the engrossment and enrollment of legislation, and presentation to the President for signature or veto).

Additional duties of the Clerk involve a variety of record-keeping and administrative matters. The Clerk is responsible for maintaining House documents and records, and (where appropriate) providing public access to such material. The Clerk's Office also assists with financial audits and other reviews of House operations, and manages a range of additional miscellaneous functions related to the organization of the House.

History; Internal Organization of the Office of the Clerk

The Clerk is the oldest officer position in the House, apart from the Speaker. After the House first achieved a quorum on April 1, 1789, its second order of business (after the election of a Speaker) was to appoint a Clerk of the House.⁽¹⁾ The Office of the Clerk has been an integral part of House operations since that time, and its role has gradually expanded to encompass a diverse range of legislative and administrative services.

The Office of the Clerk comprises several distinct subentities that each fulfills a particular role within the administrative framework of the

1. 1 ANNALS OF CONG. 100, 1st Cong. 1st Sess. (Apr. 1, 1789).

House.⁽²⁾ The Office of Legislative Operations provides support for all aspects of the legislative process, from processing measures at introduction to guiding Members and staff through deliberations on the floor of the House. Assisting with these legislative functions are the Capitol Service Groups (which maintain the Democratic and Republican cloakrooms and other rooms on the House side of the Capitol), Legislative Computer Systems (which provides technical support for the electronic voting system) and the Official Reporters of Debate (who transcribe House proceedings for the *Congressional Record*).⁽³⁾

The Legislative Resource Center, also under the auspices of the Clerk, maintains and provides access to a wide variety of House documents and records.⁽⁴⁾ The Office of Art and Archives works closely with the Office of the Historian⁽⁵⁾ to preserve historical artifacts and art collections in possession of the House. The Office of House Employment Counsel provides advice and legal assistance for employing entities in the House,⁽⁶⁾ while the Office of Communications offers a variety of communication and messaging services.

The Committee on House Administration provides policy direction and oversight of the Clerk's Office, pursuant to clause 4(d)(1)(A) of rule X.⁽⁷⁾ Under clause 1 of rule II,⁽⁸⁾ the Clerk of the House is authorized to appoint all employees within the Office of the Clerk. The Clerk of the House is required to designate a Clerk pro tempore to act as Clerk and take all necessary official actions in the absence or disability of the Clerk.⁽⁹⁾

Election, Resignation, and Removal of Clerk

The election of the Clerk proceeds in the same manner as the election of the other elected officers of the House: by privileged resolution at the commencement of a Congress.⁽¹⁰⁾ The Clerk is typically listed as the first officer to be elected in the resolution electing officers of the House. Upon election,

2. See <http://clerk.house.gov/about/offices.aspx> (last visited Oct. 24, 2019).

3. Pursuant to clause 1 of rule VI, the Clerk appoints all Official Reporters of Debate and oversees their activities, subject to the direction of the Speaker. *House Rules and Manual* § 685 (2019). For more on the *Congressional Record*, see Precedents (Wickham) Ch. 5 §§ 15–24.

4. See http://clerk.house.gov/about/offices__aspx (last visited Oct. 24, 2019).

5. See § 23, *infra*.

6. See § 28, *infra*.

7. *House Rules and Manual* § 752 (2019).

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

9. Rule II, clause 2(g), *House Rules and Manual* § 651 (2019).

10. See § 13, *supra*.

the Clerk is administered the oath of office, and the Senate⁽¹¹⁾ and the President⁽¹²⁾ are notified of the Clerk's election.

If the position of Clerk becomes vacant during a Congress, the House will usually fill that vacancy via the adoption of a simple resolution electing a new individual to the office.⁽¹³⁾ In addition, the Speaker is authorized by law to appoint a temporary replacement for the Clerk until the House is able to elect a new Clerk on a permanent basis.⁽¹⁴⁾ The election or appointment of a new Clerk may be prospective (*i.e.*, effective at a future date).⁽¹⁵⁾

The position of Clerk may become vacant due to the death or resignation of the individual holding the office. Additionally, the Speaker and the House are authorized by clause 1 of rule II⁽¹⁶⁾ to remove the Clerk.⁽¹⁷⁾

Clerk as Presiding Officer

The Clerk is unique among officers of the House in that the individual serving as Clerk has specific responsibilities that extend beyond adjournment *sine die* of the Congress in which he or she was elected.⁽¹⁸⁾ Prior to the commencement of a new Congress, the Clerk of the previous Congress composes the "Clerk's roll" of Members-elect, *i.e.*, the list of individuals whose certificates of election have been properly transmitted to the House.⁽¹⁹⁾ On opening day, it is the Clerk who presides over the initial quorum call of Members-elect and the election of Speaker.⁽²⁰⁾ This procedure for conducting organizational business at the beginning of a new Congress has its roots in the early customs and traditions of the House, but has now been codified in the standing rules of the House as well.⁽²¹⁾

11. See, *e.g.*, H. Res. 2, 163 CONG. REC. H6 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

12. See, *e.g.*, H. Res. 4, 163 CONG. REC. H7 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

13. See § 14.3, *infra*.

14. 2 U.S.C. § 5501.

15. See § 14.2, *infra*.

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

17. *Parliamentarian's Note*: Under the precedents, the House has the inherent authority to remove any of its officers, and a proposition to remove an officer qualifies as a question of the privileges of the House. 1 Hinds' Precedents § 286.

18. See § 13, *supra*.

19. See Precedents (Wickham) Ch. 2 § 2.

20. See Precedents (Wickham) Ch. 1 §§ 3, 4. There have been instances where the Clerk was unable to preside on opening day, and the Sergeant-at-Arms presided instead. See Precedents (Wickham) Ch. 1 § 3.3. For an instance of the Doorkeeper of the House presiding in the absence of both the Clerk and Sergeant-at-Arms, see Deschler's Precedents Ch. 1 § 5.2.

21. Rule II, clause 2(a), *House Rules and Manual* § 641 (2019).

It was formerly the case that the Clerk would preside over the House whenever the Speaker was absent and no provision had been made to designate a Speaker pro tempore. For example, Speaker Sam Rayburn of Texas died between the first and second sessions of the 87th Congress.⁽²²⁾ When the House convened for the first time following the Speaker's death, the Clerk of the House presided over the election of a new Speaker. However, under current practice, the Clerk does not preside in such circumstances. Rather, a Speaker pro tempore, designated by the Speaker at the outset of the Congress, would preside, pursuant to clause 8(b)(3)(B) of rule I.⁽²³⁾ The Clerk is now merely the custodian of the formal letter establishing such designation.⁽²⁴⁾

Legislative Functions—In General

The legislative process necessarily entails the generation of large quantities of official papers—bills and resolutions, amendments, committee reports, conference reports, etc. The Office of the Clerk is the primary entity within the House responsible for coordinating the production of these documents, distributing them to House Members and staff, and maintaining repositories where such material can be accessed.

At the initial stages of the legislative process, the Clerk's Office handles the introduction and sponsorship of bills and resolutions, and ensures their proper distribution to the committees of referral. Pursuant to clause 7(c) of rule XII, constitutional authority statements that accompany legislation are to "be made publicly available in electronic form by the Clerk."⁽²⁵⁾ After a committee has considered a measure, it reports this action to the House via the filing of a committee report with the Clerk.⁽²⁶⁾

In addition to legislative reports, other types of committee reports are also filed with the Clerk. End-of-session activities reports of committees are filed with the Clerk pursuant to clause 1(d) of rule XI.⁽²⁷⁾ Similarly, investigative and oversight reports filed after *sine die* adjournment are delivered to the Clerk pursuant to clause 1(b)(4) of rule XI.⁽²⁸⁾

22. See Deschler's Precedents Ch. 6 §§ 6.6–6.8.

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

24. See § 10.2, *supra*.

25. *House Rules and Manual* § 826a (2019).

26. Rule XIII, clause 2(a), *House Rules and Manual* §§ 831–833 (2019). Rule XIII, clause 2(c), provides that "supplemental, minority, additional or dissenting views" with respect to committee reports are also to be filed with the Clerk. *House Rules and Manual* § 836 (2019). Certain privileged reports, however, are filed directly from the floor pursuant to clause 5 of rule XIII. *House Rules and Manual* § 853 (2019).

27. *House Rules and Manual* § 790 (2019).

28. *House Rules and Manual* § 788 (2019).

Petitions to discharge measures from committees are filed with and retained by the Clerk of the House.⁽²⁹⁾ Pursuant to clause 2(c) of rule XV,⁽³⁰⁾ the Clerk is directed to make the signatories to a discharge petition a matter of public record via publication in the *Congressional Record*. In the 116th Congress, the “Consensus Calendar” was established,⁽³¹⁾ allowing Members to file motions to bring legislative measures that had garnered 290 cosponsors to the floor. Under the rule, the Clerk maintains custody of any such motions that have been properly filed, and makes publicly available a cumulative list of such motions.⁽³²⁾

Legislative Functions—Floor Activity

On the floor of the House, the rostrum⁽³³⁾ where the Speaker presides is attended by numerous employees of the Clerk’s Office—each with responsibility over a different aspect of the legislative process. These clerks are known as Bill Clerks, Journal Clerks, Readings Clerks, Tally Clerks, and Enrolling Clerks.

Bill Clerks process bills and resolutions introduced by Members and ensure that these legislative measures are printed for public availability and distributed to committees of the House (based on the Speaker’s referral,⁽³⁴⁾ as delegated to the House Parliamentarian).⁽³⁵⁾ Bill Clerks also maintain and regularly update lists of sponsors and cosponsors of measures.⁽³⁶⁾ The

29. Rule XV, clause 2, *House Rules and Manual* § 892 (2019).

30. *House Rules and Manual* § 892 (2019).

31. Rule XV, clause 7, *House Rules and Manual* § 901a (2019).

32. *Id.*

33. *Parliamentarian’s Note*: The rostrum inside the House Chamber is comprised of three levels. The Speaker presides at the uppermost level, while the Reading Clerk’s desk is positioned on the second level. Additional employees of the Clerk’s Office occupy the ground or lowermost level. Several standing rules of the House concern the “Clerk’s desk” which refers to areas of the rostrum where the different clerks carry out their functions. For example, clause 5 of rule XVII prohibits Members from lingering near the Clerk’s desk “during the call of the roll or the counting of ballots.” *House Rules and Manual* § 962 (2019). When a demand is made that a Member’s words be taken down, the words objected to are “taken down in writing at the Clerk’s desk and read aloud to the House.” *House Rules and Manual* § 960 (2019). See also Deschler’s Precedents Ch. 29 §§ 48–52. A little-used rule authorizes the Chair to invite Members to speak “from the Clerk’s desk” in debate. *House Rules and Manual* § 945 (2019). When presidents deliver addresses before joint sessions of Congress, or foreign leaders or other dignitaries address Congress during a joint meeting, they do so from the Clerk’s lectern below the Speaker.

34. Rule XII, clause 2, *House Rules and Manual* § 816 (2019). See also Deschler’s Precedents Ch. 16.

35. See § 18, *infra*.

36. Rule XII, clause 7, *House Rules and Manual* § 825 (2019).

Clerk's Office is also responsible for ensuring the proper distribution of amendments offered in the Committee of the Whole pursuant to clause 5(b) of rule XVIII.⁽³⁷⁾

Journal Clerks are responsible for recording official House business in the Journal of the House⁽³⁸⁾ (as required by the Constitution).⁽³⁹⁾ Journal Clerks are also custodians of discharge petitions filed under clause 2 of rule XV.⁽⁴⁰⁾

Reading Clerks are assigned the task of reading messages received from other branches of government, legislative measures, and other motions or proposals to be placed before the membership.⁽⁴¹⁾ Reading Clerks also conduct the call of the Private Calendar,⁽⁴²⁾ the call of committees under Calendar Wednesday procedures,⁽⁴³⁾ and the morning hour call of committees.⁽⁴⁴⁾ When remarks in debate are objected to as unparliamentary under clause 4 of rule XVII,⁽⁴⁵⁾ it is the Reading Clerk who reads aloud the language that drew objection prior to the Chair's ruling.

Tally Clerks are responsible for the operation of the electronic voting system within the Chamber. Tally Clerks monitor the progress of a vote in real time, and enter votes cast by vote card into the computer system. If the electronic voting system is not or cannot be used, the Tally Clerks oversee the transaction of the vote by an alternate method (such as a vote by tellers or a roll call vote).⁽⁴⁶⁾ Additional duties of the Tally Clerks involve preparation of the Calendar of the House⁽⁴⁷⁾ and processing reports received from committees of the House.

37. *House Rules and Manual* § 978 (2019).

38. See *Precedents* (Wickham) Ch. 5 §§ 10–14.

39. U.S. Const. art. I, § 5, cl. 3.

40. Rule XV, clause 2, *House Rules and Manual* § 892 (2019).

41. Rule XVI, clause 2, provides that the Speaker may direct the Clerk to read any motion aloud to the body before debate thereon. *House Rules and Manual* § 904 (2019).

42. Rule XV, clause 5, *House Rules and Manual* § 895 (2019).

43. Rule XIV, clause 6, *House Rules and Manual* §§ 900, 901 (2019).

44. Rule XIV, clause 4, *House Rules and Manual* §§ 880, 881 (2019). The morning hour call of committees is an old procedure that is no longer used in modern practice.

45. *House Rules and Manual* § 960 (2019).

46. Rule XX, clause 2(a), provides that the electronic voting system be used for all votes, unless the Speaker chooses a different method. *House Rules and Manual* § 1014 (2019). Rule XX, clause 2(b), provides that an alternative voting method be used if the electronic voting system is inoperable. *House Rules and Manual* § 1014a (2019). Rule XX, clause 3, provides procedures for the Clerk to conduct a roll call vote (*House Rules and Manual* § 1015 (2019)), while rule XX, clause 4, provides directions for a vote by tellers (*House Rules and Manual* § 1019 (2019)). Additional rules relating to the Clerk's role in establishing the presence of a quorum are found in clauses 4(b), 5(b), and 6(b) of rule XX. *House Rules and Manual* §§ 1020, 1021, and 1025 (2019). Pursuant to clause 5(c)(4)(C) of rule XX, the Clerk is consulted regarding the contents of a catastrophic quorum failure report. *House Rules and Manual* § 1024a (2019).

47. *Parliamentarian's Note*: This document, known as the "Calendar of the United States House of Representatives and History of Legislation" is produced each legislative day

Enrolling Clerks are not stationed on the floor of the House, but are responsible for preparing legislation after it has passed the House (the engrossment) or after it has passed both Houses (the enrollment).⁽⁴⁸⁾ Pursuant to clause 2(d) of rule II,⁽⁴⁹⁾ the Clerk certifies the passage of all bills and joint resolutions. Enrolling Clerks also prepare the formal messages to the Senate regarding House actions.⁽⁵⁰⁾

The Official Reporters of Debate are stenographers and other employees charged with transcribing the proceedings of the House for publication in the *Congressional Record*.⁽⁵¹⁾ These employees fall under the jurisdiction of the Clerk's Office: pursuant to clause 1 of rule VI,⁽⁵²⁾ the Clerk appoints the official reporters, subject to the direction and control of the Speaker.

Messages

Official communications between the House and the Senate, and between the House and other branches of the Federal government, are conducted by formal message.⁽⁵³⁾ For virtually its entire history, the House's agent for transmitting and receiving these messages has been the Clerk of the House.⁽⁵⁴⁾ It was formerly the case that the House was required to be in session to accept messages from the Senate or the executive, and the House would, on an ad hoc basis, authorize the Clerk to receive messages during periods of adjournment.⁽⁵⁵⁾ However, in the 97th Congress in 1981, the rules of the House were amended to provide standing authority for the Clerk to receive messages any time that the House was adjourned.⁽⁵⁶⁾ In the 111th

and contains a wide variety of information on House legislative activities, including: (1) legislative business currently on the House, Union, Private, Discharge, and Consensus Calendars; (2) a listing of legislative measures reported by committees of the House or considered by the House; (3) measures currently being considered by a conference committee of the House and Senate; (4) a calendar of days the House has been in session; (5) the status of major legislation (such as appropriation bills); and (6) miscellaneous excerpts of rules and orders of the House affecting the order of business. This document is a cumulative review of House business as of the date of publication, and a final Calendar is printed at the end of a Congress (with statistical analyses and comparisons to prior Congresses).

48. For more on the engrossment, enrollment, and presentation of legislation to the President, see Deschler's Precedents Ch. 24 §§ 11–16 and Precedents (Wickham) Ch. 24.

49. *House Rules and Manual* § 648 (2019).

50. For messages between the Houses generally, see Deschler's Precedents Ch. 32 §§ 1–6.

51. See Precedents (Wickham) Ch. 5 §§ 15–24.

52. *House Rules and Manual* § 685 (2019).

53. For messages between the Houses generally, see Deschler's Precedents Ch. 32 §§ 1–6.

54. The Clerk's counterpart in the Senate is the Secretary of the Senate.

55. See, e.g., Deschler's Precedents Ch. 6 § 18.13.

56. *House Rules and Manual* § 652 (2019).

Congress in 2009, this authority was expanded to explicitly cover periods of recess as well as adjournment.⁽⁵⁷⁾

The Clerk also has a role in transmitting House messages to other entities. With respect to House–Senate relations, legislative activity of the House is formally transmitted to the Senate by the Clerk. Pursuant to clause 2(d) of rule II,⁽⁵⁸⁾ the Clerk “shall attest and affix the seal of the House to all writs, warrants, and subpoenas issued by order of the House.”

Other miscellaneous House rules address distribution of information to or from the executive branch. For example, clause 2(b) of rule II⁽⁵⁹⁾ requires the Clerk to provide each Member with a list of executive reports required to be submitted to Congress (along with the statutory authority for each report and the names of executive officers responsible for producing each report). Official papers relating to the settlement of government claims are required by clause 7 of rule VII⁽⁶⁰⁾ to be transmitted to the relevant executive officials by the Clerk.

Records of the House

The Clerk of the House has long been the custodian of official House documents, papers, and records. The standing rules of the House contain many provisions related to producing, accepting, maintaining, and providing access to the records of the House.

As noted elsewhere, the Clerk’s duties including recording the proceedings of the House in various forms.⁽⁶¹⁾ Pursuant to clause 2(c) of rule II,⁽⁶²⁾ the constitutional requirement that the House keep a Journal of its proceedings is fulfilled by the Clerk of the House (specifically, the Journal Clerks who compose and publish the Journal of the House). Pursuant to clause 1 of rule VI,⁽⁶³⁾ the Clerk (subject to the direction and control of the Speaker) appoints and supervises the Official Reporters of Debate, who transcribe House proceedings for the *Congressional Record*. Clause 2(e) of rule II⁽⁶⁴⁾ requires the Clerk to distribute the calendars of the House each legislative day.

Pursuant to clause 2(f) of rule II,⁽⁶⁵⁾ the Clerk maintains a library of House documents for the use of Members, and Members may request copies

57. *Id.* For a discussion of “pocket vetoes” and the ability of the House to accept presidential messages during periods of adjournment, see Deschler’s Precedents Ch. 24 § 18.

58. *House Rules and Manual* § 648 (2019).

59. *House Rules and Manual* § 646 (2019).

60. *House Rules and Manual* § 696 (2019).

61. See Precedents (Wickham) Ch. 5 §§ 10–24.

62. *House Rules and Manual* § 647 (2019).

63. *House Rules and Manual* § 685 (2019).

64. *House Rules and Manual* § 649 (2019).

65. *House Rules and Manual* § 650 (2019).

of virtually any document deposited therein. With respect to noncurrent records of the House, the standing rules provide procedures for collecting and archiving this material.⁽⁶⁶⁾ Pursuant to clauses 1(a) and 1(b) of rule VII,⁽⁶⁷⁾ committee chairs and officers of the House are to forward to the Clerk all noncurrent records in their possession at the end of each Congress. The Clerk then forwards this material to the Archivist of the United States for appropriate preservation at the National Archives and Records Administration.⁽⁶⁸⁾ Clauses 3 and 4 of rule VII⁽⁶⁹⁾ provide procedures by which the Clerk may authorize the Archivist to make such records accessible to the public. As provided in clause 7 of rule VII,⁽⁷⁰⁾ records of the House may not typically be withdrawn from the House without its leave.

Two types of documents relating to oaths of secrecy are retained by the Clerk. Pursuant to clause 3(d) of rule XI,⁽⁷¹⁾ the oath of secrecy taken by members of the Committee on Ethics with regard to confidential information of the committee is filed with the Clerk as part of the records of the House. Members, officers, and employees must also subscribe to an oath of secrecy in order to access classified information, pursuant to clause 13 of rule XXIII.⁽⁷²⁾ The Clerk retains custody of these oaths executed by Members, Delegates, and the Resident Commissioner as part of the records of the House (oaths executed by officers and employees are retained by the Sergeant-at-Arms).⁽⁷³⁾

With respect to the availability of documents generally, clause 3 of rule XXIX provides that, “If a measure or matter is publicly available at an electronic document repository operated by the Clerk, it shall be considered as having been available to Members, Delegates, and the Resident Commissioner for purposes of these rules.”⁽⁷⁴⁾ This provision allows the Clerk of the House to distribute documents to the membership electronically, obviating the need for physical distribution. Pursuant to a separate order contained in the resolution adopting rules for the 114th Congress,⁽⁷⁵⁾ the Clerk is required to make publicly available (in electronic form) any state memorials

66. *Parliamentarian’s Note*: The definition of a “record” in this context is provided by clause 6(a) of rule VII. *House Rules and Manual* § 695 (2019).

67. *House Rules and Manual* § 695 (2019).

68. *Id.*

69. *Id.*

70. *House Rules and Manual* § 696 (2019).

71. *House Rules and Manual* § 806 (2019).

72. *House Rules and Manual* § 1095 (2019).

73. *Id.*

74. *House Rules and Manual* § 1105a (2019).

75. H. Res. 5, 161 CONG. REC. 35, 114th Cong. 1st Sess. (Jan. 6, 2015).

calling for a convention to propose constitutional amendments. This separate order has been reiterated in subsequent Congresses.⁽⁷⁶⁾

Administrative Functions

The Clerk performs a variety of other administrative and financial functions. For instance, the Clerk submits semiannual reports to the Committee on House Administration regarding the “financial and operational status of each function under the jurisdiction of the Clerk.”⁽⁷⁷⁾ Pursuant to clause 2(k) of rule II, the Clerk “shall fully cooperate” with other offices in the conduct of performance reviews and audits of House operations.⁽⁷⁸⁾

The Clerk also assumes responsibility of the administration of a Member’s office after the death of the Member. This authority ceases upon the election of a new Member to the seat.⁽⁷⁹⁾ Formerly, it was the case that the Clerk had similar responsibilities upon the death of a former Speaker of the House under clause 2(i)(2) of rule II.⁽⁸⁰⁾

Other administrative functions of the Clerk involve supervising compliance with various ethics rules. For example, the Clerk receives financial disclosure reports from Members, officers, and employees (pursuant to the Ethics in Government Act of 1978) and is directed by clause 1 of rule XXVI to forward such reports to the Committee on Ethics.⁽⁸¹⁾ Board members of the Office of Congressional Ethics are likewise required to file annual financial disclosures statements, which the Clerk also submits to the Committee on Ethics.⁽⁸²⁾ Under rule XXV (“Limitations on Outside Earned Income and Acceptance of Gifts”),⁽⁸³⁾ the Clerk processes travel reimbursements for Members and officers of the House, and also receives notice when Members donate honoraria to charity. The Clerk also makes public certain recusal statements regarding conflicts-of-interest in employment negotiations pursuant to clause 4 of rule XXVII.⁽⁸⁴⁾

76. See H. Res. 5, 163 CONG. REC. H9 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017) and 165 CONG. REC. H20 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

77. Rule II, clause 2(j), *House Rules and Manual* § 654 (2019).

78. *House Rules and Manual* § 655 (2019).

79. See Deschler’s Precedents Ch. 38 § 4 and Precedents (Wickham) Ch. 38.

80. *House Rules and Manual* § 653 (2019). While this authorization remains in the standing rules, the statutory requirements were repealed in the 115th Congress. See P.L. 115–224; 132 Stat. 2897. See also § 1, *supra*.

81. *House Rules and Manual* § 1103 (2019).

82. Rule XXVI, clause 3, *House Rules and Manual* § 1103 (2019).

83. *House Rules and Manual* § 1099 (2019).

84. *House Rules and Manual* § 1103a (2019).

Election of the Clerk**§ 14.1 The House adopted a privileged resolution electing officers of the House, including the Clerk from the previous Congress.⁽⁸⁵⁾**

On January 4, 2007,⁽⁸⁶⁾ Karen Haas of Maryland was elected as Clerk at the beginning of the 110th Congress:

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF
ADMINISTRATIVE OFFICER AND CHAPLAIN

Mr. [John] LARSON of Connecticut. Madam Speaker, I offer a privileged resolution (H. Res. 1) 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 Wilson S. Livingood of the Commonwealth of Virginia be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

The SPEAKER.⁽⁸⁷⁾ The question is on the remainder of the resolution offered by the gentleman from Connecticut (Mr. LARSON).

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 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.

§ 14.2 Officers of the House, including the Clerk, may be elected prospectively via the adoption of a privileged resolution.

On February 6, 2007,⁽⁸⁸⁾ the House adopted a privileged resolution electing the Clerk of the House (and Chief Administrative Officer) with a future effective date:

85. *Parliamentarian's Note:* To ease the transition to the first Democratic majority in 12 years, the Speaker asked the Clerk, the Chief Administrative Officer, and the Sergeant-at-Arms from the previous Congress to continue in office for an interim period. A new Clerk and a new CAO were prospectively elected on February 6, 2007, to begin service on February 15, 2007. See § 14.2, *infra*.

86. 153 CONG. REC. 6, 110th Cong. 1st Sess.

87. Nancy Pelosi (CA).

88. 153 CONG. REC. 3156, 3160, 110th Cong. 1st Sess.

ELECTING OFFICERS OF THE HOUSE OF REPRESENTATIVES

Mr. [Steny] HOYER [of Maryland]. 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

Resolved, That Lorraine C. Miller of the State of Texas, be, and is hereby, chosen Clerk of the House of Representatives, effective February 15, 2007; and

That Daniel P. Beard of the State of Maryland be, and is hereby, chosen Chief Administrative Officer of the House of Representatives, effective February 15, 2007.

Mr. HOYER. Mr. Speaker, I would like to have an opportunity to speak on the resolution before its immediate adoption.

The SPEAKER pro tempore.⁽⁸⁹⁾ The Chair will distribute the 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 on adopting the resolution is divided.

First, the question is on adopting the first portion of the question (relating to the election of Clerk).

The first portion of the question was adopted.

The SPEAKER pro tempore. Now, the question is on adopting the second portion of the question (relating to the election of Chief Administrative Officer).

The second portion of the question was adopted.

A motion to reconsider the adoption of the resolution was laid on the table.

On February 15, 2007,⁽⁹⁰⁾ the Clerk and the Chief Administrative Officer were sworn in by the Speaker:

SWEARING OF CLERK OF THE HOUSE AND CHIEF ADMINISTRATIVE OFFICER

The SPEAKER.⁽⁹¹⁾ The Chair will now swear in the new officers of the House, Lorraine C. Miller as the Clerk of the House, and Daniel P. Beard as the Chief Administrative Officer.

The officers presented themselves in the well 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.

§ 14.3 In the event of a vacancy in the Office of the Clerk, the House adopts a privileged resolution to elect a new Clerk to fill the vacancy.

89. Brian Baird (WA).

90. 153 CONG. REC. 4242, 110th Cong. 1st Sess.

91. Nancy Pelosi (CA).

On December 6, 2005,⁽⁹²⁾ Karen Haas was elected as Clerk of the House, filling a vacancy:

ELECTION OF CLERK OF THE HOUSE

Ms. [Deborah] PRYCE of Ohio. Mr. Speaker, I offer a privileged resolution (H. Res. 580) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER.⁽⁹³⁾ Would the Clerk-designate please take the well.

The Clerk-designate presented herself 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

NOTIFICATION TO THE SENATE

Mr. [Doc] HASTINGS of Washington. Mr. Speaker, I offer a privileged resolution (H. Res. 581) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That the Senate be informed that Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

92. 151 CONG. REC. 27569, 109th Cong. 1st Sess. For a similar example, see 121 CONG. REC. 41324, 94th Cong. 1st Sess. (Dec. 17, 1975).

93. Dennis Hastert (IL).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. HASTINGS of Washington. Mr. Speaker, I offer a privileged resolution (H. Res. 582) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 582

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Karen L. Haas, a citizen of the State of Maryland, Clerk of the House of Representatives of the One Hundred Ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Appointment of the Clerk

§ 14.4 In the event of a vacancy in the Office of the Clerk, the Speaker may, pursuant to statute, appoint a new Clerk on a temporary basis.⁽⁹⁴⁾

On November 18, 2005,⁽⁹⁵⁾ the following appointment of Karen Haas of Maryland to be Clerk of the House occurred:

APPOINTMENT AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore.⁽⁹⁶⁾ Pursuant to section 208 of the Legislative Reorganization Act of 1946 (2 U.S.C. § 75a-1), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment as Clerk of the House of Representatives Mrs. Karen L. Haas of Maryland.

Resignation of the Clerk

§ 14.5 The resignation of an elected officer of the House, including the Clerk, is subject to acceptance by the House.

On November 18, 2005,⁽⁹⁷⁾ the Speaker pro tempore laid before the House the following resignation, which was accepted by the House:

94. *Parliamentarian's Note*: In the case of a vacancy among the elected officers of the House, the Speaker is authorized to appoint a person "to act as, and to exercise temporarily the duties of" the vacant office until a successor is elected. 2 U.S.C. § 5501. Ms. Haas was subsequently elected by the House as Clerk on December 6, 2005. See § 14.3, *supra*.

95. 151 CONG. REC. 27489, 109th Cong. 1st Sess. For another example of the Speaker's appointment of a Clerk, see 121 CONG. REC. 36901, 94th Cong. 1st Sess. (Nov. 17, 1975).

96. Daniel Lungren (CA).

97. 151 CONG. REC. 27489, 109th Cong. 1st Sess. For the Speaker's appointment of Karen Haas as Clerk, see § 14.4, *supra*.

RESIGNATION AS CLERK OF HOUSE OF REPRESENTATIVES

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 18, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to tender my resignation as Clerk effective upon the appointment of my successor November 18, 2005.

It has been an honor to serve this Institution, its people and the Nation for more than 20 years. I leave knowing the incredible ability of the people who serve here and their commitment to the people they represent.

I will especially depart with a deep sense of admiration and respect for the individuals working in and with the Office of the Clerk. I wish to thank them for their efforts over the last seven years during my tenure as Clerk of the House.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

The SPEAKER pro tempore.⁽⁹⁸⁾ Without objection, the resignation is accepted.
There was no objection.

§ 14.6 The Clerk may resign following adjournment *sine die* of the House, and the Speaker may, pursuant to statute, appoint a new Clerk during such adjournment.⁽⁹⁹⁾

On January 6, 1999,⁽¹⁰⁰⁾ the Chair laid before the House communications regarding events that had occurred following *sine die* adjournment of the prior Congress, including the resignation of the Clerk of the House and the Speaker's appointment of a temporary replacement:

PROCEEDINGS OF THE HOUSE AFTER SINE DIE ADJOURNMENT OF THE
105TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE
FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 105TH
CONGRESS

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1998.

98. Daniel Lungren (CA).

99. *Parliamentarian's Note*: Robin Carle, who was elected as Clerk of the House in the 104th and 105th Congresses, resigned that office by letter to the Speaker on December 21, 1998, effective January 1, 1999. Pursuant to 2 U.S.C. § 5501, the Speaker then appointed Jeff Trandahl (formerly the Assistant Clerk) to fill the vacancy. Mr. Trandahl presided over the convening of the 106th Congress as an appointed Clerk from the previous Congress and subsequently was elected as Clerk for the 106th Congress.

100. 145 CONG. REC. 257–58, 106th Cong. 1st Sess.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I write today to inform you of my decision to end my service as Clerk of the House effective January 1, 1999.

Because of your vision and support, many of the goals you set at the dawn of the 104th Congress have already been achieved, the most significant among them being the amount of immediate legislative information now available to all citizens via the Internet. Many others are well underway and when fully implemented will position this Office to support the efforts of the House in even more dramatic ways as we approach the millennium.

Thank you for providing such a magnificent opportunity for me to be a part of this unique institution.

With warm regards,

ROBIN H. CARLE.

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a-1(a)), and section 5 of House Resolution 594, 105th Congress, the Speaker on Monday, December 21, 1998, appointed Jeffrey J. Trandahl of Virginia to act and to exercise temporarily the duties of Clerk of the House of Representatives effective Friday, January 1, 1999.

COMMUNICATION FROM THE SPEAKER AFTER SINE DIE ADJOURNMENT

OFFICE OF SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1998.

Re temporary appointment of Clerk.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on House Oversight, Longworth House Office Building, Washington, DC.

DEAR BILL: In accordance with 2 U.S.C. 75a-1, I hereby appoint Mr. Jeffrey J. Trandahl to fill the vacancy in the Office of the Clerk of the House of Representatives, effective January 1, 1999. Mr. Trandahl shall exercise all the duties, shall have all the powers, and shall be subject to all the requirements and limitations applicable to the position of Clerk until his successor is chosen by the House and duly qualifies as Clerk.

Please contact Dan Crowley, General Counsel in the Office of Speaker, if you have any questions.

Sincerely,

NEWT GINGRICH,
Speaker.

Designation of Clerks Pro Tempore

§ 14.7 Pursuant to clause 2(g) of rule II,⁽¹⁰¹⁾ the Clerk is required to designate other individuals to act in the Clerk's stead during any temporary absence or disability.

On January 7, 2015,⁽¹⁰²⁾ the following designations occurred:

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. [Ted] POE 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, January 6, 2015.

Hon. JOHN BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Mr. Robert Reeves, Deputy Clerk, and Mr. Kirk D. Boyle, Legal Counsel, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 114th Congress or until modified by me. With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

Processing Enrollments and Engrossments

§ 14.8 Where official legislative papers have been lost, the House may, by privileged concurrent resolution, direct the Clerk of the House and Secretary of the Senate to produce official duplicates.

On October 5, 1992,⁽¹⁰³⁾ the following concurrent resolution was agreed to:

PROVIDING FOR PREPARATION OF OFFICIAL DUPLICATES OF CERTAIN
LEGISLATIVE PAPERS

Mr. [John Joseph] MOAKLEY [of Massachusetts]. Mr. Speaker, I send to the desk a privileged concurrent resolution, House Concurrent Resolution 376, providing for the

101. *House Rules and Manual* § 651 (2019).

102. 161 CONG. REC. 146, 114th Cong. 1st Sess.

103. 138 CONG. REC. 32064, 102d Cong. 2d Sess. The Senate agreed to this concurrent resolution later the same day. See 138 CONG. REC. 31520, 102d Cong. 2d Sess.

preparation of official duplicates of certain legislative papers, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 376

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives and the Secretary of the Senate each shall prepare, sign, and furnish to the other as appropriate, official duplicates of the papers of the two Houses on the following bills and resolutions of the One Hundred Second Congress: H.R. 5400, H.R. 5194, H.R. 5427, S. 2532, S. 1985, S. 1002, S. 893, S. 1569, S. 225, S. 758, S. 759, S. 1146, and S. 2661. Each official duplicate shall be in a form certified by the Clerk or the Secretary to be true. An official duplicate certified as true shall be considered for all purposes as original.

The SPEAKER pro tempore.⁽¹⁰⁴⁾ Without objection the concurrent resolution is adopted.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, let me ask the gentleman from Massachusetts [Mr. MOAKLEY] to explain the purpose of the resolution.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, evidently 13 bills were misplaced or lost. This is just an official resolution so they can be rewritten and processed.

Mr. WALKER. Mr. Speaker, are these bills that have been rumored to be headed for a trash dump somewhere on the east coast which we are not able to retrieve?

Mr. MOAKLEY. Mr. Speaker, we do not have a lock jack on that. We do not know where they are headed. We know they are not where they are supposed to be.

Mr. WALKER. Mr. Speaker, further reserving the right to object, the gentleman will acknowledge that the suspicion is that these are items that were picked up by the trash men last night and they may well in fact be headed for a landfill, is that correct?

Mr. MOAKLEY. Mr. Speaker, I do not know who picked them up. Maybe if our mail got the same service, we would all be better off.

Mr. WALKER. Mr. Speaker, some people would think that maybe they did us a favor. But my understanding is that the resolution will allow us to engross these bills a second time, is that correct?

Mr. MOAKLEY. Mr. Speaker, the gentleman is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to. There was no objection.

A motion to reconsider was laid on the table.

§ 14.9 By unanimous consent, the House considered and agreed to a Senate concurrent resolution rescinding the signature of the Speaker on an enrolled bill and directing the Clerk of the House to correct the enrollment.⁽¹⁰⁵⁾

¹⁰⁴. Romano Mazzoli (KY).

¹⁰⁵. *Parliamentarian's Note*: The enrollment of S. 2367 was signed by the Speaker and laid before the House on December 7, 2012. However, an error was discovered that necessitated correction. The House used Senate Concurrent Resolution 114 of the 99th Congress as a model for how to proceed in correcting an enrollment that had already been

On December 19, 2012,⁽¹⁰⁶⁾ the following occurred:

CORRECTING THE ENROLLMENT OF S. 2367

Mr. [Pete] OLSON [of Texas]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 63 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER.⁽¹⁰⁷⁾ 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. 63

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word "lunatic" from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike "in subsection (b)" and insert "in subsection (j)".

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

Receipt of Messages

§ 14.10 The House may instruct the Clerk to transmit certain messages to the Senate upon receipt of a particular Senate message, and the Clerk notifies the House when such communications have been transacted.

On March 23, 1983,⁽¹⁰⁸⁾ the following unanimous-consent request was agreed to:

Mr. [Daniel] ROSTENKOWSKI [of Illinois]. Mr. Speaker, I ask unanimous consent that if and when the clerk receives a message from the Senate indicating that that body has passed the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, with an amendment or amendments, insisted upon its amendment or amendments and requested a conference with the House, that the House be deemed to have disagreed to the Senate amendment or amendments and agreed to the conference requested by the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

signed by the Speaker. See 132 CONG. REC. 4240–41, 99th Cong. 2d Sess. (Mar. 11, 1986).

106. 158 CONG. REC. 17752, 112th Cong. 2d Sess.

107. John Boehner (OH).

108. See 129 CONG. REC. 6824, 98th Cong. 1st Sess. See also Deschler's Precedents Ch. 40 § 10.8.

The SPEAKER.⁽¹⁰⁹⁾ Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: . . .

On March 24, 1983,⁽¹¹⁰⁾ the Speaker laid before the House a communication from the Clerk advising that the requisite Senate message has been received, and that House actions in response (pursuant to the previous order) had been communicated to the Senate:

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, *March 24, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 p.m. on Wednesday, March 23, 1983, the following message from the Secretary of the Senate: That the Senate passed with an amendment H.R. 1900 and requested a conference thereon.

In accordance with action taken by the House on Wednesday, March 23, 1983, the Clerk has notified the Senate that the House disagreed to the amendment of the Senate to H.R. 1900 and agreed to a conference thereon.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

§ 14.11 Under prior practice, the standing rules did not permit the Clerk to receive messages during an adjournment of the House, though such authorization could be granted by unanimous consent.⁽¹¹¹⁾

On December 16, 1980,⁽¹¹²⁾ the following unanimous-consent request was transacted:

109. Thomas O'Neill (MA).

110. 129 CONG. REC. 7300, 98th Cong. 1st Sess. See also Deschler's Precedents Ch. 33 § 2.25 and 128 CONG. REC. 32137, 97th Cong. 2d Sess. (Dec. 18, 1982).

111. *Parliamentarian's Note:* At the beginning of the 97th Congress in 1981, the standing rules were amended to allow the Clerk to receive messages from the President or the Senate when the House was not in session. This authority was expanded in the 111th Congress to specifically apply to recesses as well as adjournments. See rule II, clause 2(h), *House Rules and Manual* § 652 (2019). For a discussion of "pocket vetoes," which relate to the ability of the House to receive messages from the President, see Deschler's Precedents Ch. 24 §§ 17–23 and Precedents (Wickham) Ch. 24.

112. 126 CONG. REC. 34309, 96th Cong. 2d Sess.

Mr. [John] BRADEMÁS [of Indiana]. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker or the Speaker pro tempore be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.⁽¹¹³⁾ Is there objection to the request of the gentleman from Indiana? There was no objection.

§ 15. The Sergeant-at-Arms

The Sergeant-at-Arms of the House of Representatives is an elected officer whose duties fall primarily within the spheres of security and the enforcement of rules relating to proper conduct and decorum in the House Chamber. Pursuant to House rule,⁽¹⁾ the Sergeant-at-Arms attends all sittings of the House. At the beginning of each legislative day, the Sergeant-at-Arms (or an employee of the office) leads the procession of officers as they enter the Chamber, bearing the mace of the House of Representatives⁽²⁾ (the symbol of the Office of the Sergeant-at-Arms).⁽³⁾

The Sergeant-at-Arms is one of the oldest officer positions in the House. When the House first ordered that a committee be formed to draft standing rules for the House, it simultaneously ordered that “they also report the duty and services of a sergeant-at-arms, or other proper officer for enforcing the orders of the House.”⁽⁴⁾ Provisions establishing the Office of the Sergeant-at-Arms were thereafter incorporated into the standing rules on April 14, 1789.⁽⁵⁾

It was formerly the case that the Sergeant-at-Arms had additional duties relating to the financial operations of the House, including handling payroll

113. Thomas O'Neill (MA).

1. Rule II, clause 3(a), *House Rules and Manual* § 656 (2019).
2. *Parliamentarian's Note*: The current mace, a symbol of the House's authority, has been used in the Chamber since 1841. A previous mace was destroyed when the British burned the Capitol during the War of 1812. See <http://history.house.gov/Collection/Listing/2006/2006-162-000/> (last visited Oct. 24, 2019).
3. See rule II, clause 3(b), *House Rules and Manual* § 657 (2019).
4. 1 ANNALS OF CONG. 101, 1st Cong. 1st Sess. (Apr. 2, 1789).
5. 1 ANNALS OF CONG. 128–29, 1st Cong. 1st Sess. (Apr. 14, 1789). These original provisions regarding the Sergeant-at-Arms have remained remarkably stable over the course of the history of the House, and form the basis of current clauses 3(a) and 3(b) of rule II. *House Rules and Manual* §§ 656, 657 (2019). Prior to the advent of statutory contempt procedures in 1857, the Sergeant-at-Arms was responsible for arresting those cited by the House for contempt of Congress (see, e.g., 3 Hinds' Precedents § 1714) but this authority has not been used in many decades.

for Members.⁽⁶⁾ However, virtually all of these financial responsibilities were transferred to other officers during the administrative reforms of the mid-1990s. Conversely, the Sergeant-at-Arms assumed various duties previously undertaken by the Doorkeeper of the House when that officer position was eliminated at the outset of the 104th Congress in 1995.⁽⁷⁾

Election, Resignation, or Removal

The Sergeant-at-Arms is elected at the beginning of a Congress by the resolution⁽⁸⁾ electing all officers of the House (other than the Speaker). Upon election, the Sergeant-at-Arms is administered the oath of office⁽⁹⁾ by the Speaker.⁽¹⁰⁾ The Sergeant-at-Arms is subject to removal by the House or by the Speaker, pursuant to clause 1 of rule II.⁽¹¹⁾ If the Office of the Sergeant-at-Arms becomes vacant during a Congress (due to the resignation,⁽¹²⁾ removal, death, or incapacity of the Sergeant-at-Arms), the House will typically fill the vacancy by adopting a new resolution electing an individual to that position.⁽¹³⁾ However, the Speaker has the statutory authority⁽¹⁴⁾ to appoint a temporary replacement until the House is ready to elect a new Sergeant-at-Arms. The oath of office is administered to a new Sergeant-at-Arms upon election or appointment.

Duties of the Sergeant-at-Arms

The duties of the Sergeant-at-Arms are found in the rules of the House,⁽¹⁵⁾ and in statute.⁽¹⁶⁾ The primary duty of the Sergeant-at-Arms is to maintain order in the House Chamber. Pursuant to clause 3(a) of rule

6. See § 13, *supra* and § 17, *infra*.

7. See § 13, *supra*.

8. See § 13, *supra*. See also rule II, clause 1, *House Rules and Manual* § 640 (2019). The Sergeant-at-Arms continues in office until a successor is chosen and qualified. 2 U.S.C. § 5602.

9. 5 U.S.C. § 3331. See § 15.2, *infra*. See also *Precedents* (Wickham) Ch. 2.

10. If the Sergeant-at-Arms is absent on opening day, the oath will be administered on a later date. See § 15.2, *infra*.

11. Rule II, clause 1, *House Rules and Manual* § 640 (2019).

12. See § 15.3, *infra*. In one instance, the Sergeant-at-Arms resigned from the office and was subsequently appointed to exercise temporarily the duties of that office for the purpose of allowing the individual to qualify for certain retirement benefits. See *Deschler's Precedents* Ch. 6 § 22.3.

13. See § 15.1, *infra*.

14. 2 U.S.C. § 5501.

15. Rule II, clause 3, *House Rules and Manual* §§ 656–660 (2019). See also 1 *Hinds' Precedents* § 257 and 6 *Cannon's Precedents* § 29.

16. 2 U.S.C. § 5604.

II, the Sergeant-at-Arms shall, “maintain order under the direction of the Speaker or other presiding officer.”⁽¹⁷⁾ The Speaker may direct the Sergeant-at-Arms to present the mace (the symbol of the authority of the Sergeant-at-Arms) to enforce order in the Chamber.⁽¹⁸⁾ The Sergeant-at-Arms is tasked with strictly enforcing the rules of decorum listed in clause 5 of rule XVII,⁽¹⁹⁾ which include prohibitions on: trafficking the well of the House while another Member is speaking; wearing a hat⁽²⁰⁾ in the Chamber; remaining near the Clerk’s desk during certain votes; smoking in the Chamber; and using an electronic device on the floor of the House that impairs decorum. If a Member uses an electronic device to engage in still photography or audio-visual recording within the House Chamber (in contravention of clause 5 of rule XVII or any applicable policy promulgated by the Speaker), the Sergeant-at-Arms is authorized under clause 3(g) of rule II⁽²¹⁾ to impose a fine on such Member. The Sergeant-at-Arms assists the Speaker in maintaining order in the House galleries.⁽²²⁾

The Sergeant-at-Arms strictly enforces the rule regarding admittance to the floor of the House of Representatives.⁽²³⁾ Pursuant to clause 2(a) of rule IV,⁽²⁴⁾ only certain individuals are accorded floor privileges and staff of the Sergeant-at-Arms’ Office will prevent those who do not qualify from entering the Chamber. Clause 3(d) of rule II⁽²⁵⁾ also requires the Sergeant-at-Arms to clear the floor of the House directly before and after any session of the House.

Historically, the Sergeant-at-Arms has played a critical role in assisting the House in securing a quorum.⁽²⁶⁾ The Constitution provides that a majority of the House constitutes a quorum, and that “a smaller

17. *House Rules and Manual* § 656 (2019).

18. *House Rules and Manual* § 657 (2019). The use of the mace prior to the adoption of rules has been acknowledged as part of general parliamentary law. See *Precedents* (Wickham) Ch. 1 § 6.5.

19. *House Rules and Manual* § 962 (2019). See §§ 15.7, 15.8, *infra*. See Deschler’s *Precedents* Ch. 6 § 19.

20. In the 116th Congress, the rule was amended to specifically exclude religious headdress from this prohibition.

21. *House Rules and Manual* § 660a (2019).

22. See § 6, *supra*.

23. Rule II, clause 3(c), *House Rules and Manual* § 658 (2019). Pursuant to clause 2(a)(11) of rule IV, the Sergeant-at-Arms of the Senate has House floor privileges. *House Rules and Manual* § 678 (2019). For floor privileges generally, see *Precedents* (Wickham) Ch. 4 §§ 5, 6.

24. *House Rules and Manual* § 678 (2019).

25. *House Rules and Manual* § 658 (2019).

26. *Parliamentarian’s Note*: The authority for the Sergeant-at-Arms to arrest Members for this purpose has been rarely invoked in modern times. For quorums generally, Deschler’s *Precedents* Ch. 20 and *Precedents* (Wickham) Ch. 20.

number . . . may be authorized to compel the attendance of absent Members.”⁽²⁷⁾ Pursuant to clause 5(a) of rule XX,⁽²⁸⁾ in the absence of a quorum, a majority comprising at least 15 Members may compel the attendance of absent Members. In such cases, the Sergeant-at-Arms is directed by the House to send officers to arrest missing Members and “shall secure and retain their attendance.”⁽²⁹⁾ When a quorum fails to vote on a question, and objection is made, a call of the House is ordered pursuant to clause 6 of rule XX,⁽³⁰⁾ and the Sergeant-at-Arms “shall proceed forthwith to bring in absent Members.”⁽³¹⁾ As part of its continuity of operations provisions, House rules provide that a “provisional” quorum may be established when catastrophic circumstances prevent a regular quorum from being secured.⁽³²⁾ In such circumstances, the Sergeant-at-Arms (or a designee) is responsible for the production of a “catastrophic quorum failure report,” detailing the nature of the emergency and the inability of Members to attend proceedings of the House.

In rare circumstances, the Sergeant-at-Arms may be called upon to preside over a session of the House. Pursuant to statute,⁽³³⁾ if the Clerk of the House is unable to discharge his or her duties regarding the composition of the roll of Members-elect, or other organizational preparations at the beginning of a Congress, those duties devolve to the Sergeant-at-Arms. At the commencement of the 97th and 98th Congresses, the Clerk of the prior Congress was unable to preside over the initial quorum call and election of Speaker. The Sergeant-at-Arms therefore presided over these organizational activities.⁽³⁴⁾

Pursuant to clause 13 of rule XXIII (the Code of Official Conduct),⁽³⁵⁾ the Sergeant-at-Arms is responsible for maintaining custody of oaths of secrecy executed by officers and employees of the House in order to access classified information.

The Sergeant-at-Arms maintains a close relationship with the Capitol Police,⁽³⁶⁾ as part of the office’s general security responsibilities. The Sergeant-at-Arms sits on the Capitol Police Board, which oversees the Capitol

27. U.S. Const. art. I, § 5, cl. 1. See *House Rules and Manual* § 52 (2019).

28. *House Rules and Manual* § 1021 (2019). See 4 Hinds’ Precedents §§ 3015–3021, and 3036. See also 6 Cannon’s Precedents § 687.

29. *House Rules and Manual* § 1021 (2019).

30. *House Rules and Manual* § 1025 (2019). See also 4 Hinds’ Precedents §§ 3045–3049.

31. The rule also requires the Sergeant-at-Arms to detain those present in the Chamber. See *House Rules and Manual* § 1026 (2019).

32. *House Rules and Manual* § 1024a (2019).

33. 2 U.S.C. § 26. See also Precedents (Wickham) Ch. 2 § 2.

34. See § 15.4, *infra*. See also Precedents (Wickham) Ch. 1 § 3.3.

35. *House Rules and Manual* § 659 (2019).

36. For more on the Capitol Police, see § 25, *infra*.

Police “to advance coordination between the Capitol Police and the Sergeant-at-Arms . . . in their law enforcement capacities.”⁽³⁷⁾ By law, the Sergeant-at-Arms has the same law enforcement authority as the Capitol Police, including the authority to carry firearms.⁽³⁸⁾ The Sergeant-at-Arms has conducted closed security briefings for Members in the House Chamber.⁽³⁹⁾ In the 108th Congress, clause 12(c) was added to rule I,⁽⁴⁰⁾ authorizing the Sergeant-at-Arms to notify the Speaker of an imminent impairment of the place of convening (for example, an adverse weather event) in order to allow for alternate convening arrangements to be made.

The Committee on House Administration exercises oversight of the Office of the Sergeant-at-Arms and provides policy direction, pursuant to clause 4(d)(1)(A) of rule X.⁽⁴¹⁾ Pursuant to clause 3(e) of rule II,⁽⁴²⁾ the Sergeant-at-Arms reports to the Committee on House Administration semi-annually on the “financial and operational status of each function under the jurisdiction of the Sergeant-at-Arms.” Clause 3(f) of rule II⁽⁴³⁾ requires the Sergeant-at-Arms to cooperate with any review or audit of financial or administrative operations.

The Sergeant-at-Arms supervises employees of the office and is responsible for their official conduct.⁽⁴⁴⁾ The Office of the Sergeant-at-Arms is subdivided into numerous sub-offices, each of which has jurisdiction over a different area of the Sergeant-at-Arms’ purview. These subdivisions include the Office of House Security (which provides security training and assists staff in obtaining security clearances) and the Office of Emergency Management (which ensures continuity of operations via comprehensive emergency planning). Additional subdivisions address areas such as identification and information services, special events and protocols, garage and parking security, and Member support.

Election of the Sergeant-at-Arms Mid-Congress

§ 15.1 When the Office of the Sergeant-at-Arms becomes vacant, the House fills the vacancy by the adoption of a privileged resolution electing a new Sergeant-at-Arms.

37. P.L. 108–7, 117 Stat. 11.

38. 2 U.S.C. § 5605.

39. See, e.g., § 15.11, *infra*. See also Precedents (Wickham) Ch. 1 § 10 (fn. 23).

40. *House Rules and Manual* § 639 (2019). See § 15.5, *infra*. See also Precedents (Wickham) Ch. 1 §§ 11.14–11.18 and Precedents (Wickham) Ch. 4 § 1.21.

41. *House Rules and Manual* § 752 (2019).

42. *House Rules and Manual* § 659 (2019).

43. *House Rules and Manual* § 660 (2019).

44. Rule II, clause 3(c), *House Rules and Manual* § 658 (2019). By law, the Sergeant-at-Arms also reports to the House Committee on Oversight and Reform descriptions of the duties and responsibilities of each employee under the jurisdiction of the Sergeant-at-Arms. 2 U.S.C. § 294.

On January 17, 2012,⁽⁴⁵⁾ the following occurred:

SWEARING IN OF THE SERGEANT AT ARMS OF THE HOUSE OF
REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, January 17, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby offer my resignation as Sergeant at Arms of the House of Representatives, effective January 17, 2012. It has been a privilege and honor to serve this institution as Sergeant at Arms since the 104th Congress.

If I can ever be of service to the House of Representatives in the future, please do not hesitate to call upon me.

Sincerely,

WILSON LIVINGOOD,
Sergeant at Arms.

The SPEAKER.⁽⁴⁶⁾ Without objection, the resignation is accepted.

There was no objection.

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. 511

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

Oath

§ 15.2 Officers of the House are normally administered the oath of office at the time of their election, but if absent, may be sworn on a subsequent day.

On January 19, 1999,⁽⁴⁷⁾ the Sergeant-at-Arms, who was not administered the oath of office at the time of his election,⁽⁴⁸⁾ appeared in the well and was sworn in by the Speaker:

45. 158 CONG. REC. 28, 112th Cong. 2d Sess.

46. John Boehner (OH).

47. 145 CONG. REC. 602, 106th Cong. 1st Sess.

48. See 145 CONG. REC. 46, 106th Cong. 1st Sess. (Jan. 6, 1999).

SWEARING IN OF SERGEANT AT ARMS

The SPEAKER.⁽⁴⁹⁾ Will the Sergeant at Arms come to the well of the House and take the oath of office at this time.

The Sergeant at Arms, Wilson Livingood, 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 of which you are about to enter. So help you God.

The SPEAKER. Congratulations.

Resignation of the Sergeant-at-Arms**§ 15.3 The resignation of an elected officer of the House is subject to acceptance by the House and, if accepted, creates a vacancy in the office.**

On February 28, 1980,⁽⁵⁰⁾ the Chair laid before the House the resignation of the Sergeant-at-Arms, which was accepted by the House as follows:

RESIGNATION AS SERGEANT AT ARMS OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation as Sergeant at Arms, U.S. House of Representatives:

WASHINGTON, DC,
February 28, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: It is with deep personal regret that I submit herewith my resignation as Sergeant at Arms, U.S. House of Representatives, effective at the close of business February 29, 1980.

The decision to resign at this time has been most difficult, and it is done with a feeling of sincere appreciation for having had the privilege of serving the House for more than thirty years.

My thanks to you, Mr. Speaker, to all Members, and to my fellow employees for the many personal courtesies and acts of assistance that have enabled me to perform my assigned duties.

With kind personal regards, I remain,

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

49. Dennis Hastert (IL).

50. 126 CONG. REC. 4349–50, 96th Cong. 2d Sess. See also Deschler's Precedents Ch. 37 § 9.2 (resignation of Jack Russ as Sergeant-at-Arms and appointment of Werner W. Brandt). See also Deschler's Precedents Ch. 6 § 22.3 and Deschler's Precedents Ch. 37 § 9.2.

The SPEAKER pro tempore.⁽⁵¹⁾ Without objection, the resignation is accepted.
There was no objection. . . .

Presiding on Opening Day

§ 15.4 At the commencement of a Congress, the Clerk of the prior Congress presides over the initial quorum call and election of Speaker, and where the Clerk is absent,⁽⁵²⁾ these duties fall to the Sergeant-at-Arms pursuant to statute.⁽⁵³⁾

On January 5, 1981,⁽⁵⁴⁾ the Sergeant-at-Arms of the previous Congress served as presiding officer during organization of the 97th Congress:

This being the day fixed by the 20th amendment of the Constitution and by Public Law 566 of the 96th Congress for the annual meeting of the Congress of the United States, the Members-elect of the 97th 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: . . .

The SERGEANT AT ARMS. Representatives-elect to the 97th Congress, this being the day fixed by the 20th amendment of the Constitution and Public Law 566 of the 96th Congress for the meeting of the 97th Congress, the Clerk of the 96th Congress has prepared the official roll of the Representatives-elect. Pursuant to 2 U.S.C. 26, the Sergeant at Arms of the 96th Congress will make the following announcement:

Certificates of election covering the 435 seats in the 97th 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 call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1] . . .

ALABAMA . . .

The SERGEANT AT ARMS. The quorum call discloses that 417 Representatives-elect have answered to their names. A quorum is present.

51. James Wright (TX).

52. *Parliamentarian's Note*: The Clerk of the House for the previous Congress had suffered a stroke during his term of office and had been incapacitated to the extent that he was not able to preside on opening day of the 97th Congress.

53. 2 U.S.C. § 26.

54. 127 CONG. REC. 93–96, 97th Cong. 1st Sess. See also *Precedents (Wickham)* Ch. 1 § 3.3 and *House Rules and Manual* §§ 982, 986 (2019).

ANNOUNCEMENT BY THE SERGEANT AT ARMS

The SERGEANT AT ARMS. The Chair will state the credentials regular in form have been received showing the elections 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 WON PAT as Delegate from Guam; 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.

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 97th 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 Speaker of the House of Representatives of the 97th Congress the name of the Honorable THOMAS P. 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 97th Congress.

The SERGEANT AT ARMS. The Honorable THOMAS P. 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.

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

The Chair appoints the gentleman from California (Mr. HAWKINS), the gentleman from Alabama (Mr. DICKINSON), the gentlewoman from New York (Mrs. CHISHOLM), the gentlewoman from Massachusetts (Mrs. HECKLER).

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 419, of which the Honorable THOMAS P. O'NEILL, Jr., of Massachusetts, has received 234, and the Honorable ROBERT H. MICHEL, of Illinois, has received 182, with 2 voting "present."

Therefore, the Honorable THOMAS P. O'NEILL, Jr., of Massachusetts, is duly elected Speaker of the House of Representatives for the 97th Congress, having received a majority of the votes cast.

The Sergeant at Arms appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois (Mr. MICHEL), the gentleman from Texas (Mr. WRIGHT), the gentleman from Mississippi (Mr. LOTT), the gentleman from Louisiana (Mr. LONG), the gentleman from Massachusetts (Mr. BOLAND), and the gentleman from Massachusetts (Mr. CONTE).

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 97th Congress, who was escorted to the chair by the Committee of Escort.

Notification of Impairment

§ 15.5 If there is an imminent impairment to reconvening the House at the appointed time (due to weather, for example), the Sergeant-at-Arms notifies the Speaker that such emergency circumstances exist, and the Speaker is authorized to change the convening time pursuant to clause 12(c) of rule I.⁽⁵⁵⁾

On March 4, 2014,⁽⁵⁶⁾ due to inclement weather, the Speaker in consultation with the Minority Leader, postponed the time of reconvening:

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. DENHAM). . . .

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:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, March 2, 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 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.

⁵⁵. *House Rules and Manual* § 639 (2019).

⁵⁶. 160 CONG. REC. 3677, 113th Cong. 2d Sess. See also *Precedents* (Wickham) Ch. 1 §§ 11.14–11.18 and *Precedents* (Wickham) Ch. 4 § 1.21.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁵⁷⁾ Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

Disturbances in Gallery**§ 15.6 Pursuant to clause 2 of rule I,⁽⁵⁸⁾ in response to disruptive demonstrations in the gallery, the Speaker may enlist the Sergeant-at-Arms to remove the offending parties.**

On January 6, 2011,⁽⁵⁹⁾ the following occurred:

Mr. [Robert] GOODLATTE [of Virginia]. I now yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. [Frank] PALLONE [of New Jersey]. “No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁶⁰⁾ The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

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 in the gallery.

The gentleman from New Jersey.

Enforcing Protocol on Floor**§ 15.7 The Speaker may enlist the Sergeant-at-Arms to enforce the prohibition on breaches of decorum in the House Chamber.**

On March 28, 2012,⁽⁶¹⁾ the Chair reminded Members that the donning of hats or hoods on the floor of the House constitutes a breach of decorum under clause 5 of rule XVII:⁽⁶²⁾

THE DEATH OF TRAYVON MARTIN IS AN AMERICAN TRAGEDY

The SPEAKER pro tempore.⁽⁶³⁾ The Chair recognizes the gentleman from Illinois (Mr. RUSH) for 5 minutes.

57. Jeff Denham (CA).

58. *House Rules and Manual* § 622 (2019).

59. 157 CONG. REC. 144, 112th Cong. 1st Sess.

60. Michael Simpson (ID).

61. 158 CONG. REC. 4361–62, 112th Cong. 2d Sess.

62. *House Rules and Manual* § 962 (2019). In the 116th Congress, the rule was clarified to specifically allow religious headdress.

63. Gregg Harper (MS).

Mr. [Bobby] RUSH [of Illinois]. Mr. Speaker, the death of Trayvon Martin is, indeed, an American tragedy. Too often this violent act that resulted in the murder of Trayvon Martin is repeated in the streets of our Nation.

I applaud the young people all across the land who are making a statement about hoodies, about the real hoodlums in this Nation, particularly those who tread on our laws wearing official or quasi-official clothes.

Racial profiling has to stop, Mr. Speaker. Just because someone wears a hoodie does not make them a hoodlum.

The Bible teaches us, Mr. Speaker, in the book of Micah 6:68—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. RUSH. These words:

He has shown you, O man—

The SPEAKER pro tempore. The gentleman will suspend. The Chair must remind Members of clause 5 of rule XVII. The gentleman is out of order.

Mr. RUSH. What is good. What does the Lord require of you? To do justly and to love mercy and to walk humbly with your God.

In the New Testament, Luke 4:18 20 teaches us these words:

The Spirit of the Lord is upon me because He has anointed me to proclaim the good news to the poor. He has sent me to proclaim freedom for the prisoners—

The SPEAKER pro tempore. The gentleman is not in order.

Mr. RUSH. And to recover sight to the blind, to set the oppressed free.

I urge all who hear these words to heed these lessons.

The SPEAKER pro tempore. The gentleman is no longer recognized.

* * *

The SPEAKER pro tempore. The Chair will ask the Sergeant at Arms to enforce the prohibition on breaches of decorum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that clause 5 of rule XVII prohibits the wearing of hats in the Chamber when the House is in session. The Chair finds that the donning of a hood is not consistent with this rule. Members need to remove their hoods or leave the floor.

§ 15.8 Pursuant to clause 3 of rule II,⁽⁶⁴⁾ the Sergeant-at-Arms may be directed by the Speaker to enforce the rules relating to the admission of individuals to the floor of the House.

On January 25, 1983,⁽⁶⁵⁾ the Speaker announced that the Sergeant-at-Arms (and Doorkeeper)⁽⁶⁶⁾ had been instructed to strictly enforce the provisions of former rule XXXII (now clause 2(a) of rule IV)⁽⁶⁷⁾ which specified those persons having the privileges of the floor during sessions of the House:

64. *House Rules and Manual* § 658 (2019).

65. 129 CONG. REC. 224, 98th Cong. 1st Sess.

66. The Office of the Doorkeeper was eliminated in the 104th Congress and most of its duties transferred to the Sergeant-at-Arms. *House Rules and Manual* § 663b (2019).

67. *House Rules and Manual* § 678 (2019).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽⁶⁸⁾ The Chair wishes to make the following announcement concerning privileges of the floor for House staff during the 98th 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 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. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the 5-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees.

The Chair again extended this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the minority leader with respect to this policy and has directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of the rule.

§ 15.9 The Speaker may direct the Sergeant-at-Arms to enforce proper decorum anywhere in the House Chamber, including the cloakrooms.

On November 20, 1993,⁽⁶⁹⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Kweisi] MFUME [of Maryland]). The gentleman will suspend for just a moment.

The Sergeant at Arms will instruct those Members in the cloakroom to control their noise, that we might be able to continue. That noise is making its way on to the floor of the House of Representatives.

Announcements

§ 15.10 At the commencement of a joint session, a member of the Office of the Sergeant-at-Arms⁽⁷⁰⁾ announces the arrival of various

68. Thomas O'Neill (MA).

69. 139 CONG. REC. 31355, 103d Cong. 1st Sess.

70. *Parliamentarian's Note*: Prior to the 104th Congress, the Doorkeeper announced the various dignitaries for joint sessions. The Office of the Doorkeeper was abolished in the 104th Congress. See *House Rules and Manual* § 663b (2019). This was the inaugural announcement by the Sergeant-at-Arms' staff following the abolition of the Office of the Doorkeeper. For an instance where the announcement of the arrival of the

dignitaries and other government officials, including the President of the United States.

On January 24, 1995,⁽⁷¹⁾ the following occurred:

RECESS

The SPEAKER pro tempore (Mr. [Larry] COMBEST [of Texas]). The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of a joint session to receive a communication from the President of the United States.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 16 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Richard Wilson, 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, and the Members of the Senate the seats reserved for them. . . .

At 9 o'clock and 8 minutes p.m., the Sergeant at Arms, Hon. Bill Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising].

Briefing Members in Closed Session**§ 15.11 The House may conduct closed briefings in the Chamber in order for Members to receive security information from the Sergeant-at-Arms.**

On July 27, 1998,⁽⁷²⁾ the following announcement was made concerning a security briefing by the Sergeant-at-Arms and Chief of the Capitol Police⁽⁷³⁾ relating to the shooting of Capitol police officers the previous week:

President was performed by both the Sergeant-at-Arms and the Majority Floor Services Chief, see 154 CONG. REC. 967, 110th Cong. 2d Sess. (Jan. 28, 2008).

71. 141 CONG. REC. 2248, 2255, 104th Cong. 1st Sess.

72. 144 CONG. REC. 17467, 105th Cong. 2d Sess.

73. For more on the Capitol Police, see § 25, *infra*.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽⁷⁴⁾ 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.

Relationship to Speaker

§ 15.12 Pursuant to clause 3(a) of rule II,⁽⁷⁵⁾ the Sergeant-at-Arms maintains order under the direction of the Speaker or other presiding officer and not individual Members.

On June 24, 2003,⁽⁷⁶⁾ a Member attempted to direct the Sergeant-at-Arms to remove another Member from the floor (an authority that lies only with the Speaker):

H.R. 2544, THE MEDICAL INDEPENDENCE, PRIVACY AND INNOVATION ACT
OF 2003

The SPEAKER pro tempore (Mr. [Scott] GARRETT [of New Jersey]). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. [Dana] ROHRABACHER [of California]. Mr. Speaker, before my colleagues leave, let me just note that that quote from Newt Gingrich that was bandied around earlier, we have seen that quote used many times, and those of us who have been who have seen the full quote know that that quote was taken out of context and often Mr. Gingrich pointed that out as an example of the abuse of the public trust by presenting something that was totally misrepresented.

Mr. [Max] SANDLIN [of Texas]. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. No, I would not.

Mr. Speaker, I think I control the body. I have the floor.

Mr. SANDLIN. I am just asking if the gentleman would yield.

PARLIAMENTARY INQUIRY

Mr. SANDLIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman has not yielded for a parliamentary inquiry.

Mr. ROHRABACHER. I would ask that the gentleman be removed from the floor.

Mr. SANDLIN. Mr. Speaker, Parliamentary inquiry.

Mr. ROHRABACHER. Mr. Speaker, I am reclaiming my time. I would ask that the Sergeant at Arms remove the gentleman from the floor if he insists on taking my time.

Mr. SANDLIN. I do not want the gentleman's time.

Mr. ROHRABACHER. I would ask the Sergeant at Arms to remove him from the floor if he continues to interrupt.

74. Newt Gingrich (GA).

75. *House Rules and Manual* § 656 (2019)

76. 149 CONG. REC. 15883, 108th Cong. 1st Sess.

The SPEAKER pro tempore. The gentleman from California has not yielded. The gentleman from California is recognized.

Custody of the Mace

§ 15.13 By unanimous consent, the House considered and adopted a resolution authorizing the Sergeant-at-Arms to deliver the mace of the House to the Smithsonian Institution for repairs during a period of adjournment.

On July 27, 2006,⁽⁷⁷⁾ the following resolution was considered and agreed to:

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.⁽⁷⁸⁾ 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.

§ 16. The Chaplain

The Chaplain of the House is a unique position within the House of Representatives. The Chaplain is an elected officer of the House, but unlike other officers, the Chaplain is chosen on a nonpartisan basis. The Chaplain is also the only officer of the House mentioned in the standing rule regarding the daily order of business: pursuant to clause 1 of rule XIV,⁽¹⁾ the first

77. 152 CONG. REC. 16167, 109th Cong. 2d Sess. For similar examples, see 120 CONG. REC. 35740, 93d Cong. 2d Sess. (Oct. 16, 1974); 130 CONG. REC. 9514, 98th Cong. 2d Sess. (Apr. 12, 1984); 137 CONG. REC. 21444, 102d Cong. 1st Sess. (Aug. 2, 1991); 138 CONG. REC. 687–88, 102d Cong. 2d Sess. (Jan. 28, 1992); and 147 CONG. REC. 15759, 107th Cong. 1st Sess. (Aug. 2, 2001).

78. Thomas Feeney (FL).

1. *House Rules and Manual* § 869 (2019).

item of business on any legislative day is the prayer offered by the Chaplain.⁽²⁾

The role of the Chaplain is not specifically addressed by House rules. Unlike other officers of the House, whose responsibilities are addressed at length in the standing rules, the Chaplain has but one duty: pursuant to clause 5 of rule II,⁽³⁾ the Chaplain “shall offer a prayer at the commencement of each day’s sitting of the House.” While the rules are silent with respect to other responsibilities, the Chaplain of the House is available to offer spiritual and pastoral guidance to Members and staff, participates in a variety of ceremonial functions,⁽⁴⁾ and arranges for guest chaplains to offer the opening prayer on certain days. The Chaplain is considered a full-time employee of the House and thus receives a full-time salary.⁽⁵⁾

History

The House first appointed a “Chaplain to Congress on the part of the House” on May 1, 1789.⁽⁶⁾ The early practice of Congress was for the House and Senate to each appoint a chaplain, and the two chaplains would then rotate between the two chambers.⁽⁷⁾ During the 1850s, this tradition was discontinued,⁽⁸⁾ and by 1857 the practice of appointing a chaplain at all was suspended.⁽⁹⁾ In the 1860s, the House once again established the position of Chaplain—this time as an elected officer of the House.⁽¹⁰⁾

Election and Resignation

For over a century, the Chaplain has been chosen on a nonpartisan basis. As described elsewhere,⁽¹¹⁾ the majority and minority parties will each advance a slate of nominees for the various officer positions of the House. The only exception is the position of Chaplain, which is negotiated by the parties in advance so that the House can express a unanimous choice.

Procedurally, this unanimous nonpartisan vote on the Chaplain is accomplished via a division of the question. A Member requests that the resolution electing officers of the House be divided between the Chaplain and the

2. For the precedence of the prayer with respect to other matters, see Deschler’s Precedents Ch. 21 §§ 2.1–2.3. See also § 16.8, *infra* and Deschler’s Precedents Ch. 6 §§ 21.1–21.4.

3. *House Rules and Manual* § 665 (2019).

4. See, e.g., Deschler’s Precedents Ch. 36 § 6.1.

5. See § 16.6, *infra*.

6. 1 ANNALS OF CONG. 242, 1st Cong. 1st Sess.

7. Even by 1817, this weekly interchange of chaplains was described as “in accordance with old custom.” 1 Hinds’ Precedents § 275.

8. 1 Hinds’ Precedents §§ 277–279.

9. 1 Hinds’ Precedents § 274.

10. 1 Hinds’ Precedents § 273 (election of the Chaplain presents a question of privilege).

11. See § 13, *supra*. See also Precedents (Wickham) Ch. 3 § 2.

other officers. A vote is then taken on the election of the Chaplain only (typically a voice vote, with no Member objecting to the election). The remaining officers are then elected on a partisan basis, with the minority party's slate of candidates (embodied in an amendment in the nature of a substitute) rejected and the majority party's slate of candidates chosen instead. Following his or her election, the Chaplain is administered the oath of office⁽¹²⁾ taken by all officers of the House.⁽¹³⁾

The Office of the Chaplain may become vacant at any point during a Congress, most often due to the resignation (or death) of the Chaplain.⁽¹⁴⁾ If the office becomes vacant, House leadership will generally begin the process of selecting a new Chaplain, which typically involves consultation with the minority party. The House then elects a Chaplain to fill the vacancy via a simple House resolution.⁽¹⁵⁾ Pursuant to statute,⁽¹⁶⁾ the Speaker of the House may appoint a temporary Chaplain if the office becomes vacant,⁽¹⁷⁾ but only the House may fill the vacancy on a permanent basis.

The resignation of the Chaplain is subject to acceptance by the House, and, once accepted, the resignation cannot be withdrawn.⁽¹⁸⁾ The House has voted to give retiring Chaplains the title of "Chaplain Emeritus"—a unique designation among elected House officers.⁽¹⁹⁾ The House has authorized compilations of the Chaplain's prayers to be printed for the public.⁽²⁰⁾

Although other officers may be removed unilaterally by the Speaker pursuant to clause 1 of rule II,⁽²¹⁾ the Chaplain may not.

Guest Chaplains

The Chaplain of the House frequently invites other religious figures to offer the daily prayer at the commencement of a legislative day. Often, it is a Member of the House who suggests and sponsors a guest chaplain to

12. 2 U.S.C. § 3331.

13. But see 1 Hinds' Precedents § 280 (early practice where the Chaplain did not take the oath).

14. See § 16.5, *infra*. See also Deschler's Precedents Ch. 37 § 10.2.

15. See 157 CONG. REC. 7885, 112th Cong. 1st Sess. (May 25, 2011).

16. 2 U.S.C. § 5501.

17. See § 16.3, *infra*.

18. *Parliamentarian's Note*: On one occasion, the Speaker prospectively appointed the person who had resigned as Chaplain to fill the vacancy caused by that person's prospective resignation. See § 16.3, *infra*. For a similar situation involving the Sergeant-at-Arms, see Deschler's Precedents Ch. 6 § 22.3.

19. 6 Cannon's Precedents § 31. For tributes to a retiring House Chaplain, see § 16.21, *infra*. See also Deschler's Precedents Ch. 38 §§ 5.18, 5.20.

20. See § 16.20, *infra*. See also Deschler's Precedents Ch. 6 § 21.5.

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

perform this duty. The sponsoring Member is typically recognized after the prayer to introduce the guest chaplain to the House. A guest chaplain has accompanied the Chaplain on opening day of a new Congress.⁽²²⁾ In the temporary absence of the Chaplain, others have delivered the prayer, including Members and House staff.⁽²³⁾

Litigation

The constitutionality of legislative bodies employing a chaplain has been the subject of litigation over the years, including litigation involving the House Chaplain. In a 1983 Court of Appeals case, a challenge was raised regarding the employment of a House Chaplain, but the court held that such employment did not violate the Establishment Clause of the first amendment to the Constitution.⁽²⁴⁾ In response to the litigation, the House adopted a privileged resolution articulating its position on the constitutionality of the Office of the Chaplain.⁽²⁵⁾ A subsequent case involved an atheist who was denied an opportunity to offer a secular invocation as guest chaplain. The Federal court dismissed the lawsuit, stating that “the legislative prayer practice of the House is consistent” with court decisions and the rules of the House, and that the individual failed to state a claim.⁽²⁶⁾

Selection of the Chaplain

§ 16.1 The privileged resolution electing the officers of the House is customarily divided so that the House may conduct a separate vote on the election of the Chaplain.

On January 15, 1979,⁽²⁷⁾ there being no minority party candidate for the position of Chaplain and the Chaplain having been recommended by a bipartisan committee informally appointed by the Speaker in the prior Congress, the following resolution was considered:

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, DOORKEEPER,
POSTMASTER, AND CHAPLAIN

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I offer a resolution (H. Res. 1) and ask for its immediate consideration.

22. See § 16.13, *infra*. A Member-elect has also given the prayer on opening day of a new Congress in lieu of the Chaplain. See § 16.15, *infra*.

23. See, e.g., §§ 16.14–16.19, *infra*. See also Deschler’s Precedents Ch. 6 §§ 21.7–21.9.

24. *Murray v. Buchanan*, 720 F.2d 689 (D.C. Cir. 1983). The court cited an earlier case regarding the legislature of Nebraska as controlling authority. See *Marsh v. Chambers*, 463 U.S. 783 (1983).

25. See H. Res. 413, 128 CONG. REC. 5890, 97th Cong. 2d Sess. (Mar. 30, 1982).

26. *Barker v. Conroy*, 282 F. Supp. 3d 346 (D.D.C. 2017). This ruling was affirmed at the appellate level. *Barker v. Conroy*, 921 F.3d 1118 (D.C. Cir. 2019).

27. 125 CONG. REC. 6–7, 96th Cong. 1st Sess. For a typical resolution electing House officers, see § 13.1, *supra*.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Edmund L. Henshaw, Jr., of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Kenneth R. Harding, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That James T. Molloy, of the State of New York, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Robert V. Rota, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Postmaster of the House of Representatives.

That Reverend James David Ford, of the State of New York, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. [John] ANDERSON of Illinois. Mr. Speaker, I shall offer a substitute for the resolution just offered by the gentleman from Washington (Mr. FOLEY), but before offering the substitute, I request that there be a division of the question on the resolution so that we may have a separate vote on the Office of Chaplain.

The SPEAKER.⁽²⁸⁾ The question is on agreeing to the portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. EDWARDS OF ALABAMA AS A SUBSTITUTE FOR THE REMAINDER OF THE RESOLUTION

Mr. [Jack] EDWARDS of Alabama. Mr. Speaker, I offer an amendment as a substitute for the remainder of the resolution.

The Clerk read the substitute amendment, as follows:

Amendment offered by Mr. Edwards of Alabama as a substitute for the remainder of House Resolution 1:

Resolved, That Joe Bartlett, of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Walter P. Kennedy, of the State of New Jersey, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Tommy Lee Winebrenner, of the State of Indiana, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Ronald W. Lasch, of the State of New Jersey, be, and he is hereby, chosen Postmaster of the House of Representatives.

The SPEAKER. The question is on the substitute amendment offered by the gentleman from Alabama (Mr. EDWARDS).

The substitute amendment was rejected.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the officers elected present themselves in the well of the House?

The officers-elect presented themselves at the bar of the House and took the oath of office.

28. Thomas O'Neill (MA).

§ 16.2 The Speaker has risen from the floor to a question of personal privilege under rule IX⁽²⁹⁾ in order to address concerns regarding the process for selecting a new Chaplain.

On March 23, 2000,⁽³⁰⁾ Speaker Dennis Hastert of Illinois rose to a question of personal privilege regarding the selection of a new Chaplain:

PERSONAL PRIVILEGE—SELECTION OF HOUSE CHAPLAIN

Mr. [Dennis] HASTERT [of Illinois]. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore.⁽³¹⁾ Based on press accounts examined by the Chair, the gentleman from Illinois (Mr. HASTERT) is recognized for 1 hour on a question of personal privilege.

Mr. HASTERT. Mr. Speaker, I come to this well today following a long period of prayerful consideration. I want to talk to you about the choice of our next Chaplain, a man whose job it is to ask God's blessing on our work. . . .

Daniel Coughlin is a Catholic. That does not make him more nor less qualified for the job. But I am proud of his historic appointment. I hope his appointment will help us to heal and that it will bring a sense of pride to the millions of Catholic men and women around this country who have had legitimate feelings of past discrimination which some in this House have sought to manipulate.

I urge all of my colleagues to get to know Father Coughlin. He is a good man who will provide this House with spiritual guidance and counseling support necessary to bring us together again. Let me say to every leader of this House and to every Member of this House: let us embrace our new Chaplain, put this episode behind us, and move forward to do the people's business.

Prospective Appointment of the Chaplain

§ 16.3 The Chaplain may resign the position prospectively, and where a vacancy exists in the Office of the Chaplain, the Speaker may, pursuant to statute,⁽³²⁾ appoint a temporary replacement prospectively.⁽³³⁾

29. *House Rules and Manual* § 698 (2019).

30. 146 CONG. REC. 3478–82, 106th Cong. 2d Sess. See also 146 CONG. REC. 1838, 106th Cong. 2d Sess. (Mar. 1, 2000) and 146 CONG. REC. 5460, 106th Cong. 2d Sess. (Apr. 12, 2000).

31. Ray LaHood (IL).

32. 2 U.S.C. § 5501.

33. *Parliamentarian's Note*: On April 16, 2018, a letter of prospective resignation of Chaplain Patrick Conroy was laid before the House and accepted by unanimous consent. Once the House has accepted the letter of resignation of an officer, it cannot be withdrawn. The letter stated a date of May 24, 2018 as the last day of service by Chaplain Conroy, thus creating a prospective vacancy in the Office of the Chaplain. On May 3, 2018, Chaplain Conroy sent a letter directly to Speaker Paul Ryan of Wisconsin, rescinding his resignation. Speaker Ryan then announced that he would restore Chaplain

On April 16, 2018,⁽³⁴⁾ a letter of prospective resignation from the Chaplain was laid before the House and accepted by unanimous consent:

RESIGNATION AS CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. [Clay] HIGGINS of Louisiana) laid before the House the following resignation from the House of Representatives:

OFFICE OF THE CHAPLAIN
HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 2018.

Hon. PAUL D. RYAN,
Speaker, U.S. Capitol.

DEAR PAUL, the Peace of Christ! As you have requested, I hereby offer my resignation as the 60th Chaplain of the United States House of Representatives. It has been an honor to serve the People's House for these nearly seven years. After mutual consideration, it is determined my final day will be 24 May 2018.

The position is one which I did not seek nor strive to assume, but I have seen it as a blessing and I have considered it one of the great privileges of my life.

I wish all the best for the House of Representatives, and for your upcoming search for a worthy successor in the Office of the Chaplain.

Sincerely,

PATRICK J. CONROY, S.J.,
Chaplain.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

Then on May 8, 2018,⁽³⁵⁾ pursuant to law,⁽³⁶⁾ Speaker Paul Ryan prospectively appointed Father Patrick Conroy to temporarily fill the vacancy of Chaplain of the House of Representatives, effective Friday, May 25, 2018:⁽³⁷⁾

APPOINTMENT OF CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER.⁽³⁸⁾ Pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 5501(a)), the Chair appoints Father Patrick J. Conroy

Conroy to his post. For resolutions presented as questions of privilege under rule IX, calling for the creation of a select committee to investigate the actions of the Speaker regarding the resignation of the Chaplain, see H. Res. 856, 164 CONG. REC. H3726, H3727 [Daily Ed.], 115th Cong. 2d Sess. (Apr. 27, 2018) and H. Res. 878, 164 CONG. REC. H3823, H3824 [Daily Ed.], 115th Cong. 2d Sess. (May 8, 2018).

34. See 164 CONG. REC. H3329 [Daily Ed.], 115th Cong. 2d Sess. (Apr. 16, 2018).

35. 164 CONG. REC. 3787, 115th Cong. 2d Sess.

36. 2 U.S.C. § 5501.

37. *Parliamentarian's Note*: The act of appointing a person to fill the vacancy in the office of an elected officer created by that person's resignation is documented in the precedents. On June 30, 1972, Speaker Carl Albert of Oklahoma appointed Zeake W. Johnson, Jr. to fill the vacancy in the Office of the Sergeant-at-Arms caused by Mr. Johnson's own resignation. See Deschler's Precedents Ch. 6 § 22.3 and Deschler's Precedents Ch. 37 § 9.2.

38. Paul Ryan (WI).

of the State of Oregon to act as and to exercise temporarily the duties of Chaplain of the House of Representatives, effective Friday, May 25, 2018.

Will Father Conroy please come forward and take the oath of office.

Father Conroy 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.

Retirement of the Chaplain

§ 16.4 The Speaker and the Minority Leader announced to the House the retirement of the House Chaplain at the end of a Congress.

On October 14, 1978,⁽³⁹⁾ the following occurred:

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward O. Latch, D.D., offered the following prayer:

*Well done, good and faithful servant * * * enter into the joy of your Lord.*—Matthew 25:21. . . .

ANNOUNCEMENT BY THE SPEAKER REGARDING RETIREMENT OF THE CHAPLAIN, REV. EDWARD G. LATCH, D.D.

The SPEAKER.⁽⁴⁰⁾ May the Chair make reference to the fact that Rev. Edward Latch, who has been the Chaplain of the House for many years, and whose talents we have all appreciated, is retiring at the end of the Congress and this very well may be his last day here.

On behalf of his colleagues and himself, the Chair wants to state to Dr. Latch that we have enjoyed his beautiful prayers and the manner in which he has conducted himself as an officer of the House of Representatives and that our undying thanks, love, and affection go with him as he leaves to take up a new life in retirement. We hope that his retirement will be a period of great happiness and contentment.

Without objection, all Members may revise and extend their remarks on the subject of the retirement of Dr. Latch.

The Chair now recognizes the minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. [John] RHODES [of Arizona]. I appreciate the Speaker yielding to me and I, too, want to join the Speaker and the other Members of the House in extending our respects, our thanks, and our best wishes to our well-beloved Chaplain. Dr. Latch. He has served this House and its Members beyond the real capabilities of any ordinary human being. We will miss him terribly but we wish him and his good wife the best of everything as

39. 124 CONG. REC. 38090, 95th Cong. 2d Sess.

40. Thomas O'Neill (MA).

they go into their retirement and assure them that they leave many friends behind in the House of Representatives who hope to see them often in the future.

So, God bless you, Dr. Latch.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. May the Chair make the following announcement:

The leadership has known of Dr. Latch's retirement for some time and about 4 or 5 months ago the Chair appointed a committee, headed by the gentleman from Texas, Mr. MAHON, as chairman, the gentleman from Texas, Mr. WRIGHT, and the gentleman from Arizona, Mr. RHODES, as members of that committee. The committee has been diligent and yesterday they made their recommendation as to whom they thought the incoming Chaplain should be, and their recommendation will be presented at the caucuses on both sides when they meet in December, to take effect the first of the year.

Resignation of the Chaplain

§ 16.5 The House may retroactively accept the resignation of the Chaplain.

On May 25, 2011,⁽⁴¹⁾ the following resignation of Fr. Daniel Coughlin was retroactively accepted by the House:

RESIGNATION AS CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

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

OFFICE OF THE CHAPLAIN,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 2011.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: During the past eleven years, it has been my distinct honor to serve as Chaplain of the House of Representatives. It has been a true blessing for me to come to know you, Members of Congress through the years, and so many dedicated Staff personnel who have come to the Capital to serve this nation with their daily labor and sincerity of heart.

In my duties as Chaplain I have tried to be present to all and listen to their needs. Hopefully I have offered them guidance when sought, counsel when requested and strength in difficult times. I have learned compassion for them and their families. My greatest joy has been to lead people in the Chamber and across the nation in prayer.

It is now time for me to retire. I hope you will accept my resignation as Chaplain to be effective on Saturday, April 30, 2011.

I trust you will convey to all the Members of the House my continued esteem for their efforts to shape laws and policies for the common good of the American people and for

41. 157 CONG. REC. 7884–85, 112th Cong. 1st Sess.

a better and peaceful world. I thank you and all for the kindness, patience and friendship extended to me. Certainly I do remember all of you in my daily prayer until the end of my days.

With gratitude to you and Almighty God,

REVEREND DANIEL P. COUGHLIN,
Chaplain.

The SPEAKER pro tempore.⁽⁴²⁾ Without objection, the resignation of Father Daniel P. Coughlin as Chaplain, effective April 30, 2011, is accepted.

There was no objection.

Salary, Compensation

§ 16.6 By unanimous consent, the House considered and agreed to a resolution establishing the salary of the Chaplain.

On January 15, 1979,⁽⁴³⁾ the following resolution was adopted:⁽⁴⁴⁾

COMPENSATION OF CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 7) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 7

Resolved, The compensation of the Chaplain of the House of Representatives shall be equivalent to the highest rate of basic pay as in effect from time to time of level IV of the Executive Schedule in section 5315 of title V, United States Code.

The SPEAKER.⁽⁴⁵⁾ 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.

Offering of Prayer After Overnight Recess

§ 16.7 Pursuant to clause 5 of rule II,⁽⁴⁶⁾ the Chaplain offers the prayer daily at the beginning of each legislative day, and may also offer a prayer following an overnight recess of the House.⁽⁴⁷⁾

42. John Campbell (CA).

43. 125 CONG. REC. 17, 96th Cong. 1st Sess. For statutory authority regarding the compensation of the Chaplain, see 2 U.S.C. § 5521.

44. *Parliamentarian's Note*: This represented the first time that the Chaplain of the House was to be compensated as a full-time employee.

45. Thomas O'Neill (MA).

46. *Parliamentarian's Note*: On returning from a recess of an overnight duration or longer, the House sometimes resumes its proceedings with a prayer and the pledge of allegiance. See, e.g., 141 CONG. REC. 37310, 104th Cong. 1st Sess. (Dec. 18, 1995).

47. *House Rules and Manual* § 665 (2019).

On December 20, 1974,⁽⁴⁸⁾ the Chaplain offered a prayer at the expiration of an overnight recess:

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock a.m., Friday, December 20, 1974.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Glory to God in the highest and on Earth peace, good will toward men.—Luke 2:14.

O God, to whom glory is sung in the highest, while on Earth peace is proclaimed to men of good will, grant that good will to us that we may make a worthy contribution to the life of our day.

§ 16.8 Following the terrorist attacks of September 11, 2001, the House stood in recess for over 24 hours, and upon reconvening to continue the same legislative day, the Chaplain offered another prayer.

On September 11, 2001,⁽⁴⁹⁾ the House convened as the Capitol was being evacuated, and following the Chaplain's prayer, the Chair declared the House in recess:

The House met at 9 a.m.

AFTER RECESS

The House was called to order by the Speaker pro tempore (Mr. GOSS) at 9 o'clock and 52 minutes a.m., thereby terminating the recess.

The SPEAKER pro tempore.⁽⁵⁰⁾ Due to the circumstances of today, the Chair calls the House to order at this time.

The prayer will be offered by the guest chaplain.

PRAYER

The Reverend Gerard Creedon, St. Charles Borromeo Catholic Church, offered the following prayer:

God of peace and life, send Your spirit to heal our country; bring consolation to all injured in today's tragedy in New York and Washington. Protect us and help our leaders to lead us out of this moment of crisis to a new day of peace. Amen.

48. 120 CONG. REC. 41772, 93d Cong. 2d Sess.

49. 147 CONG. REC. 16752, 107th Cong. 1st Sess.

50. Porter Goss (FL).

RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair, pursuant to clause 12 of rule I.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess subject to the call of the Chair.

On the calendar day of September 12, 2001,⁽⁵¹⁾ the House resumed its proceedings of the legislative day of September 11, 2001 with a prayer:

AFTER RECESS

The recess having expired, the House was called to order at 10 o'clock and 3 minutes a.m.

PRAYER

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

O God, come to our assistance.

O Lord, make haste to help us.

Yesterday we were stunned, angry and violated. Today, Lord, we stand strong and together. Yesterday changed our world. Today we are changed.

We have humbly prayed to You, O Lord God of Heaven and Earth, yesterday and through the night. Now we turn to You for Your guidance and sense of eternal truths which built this Nation as we begin a new day of building security and peace through justice.

We mourn our dead and reach out with prayer and acts of compassion to all those families splattered with blood and exhausted by tears. Heal the wounded. Strengthen all civil servants, medical and religious leaders as they attempt to fill the gaping holes left in the fabric of our Nation.

Send forth Your Holy Spirit, Lord, upon all the Members of Congress, the President, and all government leaders across this Nation. Free them of fear, any prejudice whatsoever, remove all doubt and confusion from their minds. With clear insight which comes from You and You alone, reveal all that is unholy, and renew the desire of Your people to lives of deepening faith, unbounding commitment, and lasting freedom here where liberty has made her home.

We place our trust in You now and forever. Amen.

§ 16.9 In response to a parliamentary inquiry, the Chair stated that under the rules and precedents, the prayer is offered only at the commencement of the legislative day or following a recess of the House, and that the Chair would decline to recognize a unanimous-consent request to conduct a prayer where the House remained in continuous session.

On April 22, 1985,⁽⁵²⁾ the following occurred:

51. 147 CONG. REC. 16752, 107th Cong. 1st Sess.

52. 131 CONG. REC. 8751, 8753–54, 8756, 99th Cong. 1st Sess.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore.⁽⁵³⁾ Without objection, the gentleman from Florida is recognized for 60 minutes.

Mr. [Eugene] SHAW [of Florida]. I yield back to the gentleman from Maine to continue his very fine statement.

Mr. [John] McKERNAN [of Maine]. I thank the gentleman from Florida. I think it is important that we realize that we are not . . .

Mr. [Andrew] JACOBS [of Indiana]. Mr. Speaker, I thank the gentleman for yielding.

I simply want the record to show that the opening prayer for April 23, 1985, was scheduled to be given by the dean of Indiana ministers, the Reverend Andrew Brown of Indianapolis. But because of the all-night session, there will be historically no opening prayer for the first day, and I am sure that particularly my House of Representatives colleagues hope that Reverend Brown will return on a subsequent date.

Mr. SHAW. Mr. Speaker, I would point out to the gentleman that I believe that the parliamentary situation would be that the opening prayer could be called for at the opening of the session.

Mr. JACOBS. Unfortunately, that is not true. The Parliamentarian has just ruled that it is impossible to have an opening prayer unless there is an adjournment and then a convening of the House.

PARLIAMENTARY INQUIRIES

Mr. SHAW. Then, Mr. Speaker, I would ask the Chair if he would entertain a parliamentary inquiry. I think that by unanimous consent I could yield to the gentleman from Indiana who is going to give us the prayer. We certainly need that at this particular time, and I can certainly say that the people of Indiana would be grateful for that.

The SPEAKER pro tempore. [Mr. WEISS]. The Chair will state that if the House were to adjourn or recess by unanimous consent, then there could be the opportunity and the occasion for prayer under the rules and precedents, but as the situation prevails right now, the House is in continuing session. This is still the same session without interruption that commenced yesterday afternoon.

Mr. SHAW. Then, Mr. Speaker, I would certainly hope that the gentleman who is scheduled to give the opening prayer today would be able to stay with us until the appropriate time when we could adjourn.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. WALKER. Mr. Speaker, then I have a further parliamentary inquiry. I do not understand the difference between theory and practice here. The fact is that we can modify our procedures by unanimous consent, and I would assume that we would not have objections.

Is the Chair ruling that if a unanimous-consent, request is made, in fact the prayer could be delivered, and that we would not have a problem then in proceeding forward from there? . . .

Mr. WALKER. I thank the Chair.

Mr. SHAW. Mr. Speaker, I would at this time ask unanimous consent that the House recess for a period of 2 minutes for the purpose of hearing the prayer.

53. Theodore Weiss (NY).

The SPEAKER pro tempore. The Chair really is under an obligation to consult with the Speaker before that kind of decision can be made, and the Chair would again repeat what was stated in the dialog with the gentleman from Pennsylvania. There has been no indication from the gentleman that this is in fact the termination of non legislative business, and in order for the prayer request even to be considered, the House should know that in fact it was about to begin the normal legislative business process of the day.

Mr. SHAW. Then, Mr. Speaker, I will withdraw my unanimous-consent request until the Chair asks permission of the Speaker for the House to pray. . . .

Guest Chaplains

§ 16.10 The former House Chaplain has offered the opening prayer as guest chaplain.

On April 27, 2015,⁽⁵⁴⁾ the following prayer was offered by the former House Chaplain, Father Daniel Coughlin:

PRAYER

Reverend Daniel Coughlin, Archdiocese of Chicago, Chicago, Illinois, offered the following prayer:

At the end of the day, God of the heavens and Earth You bid us lay our worries, concerns, and responsibilities to rest.

While we sleep, You continue to care and provide for us. Your creation, renewal of energy, and evolution of beauty and peace continue without us.

Let it be, now and forever.

Amen.

§ 16.11 Where the invited guest chaplain had unexpectedly died, the Speaker indicated that the prayer that was to be offered by the guest chaplain would be given instead by the Chaplain.

On June 25, 1981,⁽⁵⁵⁾ the Speaker made the following announcement regarding the prayer:

The House met at 10 a.m.

The SPEAKER.⁽⁵⁶⁾ The opening prayer today was to be given by Dr. Carroll Hubbard, Sr., father of our Congressman, CARROLL HUBBARD of Kentucky.

Dr. Hubbard died in Louisville, Ky., on June 11. The prayers and the solaces of the Members of the House go to our colleague, CARROLL HUBBARD, and his family.

The prayer that Dr. Hubbard was to offer on this day will be read by our own Chaplain.

§ 16.12 The Senate Chaplain has appeared as guest chaplain in the House to offer the opening prayer.

54. 161 CONG. REC. 5598, 114th Cong. 1st Sess.

55. 127 CONG. REC. 14050, 97th Cong. 1st Sess.

56. Thomas O'Neill (MA).

On May 3, 2001,⁽⁵⁷⁾ the following occurred:

PRAYER

Dr. Lloyd J. Ogilvie, Chaplain, U.S. Senate, offered the following prayer:

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word Sovereign, we echo Washington, Jefferson, Madison and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one Nation under You, Dear God, and we place our trust in You.

§ 16.13 At the beginning of a new Congress, the returning Chaplain was accompanied by a guest chaplain at the behest of the incoming Speaker.

On January 4, 2007,⁽⁵⁸⁾ the following two prayers were offered at the commencement of the 110th Congress:

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 109-447 for the meeting of the Congress of the United States, the Members-elect of the 110th Congress 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 Daniel P. Coughlin, offered the following prayer:

Today is built upon all the yesterdays and contains the promise of all the tomorrows.

Lord God, You are the eternal author of all creation and every age. You are the same yesterday, today and forever. Be present to us now. Be gracious and bless all those duly elected by their districts who gather today to form the House of the people as the 110th Congress of the United States of America for the governance of our beloved Nation.

Together, may they know forthright debate and civil discourse, enact quality legislation and persevere in representing the diversity and the will of the people in addressing the priority issues facing the Nation today.

Bless the families of these Representatives, granting them forbearance and understanding of the public service implied by this undertaking.

Lord, may the 110th Congress of the United States read the signs of the times and seize this moment to create a history that will reflect the values of Your kingdom here on Earth and thereby unite this Nation and reveal to peoples around the world the dignity and the glory of being the free children of God. For to You be the honor, the glory and the power, now and forever. Amen.

At the request of the Honorable Nancy Pelosi, I am pleased to introduce the Reverend Stephen A. Privett, President of the University of San Francisco, for an additional prayer.

The Reverend Stephen A. Privett, President, University of San Francisco, San Francisco, California, offered the following prayer:

I recall this morning the story of a poor mother of five children. When she was asked which of her children she loved the most, she did not answer the expected, "I love them

57. 147 CONG. REC. 7085, 107th Cong. 1st Sess.

58. 153 CONG. REC. 1, 110th Cong. 1st Sess.

all the same.” Rather, she bent down and scooped up into her arms a young child with obviously crippling disabilities. “This one,” she said, “because he needs me the most.”

Let us pray:

God of compassion and mercy, we pray that the new leadership of this Congress and all of its Members will write into law the story of a country that measures its success by God’s standard; by how well it cares for the weakest and most vulnerable among us.

We pray for the legislators of this 110th Congress, that they may challenge, inspire and lead us to put aside self-interest and pursue the common good of all the people of this great Nation of ours, especially of those “who need us the most.” Amen.

Prayer Offered by Members or Staff

§ 16.14 A Member, who was an ordained minister, has offered the opening prayer in the unexpected absence of the Chaplain.

On May 31, 1973,⁽⁵⁹⁾ the following occurred:

The House met at 12 o’clock noon.

The Honorable WILLIAM H. HUDNUT III, of Indiana, offered the following prayer:

This is the day which the Lord hath made. Let us rejoice and be glad in it.

Let us pray.

§ 16.15 A Member-elect, who was an ordained minister, has offered the prayer in lieu of the returning Chaplain on opening day of a new Congress.

On January 3, 2019,⁽⁶⁰⁾ at the outset of the 116th Congress, the prayer was offered by Emanuel Cleaver, a Member-elect from Missouri:

This being the day fixed by the 20th Amendment to the Constitution of the United States, for the meeting of the 116th Congress of the United States, the Representatives-elect met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Karen L. Haas.

Reverend EMANUEL CLEAVER, St. James United Methodist Church, Kansas City, Missouri, offered the following prayer:

Almighty and endearing God, whose Lordship is just and true, we bow in recognition of that Godship in this hallowed and consequential moment of inaugurating a Speaker to preside over and provide leadership to the House of Representatives of the United States.

May we temporarily hush our preoccupation with vexing considerations that deplete our energy and consume our hours to seek now favor from Thou whose immaculate voting record demonstrates our need of Thy guidance.

We pray, O Lord, for wisdom sufficient to lean not on our unaided privilege and power to embrace our summons to address the great challenges of this day that are fraught with tribalism at home and turbulence abroad.

59. 119 CONG. REC. 17441, 93d Cong. 1st Sess.

60. 165 CONG. REC. H1 [Daily Ed.], 116th Cong. 1st Sess.

Thou who has the whole world in His hand, to Thee we pray for inner resources to rise as a legislative body above political selfishness and then shrink to a level of humility and penitence that would be in harmony with Your will.

When we leave this place, we will, with Your blessing, launch a bold attempt to become the architects of a kindlier Nation that is purging itself of any and all prejudices which degrade the unmatched blessings You have awarded the people of this great Nation.

Inspire us, the Members of this august body, to dedicate ourselves to the healing of open sores in a land where there is far too much mistrust and enmity of those who are different.

Led now in this temple of governance by the Speaker and leaders of both sides of the political aisle, we pray for Your presence in this place.

We need Thee every hour. O Lord, how we need thee. When we are puzzled, guide us with Your hand of direction. When we are worn and wearied, grant us light to find a just and fair way, and when we are confused, anoint our priorities and pet projects so that any diminutive success may give You the glory.

Receive now this prayer, O Lord.

Amen.

§ 16.16 An employee of the Office of the Sergeant-at-Arms has offered the daily prayer as a guest chaplain.

On November 11, 1977,⁽⁶¹⁾ the guest chaplain (a member of the Office of the Sergeant-at-Arms and ordained minister) referred in his opening prayer the value of House rules and precedents:

PRAYER

Rev. Charles Mallon, St. Matthias Church, Lanham, Md., offered the following prayer:

Happy are they whose way is blameless, who walk in the way of the Lord. Happy are they who observe His decrees, who seek Him with all their hearts.—Psalms 119:1, 2.

Father, you have given us authority to make rules and establish precedents. This prayer is offered by virtue of these same rules and precedents. Happily, our Government permits us to walk in your ways and to seek you with all our hearts. Therefore, we ask you to grant harmonious continuity to this Government.

Bless those national leaders who observe Your decrees and who make blameless decisions. Keep them close to your heart.

Father, give us the wisdom to use the wealth of this Nation wisely. Protect us from selfish and greedy acquisition of material wealth. Intercede in our lives with gentle chastisement and bring happiness into our lives.

We ask this through Christ our Lord. Amen.

§ 16.17 On a day when the Chaplain was unable to attend the convening of the House, a Member who was not an ordained minister was recognized by the Speaker to offer the prayer.

61. 123 CONG. REC. 37512–13, 95th Cong. 1st Sess. Mr. Mallon also offered the prayer on April 3, 1974. See 119 CONG. REC. 9560, 93d Cong. 2d Sess.

On January 26, 1987,⁽⁶²⁾ because the Chaplain was unable to attend the session of the House due to inclement weather, the following occurred:

The House met at 12 noon.

The gentleman from Georgia, the Honorable DOUG BARNARD, Jr., offered the following prayer:

Almighty God, source of wisdom and power, we give thanks for Your blessing to us as individuals and as a nation.

We are grateful for the high and holy traditions of generations past, for those eternal values that have given us purpose and direction in spite of confusion and doubt. We are conscious that Your creative handiwork is the basis of all we hold dear, that our Nation from the beginning has professed that we are a people under Your divine guidance and in Your Word we could trust. May we continue that awareness as we seek to serve You and our Nation in our time and day. Amen.

§ 16.18 A committee staffer who was an ordained minister has offered the prayer as guest chaplain.

On July 2, 1992,⁽⁶³⁾ the following occurred:

The House met at 10:30 a.m.

Rev. Ronald C. Willis, Southern Baptist minister, Washington, DC, offered the following prayer:

Our Father, all of us who serve and work here do so with a deep sense of our need for divine guidance and direction. And so we ask that You keep us from demanding of others that which we ourselves would be unwilling to give. Keep us from the pride that leads to self-deceit. Give us the strength to do that which transcends our own temporal concerns. Help us to understand that none of this exists without Your will as the guiding force. And most of all, O Holy Father, forgive us when we fail to recognize how much we depend on Your spirit to lead us in the direction that brings justice and righteousness to all our Nation's people. We pray these things, this day. Amen. . . .

Mr. [Ronald] DELLUMS [of California]. Mr. Speaker, since March 1979, Reverend Willis has served on the staff of the District of Columbia Committee and presently holds the position of senior staff associate. During his tenure on the District of Columbia Committee, he has been the principle staff person for legislation transferring St. Elizabeth's Hospital from Federal control to that of the government of the District of Columbia; the 1989 Omnibus Drug Program, which resulted in an increase of 700 additional police officers for the Metropolitan Police Department, as well as eight additional superior court judges; and most recently, legislation which amended the 1973 District of Columbia Home Rule Act to establish a fair and equitable Federal payment formula for determining the annual Federal payment to the District of Columbia.

Prior to his appointment to the District of Columbia Committee staff, Reverend Willis served as adult supervisor for the Southwest Mental Health Care in San Antonio, TX.

Reverend Willis was ordained in 1967 and served as senior pastor of Golden Gate Baptist Church in Oakland, CA; senior pastor of Immanuel Baptist Church, Bangor, ME; and

62. 133 CONG. REC. 1918, 100th Cong. 1st Sess.

63. 138 CONG. REC. 17551, 102d Cong. 2d Sess.

associate pastor of First Baptist Church of San Antonio, TX, which had a membership of 8,900.

A native Californian, Reverend Willis is married and the father of four children.

§ 16.19 In the absence of the Chaplain, the Deputy Parliamentary has offered the daily prayer at the beginning of the legislative day.

On August 5, 2011,⁽⁶⁴⁾ the following occurred:

PRAYER

The Deputy Parliamentary, Thomas J. Wickham, offered the following prayer:

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Amen.

Printing of Prayers

§ 16.20 The House has authorized the printing of the prayers of the Chaplain as an official House document.

On December 18, 1974,⁽⁶⁵⁾ the following occurred:

PRINTING AS A HOUSE DOCUMENT THE PRAYERS OF THE CHAPLAIN

Mr. [Leslie] ARENDS [of Illinois]. Mr. Speaker, I call up the concurrent resolution (H. Con. Res. 693) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 693

Resolved by the House of Representatives (the Senate concurring), That the prayers offered by the Chaplain, the Reverend Edward Gardiner Latch, D.D., L.H.D., at the opening of the daily sessions of the House of Representatives of the United States during the Ninety-second and Ninety-third Congresses, be printed, with appropriate illustration, as a House document, and that three thousand additional copies be printed and bound for the use of the House of Representatives, to be distributed by the Chaplain of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

64. 157 CONG. REC. 12891, 112th Cong. 1st Sess. For another instance of the Deputy Parliamentary offering the prayer, see 164 CONG. REC. H9513 [Daily Ed.], 115th Cong. 2d Sess. (Nov. 14, 2018).

65. 120 CONG. REC. 40864, 93d Cong. 2d Sess. See also H. Doc. 93–417, 93d Cong. 2d Sess.

“Chaplain Emeritus” Designations**§ 16.21 By unanimous consent, the House considered and adopted a resolution conferring the title of “Chaplain Emeritus” upon the retiring House Chaplain.⁽⁶⁶⁾**

On November 10, 1999,⁽⁶⁷⁾ the following appointment of Reverend James David Ford as “Chaplain Emeritus” occurred:

APPOINTING REVEREND DR. JAMES DAVID FORD AS CHAPLAIN EMERITUS
OF HOUSE OF REPRESENTATIVES

Mr. [Thomas] PETRI [of Wisconsin]. Mr. Speaker, I call up the resolution, (H. Res. 373) that immediately following his resignation as Chaplain of the House of Representatives and in recognition of the length of his devoted service to the House, Reverend James David Ford be, and he is hereby, appointed Chaplain Emeritus of the House of Representatives, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution. . . .

Mr. PETRI. Mr. Speaker, this resolution is offered in appreciation and thanks for the 20 years of service to the House, its Members, and its employees by our colleague and friend, the Chaplain of the House, the Reverend James David Ford; and I urge its adoption. . . .

Mr. [Dennis] HASTERT [of Illinois]. Mr. Speaker, I thank the gentlewoman from California (Mrs. CAPPS) for yielding.

Mr. Speaker, I rise in recognition of Dr. Ford and his devoted service to this House. He is a man of this House. He is a colleague. He is a friend. He is a counselor.

He has touched the lives of many Members in countless ways. He has married us. He has kept marriages together. He has baptized our children. He has visited us in the hospital. He has been with our families as we bid farewell to our beloved colleagues. And, very simply, he has been there when we needed him. He has made us laugh when we did not think we could, and he has made us introspective when we wanted to look elsewhere.

For me personally and the entire House, he was there that tragic day a little over a year ago when a gunman changed our lives in this House forever. He was there for the fallen heroes. He was there for their families. He was there for those of us who knew them well and whose lives were saved by their heroic actions. For that, I will be forever grateful.

Dr. Ford is not allowed to speak on the House floor, and we are not about to break that tradition, even for an emeritus chaplain. But I think it fitting on this occasion to quote him from his charge to the Chaplain Search Committee.

I have been honored to have served you as Chaplain for nearly 20 years, and I leave with deep appreciation for the vital work of the Congress and the people who serve this

66. *Parliamentarian’s Note:* Reverend Ford served the House as Chaplain for 20 years. For previous instances where the House conferred the title of “Chaplain Emeritus” to retiring Chaplains, see 6 Cannon’s Precedents § 31 and 96 CONG. REC. 1095, 81st Cong. 2d Sess. (Jan. 30, 1950).

67. 145 CONG. REC. 29493–96, 106th Cong. 1st Sess.

place so faithfully. I continue with enthusiastic support for this institution, our democracy, and with a sense of thanksgiving for the opportunities that I have been given.

Thank you, Dr. Ford, and may God bless you in the years ahead.

Mrs. [Lois] CAPPS [of California]. Mr. Speaker, further reserving the right to object, I am very happy to yield to my colleague the gentleman from Michigan (Mr. BONIOR). . . .

Mr. [James] TRAFICANT [of Ohio]. I thank the gentlewoman for yielding.

I did not plan to say a few words. We all love Dr. Ford, but I am worried for him. As the gentleman from Minnesota talked about, that just is not a one-man plane; that is a small plane with a lawn mower engine. He puts on his helmet, looks like he is right out of Buck Rogers, gets on a Harley Davidson motorcycle, revs it up so you could hear those exhausts, and passes people up speeding down the road.

I am concerned about him with all this free time.

So I think we all better say a collective prayer for a man whose collective prayers have helped an awful lot of us. Godspeed. . . .

Mrs. CAPPS. Mr. Speaker, I appreciate the time for allowing us to celebrate the life of our Chaplain, Jim Ford, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 373

Resolved, That immediately following his resignation as Chaplain of the House of Representatives and in recognition of the length of his devoted service to the House, Reverend James David Ford be, and he is hereby, appointed Chaplain Emeritus of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 16.22 The Chaplain has offered a prayer mourning the death of the Chaplain Emeritus of the House.

On September 5, 2001,⁽⁶⁸⁾ the Chaplain's prayer referenced the death of both a former Member of the House and a former Chaplain of the House who had been designated "Chaplain Emeritus:"

The House met at 2 p.m.

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

God of our forebears in faith, and ever-present Lord of life,

Be with us as we begin this fall session of the 107th Congress. . . .

Grant eternal peace to former Member, The Honorable FLOYD DAVIDSON SPENCE, and former Chaplain, Dr. James David Ford, who died since our last gathering. May their families and friends be surrounded with the consolation and peace which You alone can offer.

May all Americans catch a glimpse of Your glory that they may risk everything to bring about Your Kingdom of truth, justice and love now and forever.

68. 147 CONG. REC. 16380, 107th Cong. 1st Sess.

Amen.

§ 17. The Chief Administrative Officer

The Chief Administrative Officer (CAO) is an elected officer of the House. The position was created at the beginning of the 104th Congress, replacing a similar, non-elective position known as the Director of Non-Legislative and Financial Services.⁽¹⁾ As indicated by the position's title, the CAO is primarily an administrative position, and, pursuant to clause 4(a) of rule II,⁽²⁾ is responsible for "operational and financial functions of the House" as assigned by the Committee on House Administration.⁽³⁾ The duties of the CAO encompass a variety of managerial tasks, including: administering payroll and benefits for Members and employees of the House; providing furniture and equipment for offices; acquiring goods and services; managing information technology; supervising the media galleries for coverage of House proceedings; and overseeing the House Recording Studio. The CAO is "subject to the policy direction and oversight of the Committee on House Administration."⁽⁴⁾

Pursuant to clause 4(b) of rule II,⁽⁵⁾ the CAO is required to submit semi-annual reports to the Committee on House Administration regarding the "financial and operational status" of each function that falls within the CAO's jurisdiction. Administrative and financial records of House offices are reviewed and audited by the CAO pursuant to clause 4(c) of rule II.⁽⁶⁾ Further, clause 4(d) of rule II⁽⁷⁾ authorizes the CAO to deduct certain fines levied by the Sergeant-at-Arms from the salary of Members.

1. *House Rules and Manual* § 664 (2019). Prior to the creation of the Office of the CAO, administrative duties of the House were undertaken by variety of different officers at different times in the House's history. The new office consolidated various functions previously performed by the Clerk, Sergeant-at-Arms, Postmaster, or Doorkeeper. For more on these positions see §§ 13–16, *supra*.
2. *House Rules and Manual* § 661 (2019).
3. *Id.*
4. The "policy direction" facet of the rule was eliminated in the 107th Congress, but reinstated in the 114th Congress. See *House Rules and Manual* § 661 (2019).
5. *House Rules and Manual* § 662 (2019).
6. *House Rules and Manual* § 663 (2019).
7. *House Rules and Manual* § 663a (2019). Under clause 3(g) of rule II, the Sergeant-at-Arms is authorized to levy fines against Members who use electronic devices on the House floor for improper audio or visual recording or broadcasting of House proceedings. See *House Rules and Manual* § 660a (2019). For more on this authority, see § 16, *supra*.

The CAO is elected on opening day of a new Congress via the resolution electing all of the officers of the House.⁽⁸⁾ As an officer of the House, the CAO takes the oath of office⁽⁹⁾ upon election.⁽¹⁰⁾ In the case of a vacancy in the Office of the CAO (due to the death, removal, or resignation of the individual holding the office), the Speaker is authorized by statute⁽¹¹⁾ to appoint a temporary replacement.⁽¹²⁾ In one instance, the House created a vacancy in the Office of the CAO on opening day of the 105th Congress by adopting a resolution electing officers of the House but not naming an individual to the position of CAO.⁽¹³⁾ The CAO may be removed from office by the Speaker, pursuant to clause 1 of rule II,⁽¹⁴⁾ and such removal may be prospective.⁽¹⁵⁾ To fill a vacancy in the Office of the CAO on a permanent basis, the House must adopt a resolution electing a new individual to the position.⁽¹⁶⁾ The CAO may resign from the position,⁽¹⁷⁾ and such resignation may be prospective.⁽¹⁸⁾ Pursuant to statute,⁽¹⁹⁾ the CAO designates deputy CAOs to perform the duties of the office in the temporary absence of the CAO.⁽²⁰⁾

Election of the CAO

§ 17.1 The Chief Administrative Officer of the House is an elected officer whose election proceeds by the adoption of a privileged resolution naming an individual to the position.

The Chief Administrative Officer is typically elected on opening day of a new Congress along with the other elected officers of the House. However,

8. See § 13, *supra*. See also Precedents (Wickham) Ch. 1 § 5.1 and § 17.1, *infra*. The House may also elect a CAO prospectively. See § 17.2, *infra*.
9. See § 13, *supra*. See also Precedents (Wickham) Ch. 2 § 1 and §§ 17.1, 17.2, *infra*.
10. *Parliamentarian's Note*: Normally, the oath of office is administered immediately following the officer's election by the House. However, the oath may be administered prospectively if the effective date of the election is in the future. See § 17.2, *infra*. For a similar example, where the oath of office was administered to the Postmaster in advance of the electing resolution's effective date, see 118 CONG. REC. 22387, 92d Cong. 2d Sess. (June 26, 1972). The oath of office is also administered to a temporary CAO appointed by the Speaker pursuant to statute. See §§ 17.3, 17.7, *infra*.
11. 2 U.S.C. § 5501.
12. See §§ 17.3, 17.7, *infra*.
13. See § 17.7, *infra*.
14. *House Rules and Manual* § 640 (2019).
15. See § 17.5, *infra*.
16. See §§ 17.1, 17.2, *infra*.
17. See § 17.3, *infra*.
18. See § 17.4, *infra*.
19. P.L. 110–5, 120 Stat. 1311.
20. See § 17.8, *infra*.

if a vacancy occurs during a Congress,⁽²¹⁾ the House adopts a privileged resolution to fill the vacancy, as occurred on July 31, 1997:⁽²²⁾

ELECTION OF CHIEF ADMINISTRATIVE OFFICER

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a privileged resolution (H. Res. 207) and ask for its immediate consideration.

The SPEAKER pro tempore.⁽²³⁾ The resolution constitutes a question of privilege.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 207

Resolved, That James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BOEHNER] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

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

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume. . . .

Mr. BOEHNER. Reclaiming my time, Mr. Speaker, let me close this discussion by also congratulating the Acting CAO, Jeff Trandahl. Jeff is a valued employee of the House, and he worked for PAT ROBERTS for many years, and he worked for the Committee on Agriculture and then worked in the Clerk's office over the last 2 years before taking over this temporary assignment. And I think the best tribute to Jeff over the last 6 months, 7 months or so, is that we have not heard one word about the Acting CAO for this period of time that he has been there, and he has done, I think, a marvelous job running the organization, and with that I look forward to the dawning of our new CAO, Jay Eagen.

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.

§ 17.2 The Chief Administrative Officer may be elected prospectively.⁽²⁴⁾

On July 13, 2016,⁽²⁵⁾ the House adopted a privileged resolution electing Philip George Kiko to the position of Chief Administrative Officer on a future date:

21. *Parliamentarian's Note*: The Speaker may also fill such a vacancy on a temporary basis pursuant to statute. 2 U.S.C. § 5501. See §§ 17.3, 17.7, *infra*.

22. 143 CONG. REC. 17021, 17023, 105th Cong. 1st Sess.

23. Ray LaHood (IL).

24. *Parliamentarian's Note*: The previous Chief Administrative Officer, Will Plaster was appointed to act as CAO on December 16, 2015 (see § 17.5, *infra*) and was set to resign on August 1, 2016. The House was not expected to be in session that day, hence the need for this prospective election to fill the vacancy.

25. 162 CONG. REC. H4843 [Daily Ed.], 114th Cong. 2d Sess. For another prospective election of a CAO, see 153 CONG. REC. 3156–60, 110th Cong. 1st Sess. (Feb. 6, 2007).

ELECTING THE CHIEF ADMINISTRATIVE OFFICER 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. 826

Resolved, That Philip George Kiko of the State of Ohio, be, and is hereby, chosen Chief Administrative Officer of the House Representatives, effective August 1, 2016.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER.⁽²⁶⁾ Will the Chief Administrative Officer-designate please take the well.

The Chair will now administer the oath of office to the Chief Administrative Officer.

Mr. Kiko 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, Mr. Kiko.

Resignation of the CAO**§ 17.3 An individual serving as Chief Administrative Officer may resign the position, and such resignation is subject to acceptance by the House.**

On July 15, 2010,⁽²⁷⁾ the House accepted the resignation of Daniel P. Beard, Chief Administrative Officer:

RESIGNATION OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I'm writing to tender my resignation as Chief Administrative Officer for the U.S. House of Representatives effective July 18, 2010.

It has been a distinct honor and privilege to serve you and House in this position over the past three and one-half years. I believe we have made substantial strides to make

26. Paul Ryan (WI).

27. 156 CONG. REC. 13110–11, 111th Cong. 2d Sess.

House operations more sustainable, provide Members and staff with improved benefits, and provide the House community with a safer and more secure information technology system.

I will always be grateful to you for giving me this opportunity to serve this wonderful institution. I also want to thank you for your personal support.

With warmest best regards, I am

Sincerely yours,

DANIEL P. BEARD.

The SPEAKER.⁽²⁸⁾ Without objection, the resignation is accepted.
There was no objection.

§ 17.4 An individual serving as Chief Administrative Officer may resign the office prospectively.⁽²⁹⁾

On January 7, 2014,⁽³⁰⁾ the following resignation was accepted:

RESIGNATION OF CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2013.

Hon. JOHN A. BOEHNER,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you of my intent to resign as Chief Administrative Officer (CAO) effective at the close of business on January 6, 2014.

Thank you for the opportunity to serve you and the U.S. House of Representatives. Over the course of my 28 years as a staff member, I have developed a deep respect and reverence for the institution and, in particular, the Members and staff whose dedication and commitment to service make it an exciting, vibrant, and interactive community.

Additionally, I want to thank Ed Cassidy of your staff for his leadership, direction and support as Director of House Operations. He has done a tremendous job instilling and fostering a culture of collaboration and coordination within and among the institutional entities that support the House.

Finally, I want to thank my colleagues in the Office of the CAO and all the other institutional offices whose non-partisan professionalism serve as a model of excellence for other legislative bodies.

28. Nancy Pelosi (CA).

29. *Parliamentarian's Note*: The resignation of the CAO occurred between sessions of Congress. Although Mr. Strodel's letter was dated November 1, 2013, it was not laid down until after its effective date (Jan. 6, 2014). This was the first legislative day after that date. For an example of a resignation of a CAO that was accepted by the House prospectively, see § 17.3, *supra*.

30. 160 CONG. REC. 91, 113th Cong. 2d Sess. For a similar prospective resignation of a CAO, see 153 CONG. REC. 3156, 110th Cong. 1st Sess. (Feb. 6, 2007).

I will work with my successor as needed to ensure a smooth transition.

Sincerely,

DANIEL J. STRODEL.

The SPEAKER.⁽³¹⁾ Without objection, the resignation is accepted.
There was no objection.

Removal of the CAO

§ 17.5 Pursuant to clause 1 of rule II,⁽³²⁾ the Speaker may remove the Chief Administrative Officer of the House, and such removal may be prospective.⁽³³⁾

On December 16, 2015,⁽³⁴⁾ the following occurred:

REMOVAL AND APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 2015.

Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: I am writing to advise you of my intention to retire from federal service in early 2016. Accordingly, I hereby resign as Chief Administrative Officer of the House effective upon the election of my successor, or as you otherwise direct.

It has been a high honor and distinct privilege to serve you and your colleagues, past and present, since the 1970's; and especially so, to serve alongside the extraordinarily dedicated men and women in the Office of the CAO during the 113th and 114th Congresses.

In order to ensure a seamless transition, I am pleased that Clerk of the House Karen Haas has graciously detailed to my office Mr. Will Plaster, a senior member of her staff, to serve on an interim basis as Deputy Chief Administrative Officer.

Mr. Speaker, I appreciate more than words can adequately convey the priceless opportunities afforded me throughout my career to serve this magnificent—and uniquely American—institution we call the people's House.

31. John Boehner (OH).

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

33. *Parliamentarian's Note*: This was the first exercise of removal authority by the Speaker of an elected officer of the House under clause 1 of rule II. *House Rules and Manual* § 640 (2019). The Speaker may remove an elected officer prospectively. As depicted below, the CAO (Ed Cassidy) indicated an intention to resign, but did not provide an effective date of the resignation. In order to establish a specific date on which Mr. Cassidy would no longer be CAO, the Speaker utilized his removal authority to declare the office vacant on a particular date, and appoint a replacement on the same day. For the eventual election of Philip Kiko as CAO, see § 17.2, *supra*.

34. 161 CONG. REC. H9332 [Daily Ed.], 114th Cong. 1st Sess.

I congratulate you on your election as Speaker, and wish you all the best in the challenging days ahead.

Sincerely,

ED CASSIDY.

Appointment of the CAO

§ 17.6 Pursuant to statute,⁽³⁵⁾ the Speaker may appoint a Chief Administrative Officer of the House on a temporary basis⁽³⁶⁾ if there occurs a vacancy in the office.

On July 15, 2010,⁽³⁷⁾ following the resignation of the CAO, the Speaker exercised statutory authority to appoint a temporary CAO:

APPOINTMENT OF TEMPORARY CHIEF ADMINISTRATIVE OFFICER

The SPEAKER.⁽³⁸⁾ Pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946, the Chair appoints Daniel J. Strodel of the District of Columbia to act as and to exercise temporarily the duties of Chief Administrative Officer of the House of Representatives, effective July 18, 2010.

Mr. Strodel 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.

Vacancy at the Beginning of a Congress

§ 17.7 The House has created a vacancy in the Office of the Chief Administrative Officer (CAO) by adopting a resolution on the opening day of a new Congress electing officers of the House, but not naming an individual to the position of CAO.⁽³⁹⁾

35. 2 U.S.C. § 5501.

36. *Parliamentarian's Note*: An individual appointed under statute may “exercise temporarily the duties” of the Office of the CAO. 2 U.S.C. § 5501. In order to fill the vacancy on a permanent basis, the House must adopt a resolution electing the CAO. In this instance, the temporary appointed CAO served for the remainder of the Congress, and was elected to the position by resolution on opening day of the following Congress. See H. Res. 1, 157 CONG. REC. 79, 112th Cong. 1st Sess. (Jan. 5, 2011).

37. 156 CONG. REC. 13111, 111th Cong. 2d Sess.

38. Nancy Pelosi (CA).

39. *Parliamentarian's Note*: The majority party caucus did not recommend an individual for the position of CAO, allowing the position to be filled temporarily by the Speaker.

On January 7, 1997,⁽⁴⁰⁾ the resolution electing officers of the House did not include a named individual to the position of CAO, thus creating a vacancy in the office:

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, AND CHAPLAIN

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Robin H. Carle, of the Commonwealth of Virginia, be, and she is hereby chosen Clerk of the House of Representatives:

That Wilson S. Livingood, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Reverend James David Ford of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. [Victor] FAZIO of California. 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.⁽⁴¹⁾ 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.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California:

That Marti Thomas, of the District of Columbia, be, and she is hereby, chosen Clerk of the House of Representatives;

That Sharon Daniels, of the State of Maryland, be, and she is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Steve Elmendorf, of the District of Columbia, be, and he 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 [Mr. FAZIO].

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The remainder of the resolution was agreed to.

The SPEAKER. Will the officers-elect present themselves in the well of the House?

The officers-elect presented themselves at the bar of the House and took the oath of office as follows:

40. 143 CONG. REC. 120, 105th Cong. 1st Sess.

41. Newt Gingrich (GA).

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 have been sworn in as officers of the House.

On January 9, 1997,⁽⁴²⁾ the Speaker temporarily filled the vacancy in the Office of the CAO by exercising statutory appointment authority.⁽⁴³⁾

APPOINTMENT OF TEMPORARY CHIEF ADMINISTRATIVE OFFICER OF HOUSE OF REPRESENTATIVES

The SPEAKER.⁽⁴⁴⁾ Pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. § 75a–1), the Chair appoints Jeff Trandahl of Virginia to act as and to exercise temporarily the duties of Chief Administrative Officer of the House of Representatives.

Mr. Trandahl 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.

Deputy Chief Administrative Officer

§ 17.8 Pursuant to law,⁽⁴⁵⁾ the Chief Administrative Officer (CAO) designates deputies to act in the CAO's stead in the event of the CAO's death, resignation, separation from office, or disability.

On June 10, 2008,⁽⁴⁶⁾ the following communication was laid before the House:

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.

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- 42.** 143 CONG. REC. 279, 105th Cong. 1st Sess. On July 31, 1997, the House adopted a resolution to fill the vacancy on a permanent basis. See § 17.1, *supra*.
- 43.** 2 U.S.C. § 5501. At the time of these proceedings, this statutory provision was found at 2 U.S.C. § 75a–1.
- 44.** Newt Gingrich (GA).
- 45.** P.L. 110–5, 121 Stat. 8. In the 110th Congress, section 20702(b) of House Joint Resolution 20 enacted by reference section 103 of H.R. 5521 (passed by the House in the 109th Congress). See 152 CONG. REC. 10203, 10230–31, 109th Cong. 2d Sess. (June 7, 2006) and 153 CONG. REC. 2729, 2763–64, 110th Cong. 1st Sess. (Jan. 31, 2007)
- 46.** 154 CONG. REC. 12034, 110th Cong. 2d Sess.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to § 20702(b) of H.J. Res. 20, P.L. 110–5, I am notifying the House that I am designating Ali Qureshi, Deputy Chief Administrative Officer for Operations and Walter Edwards, Deputy CAO for Customer Solutions to act in my stead in the event of my death, resignation, separation from office or disability until a Chief Administrative Officer is appointed pursuant to 2 U.S.C. § 5501.

Sincerely,

DANIEL P. BEARD.

D. Other House Officials and Capitol Employees

§ 18. The Parliamentarian

The Parliamentarian of the House is a nonpartisan official appointed by the Speaker to provide impartial guidance on House rules, precedents, and customs. Prior to the advent of the position of Parliamentarian, a “Clerk at the Speaker’s table” performed a similar role, advising the presiding officer as to proper parliamentary procedure.⁽¹⁾ In the 69th Congress in 1927, the official became formally known as the Parliamentarian of the House.⁽²⁾ In the 95th Congress, the House formally established an Office of the Parliamentarian in law.⁽³⁾ The office consists of the Parliamentarian, the Deputy Parliamentarian, and other attorneys, clerks, and IT support professionals. The Office of the Parliamentarian provides procedural guidance to the Speaker, House leadership, Members, committees, and staff.

The Parliamentarian has a wide variety of duties both on and off the floor of the House. Whenever the House is in session, the Parliamentarian is present on the floor and sits or stands to the right of the Chair. From that position, the Parliamentarian advises the presiding officer in real time as

1. An even earlier position, known as the “Messenger to the Speaker” dates back to at least the 34th Congress in 1857. See <https://history.house.gov/People/Office/Parliamentarians/> (last visited Oct. 24, 2019).
2. 68 CONG. REC. 2622–23, 69th Cong. 2d Sess. (Jan. 31, 1927). Since the 69th Congress, there have been six individuals appointed as Parliamentarian of the House: Lehr Fess (1919–1928), Lewis Deschler (1928–1974), William Holmes Brown (1974–1994), Charles W. Johnson, III (1994–2004), John V. Sullivan (2004–2012), and Thomas J. Wickham, Jr. (2012–).
3. 2 U.S.C. § 287. See § 18.1, *infra*.

to the current parliamentary situation and provides guidance for the orderly conduct of deliberations. The Parliamentarian also assists the various employees of the Clerk's Office at the rostrum with such tasks as: conducting votes; processing bills for referral to committee; filing committee reports; etc. The Parliamentarian works with the Official Reporters of Debate and Journal Clerks to ensure that procedural statements issued by the Chair and other proceedings are correctly depicted in the *Congressional Record* and *Journal*. Clerks to the Parliamentarian are positioned to the left of the Chair, and are primarily charged with timekeeping duties and other administrative tasks.

The Speaker's authority to refer bills and resolutions to committee has traditionally been delegated to the Parliamentarian, who researches prior referrals and arbitrates jurisdictional disputes among committees of the House.⁽⁴⁾ The Parliamentarian's Office works closely with the Committee on Rules on special orders of business and reviews possible amendments for compliance with House rules (such as germaneness).

The Office of the Parliamentarian publishes a number of parliamentary texts for use by the House. The primary text is the *House Rules and Manual*, which contains the annotated standing rules of the House, as well as Jefferson's *Manual of Parliamentary Practice* and the Constitution.⁽⁵⁾ A secondary text, known as *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*, provides an overview of parliamentary practice in the House, divided by subject matter.⁽⁶⁾ A subsidiary Office of the Parliamentarian, known as the Office of Compilation of the Precedents, analyzes and compiles the procedural rulings of the House of Representatives for publication. This office was initially authorized in the 93d Congress by the Committee Reform Amendments of 1974.⁽⁷⁾ The printing and the distribution of these volumes of precedents has also been authorized by law.⁽⁸⁾ In 2013, the office completed publication of the Deschler's Precedents series. An updated series, known as the Precedents of the U.S. House of Representatives series began in 2018.⁽⁹⁾

4. For the referral process generally, see Deschler's Precedents Ch. 16 § 3 and Precedents (Wickham) Ch. 16. The Office of the Parliamentarian is also tasked with referring executive communications, petitions, and memorials to the appropriate committees of jurisdiction. See Rule XII, clause 8, *House Rules and Manual* § 827 (2019).

5. See Precedents (Wickham) Ch. 5 § 2.1.

6. The publication of this volume is authorized by statute. See 2 U.S.C. § 29.

7. See 2 U.S.C. § 28a.

8. See 2 U.S.C. §§ 28, 28b–e, 29.

9. Since 1907, the House has published four precedents series. Hinds' Precedents covers precedents from 1789–1907. Cannon's Precedents covers precedents from 1907–1936.

When a Parliamentarian resigns the position,⁽¹⁰⁾ the Speaker appoints a new Parliamentarian without regard to political affiliation.⁽¹¹⁾ Since 1927, every retiring Parliamentarian has been succeeded by another member of the office, thus ensuring the retention of institutional knowledge.

Creation of Office

§ 18.1 By unanimous consent, the House considered and adopted a resolution formally establishing in the House an Office of the Parliamentarian.⁽¹²⁾

On April 20, 1977,⁽¹³⁾ a resolution establishing the Office of the Parliamentarian (to be supervised by a nonpartisan Parliamentarian appointed by the Speaker) was considered and adopted as follows:

AUTHORIZING ESTABLISHMENT OF OFFICE OF PARLIAMENTARIAN OF HOUSE OF REPRESENTATIVES

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I send to the desk a resolution (H. Res. 502) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER.⁽¹⁴⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved,

ESTABLISHMENT

SECTION 1. There is hereby established in the House of Representatives an office to be known as the Office of the Parliamentarian, hereinafter in the resolution referred to as the "Office".

PARLIAMENTARIAN

SEC. 2. The management, supervision, and administration of the Office shall be vested in the Parliamentarian, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

Deschler's Precedents, and its subsequent mastheads of Deschler–Brown, Deschler–Brown–Johnson, and Deschler–Brown–Johnson–Sullivan Precedents, cover precedents from 1936–2013 (depending on the volume's date of publication). The fourth series, Precedents of the U.S. House of Representatives (cited as Precedents (Wickham)), saw its first volume published in 2018, and covers precedents from 1973 to opening day of the 115th Congress.

10. See § 18.2, *infra*. See also Deschler's Precedents Ch. 37 § 10.

11. See § 18.3, *infra*.

12. The resolution was enacted into permanent law by P.L. 95–94, 91 Stat. 653. See 2 U.S.C. § 287.

13. 123 CONG. REC. 11415, 95th Cong. 1st Sess. See also *House Rules and Manual* § 1122 (2019) and 2 U.S.C. § 287.

14. Thomas O'Neill (MA).

STAFF

SEC. 3. (a) With the approval of the Speaker or in accordance with policies and procedures approved by the Speaker, the Parliamentarian shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Parliamentarian with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(b) (1) One of the attorneys appointed under subsection (a) shall be designated by the Parliamentarian as Deputy Parliamentarian. During the absence or disability of the Parliamentarian, or when the office is vacant, the Deputy Parliamentarian shall perform the functions of the Parliamentarian.

(2) The Parliamentarian may delegate to the Deputy Parliamentarian and to other employees appointed under subsection (a) such of the functions of the Parliamentarian as the Parliamentarian considers necessary or appropriate.

COMPENSATION

SEC. 4. (a) The Parliamentarian shall be paid at a per annum gross rate established by the Speaker but not in excess of the rate of basic pay determined from time to time under subsection (b) of section 3 of the Speaker's salary directive of June 11, 1968 (2 U.S.C. 60a note).

(b) Members of the staff of the Office other than the Parliamentarian shall be paid at per annum gross rates fixed by the Parliamentarian with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the rate of basic pay set forth in subsection (a).

EXPENDITURES

SEC. 5. In accordance with policies and procedures approved by the Speaker, the Parliamentarian may make such expenditures as may be necessary or appropriate for the functioning of the Office.

EFFECTIVE DATE

SEC. 6. This resolution shall take effect as of March 1, 1977, and shall continue in effect until otherwise provided by law.

Mr. WRIGHT (during the reading).

Mr. Speaker, I ask unanimous consent that the resolution may be considered as read and printed in the RECORD.

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

There was no objection.

Mr. WRIGHT. Mr. Speaker, this resolution establishes an office of Parliamentarian. While the duties of the Parliamentarian are set forth in law, the existence of the office has heretofore been recognized only in annual appropriation measures. This resolution, when made permanent law, will constitute the authorization for future appropriations.

The resolution does not change the present nature, size, or duties of the office. All functions prescribed in existing law remain the same. Appointment of the Parliamentarian by the Speaker and the nonpartisan nature of the office will continue as before.

Present practices regarding employment of personnel in the office will continue. All employees in the office have traditionally been appointed with approval of Speaker. The resolution also permits a deputy to sign vouchers and other necessary papers in absence of the Parliamentarian.

In 1968 the pay of the Parliamentarian was fixed at a rate which was specifically limited in application to the incumbent, Lewis Deschler. Presently there is no authority in law for the Speaker to raise pay above that amount which existed at time of the resignation of the former Parliamentarian in 1974. This resolution would rectify that situation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Resignation of the Parliamentarian**§ 18.2 The resignation of the Parliamentarian is laid before the House for the information of Members.⁽¹⁵⁾**

On February 28, 2012,⁽¹⁶⁾ the following occurred:

RESIGNATION AS PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, February 28, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As you know, the skill and dedication of the team with whom I serve in the Office of the Parliamentarian and the Office of Compilation of Precedents are unsurpassed. In my judgment they are ready to continue their commitment to excellence in the procedural practice of the House without me. I appreciate your allowing me to lead the office to this juncture. Please now accept my resignation effective March 31, 2012.

I am grateful to you and your predecessors, Mr. Speaker, for supporting the exercise of independent professional judgment by your parliamentarians. It is a credit to the House that its presiding officers shed their partisan cloaks and follow our considered advice.

It has been my honor to serve in the Office of the Parliamentarian for 25 years. To whatever extent I have made good of the opportunity, I credit the steady support of my wife, Nancy Sands Sullivan, and the inspiration of our children, Michael, Margaret, and Matthew.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

On June 27, 1974,⁽¹⁷⁾ the following resignation was laid before the House:⁽¹⁸⁾

15. *Parliamentarian's Note:* The resignation of a nonelected officer such as the Parliamentarian is not subject to acceptance by the House, but is laid before the House as a matter of information. See Deschler's Precedents Ch. 37 § 9.3.
16. 158 CONG. REC. 2360–61, 112th Cong. 2d Sess.
17. 120 CONG. REC. 21590–92, 21595, 93d Cong. 2d Sess. See also Deschler's Precedents Ch. 37 § 10.4 (resignation of Parliamentarian William Holmes Brown) and Deschler's Precedents Ch. 37 § 10.5 (resignation of Parliamentarian Charles W. Johnson III).
18. *Parliamentarian's Note:* The resignation of a nonelected officer such as the Parliamentarian is not subject to acceptance by the House, but is laid before the House as a matter of information. See Deschler's Precedents Ch. 37 § 9.3. For the appointment of William Holmes Brown as Parliamentarian, see 120 CONG. REC. 21847–48, 93d Cong. 2d Sess. (July 1, 1974).

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives:

WASHINGTON, DC,
June 27, 1974.

Hon. CARL ALBERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation as Parliamentarian of the United States House of Representatives effective at the close of June 30, 1974.

I am in my fiftieth year of service for the House of Representatives, having come originally to this body as an employee in 1925. In 1927 I became Assistant Parliamentarian and in January, 1928, I began my service as Parliamentarian of the House of Representatives, service which has covered a period of more than forty-six years.

This has been a wonderful experience, and I consider it to be one of the great privileges which God has granted me that I have served with nine Speakers: Honorable Nicholas Longworth, Honorable John Garner, Honorable Henry Rainey, Honorable Joseph Byrns, Honorable William Bankhead, Honorable Sam Rayburn, Honorable Joseph Martin, Honorable John McCormack, Honorable Carl Albert.

No one ever becomes Speaker of the House of Representatives unless he has great intelligence and ability and high probity, and unless he commands the respect of his colleagues. All of these nine Speakers were eminently qualified to follow and enhance the traditions of the House of Representatives. Their wisdom, fairness, and non-partisanship in filling the high post of Speaker is shown by the fact that from the beginning of the 70th Congress, in 1927, there have been only eight appeals from decisions of the Speaker, and in seven of these eight cases the decision of the Speaker was sustained by the House of Representatives. On the one occasion when the Speaker was overruled (on February 21, 1931), the House was actually following the wishes of Speaker Longworth, for he in effect appealed to the House to overrule him in order to correct what he regarded as an erroneous precedent.

The challenges presented by my work as Parliamentarian have been heightened by the caliber of the men and women who have served in the House of Representatives while I have been associated with it. Truly representing all parts of the country and all their constituents, their individual and collective wisdom and their unceasing dedication to this country and its Constitution have always been a source of inspiration to me. I shall always treasure the many deep and abiding friendships which have developed through my associations with the Members over these years.

Along the way too it has been a pleasure to associate with the talented and loyal officers and employees of this body, and I am deeply grateful for the close friendships and wonderful working relationships which we have had.

I shall cherish the firm and lasting friendships I have had, Mr. Speaker, with the ladies and gentlemen of the media. In my almost daily associations with them over many years, I have come to know and respect their diligent efforts to report the news. I am particularly grateful for the way in which they honored my requests to protect my anonymity on those many occasions when they discussed with me some of the complicated legislative problems which confronted us from time to time.

The time comes in each man's life when he must determine what his future may be under God's guidance and direction. I am approaching my seventieth year, and my doctors have strongly suggested that I retire from my duties as Parliamentarian. It is my

hope, Mr. Speaker, that in your good judgment you will find a position where I may continue to advise and consult with you and with the new Parliamentarian, as well as continuing the important work in which I am presently engaged of compiling the Precedents of the House of Representatives.

I wish to thank you, Mr. Speaker, and through you all the Members of this great body present and past, for your many kindnesses and considerations.

Most respectfully submitted.

LEWIS DESCHLER,
Parliamentarian, U.S. House of Representatives.

RETIREMENT OF LEWIS DESCHLER AS PARLIAMENTARIAN

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, on behalf of the minority leader, the gentleman from Arizona (Mr. RHODES) and myself, I offer a resolution (H. Res. 1202) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1202

Resolved, That the House of Representatives hereby tenders its gratitude and expresses its abiding affection to Lewis Deschler upon his retirement after more than 46 years as its Parliamentarian, and recognizes that his unsurpassed service and dedication to the House, his impartial counsel to Speakers and Members, and his exceptional contribution to the operation of its rules have immeasurably benefited this institution of government.

The SPEAKER.⁽¹⁹⁾ If the Chair did not stop it, this applause and standing ovation would continue all day. . . .

Mr. O'NEILL. 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.

Appointment of Parliamentarian

§ 18.3 Pursuant to law,⁽²⁰⁾ the Speaker appoints the Parliamentarian of the House, and such appointment is announced to the House for the information of Members.

On February 28, 2012,⁽²¹⁾ the Speaker appointed Thomas J. Wickham, Jr., as Parliamentarian to succeed John V. Sullivan:

APPOINTMENT AS PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER.⁽²²⁾ Pursuant to section 287(a) of title 2, United States Code, the Chair appoints Thomas J. Wickham, Jr., as Parliamentarian of the House of Representatives to succeed John V. Sullivan, resigned.

19. Carl Albert (OK).

20. 2 U.S.C. § 287(a).

21. 158 CONG. REC. 2360–61, 112th Cong. 2d Sess.

22. John Boehner (OH).

On July 1, 1974,⁽²³⁾ the Speaker appointed William Holmes Brown as Parliamentarian to succeed Lewis Deschler:

The SPEAKER.⁽²⁴⁾ The Chair desires to announce that he has on this date appointed William Holmes Brown as Parliamentarian of the House of Representatives to succeed Lewis Deschler, resigned.

Senate Floor Privileges

§ 18.4 By unanimous consent, the Senate granted to the House Parliamentarian and five Assistant Parliamentarians privileges of the Senate floor for the duration of a Congress.⁽²⁵⁾

On January 6, 2009,⁽²⁶⁾ 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.⁽²⁷⁾ 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.

§ 19. General Counsel; Bipartisan Legal Advisory Group

The Office of General Counsel is established pursuant to clause 8(a) of rule II.⁽¹⁾ The purpose of the office is to provide “legal assistance and representation to the House . . . without regard to political affiliation.”⁽²⁾ The

23. 120 CONG. REC. 21847–48, 93d Cong. 2d Sess.

24. Carl Albert (OK).

25. *Parliamentarian’s Note*: Although these types of unanimous-consent requests granting Senate floor privileges to House parliamentarians were once routine, they have not occurred in recent Congresses.

26. 155 CONG. REC. 43, 111th Cong. 1st Sess.

27. Jon Tester (MT).

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

2. *Id.*

General Counsel is appointed by the Speaker,⁽³⁾ and functions under the direction of the Speaker (who consults with the Bipartisan Legal Advisory Group).⁽⁴⁾

The Office of General Counsel was first established in the 103d Congress in 1993.⁽⁵⁾ Prior to this time, an official in the Clerk's Office (known as the Counsel to the Clerk) performed a similar function to that of the modern General Counsel.⁽⁶⁾ The House Administrative Reform Resolution of 1992⁽⁷⁾ provided that the Committee on House Administration establish an Office of General Counsel—a directive that was executed when the House established the office in the standing rules at the outset of the 103d Congress. The Bipartisan Legal Advisory Group (BLAG) was formally established at the same time, and, pursuant to clause 8(b) of rule II, is composed of “the Speaker and the majority and minority leaderships.”⁽⁸⁾ The mandate of the Bipartisan Legal Advisory Group is to articulate the institutional position of the House in all litigation matters.⁽⁹⁾

The House General Counsel provides legal advice to Members, officers, and employees of the House. The General Counsel advises on matters of constitutional privilege, including issues involving Speech or Debate immunity⁽¹⁰⁾ and immunity from arrest,⁽¹¹⁾ as well as executive, Fifth Amendment, and attorney–client privileges.⁽¹²⁾ The General Counsel also advises

3. See, e.g., § 19.1, *infra*. For an announcement of the resignation of the House General Counsel, see § 19.2, *infra*.
4. *House Rules and Manual* § 670a (2019).
5. See H. Res. 5, 139 CONG. REC. 49, 103d Cong. 1st Sess. (Jan. 5, 1993). For more on the office, see *House Office of General Counsel*, CRS Report RS22890 (May 21, 2014).
6. For a discussion of Speaker O'Neill's role in expanding the Counsel to the Clerk position to address broader institutional matters, see Rebecca Mae Salokar, *Legal Counsel for Congress: Protecting Institutional Interests*, CONGRESS & THE PRESIDENCY 137–138 (1993). For examples of questions of privilege relating to the conduct of the former Counsel to the Clerk, see H. Res. 362, 136 CONG. REC. 4996–97, 101st Cong. 2d Sess. (Mar. 22, 1990) and H. Res. 434, 138 CONG. REC. 9076–77, 102d Cong. 2d Sess. (Apr. 9, 1992).
7. See H. Res. 423, 138 CONG. REC. 9040, 102d Cong. 2d Sess. (Apr. 9, 1992). See § 30, *infra*. Section 12 of the resolution provided that: “The Committee on House Administration—shall provide for an Office of General Counsel to the House in a manner which shall insure appropriate coordination with and participation by both the majority and minority leaderships and representational and litigation matters.”
8. *House Rules and Manual* § 670a (2019). In the 114th Congress in 2015, provisions regarding BLAG were moved to clause 8(b) of rule II, its composition modified to formally include the Speaker, and its purpose clarified to underscore its institutional responsibilities.
9. *House Rules and Manual* § 670a (2019).
10. U.S. Const. art. I, § 6, cl. 1. See also *House Rules and Manual* §§ 92–95 (2019).
11. U.S. Const. art. I, § 6, cl. 1. See also *House Rules and Manual* §§ 90–91 (2019).
12. See *Precedents* (Wickham) Ch. 7.

committees of the House in preparing and serving congressional subpoenas.⁽¹³⁾

When judicial subpoenas or other court orders are received by Members, officers, or employees of the House, the General Counsel will advise the affected party whether compliance with the subpoena is consistent with the institutional rights and privileges of the House.⁽¹⁴⁾ If requested, the General Counsel may represent the House, its committees, Members, officers, or employees in litigation on matters involving official acts or duties. By law, the General Counsel is entitled to enter an appearance “in any proceeding before any court of the United States or of any State or political subdivision thereof.”⁽¹⁵⁾

The House has authorized the General Counsel to represent the House (or its committees) in litigation, or to initiate or to intervene in judicial proceedings.⁽¹⁶⁾ The House has authorized the General Counsel to employ outside counsel in furtherance of its representational responsibilities.⁽¹⁷⁾

In the 115th Congress, clause 8(c) of rule II⁽¹⁸⁾ was established to provide standing authorization to continue litigation commenced in a prior Congress. This rule permits the House, the Speaker, committees, or committee chairs “to act as the successor in interest” to the ongoing litigation and “to take such steps as may be appropriate to ensure continuation” of the matter.

Appointment of the General Counsel

§ 19.1 Pursuant to clause 8 of rule II,⁽¹⁹⁾ the Speaker appoints the General Counsel of the House and such appointment is announced to the House for the information of Members.

13. For more information regarding the House’s investigatory powers, see 2 Hinds’ Precedents §§ 1597–1640; 3 Hinds’ Precedents §§ 1666–1826; 6 Cannon’s Precedents §§ 332–393; Deschler’s Precedents Ch. 15; and Precedents (Wickham) Ch. 15.

14. See § 26, *infra*.

15. 2 U.S.C. § 5571.

16. Such authorization has typically been provided by simple resolution. See, e.g., H. Res. 639, 162 CONG. REC. H1434–H1446 [Daily Ed.], 114th Cong. 2d Sess. (Mar. 17, 2016) and H. Res. 980, 154 CONG. REC. 2190–91, 110th Cong. 2d Sess. (Feb. 14, 2008). Such resolutions constitute questions of privilege under rule IX. *House Rules and Manual* § 291b (2019). For more on these types of questions of privilege, see Deschler’s Precedents Ch. 11 §§ 18, 19, and Precedents (Wickham) Ch. 11. This type of authorization has also been provided by a separate order contained in the resolution adopting the standing rules at the beginning of a Congress. See, e.g., H. Res. 5, 161 CONG. REC. 36, 114th Cong. 1st Sess. (Jan. 6, 2015).

17. See § 19.3, *infra*.

18. *House Rules and Manual* § 670b (2019). See also H. Res. 5, 159 CONG. REC. 27, 113th Cong. 1st Sess. (Jan. 3, 2013).

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

On November 9, 2007,⁽²⁰⁾ the Speaker appointed Irvin Nathan as General Counsel to the House:

APPOINTMENT OF GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore (Mr. [Ed] PERLMUTTER [of Colorado]). Pursuant to clause 8 of rule II, and the order of House of January 4, 2007, the Chair announces the Speaker's appointment of Mr. Irvin B. Nathan as General Counsel of the United States House of Representatives, effective November 12, 2007.

Resignation of the General Counsel

§ 19.2 The resignation of the General Counsel is laid before the House for the information of Members.⁽²¹⁾

On November 9, 2007,⁽²²⁾ the Speaker pro tempore laid before the House a letter of resignation from Geraldine Gennet, General Counsel to the House of Representatives, effective November 12, 2007:

COMMUNICATION FROM THE GENERAL COUNSEL OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, November 9, 2007.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.

DEAR MADAM SPEAKER: I am writing to tender my resignation as General Counsel to the House of Representatives, effective the close of business on November 12, 2007. It has been an honor and a pleasure to serve under three Speakers, including yourself, for the past twelve years. Over that time, I have tried to maintain a nonpartisan office that, both by reputation and in practice, provides thoughtful and effective legal advice and representation to all Members of the House, without regard to political affiliation, and whose highest obligation is to the long-term interests of the House. I believe the other attorneys in the office and I have succeeded in meeting these objectives. We have worked very closely with Members and staffers from both sides of the aisle on many matters, as well as with the House Officers and the many institutional offices in the legislative branch. I expect that the Office of General Counsel will continue to fulfill this role for the House, and that the Office will maintain the respect and trust it has enjoyed all these years.

20. 153 CONG. REC. 30825, 110th Cong. 1st Sess. For similar appointments, see 139 CONG. REC. 2512, 103d Cong. 1st Sess. (Feb. 4, 1993); 140 CONG. REC. 7148, 103d Cong. 2d Sess. (Apr. 12, 1994); and 143 CONG. REC. 26537, 105th Cong. 1st Sess. (Nov. 14, 1997).
21. *Parliamentarian's Note*: As the General Counsel is not an elected officer of the House, the resignation of such official is not subject to acceptance by the House. See Deschler's Precedents Ch. 37 § 9.3.
22. 153 CONG. REC. 30739, 110th Cong. 1st Sess.

I would like to recognize and thank the staff of the Office: first, my very good friend and colleague who came with me to the House over twelve years ago—Deputy General Counsel Kerry Kircher, who will continue in that capacity and provide excellent service to the House as he has always done. I would also like to recognize the other attorneys, Assistant Counsels David Plotinsky, Christine Davenport, and John Filamor, who have all been with the Office for a long time and who are well known to and respected by so many Members, Officers and staff of the House. Finally, I would like to recognize our Office Administrator, Czesia Constantine, who has taken care of every aspect of the office's functions, including watching every penny as though it were her own money. Her service, and that of the many evening law students who have worked as full time law clerks for the Office over those years, have made it possible for the attorneys to provide the quality of service for which the Office is known and appreciated.

I will greatly miss the many friends I have made here. I congratulate my successor, Irv Nathan, on his appointment and wish him every success. Thank you again, Madam Speaker, for the opportunity to serve you.

Sincerely,

GERALDINE R. GENNET,
General Counsel.

Employment of Outside Counsel

§ 19.3 The House has adopted a resolution authorizing the Speaker to initiate certain judicial proceedings and authorizing the Office of General Counsel to employ outside counsel in its representation of the House in such proceedings.

On July 30, 2014,⁽²³⁾ the House adopted a resolution authorizing the Speaker to initiate judicial proceedings against the President and also authorizing the House General Counsel to employ outside counsel in furtherance of the litigation:

AUTHORIZATION TO INITIATE LITIGATION FOR ACTIONS BY THE PRESIDENT

Mr. [Pete] SESSIONS [of Texas]. Mr. Speaker, pursuant to House Resolution 694, I call up the resolution (H. Res. 676) providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.⁽²⁴⁾ Pursuant to House Resolution 694, the amendment recommended by the Committee on Rules printed in the resolution is adopted, and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 676

Resolved, That the Speaker is authorized to initiate or intervene in one or more civil actions on behalf of the House of Representatives in a Federal court of competent jurisdiction to seek any appropriate relief regarding the failure of the President, the head of

23. 160 CONG. REC. 13663, 13668–69, 13674, 113th Cong. 2d Sess. See also 165 CONG. REC. H24 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

24. Doc Hastings (WA).

any department or agency, or any other officer or employee of the executive branch, to act in a manner consistent with that official's duties under the Constitution and laws of the United States with respect to implementation of any provision of the Patient Protection and Affordable Care Act, title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010, including any amendment made by such provision, or any other related provision of law, including a failure to implement any such provision.

SEC. 2. The Speaker shall notify the House of Representatives of a decision to initiate or intervene in any civil action pursuant to this resolution.

SEC. 3. (a) *The Office* [The Office] of the General Counsel of the House of Representatives, at the direction of the Speaker, shall represent the House in any civil action initiated, or in which the House intervenes, pursuant to this resolution, and may employ the services of outside counsel and other experts for this purpose.

(b) The chair of the Committee on House Administration shall cause to be printed in the Congressional Record a statement setting forth the aggregate amounts expended by the Office of General Counsel on outside counsel and other experts pursuant to subsection (a) on a quarterly basis. Such statement shall be submitted for printing not more than 30 days after the expiration of each such period.

The SPEAKER pro tempore. All time for debate has expired.

The SPEAKER pro tempore. Pursuant to House Resolution 694, the previous question is ordered on the resolution, as amended.

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 225, nays 201, not voting 6, as follows:

[Roll No. 468] . . .

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.

§ 20. Inspector General

The Office of Inspector General is established pursuant to clause 6(a) of rule II.⁽¹⁾ The Inspector General is a nonpartisan official of the House appointed jointly by the Speaker, the Majority Leader, and the Minority Leader.⁽²⁾ The primary function of the Inspector General is to conduct financial

1. *House Rules and Manual* § 667 (2019). The position of Inspector General was created in the 102d Congress by the House Administrative Reform Resolution of 1992. See H. Res. 423, 141 CONG. REC. 9039–40, 9074–75, 102d Cong. 2d Sess. (Apr. 9, 1992). Section 8 of the resolution amended the standing rules of the House to provide for an Office of Inspector General. The duties and reporting requirements of the Inspector General have gradually expanded in the years since it was first created.
2. *House Rules and Manual* § 667 (2019). See also § 20.1, *infra*. For the resignation of an Inspector General, see § 20.2, *infra*.

audits of House offices and perform other administrative reviews consistent with government-wide standards.⁽³⁾ As with the Chief Administrative Officer,⁽⁴⁾ the Inspector General is subject to the policy direction and oversight of the Committee on House Administration.⁽⁵⁾

The Inspector General notifies the Speaker, the Majority Leader, the Minority Leader, and the chair and the ranking member of the Committee on House Administration if any financial irregularities are discovered during the course of an audit.⁽⁶⁾ If, in the performance of an audit or review, the Inspector General discovers potential violations of laws or ethics rules, the Inspector General is directed to report such findings to the Committee on Ethics.⁽⁷⁾ The Inspector General submits reports on each audit to the Speaker, the Majority Leader, the Minority Leader, and the chair and ranking member of the Committee on Appropriations and the Committee on House Administration.⁽⁸⁾ The House may also direct the Inspector General to conduct additional audits.⁽⁹⁾

Appointment of the Inspector General

§ 20.1 Pursuant to clause 6(b) of rule II,⁽¹⁰⁾ the Speaker, the Majority Leader, and the Minority Leader jointly appoint the Inspector General of the House, and such appointment is announced to the House for the information of Members.

On January 6, 2009,⁽¹¹⁾ the following announcement of the appointment of James J. Cornell as Inspector General of the House was made:

APPOINTMENT AS INSPECTOR GENERAL OF THE HOUSE FOR THE 111TH CONGRESS

The SPEAKER pro tempore.⁽¹²⁾ Pursuant to clause 6(b) of rule II, and the order of the House of today, the Chair announces that the Speaker, majority leader and minority

3. For more on the structure and functioning of the office, see *Office of the House of Representatives Inspector General*, CRS Report R40133 (Jan. 18, 2013).

4. See § 17, *supra*.

5. Rule II, clause 6(c), *House Rules and Manual* § 667 (2019).

6. Rule II, clause 6(c)(3), *House Rules and Manual* § 667 (2019).

7. Rule II, clause 6(c)(5), *House Rules and Manual* § 667 (2019).

8. Rule II, clause 6(c)(4), *House Rules and Manual* § 667 (2019).

9. See § 20.3, *infra*.

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

11. 155 CONG. REC. 25, 111th Cong. 1st Sess. For similar appointments, see 143 CONG. REC. 149, 105th Cong. 1st Sess. (Jan. 7, 1997); 146 CONG. REC. 2696, 106th Cong. 2d Sess. (Mar. 13, 2000); 147 CONG. REC. 1038, 107th Cong. 1st Sess. (Jan. 31, 2001); 152 CONG. REC. 2537, 109th Cong. 2d Sess. (Mar. 2, 2006); and 156 CONG. REC. 14897, 111th Cong. 2d Sess. (July 30, 2010). For the first appointment of the Inspector General, see *Precedents* (Wickham) Ch. 3 § 5.2.

12. Michael Ross (AR).

leader jointly appoint Mr. James J. Cornell, Springfield, Virginia, to the position of Inspector General for the House of Representatives for the 111th Congress.

Resignation of the Inspector General

§ 20.2 The resignation of the Inspector General is laid before the House for the information of Members.⁽¹³⁾

On May 26, 2005,⁽¹⁴⁾ the following communication of the resignation of Steven McNamara as Inspector General of the House was laid before the House:

COMMUNICATION FROM INSPECTOR GENERAL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. [John] KUHLMANN of New York) laid before the House the following communication from Steven A. McNamara, Inspector General, House of Representatives:

OFFICE OF INSPECTOR GENERAL,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2005.

MEMORANDUM

To: Hon. DENNIS HASTERT, *Speaker of the House.*

Hon. TOM DELAY, *Majority Leader of the House.*

Hon. NANCY PELOSI, *Minority Leader of the House.*

From: STEVEN A. MCNAMARA, *Inspector General.*

Subject: Notification of Resignation and Retirement.

Please accept my offer of resignation, as the Inspector General for the U.S. House of Representatives, effective May 30, 2005. This date will also be my effective date of retirement from Federal Service.

It has been an honor to serve the House as the Inspector General for the last five years. My goal, and that of my staff, has been to help the House achieve the best use of all the dollars it spends, increase efficiencies, and ensure the health, safety, and security of Members, staff, and visitors. Through the combined support of the House Leadership, the Committee on House Administration, and the hard work of my staff, I believe we have helped the House accomplish its administrative goals.

Now, after slightly more than 35 years of Federal Service, I look forward to a new chapter in my life; the pursuit of a hobby and business venture as a kayak instructor and kayaking guide.

Once again, it has been a great honor to serve the House of the Inspector General for the last five years. It has been a fulfilling and rewarding experience!

13. *Parliamentarian's Note:* As the Inspector General is not an elected officer of the House, the resignation of such official is not subject to acceptance by the House. See Deschler's Precedents Ch. 37 § 9.3.

14. 151 CONG. REC. 11441, 109th Cong. 1st Sess.

Additional Audits**§ 20.3 The House may, by resolution, direct the Inspector General to conduct additional audits not required under the standing rules.**

On July 18, 1995,⁽¹⁵⁾ the House by unanimous consent considered and adopted a resolution offered by the Majority Leader, with the concurrence of the Minority Leader, directing the Inspector General of the House to conduct additional auditing of House offices:

PROVIDING FOR ADDITIONAL AUDITING BY HOUSE INSPECTOR GENERAL

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a unanimous consent resolution (H. Res. 192) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Whereas on January 4, 1995, the House of Representatives voted 430-1, that “during the One Hundred Fourth Congress, the Inspector General, in consultation with the Speaker and the Committee on House Oversight, shall coordinate, and as needed contract with independent auditing firms to complete, a comprehensive audit of House financial records and administrative operations, and report the results in accordance with Rule VI,” [House Resolution 6, Section 107];

Whereas on July 18, 1995, the House Inspector General in cooperation with the independent auditing firm presented the findings of the first-ever audit of the House of Representatives under the provisions of the House Resolution;

Whereas this first-ever audit included both the financial and administrative functions of the House, representing a wide range of activities;

Whereas the audit does not reach conclusions in all areas due in part to a “method of accounting underlying the preparation and dissemination of financial management information [that] was simplistic and ill-suited for an organization the size of the House,” [Report of Independent Accountants, July 18, 1995];

Whereas “In addition to the deficiencies in accounting and reporting, and in information systems, there are other weaknesses in the House’s internal control structure...the severity of these weaknesses affects the reliability of the financial statements, because in the absence of an effective internal control structure, there can be no assurance that all House transactions were properly recorded, accumulated and reported in accordance with the rules, policies and procedures of the House,” [Report of Independent Accountants, July 18, 1995];

Whereas it is the sense of the House, including the leadership of both parties, that a followup audit should be completed to further examine the transactions and reports contained therein; and

Whereas the House Inspector General, a nonpartisan appointee who was selected by the former majority and retained by the current majority, has requested and should be given resources necessary to complete this followup audit: Now, therefore, be it

Resolved, That the Inspector General is authorized and directed to take such steps as necessary to carry out any additional auditing required to ensure the completion of the audit of House financial and administrative operations authorized during the One Hundred Fourth Congress by House Resolution 6, Section 107.

SEC. 2. The Inspector General shall complete such additional auditing expeditiously, but in no case later than November 30, 1995.

SEC. 3. The Committee on House Oversight of the House of Representatives shall have the authority to prescribe regulations and to authorize the expenditure of additional funds from the appropriate House accounts as may be required to fully ensure the final completion of the comprehensive audit of House financial and administrative operations.

SEC. 4. The results of such auditing shall be submitted in accordance with House Rule VI, clause 3(d) which provides “simultaneously submitting to the Speaker, the majority

15. 141 CONG. REC. 19379-80, 104th Cong. 1st Sess.

leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Oversight a report on each audit conducted under this rule.”.

SEC. 5. The results of such auditing, shall to the extent appropriate, be reported by the Inspector General in accordance with House Rule VI, clause 3(e) which provides “reporting to the Committee on Standards of Official conduct information involving possible violations of any Member, officer, or employee of the House any rule of the House or any law applicable to the performance of official duties or the discharge of official responsibilities which may require referral to the appropriate Federal or State authorities pursuant to clause 4(e)(1)(C) [sic]⁽¹⁶⁾ of rule X.”.

Mr. ARMEY (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.⁽¹⁷⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] 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. [Richard] GEPHARDT [of Missouri]. 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 414, nays 0, not voting 20, as follows:

[Roll No. 525] . . .

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.

§ 21. Legislative Counsel

The Office of Legislative Counsel is established by law⁽¹⁾ as a nonpartisan office within the House, headed by an attorney known as the House Legislative Counsel. The Office of Legislative Counsel’s primary mission is to provide legislative drafting services to Members and committees of the House. The House Legislative Counsel is appointed by the Speaker “without regard to political affiliation.”⁽²⁾

An office specifically responsible for drafting legislative text for Congress was first created in 1919 and was originally known as the Legislative Drafting Service.⁽³⁾ Title V of the Legislative Reorganization Act of 1970 created

16. As in the original. Text should read: 4(e)(1)(C).

17. Joel Hefley (CO).

1. 2 U.S.C. §§ 281–282e.

2. 2 U.S.C. § 282.

3. For more on the history and functions of the office, see *Office of Legislative Counsel: House*, CRS Report RS20735 (May 21, 2014).

separate drafting entities for both the House and the Senate.⁽⁴⁾ The House Legislative Counsel is authorized to appoint attorneys and other employees of the office, with the approval of the Speaker.⁽⁵⁾ The Legislative Counsel is required to designate one attorney as the Deputy Legislative Counsel, who performs the functions of the Legislative Counsel during the latter's absence or disability.⁽⁶⁾

While there is no requirement that Members of the House utilize the services of the Office of Legislative Counsel in drafting legislation, most Members will consult with the office prior to introducing measures or composing amendments. The attorneys who staff the office are experts in legislative drafting and their specialized expertise is essential to crafting proper legislative text.⁽⁷⁾ In addition to providing Members' offices with advice on converting legislative proposals to specific text, the Office of Legislative Counsel similarly advises committees of the House regarding the preparation of committee reports, conference reports, and joint explanatory statements to accompany conference reports. Of particular value is the ability of the Office of Legislative Counsel to compose comparative prints depicting the changes that would be made to existing law should the proposed legislation be enacted.⁽⁸⁾

Appointment of the Legislative Counsel

§ 21.1 Pursuant to law,⁽⁹⁾ the Speaker appoints the Legislative Counsel of the House, and such appointment is announced to the House for the information of Members.

On July 1, 2016,⁽¹⁰⁾ the following announcement of the appointment of Ernest Ballou, Jr. as Legislative Counsel was made:

4. P.L. 91-510, 84 Stat. 1140. The provisions regarding the House Office of Legislative Counsel have been codified at 2 U.S.C. §§ 281-282e.
5. 2 U.S.C. § 282a.
6. *Id.* These provisions were added by P.L. 92-51, 85 Stat. 125.
7. For tributes by Members to the Office of Legislative Counsel and its attorneys, see 132 CONG. REC. 26305, 99th Cong. 2d Sess. (Sept. 25, 1986); 134 CONG. REC. 32857, 100th Cong. 2d Sess. (Oct. 21, 1988); 143 CONG. REC. 19314, 105th Cong. 1st Sess. (Sept. 18, 1997); and 148 CONG. REC. 15139, 107th Cong. 2d Sess. (July 26, 2002). See also Deschler's Precedents Ch. 37 § 10.6.
8. For more on this requirement to produce comparative prints (also known as "Ramseyers"), see Deschler's Precedents Ch. 17 and Precedents (Wickham) Ch. 17. See also *House Rules and Manual* §§ 846, 848, and 1068k (2019).
9. 2 U.S.C. § 282.
10. 162 CONG. REC. H4190 [Daily Ed.], 114th Cong. 2d Sess. For similar appointments, see 155 CONG. REC. 17493, 111th Cong. 1st Sess. (July 13, 2009) and 143 CONG. REC. 17034, 105th Cong. 1st Sess. (July 31, 1997).

The SPEAKER pro tempore.⁽¹¹⁾ . . .

Pursuant to section 521 of the Legislative Reorganization Act of 1970 (2 U.S.C. 282), the Speaker appoints Ernest Ballou, Jr., Legislative Counsel, to succeed Sandra L. Strokoff, resigned.

Resignation of the Legislative Counsel

§ 21.2 The resignation of the House Legislative Counsel is laid before the House for the information of Members.⁽¹²⁾

On July 1, 2016,⁽¹³⁾ the following resignation of Sandra Strokoff as Legislative Counsel was laid before the House:

RESIGNATION AS LEGISLATIVE COUNSEL AND APPOINTMENT AS LEGISLATIVE COUNSEL OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation as Legislative Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, June 24, 2016.

Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives, effective at the close of business August 1, 2016. It has been a great honor and privilege to serve as Legislative Counsel.

Sincerely,

SANDRA L. STROKOFF,
Legislative Counsel.

The SPEAKER pro tempore.⁽¹⁴⁾ The Speaker accepts the resignation of Sandra L. Strokoff, Legislative Counsel, effective August 1, 2016.

§ 22. Law Revision Counsel

The Office of Law Revision Counsel is established by law⁽¹⁾ as a non-partisan office within the House of Representatives. The purpose of the office is “to develop and keep current an official and positive codification of

11. Mark Meadows (NC).

12. *Parliamentarian’s Note*: As the Legislative Counsel is not an elected officer of the House, the resignation of such official is not subject to acceptance by the House. See Deschler’s Precedents Ch. 37 § 9.3.

13. 162 CONG. REC. H4190 [Daily Ed.], 114th Cong. 2d Sess. For similar resignations, see 155 CONG. REC. 17493–500, 111th Cong. 1st Sess. (July 13, 2009) and 143 CONG. REC. 17033–34, 105th Cong. 1st Sess. (July 31, 1997). See Deschler’s Precedents Ch. 37 § 9.3.

14. Mark Meadows (NC).

1. 2 U.S.C. §§ 285–285g.

the laws of the United States.”⁽²⁾ An attorney known as the Law Revision Counsel heads the office, and is appointed by the Speaker “without regard to political affiliation.”⁽³⁾ The Law Revision Counsel appoints employees to staff the office, with the approval of the Speaker.⁽⁴⁾ One of these employees is designated as the Deputy Law Revision Counsel, who performs the duties of the office if the Law Revision Counsel is absent or if the position is vacant.⁽⁵⁾

When laws are enacted by Congress, they are first compiled chronologically by date of enactment in a publication known as Statutes at Large.⁽⁶⁾ The function of the Office of Law Revision Counsel is to revise and consolidate enacted laws so that they can be rearranged by subject matter. The newly arranged material is reclassified as titles of the United States Code. Pursuant to statute,⁽⁷⁾ the Office of Law Revision Counsel submits to the House Committee on the Judiciary⁽⁸⁾ each title as it is prepared, so that the revised laws may be enacted as positive law. The Office of Law Revision Counsel has an ongoing responsibility to update the U.S. Code and to remove any ambiguities or contradictions during the codification process.⁽⁹⁾

Appointment of the Law Revision Counsel

§ 22.1 Pursuant to law,⁽¹⁰⁾ the Speaker appoints the Law Revision Counsel, and such appointment is announced to the House for the information of Members.

On June 3, 2011,⁽¹¹⁾ the following announcement of the appointment of Ralph V. Seep as Law Revision Counsel was made:

2. 2 U.S.C. § 285a.
3. 2 U.S.C. § 285c. For appointments of the Law Revision Counsel, see § 22.1, *infra*. For resignations, see § 22.2, *infra*.
4. 2 U.S.C. § 285d.
5. *Id.*
6. 1 U.S.C. § 112. The Archivist of the United States performs this initial compilation function.
7. 2 U.S.C. § 285b.
8. Pursuant to clause 1(l)(17) of rule X, the Committee on the Judiciary has jurisdiction over the “[r]evision and codification of the Statutes of the United States.” *House Rules and Manual* § 729 (2019).
9. 2 U.S.C. § 285b.
10. 2 U.S.C. § 285c.
11. 157 CONG. REC. 8673, 112th Cong. 1st Sess. For similar appointments, see 121 CONG. REC. 4151, 94th Cong. 1st Sess. (Feb. 25, 1975); 143 CONG. REC. 189–90, 105th Cong. 1st Sess. (Jan. 9, 1997); 143 CONG. REC. 26537, 105th Cong. 1st Sess. (Nov. 13, 1997); and 150 CONG. REC. 6259, 108th Cong. 2d Sess. (Apr. 1, 2004).

APPOINTMENT OF LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore.⁽¹²⁾ Pursuant to 2 U.S.C. 285c, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of Mr. Ralph V. Seep as Law Revision Counsel for the House of Representatives, effective June 2, 2011.

Resignation of the Law Revision Counsel**§ 22.2 The resignation of the Law Revision Counsel is laid before the House for the information of Members.**⁽¹³⁾

On June 1, 2011,⁽¹⁴⁾ the resignation of Peter LeFevre as Law Revision Counsel was laid before the House:

COMMUNICATION FROM LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from Peter G. LeFevre, Law Revision Counsel:

OFFICE OF THE LAW REVISION COUNSEL,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2011.

Hon. JOHN A. BOEHNER,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: After 30 years of service in the Office of the Law Revision Counsel and over 34 years with the Federal Government, I have decided it is time to retire. With your approval, my last day as Law Revision Counsel will be June 1, 2011.

I started with the Office just seven years after it was established as part of the Bolling Committee reforms in 1974. The Office was given the functions of classifying new laws to the United States Code, preparing and publishing the Code, and drafting legislation to enact titles of the Code into positive law. Over the years, I have had the privilege of working on each of these functions, and my career has given me a unique perspective on the content and codification of Federal law.

I have had at least a technical familiarity with practically every law enacted during the past 25 years and have worked my way through thousands of laws, including countless appropriations, defense authorizations, tax and health reforms, and omnibus reconciliation. We, in the Office of the Law Revision Counsel, regard the text of these laws with a certain reverence. As we incorporate new laws into the Code, every effort is made to ensure that each word, each punctuation mark, and each directive they contain is given the effect intended by Congress. With the systems and excellent staff we have in

12. Kevin Yoder (KS).

13. *Parliamentarian's Note*: The resignation of a nonelected officer such as the Law Revision Counsel is not subject to acceptance by the House, but is laid before the House as a matter of information. See Deschler's Precedents Ch. 37 § 9.3.

14. 157 CONG. REC. 8450–51, 112th Cong. 1st Sess. For similar resignations, see 150 CONG. REC. 6258–59, 108th Cong. 2d Sess. (Apr. 1, 2004) and 143 CONG. REC. 189, 105th Cong. 1st Sess. (Jan. 9, 1997).

place in the Office, I feel confident that the Code is being maintained with the high degree of accuracy and reliability that is required for the official Code.

While accuracy has always been our highest priority, we have also been working on improving the timeliness and usability of the Code. Since 2005, the time it takes to do an annual update of the Code has been reduced by more than 18 months, and last year we introduced the USCprelim on the U.S. Code website to allow even quicker, albeit preliminary, updates of selected Code titles. As to usability, the Code is about to get a lot better. In a matter of days, we will release a new U.S. Code website featuring a new sophisticated search engine, improved interface, and materials to help the public understand and use the Code. The release will soon be followed by further improvements, including hyperlinks to referenced Code and statute provisions and integration of the USCprelim and prior versions of the Code into the new website. Conversion of the Code data into XML is another ongoing project which should bear fruit in the near future.

The overall organization of the Code remains a concern for me, but significant progress was made during the last several years. The codification of title 46, Shipping, was completed with the enactment of Public Law 109–304, and in just the past six months, Law Revision Counsel bills to enact title 41, Public Contracts, and title 51, National and Commercial Space Programs, became law. Each new positive law title is a major accomplishment, but the time and effort it took to get these three titles enacted indicates the huge task that remains before the goal of an entirely enacted Code is realized.

It has been a pleasure to work for the House of Representatives throughout my career. I have especially enjoyed my association with the other staff members in my office and have a deep appreciation of their expertise and dedication and the fine work they do every day. I am also grateful for the support and cooperation of your office, the Committees on the Judiciary and Appropriations, the Government Printing Office, and the other officers of the House.

Respectfully Yours,

PETER G. LEFEVRE,
Law Revision Counsel.

§ 23. House Historian

The Office of the Historian of the House of Representatives is established by clause 7 of rule II.⁽¹⁾ Pursuant to the rule, the Speaker appoints⁽²⁾ the House Historian and sets the rate of pay for employees of the office. The Historian works to preserve the institutional memory of the House by performing archival research, conducting oral history interviews, and conserving historical records and artifacts. The Office of the Historian works closely with the Office of Art and Archives (located within the Office of the Clerk) to maintain a variety of House collections, including fine artworks, statuary, and other items of historical interest.⁽³⁾ In addition to standing authority for the office to conduct historical research, the House may also by

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

2. See § 23.2, *infra*.

3. See § 14, *supra*.

resolution direct the Office of the Historian to undertake particular projects.⁽⁴⁾

The origins of the Office of the Historian date to the 97th Congress. In 1982, the House established an Office for the Bicentennial to commemorate the upcoming 200th anniversary of the House of Representatives.⁽⁵⁾ This office existed for seven years and employed a professional historian who served under the direction of the Speaker. A separate Commission on the House of Representatives Bicentenary was established in the 99th Congress in 1985, and reestablished in succeeding Congresses until its expiration in 1990.⁽⁶⁾ In the 101st Congress in 1989, the Office for the Bicentennial was converted to the current Office of the Historian and established once again in the standing rules of the House.⁽⁷⁾

Office for the Bicentennial of the House of Representatives

§ 23.1 The House adopted a privileged resolution establishing an Office for the Bicentennial of the House of Representatives to coordinate the planning of the commemoration of the 200th anniversary of the House of Representatives.

On December 17, 1982,⁽⁸⁾ the House adopted the following privileged resolution amending the standing rules⁽⁹⁾ to provide for an Office for the Bicentennial of the House of Representatives (the immediate precursor to the current Office of the Historian).⁽¹⁰⁾

Mr. [Claude] PEPPER [of Florida]. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 621) to amend the Rules of the House

4. See § 23.3, *infra*.

5. See § 23.1, *infra*. The provisions of the original House rule creating this office were made permanent law in the Legislative Branch Appropriations Act of 1985 (P.L. 98–367, 98 Stat. 472).

6. See H. Res. 249, 131 CONG. REC. 22524–25, 99th Cong. 1st Sess. (Aug. 1, 1985). For the Commission's final report, see H. Rept. 101–815, 101st Cong. 2d Sess.

7. H. Res. 5, 135 CONG. REC. 72–81, 101st Cong. 1st Sess. (Jan. 3, 1989).

8. 128 CONG. REC. 31951–52, 31958, 97th Cong. 2d Sess. For appointment of Raymond W. Smock as the Historian for the Office for the Bicentennial of the House of Representatives, see 129 CONG. REC. 24112, 98th Cong. 1st Sess. (Sept. 14, 1983).

9. The Legislative Branch Appropriations Act of 1985 made the provisions of this House rule permanent law and eliminated them from the standing rules. P.L. 98–367, 98 Stat. 472.

10. *Parliamentarian's Note*: The House had previously rejected the creation of a permanent Office of the Historian. See 128 CONG. REC. 25029, 25031–32, 97th Cong. 2d Sess. (Sept. 24, 1982). The current Office of the Historian was established in the standing rules of the House in 1989. See H. Res. 5, 135 CONG. REC. 72–81, 101st Cong. 1st Sess. (Jan. 3, 1989).

of Representatives to establish an Office for the Bicentennial of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 621

Resolved, That rule I of the Rules of the House of Representatives is amended by adding a new clause 10 as follows:

“10. (a) There is hereby established in the House of Representatives an office to be known as the Office for the Bicentennial of the House of Representatives. This office will coordinate the planning of the commemoration of the two-hundredth anniversary of the House of Representatives.

“(b) The management, supervision, and administration of the Office shall be under the direction of the Speaker of the House of Representatives and shall be staffed by a professional historian. The Historian shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure to the Speaker.

“(c) All expenses of such office may be paid from the contingent fund of the House on vouchers solely approved and signed by the Speaker, until otherwise provided by law or resolution.

“(d) The Office shall cease to exist not later than September 30, 1989, unless otherwise provided by law or resolution.”.

The SPEAKER pro tempore (Mr. [George] BROWN of California). The gentleman from Florida (Mr. PEPPER) 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. [William] FRENZEL [of Minnesota]. Mr. Speaker, I object to the vote on 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 230, nays 97, not voting 106, as follows:

[Roll No. 479] . . .

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.

Appointment of the House Historian

§ 23.2 Pursuant to clause 7 of rule II,⁽¹¹⁾ the Historian of the House is appointed by the Speaker.

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

On May 2, 2005,⁽¹²⁾ the following appointment of Dr. Robert V. Remini⁽¹³⁾ as Historian of the House was announced:

APPOINTMENT AS HISTORIAN OF THE UNITED STATES HOUSE OF
REPRESENTATIVES

The SPEAKER pro tempore.⁽¹⁴⁾ Pursuant to clause 7 of rule II and the order of the House of January 4, 2005, the Chair announces that on Thursday, April 28, 2005, the Speaker appointed Dr. Robert V. Remeni [*sic*]⁽¹⁵⁾ as Historian of the United States House of Representatives.

Resolution Directing Compilation of Oral Histories

§ 23.3 The House may, by resolution, direct the Office of the Historian to undertake specific projects.

On March 1, 2012,⁽¹⁶⁾ the House adopted the following resolution, directing the Office of the Historian to compile oral histories of current and former Members involved in the civil rights movement:

DIRECTING OFFICE OF HISTORIAN TO COMPILE ORAL HISTORIES FROM
MEMBERS INVOLVED IN ALABAMA CIVIL RIGHTS MARCHES

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, pursuant to the order of the House of February 29, 2012, I call up House Resolution 562 directing the Office of the Historian to compile oral histories from current and former Members of the House of Representatives involved in the historic and annual Selma to Montgomery, Alabama, marches, as well as the civil rights movement in general, for the purposes of expanding or augmenting the historic record and for public dissemination and education, and ask for its immediate consideration.

The Clerk read the title of the bill.

12. 151 CONG. REC. 8388, 109th Cong. 1st Sess. Such announcements of appointments of the Historian to the House are not always made. For the announcement of the appointment of Dr. Matthew Wasniewski as Historian, see H. Rept. 111–715, 111th Cong. 2d Sess. Christina Jeffrey was appointed by Speaker Newt Gingrich at the outset of the 105th Congress to serve as House Historian, but was dismissed from the post several days later after controversial remarks were reported in the press. For remarks by Members concerning this appointment, see 141 CONG. REC. 1007–1008, 104th Cong. 1st Sess. (Jan. 4, 1995).
13. *Parliamentarian's Note*: Dr. Remini had previously researched and written the historical compilation: *THE HOUSE: THE HISTORY OF THE HOUSE OF REPRESENTATIVES* (Harper Collins 2006). The project, authorized by the House Awareness and Preservation Act (P.L. 106–99, 113 Stat. 1330) directed the Library of Congress to prepare the history of the House of Representatives. Dr. Remini was appointed by the Library of Congress to oversee the project.
14. Tim Murphy (PA).
15. As in the original. Text should read: Remini.
16. 158 CONG. REC. 2587, 2596, 112th Cong. 2d Sess.

The text of the bill is as follows:

H. RES. 562

Whereas in 1965, civil rights advocates participated in three marches from Selma to Montgomery, Alabama, marking a watershed moment of the civil rights movement;

Whereas the first march took place on March 7, 1965, during which 600 civil rights activists, led by now-Representative John Lewis and Reverend Hosea Williams, began a march to protest unfair voter registration practices and the shooting death of Jimmie Lee Jackson during a voter registration drive;

Whereas marchers progressed only six blocks from the Brown Chapel A.M.E. Church to the Edmund Pettus Bridge, where many were tear-gassed and beaten;

Whereas two days later, on March 9, 1965, Reverend Martin Luther King, Jr., led a symbolic march of 2,000 people to the Edmund Pettus Bridge, all kneeling there to pray;

Whereas, on March 21, 1965, with protection from the Alabama National Guard, more than 3,000 people set out from Selma again led by Rev. King, marching an average of 12 miles a day along Route 80 and sleeping in farm fields;

Whereas that group grew to 25,000 participants by the time it reached Montgomery on March 25, 1965, where Rev. King delivered one of his most venerated speeches;

Whereas as a result of this historic three-week period, Congress passed the Voting Rights Act of 1965, five months after the third march, as a recognition of the right of all United States citizens to fully participate in the electoral process;

Whereas in 1996, Congress created the 54-mile long Selma-to-Montgomery National Historic Trail along the route of this third march, starting at the Brown Chapel A.M.E. Church in Selma, crossing the Edmund Pettus Bridge, and ending at the Alabama State Capitol in Montgomery;

Whereas beginning in 1998, Members of Congress have participated in an annual civil rights pilgrimage to the Selma-to-Montgomery National Historic Trail, to visit the historic sites, participate in fellowship, and recognize the achievements of the civil rights movement;

Whereas the Office of the Historian, first established in 1983, researches, preserves, and interprets the rich institutional history of the House of Representatives in order to share it with Members, staff, and the public, and serves as the institutional memory to inspire greater understanding of the House of Representatives' central role in United States history;

Whereas Members of the House of Representatives have included participants in the historic 1965 marches and in the annual pilgrimages thereafter; and

Whereas the collection of oral memories of march participants who have served in the House of Representatives, and will continue to serve in the House of Representatives, is essential to the preservation of the history of the institution: Now, therefore, be it

Resolved, That the House of Representatives directs the Office of the Historian to compile oral histories from current and former Members of the House of Representatives involved in the historic and annual Selma to Montgomery, Alabama, marches, as well as the civil rights movement in general, for the purposes of expanding or augmenting the historic record and for public dissemination and education. . . .

The SPEAKER pro tempore.⁽¹⁷⁾ 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] LEWIS of Georgia. 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, this 15-minute vote on adoption of House Resolution 562 will be followed by 5-minute votes on motions to suspend the rules on S. 1134 and House Resolution 556.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows: . . .

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.

17. Kevin Yoder (KS).

§ 24. House Pages

The House Page program was a longstanding program within the House of Representatives that employed high school students to perform a variety of administrative and clerical tasks.⁽¹⁾ The Page program had its origins in the early 19th century, continued throughout the 20th century, and was terminated in 2011.⁽²⁾ From 1982 until 2011, the House Page program was overseen by a House Page Board, composed of two Members appointed by the Speaker and two Members appointed by the Minority Leader.⁽³⁾ The Clerk of the House, as well as the Sergeant-at-Arms, also served on the House Page Board.⁽⁴⁾ In 2007, the Page Board was expanded to include one former Page, and one parent of a current or former Page.⁽⁵⁾ The purpose of the House Page Board was to “ensure that the page program is conducted in a manner that is consistent with the efficient functioning of the House and the welfare of the pages.”⁽⁶⁾

House Pages performed a variety of functions for the House and its Members, ranging from messenger duties and document delivery, to house-keeping and other maintenance tasks. Due to advances in technology, Page responsibilities shifted considerably over time. For example, before the advent of the legislative call system (which uses signal bells to announce votes throughout House offices), Pages would be dispatched to alert Members of upcoming votes. Similarly, with the expansion of electronic document availability, the need for physical distribution of legislative documents by House Pages gradually decreased.

The House Page program has been the subject of several inquiries conducted by the House. In the 98th Congress, following an investigation, two Members were censured for an improper relationship with a House Page.⁽⁷⁾ In the 109th Congress, a resolution calling for an investigation into a former Member’s misconduct with House Pages was raised as a question of privilege and referred to the Committee on Standards of Official Conduct (now the Committee on Ethics).⁽⁸⁾

1. The Senate administers its own page program, which continues to the present day.
2. For remarks on the termination of the program, see § 24.4, *infra*. For more on the history of the Page program, see <http://history.house.gov/Exhibitions-and-Publications/Page-History/House-Page-History/> (last visited Oct. 24, 2019).
3. 2 U.S.C. § 4912.
4. *Id.*
5. P.L. 110–2, 121 Stat. 4.
6. 2 U.S.C. § 4911.
7. See H. Res. 266, 129 CONG. REC. 20020, 20022, 20024, 20027–30, 98th Cong. 1st Sess. (July 20, 1983) and H. Res. 265, 129 CONG. REC. 20030, 20035–37, 98th Cong. 1st Sess. (July 20, 1983). For a full discussion of House ethics rules and disciplinary matters generally, see Deschler’s Precedents Ch. 12 and Precedents (Wickham) Ch. 12.
8. See § 24.3, *infra*.

The House Page Board**§ 24.1 By unanimous consent, the House considered and agreed to a resolution establishing a House Page Board consisting of Members and officers of the House to oversee the House Page program.**

On November 30, 1982,⁽⁹⁾ the following resolution was considered and agreed to:

ESTABLISHING THE HOUSE OF REPRESENTATIVES PAGE BOARD FOR
SUPERVISION AND EDUCATION OF PAGES

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 611), and I ask unanimous consent for its immediate consideration.

The SPEAKER.⁽¹⁰⁾ The Clerk will report the resolution,

The Clerk read the resolution, as follows:

H. RES. 611

Resolved, That until otherwise provided by law, there is hereby established a board to be known as the House of Representatives Page Board to insure that the page program is conducted in a manner that is consistent with the efficient functioning of the House and the welfare of the pages.

SEC. 2. (a) The Page Board shall consist of—

(1) two Members of the House appointed by the Speaker and one Member of the House appointed by the minority leader;

(2) the Clerk, Doorkeeper, and Sergeant at Arms of the House; and

(3) the Architect of the Capitol.

(b) As used in this resolution, the term “Member of the House” means a Representative in, and a Delegate or Resident Commissioner to, the Congress.

SEC. 3. The Page Board shall have authority to prescribe such regulations as may be necessary to carry out this resolution.

The SPEAKER. 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.

§ 24.2 Pursuant to law,⁽¹¹⁾ the Speaker and the Minority Leader each appoint two Members to the House Page Board.⁽¹²⁾

On July 8, 2009,⁽¹³⁾ the following appointments to the House Page Board were announced to the House:

9. 128 CONG. REC. 28031, 97th Cong. 2d Sess.

10. Thomas O'Neill (MA).

11. 2 U.S.C. § 4912.

12. *Parliamentarian's Note*: The House Page Board was enacted into permanent law by P.L. 97-377, 96 Stat. 1830. The composition of the board was expanded in 2007. See 153 CONG. REC. 1745-46, 110th Cong. 1st Sess. (Jan. 19, 2007). See also 2 U.S.C. §§ 4911-4913.

13. 155 CONG. REC. 17136, 111th Cong. 1st Sess.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore.⁽¹⁴⁾ Pursuant to 2 U.S.C. 88b–3, and the order of the House of January 6, 2009, the Chair announces the Speaker’s appointment of the following Members of the House to the House of Representatives Page Board:

Mr. KILDEE, Michigan

Ms. DEGETTE, Colorado

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 2, 2009.

Hon. NANCY PELOSI,
*Speaker, U.S. Capitol,
Washington, DC.*

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, I am pleased to re-appoint the Honorable Rob Bishop of Utah and the Honorable Virginia Foxx of North Carolina to the Page Board. Both Mr. Bishop and Mrs. Foxx have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

REAPPOINTMENT AS MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 6, 2009, the Chair announces the Speaker’s and minority leader’s joint reappointment of the following individuals to the House of Representatives Page Board for a term of 1 year, effective July 8, 2009:

Ms. Lynn Silversmith Klein of Maryland

Mr. Adam Jones of Michigan

Allegations of Improper Conduct**§ 24.3 A resolution alleging improper conduct by a former Member with respect to House Pages and directing the Committee on**

14. Jason Altmire (PA).

Standards of Official Conduct (now the Committee on Ethics) to investigate the circumstances surrounding the former Member's misconduct and responses thereto, presents a question of the privileges of the House under rule IX.⁽¹⁵⁾

On September 29, 2006,⁽¹⁶⁾ the following resolution was referred to committee:

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REQUIRING INVESTIGATION OF KNOWLEDGE OF OFFENSES OF REPRESENTATIVE MARK FOLEY

Ms. [Nancy] PELOSI [of California]. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House and I send to the desk a privileged resolution.

The SPEAKER pro tempore.⁽¹⁷⁾ The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas for more than 150 years, parents from across the country have sent their children to be pages in the U.S. Capitol, the Page School is a national treasure, and the children who attend it and work in the Congress are our special trust;

Whereas, according to press reports, Representative MARK FOLEY (R-FL) reportedly engaged in highly inappropriate and explicit communications with a former underage page;

Whereas these allegations were so severe that Representative FOLEY immediately resigned his seat;

Whereas the page worked for Congressman RODNEY ALEXANDER (R-FL) and, according to press reports, Representative ALEXANDER learned of the e-mails "10 to 11 months ago"; (AP, September 29, 2006)

Whereas Rep. ALEXANDER has said, "We also notified the House leadership that there might be a potential problem", and the Democratic leadership was not informed; (AP, September 29, 2006)

Whereas all Members of Congress have a responsibility to protect their employees, especially young pages who serve this institution;

Whereas these charges demand immediate investigation, including when the e-mails were sent, who knew of the e-mails, whether there was a pattern of inappropriate activity by Mr. FOLEY involving e-mail or other contacts with pages, when the Republican leadership was notified, and what corrective action was taken once officials learned of any improper activity;

Whereas given the serious nature of these charges, the pages, their parents, the public, and our colleagues must be assured that such egregious behavior is not tolerated and will never happen again;

Therefore be it resolved;

That the Chairman and Ranking Member of the Committee on Standards of Official Conduct are directed to immediately appoint a Subcommittee, pursuant to Rule 19 of the Rules of the Committee, to fully and expeditiously determine the facts connected with Representative FOLEY's conduct and the response thereto; and

That the Chairman and Ranking Minority Member of the Committee on Standards are further directed to make a preliminary report within 10 days.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO REFER THE RESOLUTION

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a motion.

15. *House Rules and Manual* § 698 (2019).

16. 152 CONG. REC. 21334–35, 109th Cong. 2d Sess.

17. Ray LaHood (IL).

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

The Clerk read as follows:

Mr. BOEHNER moves that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The majority leader is recognized under the hour rule.

Mr. BOEHNER. Mr. Speaker and my colleagues, I think all of us realize this is a very serious matter. We have not seen this resolution nor known of its contents until this moment; and, given the seriousness of the matter, I would ask that the House refer this issue to the Committee on Ethics immediately.

Again, this is a very serious matter, and I think we all realize it is a serious matter, but I would ask we do this under the rules of the House. Referring this to the Ethics Committee is the appropriate place to do it.

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

The SPEAKER pro tempore. 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.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22, as follows:

[Roll No. 513] . . .

So the previous question was ordered. . . .

The SPEAKER pro tempore (Mr. [Paul] RYAN of Wisconsin). The question is on the motion that the resolution be referred to the Committee on Standards of Official Conduct.

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

RECORDED VOTE

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

A recorded vote was ordered. . . .

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 23, as follows:

[Roll No. 514] . . .

So the motion to refer the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Termination of the Page Program

§ 24.4 A Member delivered remarks on the termination of the House Page program.

On September 8, 2011,⁽¹⁸⁾ the following remarks were made concerning the end of the House Page program:

HOUSE CONGRESSIONAL PAGES

The SPEAKER pro tempore.⁽¹⁹⁾ The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. [Earl] BLUMENAUER [of Oregon]. Mr. Speaker, tonight is a very historic joint session of Congress. Indeed, it is unique in the history of our Nation.

Not because it was the first time a President's request had been refused by the Speaker. No. Or that the President's speech, in and of itself, is somehow going to be extraordinary, although we all hope that it is.

This event is historic because for the first time in two centuries, there will be no young House pages in attendance when the President takes the podium behind me. There will be no sea of young men and women in blue blazers with bright faces intent on shaking the President's hand and drinking in the ceremony and the significance of a joint session of Congress.

This is sad on so many levels, especially as a symbol of why Congress is held in such low esteem. Many here understand the cost of a program but fail to understand its value.

Dedicated staff were dismissed without notice in a decision that was announced via press release without a chance for the people who care passionately about the program to argue for its future or help pay for it. It may save a few million dollars, but we lose the opportunity to enrich thousands of lives whose influence and contributions have spread across the decades and across America, while strengthening and uplifting this institution. This is part of a disturbing trend here in Congress, devaluing youth and civic education.

Also scheduled for elimination is the Classroom Law Project sponsored "We the People" program and the national high school Constitution competition that takes place every year all across the country. This is at a time when our friend, the esteemed documentary producer, Ken Burns, points out that the average teenager can name eight kinds of blue jeans but can't name eight American Presidents. Yet Federal support for civic education is not on the radar screen here in Washington, DC.

This is not really any different than the other basic infrastructure that is falling victim to reckless budget knives and congressional indifference. The young people who participate in the page program and the Classroom Law Project could easily construct a path forward for this Congress and the President.

These young people would craft a path forward that featured a balanced and fair revenue system that would raise revenue and reduce the deficit. They would accelerate health care reform, not put sand in the gears. They would right-size and redirect our military involvement, and they would reform agricultural programs to help more family farms and ranchers while saving money.

These alumni could figure it out, while those who control the levers of power in the House pursue an extreme agenda that is not what America needs or what Americans want. These young people, the pages, may not be in attendance here this evening, but their absence speaks volumes about political dysfunction and a shortsighted agenda.

18. 157 CONG. REC. 13106, 112th Cong. 1st Sess.

19. Daniel Webster (FL).

I hope we will all listen to them.

§ 25. Other Congressional Officials and Employees

Apart from the elected officers of the House⁽¹⁾ and other appointed officials,⁽²⁾ the House is supported by other congressional employees whose jurisdiction spans both the House and the Senate. These include the Attending Physician, the Architect of the Capitol, and the Capitol Police.

Attending Physician

The Office of the Attending Physician has its origins in the early part of the 20th century. In the 70th Congress in 1928, the House adopted a resolution requesting that the Secretary of the Navy detail a medical officer to the House.⁽³⁾ From that point to the present day, a naval medical officer has been appointed by the President of the United States to serve as the Attending Physician of the United States Congress.⁽⁴⁾ According to its mission statement, the Office of the Attending Physician provides “primary care, emergency, environmental and occupational health services in direct support of the United States Capitol, the Supreme Court, visiting dignitaries, pages, staff and tourists.”⁽⁵⁾ The Attending Physician’s offices are located in the Capitol, each of the House and Senate office buildings, and the Capitol Visitor Center.

Architect of the Capitol

The Architect of the Capitol’s primary responsibility is to maintain and care for the U.S. Capitol Building.⁽⁶⁾ However, the Architect of the Capitol’s jurisdiction also extends to the House and Senate office buildings, the Capitol Visitor Center, the Capitol Grounds, Capitol Police facilities, the Capitol

1. See §§ 13–17, *supra*.

2. See §§ 18–23, *supra*.

3. H. Res. 253, 70 CONG. REC. 101, 70th Cong. 2d Sess. (Dec. 5, 1928). In 1930, the Senate adopted a concurrent resolution (S. Con. Res. 14) extending the jurisdiction of the Attending Physician to the Senate as well, though the House never concurred in that resolution. Nevertheless, the position evolved informally over the years and currently provides medical services across the Capitol Complex. In 2004, certain authorities for the Attending Physician to respond to bioterrorism attacks were codified in law. See 2 U.S.C. § 4123.

4. There have been seven Attending Physicians appointed over the course of the office’s history. Pursuant to law, the Attending Physician holds the reserve grade of major general or rear admiral. 10 U.S.C. § 12210.

5. See <http://attendingphysician.house.gov/about.shtml> (last visited Oct. 24, 2019).

6. 2 U.S.C. §§ 1801 *et seq.*

Power Plant, the buildings of the Library of Congress, the Supreme Court (including the Thurgood Marshall Federal Judiciary Building), and the U.S. Botanical Gardens.⁽⁷⁾ A Superintendent of the House office buildings is employed by the Architect of the Capitol to maintain and operate the House office buildings, which are also overseen by the House Office Building Commission.⁽⁸⁾ The Architect of the Capitol shares jurisdiction over the Library of Congress with the Librarian of Congress⁽⁹⁾ and the Joint Committee of Congress on the Library.⁽¹⁰⁾ With respect to the Capitol Grounds, certain areas fall under the jurisdiction of both the Architect of the Capitol and the Mayor of the District of Columbia.⁽¹¹⁾ The Architect of the Capitol serves on the Capitol Police Board.⁽¹²⁾

The Architect of the Capitol is appointed by the President of the United States (with the advice and consent of the Senate) for a period of ten years.⁽¹³⁾ A commission, composed of various House and Senate leaders, committee chairs, and ranking members, is charged with recommending individuals for appointment as Architect of the Capitol.⁽¹⁴⁾

Capitol Police

The Capitol Police has been a presence on Capitol Hill since the early 19th century⁽¹⁵⁾ and provides security services across the Capitol complex,

7. <https://www.aoc.gov/organizational-directory> (last visited Sept. 5, 2019).

8. 2 U.S.C. § 2001. The House Office Building Commission usually consists of the Speaker of the House, the Majority Leader, and the Minority Leader. For more on House office buildings generally, see *Precedents (Wickham)* Ch. 4 § 8.

9. 2 U.S.C. § 136.

10. 2 U.S.C. § 132b.

11. 40 U.S.C. § 5102(b).

12. 2 U.S.C. § 1961.

13. 2 U.S.C. § 1801. The Architect of Capitol traces its origins to the construction of the Capitol itself, and various engineers and architects with responsibility over the Capitol were sometimes referred to as the “Architect of the Capitol” throughout the early part of the 19th century. When the Capitol was extended in the years prior to the Civil War, an Architect of the Capitol Extension was appointed by the President. In 1876, a law was enacted to transfer authority over the Capitol Building from the Commissioner of Public Buildings and Grounds to the Architect of the Capitol. 19 Stat. 147. For more information on the individuals who have served as Architect of the Capitol, see <https://www.aoc.gov/architect-of-the-capitol> (last visited Sept. 5, 2019).

14. 2 U.S.C. § 1801.

15. In 1828, a law was enacted that allowed Washington, D.C., police regulations to be applied to the Capitol Grounds. The Capitol Police consider that law the genesis of their police force. For more on the history of the Capitol Police, see <https://www.uscp.gov/the-department/our-history> (last visited July 31, 2018). For more on the Capitol’s Police’s relationship to the House Sergeant-at-Arms, see § 15, *supra*.

including the Library of Congress.⁽¹⁶⁾ Pursuant to law, the Capitol Police is authorized to provide protection for Members of Congress, officers of Congress, and their families.⁽¹⁷⁾ The Capitol Police has the authority to make arrests and enforce the laws of the United States in the areas under its jurisdiction.⁽¹⁸⁾

In 1873, a Capitol Police Board was established to oversee the Capitol Police. The current composition of the board includes the Sergeants-at-Arms of both Houses of Congress and the Architect of the Capitol.⁽¹⁹⁾ A Chief of the Capitol Police, appointed by the Capitol Police Board, is responsible for supervising the police force.⁽²⁰⁾

On July 24, 1998, two Capitol Police employees, Officer Jacob Joseph Chestnut and Detective John Michael Gibson, were killed in the line of duty during a security incident at the Capitol.⁽²¹⁾ In tribute to the two officers, their remains laid in honor in the Capitol Rotunda.⁽²²⁾ In memory of the officers, the Capitol Police Headquarters was designated in their honor as the “Eney, Chestnut, Gibson Memorial Building.”⁽²³⁾ The document entrance on the East Plaza of the Capitol was also designated as the “Chestnut–Gibson Memorial Door.”⁽²⁴⁾

A resolution alleging improper use of the Capitol Police by a committee chair has been raised as a question of the privileges of the House.⁽²⁵⁾

Tribute to the Architect of the Capitol

§ 25.1 By unanimous consent, the House considered and agreed to a concurrent resolution expressing thanks to the retiring Architect of the Capitol.

16. From 1950 until 2009, the Library of Congress employed its own police officers. However, this police force was gradually merged with the Capitol Police, beginning in 2003. See P.L. 108–7, 117 Stat. 363.

17. 2 U.S.C. § 1966.

18. 2 U.S.C. § 1967. The relationship between the Capitol Police and the District of Columbia Metropolitan Police is established in law. See 2 U.S.C. §§ 1961, 1966–1968.

19. P.L. 108–7, 117 Stat. 361.

20. 2 U.S.C. § 1901.

21. See Precedents (Wickham) Ch. 4 § 1.13.

22. See Deschler’s Precedents Ch. 38 § 12.4. See also Deschler’s Precedents Ch. 38 § 3.5 (concurrent resolution authorizing payment of funeral expenses and gratuities to surviving spouses of slain officers).

23. See Precedents (Wickham) Ch. 4 § 7.5. Capitol Police Sergeant Christopher Sherman Eney was accidentally killed during a training exercise in 1984.

24. See Precedents (Wickham) Ch. 4 § 7.6.

25. See H. Res. 330, 149 CONG. REC. 19155–56, 108th Cong. 1st Sess. (July 23, 2003).

On November 28, 1995,⁽²⁶⁾ the House concurred in the following Senate concurrent resolution:

Mr. [William] THOMAS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 33) expressing the thanks and good wishes of the American people to Hon. George M. White on the occasion of his retirement as the Architect of the Capitol, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 33

Whereas at its inception, the Capitol of the United States of America was blessed to rise under the hand of some of this Nation's greatest architects, including Dr. William Thornton, Benjamin Henry Latrobe, and Charles Bullfinch;

Whereas prior to the Honorable George Malcolm White, FAIA, being appointed by President Nixon on January 27, 1971, it had been 106 years since a professional architect had been named to the post of Architect of the Capitol; . . .

Resolved by the Senate (the House of Representatives concurring). That the thanks and good wishes of the American people are hereby tendered to the Honorable George M. White, FAIA, on the occasion of his retirement from the Office of the Architect of the Capitol after nearly a quarter-century of outstanding service to this nation.

The SPEAKER pro tempore (Mr. [Bob] BARR [of Georgia]). Is there objection to the request of the gentleman from California?

Mr. [Victor] FAZIO of California. Mr. Speaker, reserving the right to object, and I will not object, but I yield to my friend, the gentleman from California [Mr. THOMAS], who might like to make some comments on the legislation. . . .

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

There was no objection.

The Senate concurrent resolution was concurred in. A motion to reconsider was laid on the table.

E. House Employees As Party Defendant or Witness

§ 26. Current Procedures for Responding to Subpoenas

The relationship between Congress and judicial bodies (both state and Federal) is a complex one that involves fundamental constitutional questions regarding separation of powers, federalism, and judicial review.⁽¹⁾ At the

26. 141 CONG. REC. 34733-34, 104th Cong. 1st Sess.

1. *Parliamentarian's Note*: From the earliest days of Congress, the House has often acted as a quasi-judicial body in its own right. For example, the House frequently undertakes inquiries and investigations during the course of which individuals may be requested to testify before, or provide evidence to, committees of the House. Individuals

Federal level, the legislative and judicial branches are considered co-equals—each with an independent duty to exercise its constitutional obligations and guard against encroachment of its prerogatives by the other branches. When Members of the House, its officers or employees, or the House itself,⁽²⁾ become involved in judicial proceedings, an initial determination must be made as to whether participation in such proceedings is consistent with the rights and privileges of the individuals or entities on whom process has been served. Over the course of its history, the House has chosen a variety of methods for determining such questions in order to either permit or deny compliance with court orders.

Procedural Evolution

Although they do not possess the same privileges as Members, officers of the House are institutional actors, and their interaction with judicial bodies has long been regulated by the House. In exercising their official duties, House officers may become involved in litigation or other judicial proceedings, and may be subpoenaed to testify or produce documents. In many cases, it is not some action of the officer that is the subject of the judicial inquiry;⁽³⁾ rather, it is the officer's status as the custodian of House documents⁽⁴⁾ that is the most pertinent factor.⁽⁵⁾

Over time, the process used by the House in addressing subpoenas issued to officers or employees gradually evolved from a legislative response to an administrative one. In the 46th Congress in 1879,⁽⁶⁾ an employee of the Clerk's Office was subpoenaed by the Adjunct General of the United States

may be held in contempt of Congress for failure to obey congressional subpoenas. For more information regarding the House's investigatory powers, see 2 Hinds' Precedents §§ 1597–1640; 3 Hinds' Precedents §§ 1666–1826; 6 Cannon's Precedents §§ 332–393; Deschler's Precedents Ch. 15; and Precedents (Wickham) Ch. 15.

2. For an example of the House itself being named a defendant in a Federal civil action, see Deschler's Precedents Ch. 11 § 16.1.
3. For questions of privilege based on actions by House officers, see Deschler's Precedents Ch. 11 § 10.
4. *Parliamentarian's Note*: Pursuant to clause 2(e)(2)(A) of rule XI, all committee records (subject to certain narrow exceptions) are deemed "the property of the House" and are to be kept separate from the personal files of the individual serving as the committee's chair. *House Rules and Manual* § 796 (2019). By contrast, under clause 6(b) of rule VII, records of individual Members are considered "exclusively the personal property of the individual Member." *House Rules and Manual* § 695 (2019).
5. For questions of privilege involving House officers as custodians of documents, see 3 Hinds' Precedents §§ 2663, 2664; 6 Cannon's Precedents §§ 585, 587; and Deschler's Precedents Ch. 11 §§ 16.7, 16.8, and 16.13–16.16.
6. 9 CONG. REC. 679–81, 46th Cong. 1st Sess. (Apr. 22, 1879).

Army to testify and produce documents with regard to a court martial case. The House Committee on the Judiciary issued a report analyzing the circumstances in which an officer or employee of the House may produce House documents in a judicial proceeding. The conclusion reached by the committee was that no officer or employee had any independent authority to allow third parties to have access to documents of the House without the prior consent of the House.⁽⁷⁾ The report concluded with the following resolution: “*Resolved*, That no officer or employee of the House of Representatives has the right either voluntarily or in obedience to a subpoena *duces tecum* to produce any document, paper, or book belonging to the files of the House before any court or officer, nor to permit any copy of any testimony given or paper filed in any investigation before the House or any of its committees, or of any other paper belonging to the files of the House, except such as may be authorized by statute to be copied, and such as the House itself may have made public, to be taken without the consent of the House first obtained.”⁽⁸⁾ This resolution was subsequently adopted by the House.

In the 49th Congress in 1886,⁽⁹⁾ the Supreme Court of the District of Columbia (a precursor to the current U.S. District Court for the District of Columbia) issued a subpoena *duces tecum* to the Clerk of the House, and commanded him to appear before the court with certain records of the House. The House Committee on the Judiciary issued another report analyzing the circumstances under which House officers and employees may be compelled to produce House documents in response to court orders. The report concluded with a resolution (subsequently adopted by the House) containing the following statement: “That by the privilege of this House no evidence of a documentary character under the control and in possession of the House of Representatives can by the mandate or process of the ordinary courts of justice be taken from such control or possession but by its permission . . . [t]hat when it appears by the order of a court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the

7. *Parliamentarian's Note*: This appears, at the time, to have been a question of first impression. “There is a further question, however, and perhaps so far as this House is concerned a more important one, yet to be considered, and that is whether Mr. Finch or any other officer of the House has the right or can be lawfully compelled without the consent of the House to produce in obedience to a subpoena *duces tecum* any paper belonging to its files.” 9 CONG. REC. 680, 46th Cong. 1st Sess. (Apr. 22, 1879). For an earlier example where the production of documents to a court by Members of the House in response to a subpoena (but without the prior consent of the House) was deemed a breach of the privileges of the House, see 3 Hinds’ Precedents §2661.

8. 9 CONG. REC. 680, 46th Cong. 1st Sess. (Apr. 22, 1879).

9. 17 CONG. REC. 1295, 49th Cong. 1st Sess. (Feb. 9, 1886).

control of the House is needful for use in any court of justice or before any judge or such legal officer for the promotion of justice, this House will take such orders thereon as will promote the ends of justice consistently with the privileges and rights of this House.”

These resolutions were subsequently relied upon by the House in determining similar questions for nearly a century. Officers and employees of the House, when served with subpoenas, would inform the House of such receipt, often would quote the resolutions described above, and would request that the House authorize compliance. The House would then adopt a privileged resolution⁽¹⁰⁾ permitting (or denying) such compliance.⁽¹¹⁾ If the House chose to take no action upon notification that an officer or employee had been served with a subpoena, then compliance was not authorized.

This ad hoc method of addressing court orders gave full power to the House to determine, on a case-by-case basis, whether or not compliance was consistent with the privileges of the House. However, this method of disposing of these questions had the potential to burden the House with the necessity to address this type of non-legislative business any time it arose.⁽¹²⁾ Further, this system required the House to be in session to dispose of the matter, which could cause unnecessary delays in court proceedings when subpoenas were received during periods of recess or adjournment. Thus, between 1948 and 1979, the House experimented with different types of ongoing authority that would obviate the need for adopting a separate resolution for every subpoena received by an officer or employee of the House.⁽¹³⁾

10. Such resolutions would often quote the earlier resolutions of the Committee on the Judiciary as well. See, e.g., 6 Cannon’s Precedents § 587.

11. For an early example of a resolution authorizing compliance, see 6 Cannon’s Precedents § 585.

12. *Parliamentarian’s Note*: As these types of resolutions involved the House’s defense of its constitutional prerogatives, they naturally qualify as questions of privilege under rule IX. See *House Rules and Manual* §§ 698, 699, and 702 (2019). As highly privileged questions, such resolutions take precedence over matters of lesser privilege, and thus have the potential to displace the regular legislative business of the House.

13. *Parliamentarian’s Note*: In the 80th Congress in 1948, the House adopted House Resolution 584, which provided that, during the Congress, officers and employees of the House were authorized to appear in response to a validly-issued subpoena in all cases involving the prosecution of witnesses for contempt of Congress. It further provided that, upon a court finding of materiality and relevancy, papers and documents of the House could be made available to all proper parties in the litigation. Under this authority, no further action of the House would be required to permit compliance. H. Res. 584, 94 CONG. REC. 5432, 80th Cong. 2d Sess. (May 6, 1948). Similar resolutions were adopted by the House in 1950, 1951, and 1953. See H. Res. 864, 96 CONG. REC. 15636, 81st Cong. 2d Sess. (Sept. 22, 1950); H. Res. 481, 97 CONG. REC. 13777, 82d Cong 1st

In the 96th Congress in 1980, the House adopted House Resolution 722, which was the direct precursor to current rule VIII.⁽¹⁴⁾ This resolution drew heavily on previous resolutions of this type, but further expanded its scope by granting Members, officers, and employees of the House greater flexibility to respond to subpoenas without further House action. As with the version first used in 1977,⁽¹⁵⁾ the procedures of House Resolution 722 authorized compliance with subpoenas at any point during the Congress, with the explicit caveat that the House retained its ability to revoke or modify this authority at any time. It further required that the Speaker be notified of the receipt of any subpoenas, and that the Speaker promptly notify the House of such receipt. The resolution provided that the Member, officer, or employee should make the initial determination as to whether the subpoena “is a proper exercise of the court’s jurisdiction, is material and relevant, and is consistent with the privileges and rights of the House.” Thus, rather than have the House itself make this determination by adopting (or choosing not

Sess. (Oct. 20, 1951); and H. Res. 391, 99 CONG. REC. 11132, 83d Cong. 1st Sess. (Aug. 3, 1953). In 1954, the same type of resolution specified that it was applicable during periods of “recess or adjournment” of the current Congress (language that would be used in subsequent resolutions through 1975). See H. Res. 711, 100 CONG. REC. 15547, 83d Cong. 2d Sess. (Aug. 20, 1954). In 1955, the language of this type of resolution was expanded to encompass not just subpoenas in contempt cases, but subpoenas issued by “any court of the United States.” See H. Res. 341, 101 CONG. REC. 13063, 84th Cong. 1st Sess. (Aug. 2, 1955). See also H. Res. 416, 103 CONG. REC. 16759–60, 85th Cong. 1st Sess. (Aug. 30, 1957), and H. Res. 224, 105 CONG. REC. 5260, 86th Cong. 1st Sess. (Mar. 25, 1959). In 1959, a similar type of resolution was adopted that expanded the application beyond officers and employees of the House to include Members as well. See H. Res. 389, 105 CONG. REC. 19365, 86th Cong. 1st Sess. (Sept. 12, 1959). This language was used in several subsequent Congresses. See H. Res. 17, 107 CONG. REC. 27, 87th Cong. 1st Sess. (Jan. 3, 1961); H. Res. 10, 109 CONG. REC. 24, 88th Cong. 1st Sess. (Jan. 9, 1963); H. Res. 12, 111 CONG. REC. 27, 89th Cong. 1st Sess. (Jan. 4, 1965); H. Res. 11, 113 CONG. REC. 35, 90th Cong. 1st Sess. (Jan. 10, 1967); H. Res. 15, 115 CONG. REC. 37, 91st Cong. 1st Sess. (Jan. 3, 1969); H. Res. 9, 117 CONG. REC. 16, 92d Cong. 1st Sess. (Jan. 21, 1971); H. Res. 12, 119 CONG. REC. 30, 93d Cong. 1st Sess. (Jan. 3, 1973); and H. Res. 9, 121 CONG. REC. 35, 94th Cong. 1st Sess. (Jan. 15, 1975). In 1977, a similar resolution was adopted that provided the same authority to respond to subpoenas at any point during the Congress (not just during periods of recess or adjournment), and further stated explicitly the House’s right to revoke or modify such authorities at any time. It also required that the individual served with a subpoena notify the Speaker (who would then lay the matter before the House for the information of Members). See H. Res. 10, 123 CONG. REC. 73, 95th Cong. 1st Sess. (Jan. 4, 1977). The same language was used in the following Congress. See H. Res. 10, 125 CONG. REC. 19, 96th Cong. 1st Sess. (Jan. 15, 1979).

14. *House Rules and Manual* § 697 (2019). Between 1981 and 1999, these procedures were found in former rule L.

15. H. Res. 10, 123 CONG. REC. 73, 95th Cong. 1st Sess. (Jan. 4, 1977).

to adopt) a resolution specific to each individual case, the individual on whom process has been served is authorized to decide the question. Pursuant to House Resolution 722, the Member, officer, or individual would inform the Speaker (who would then inform the House) as to what action was taken in response to the subpoena. No further action of the House was required.

This method of addressing subpoenas or other judicial orders was incorporated into the standing rules at the beginning of the 97th Congress in 1981.⁽¹⁶⁾ The advent of this process has effectively converted the treatment of subpoenas issued to officers and employees of the House into an administrative (rather than legislative) matter. Members of the House are informed as to whether any such subpoenas have been received, and how the individual has determined the relevant questions regarding consistency with the rights and privileges of the House.⁽¹⁷⁾ Although the House retains full authority to override such decisions, it is no longer required to adopt separate resolutions to permit compliance for each case as it arises. Thus, the privileges of the House with respect to the actions of its officers and control over its records are fully protected by the rule, while the processing of non-controversial judicial orders may proceed efficiently without overly burdening the business of the House.

Since the advent of rule VIII, there has been little change in the process by which officers and employees of the House respond to subpoenas. In the 107th Congress in 2001,⁽¹⁸⁾ the rule was expanded to cover administrative as well as judicial subpoenas, but this change was repealed in the 115th Congress.⁽¹⁹⁾ In the 115th Congress, the rule was rewritten to clarify and consolidate notification requirements, and eliminate the requirement for the Clerk to transmit a copy of the rule to the court.⁽²⁰⁾ Following the establishment of the Office of General Counsel,⁽²¹⁾ officers and employees have access to expert legal counsel to advise them as to whether compliance with court orders is consistent with the privileges of the House.⁽²²⁾

Although rule VIII permits Members, officers, and employees to respond to subpoenas if the individual served determines that such response is consistent with the rights and privileges of the House, the House retains its

16. H. Res. 5, 127 CONG. REC. 98–99, 97th Cong. 1st Sess. (Jan. 5, 1981).

17. See § 26.1, *infra*.

18. H. Res. 5, 147 CONG. REC. 25, 107th Cong. 1st Sess. (Jan. 3, 2001).

19. H. Res. 5, 163 CONG. REC. H8 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

20. *Id.*

21. See § 19, *supra*.

22. *Parliamentarian's Note*: Prior to the advent of the Office of General Counsel, the Counsel to the Clerk performed a similar function. For more on the House General Counsel and its history, see § 19, *supra*.

ability to adopt resolutions to permit,⁽²³⁾ deny,⁽²⁴⁾ or limit compliance with court orders. Although a resolution to authorize or deny compliance with judicial orders constitutes a question of the privileges of the House, and thus has priority over other items of business, consideration of such resolutions may also be initiated by a unanimous-consent agreement.⁽²⁵⁾ Rule VIII applies to judicial subpoenas and orders, but the House has authorized compliance with other requests from judicial officials, such as a request for a “co-operative response” from a Special Counsel to the Attorney General (seeking House documents and materials).⁽²⁶⁾ Rule VIII specifically excludes executive session material of the House from being disclosed or copied in response to subpoenas or other court orders.⁽²⁷⁾

Rule VIII applies to Members, officers, and employees of the House. Delegates and the Resident Commissioner are also covered by the rule.⁽²⁸⁾ If a congressional official is associated with both the House and the Senate, such official’s response to a judicial subpoena would need to be authorized by both bodies via a concurrent resolution.⁽²⁹⁾ Although former officers and former employees of the House are not covered by rule VIII, the House has been notified in some cases that such individuals have been served with subpoenas, if the instant case involves both current and former officers or employees.⁽³⁰⁾

With respect to notification procedures, it is the Speaker’s duty under rule VIII to promptly lay the matter before the House when notified by the affected party. Where there has been a delay in notifying the House of the receipt of subpoenas, a question of the privileges of the House may be raised to direct the Speaker to produce the relevant court orders.⁽³¹⁾

Officers and employees of the House may retain counsel to represent them in matters before the courts. The House Office of General Counsel is available to provide such representation. Additionally, pursuant to statute,⁽³²⁾ officers and employees of the House may request that the U.S. Attorney located in the jurisdiction where the case has been brought represent them

23. See § 26.3, *infra*.

24. See § 26.4, *infra*.

25. See § 26.5, *infra*.

26. See § 26.6, *infra*.

27. Rule VIII, clause 3(b), *House Rules and Manual* § 697 (2019). See also § 26.9, *infra*.

28. See, e.g., 161 CONG. REC. H6743 [Daily Ed.], 114th Cong. 1st Sess. (Sept. 30, 2015).

29. See § 26.8, *infra*. See also § 25, *supra*.

30. See, e.g., 127 CONG. REC. 694–95, 97th Cong. 1st Sess. (Jan. 22, 1981) and 126 CONG. REC. 32252, 96th Cong. 2d Sess. (Dec. 4, 1980). In the 115th Congress, a separate order contained in the resolution adopting the standing rules provided authorization for a former employee of the Permanent Select Committee on Intelligence to testify in a criminal action. See H. Res. 5, 161 CONG. REC. 36, 114th Cong. 1st Sess. (Jan. 6, 2015).

31. See § 26.2, *infra*.

32. 2 U.S.C. § 5503.

in the proceedings.⁽³³⁾ Finally, the House may independently authorize counsel for officers or employees who become involved in litigation related to their official duties.⁽³⁴⁾

Applicability

§ 26.1 Employees of the House, such as Members' aides and staff (including district staff), are covered by rule VIII⁽³⁵⁾ and thus when subpoenas are issued to such individuals, the Speaker is informed, and the matter is laid before the House for the information of Members.

On April 14, 2015,⁽³⁶⁾ the Speaker pro tempore laid before the House the following communications from staff of the district office of a Member, as required by rule VIII:⁽³⁷⁾

COMMUNICATION FROM DISTRICT OFFICE MANAGER OF THE OFFICE OF
THE 18TH CONGRESSIONAL DISTRICT OF ILLINOIS

The SPEAKER pro tempore laid before the House the following communication from the District Office Manager of the Office of the 18th Congressional District of Illinois:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 2015.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for testimony issued by the United States District Court for the Central District of Illinois.

I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

BRYAN RUDOLPH,
District Office Manager.

33. *Parliamentarian's Note:* With the advent of the Office of General Counsel, requests of this type have become rare. For earlier instances, see Deschler's Precedents Ch. 6 §§ 23.3–23.5. See also 127 CONG. REC. 3037, 97th Cong. 1st Sess. (Feb. 25, 1981).

34. For an example of special counsel being retained by the House to represent both Members and officers, see Deschler's Precedents Ch. 6 § 23.6.

35. *House Rules and Manual* § 697 (2019).

36. 161 CONG. REC. 4874, 114th Cong. 1st Sess.

37. *Parliamentarian's Note:* The above subpoenas were served in connection with the ongoing investigation of former Rep. Aaron Schock of Illinois. For similar occurrences, see 161 CONG. REC. 5204, 114th Cong. 1st Sess. (Apr. 20, 2015); 161 CONG. REC. 5598, 114th Cong. 1st Sess. (Apr. 27, 2015); 161 CONG. REC. 6319, 114th Cong. 1st Sess. (May 8, 2015); and 161 CONG. REC. 6424, 114th Cong. 1st Sess. (May 12, 2015).

COMMUNICATION FROM STAFF MEMBER OF THE OFFICE OF THE 18TH
CONGRESSIONAL DISTRICT OF ILLINOIS

The SPEAKER pro tempore laid before the House the following communication from
a Staff Member of the Office of the 18th Congressional District of Illinois:

MARCH 31, 2015.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules
of the House of Representatives, that I have been served with a grand jury subpoena
for testimony, issued by the U.S. District Court for the Central District of Illinois.

After consultation with counsel, I will make the determinations required by rule VIII.

Sincerely,

SARAH ROGERS.

COMMUNICATION FROM STAFF MEMBER OF THE OFFICE OF THE 18TH
CONGRESSIONAL DISTRICT OF ILLINOIS

The SPEAKER pro tempore laid before the House the following communication from
a Staff Member of the Office of the 18th Congressional District of Illinois:

MARCH 31, 2015.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules
of the House of Representatives, that I have been served with a grand jury subpoena
for testimony, issued by the U.S. District Court for the Central District of Illinois.

After consultation with counsel, I will make the determinations required by rule VIII.

Sincerely,

DAYNE LAHOOD.

Notification

§ 26.2 A resolution alleging that the Speaker did not promptly notify the House that subpoenas had been received by House officers and employees, and further directing the Speaker to produce the relevant court orders and explain the reason for the delay,⁽³⁸⁾ constitutes a valid question of the privileges of the House under rule IX.⁽³⁹⁾

38. *Parliamentarian's Note:* As depicted below, the Speaker explained the circumstances surrounding the receipt of these subpoenas during debate on the resolution raised as a question of privilege. These comments constituted compliance with the directive of the resolution, and no further announcement was made by the Speaker.

39. *House Rules and Manual* §§ 698, 699, and 702 (2019).

On May 14, 1992,⁽⁴⁰⁾ the following occurred:

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, May 14, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to former rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

DONNALD K. ANDERSON,
Clerk.

COMMUNICATION FROM THE HONORABLE AUSTIN J. MURPHY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable AUSTIN J. MURPHY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to former rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

COMMUNICATION FROM THE HONORABLE JOE KOLTER, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable JOE KOLTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1992.

40. 138 CONG. REC. 11309–16, 102d Cong. 2d Sess.

Speaker THOMAS S. FOLEY,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to former rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

JOE KOLTER,
Member of Congress.

PRIVILEGES OF THE HOUSE—RESOLUTION REQUIRING THE SPEAKER OF
 THE HOUSE TO PRODUCE COURT DOCUMENTS RELATING TO THE CRIMINAL
 INVESTIGATION OF THE HOUSE POST OFFICE

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I offer a privileged resolution. The SPEAKER.⁽⁴¹⁾ The Clerk will report the resolution. The Clerk read the resolution, as follows:

H. RES. 456

Whereas, the Department of Justice is conducting a criminal investigation into the activities of the Office of the House Postmaster and;

Whereas, the Department of Justice issued five subpoenas on May 6 requiring certain members of the House and current or former employees to produce certain materials and;

Whereas, Rule L requires that the Speaker be promptly notified of receipt of all subpoenas and that they be laid before the House and that the Speaker shall inform the House of the proper exercise of the court order;

Resolved, That the House of Representatives directs the Speaker of the House to produce the court orders dealing with the criminal investigation of the House Post Office and that the Speaker explain what delayed the timely consideration of said court orders.

The SPEAKER. In the opinion of the Chair, the resolution states a question of privilege.

The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 hour. . . .

Mr. WALKER. I thank the Speaker.

Mr. Speaker, this is a resolution relating to rule L, which does require that the Speaker promptly notify the House of receipt of all subpoenas. It is at least our understanding that five subpoenas were served upon the House over a week ago and that the House has just learned of three of those subpoenas, and there are perhaps two more yet to come. . . .

The SPEAKER. The Chair will make a statement from the chair, that the documents that have been laid before the House today indicate that the subpoenas have been issued. The Chair will inform the House that there has been oral modification of the subpoenas requested by the U.S. attorney over the period of the last several days and that, to the best of the Chair's knowledge, the U.S. attorney is satisfied with the discussions that have been ongoing with regard to the matter requested and that, when those discussions had been concluded, that the information would be laid before the House, as it has been today.

41. Thomas Foley (WA).

Mr. WALKER. Mr. Speaker, in that regard, have all subpoenas that are before the House been laid before the House at this point?

The SPEAKER. All that have been addressed to the Speaker so far.

Mr. WALKER. Mr. Speaker, that is the question. Our understanding was that there may have been as many as five subpoenas that came to the Hill last week. Are all five of those now before the House?

The SPEAKER. At this point the Chair has received three letters, and they have been laid down. There are two additional letters, I am told, that are coming. They will be laid promptly before the House when they arrive.

Mr. WALKER. Mr. Speaker, those figures would fit with what we know, but our understanding is those subpoenas first arrived on Capitol Hill as of last Wednesday.

Is that correct?

The SPEAKER. As I have informed the gentleman, the U.S. attorney modified his request verbally after the subpoenas had been served and no conclusion as to the scope of the subpoenas had been reached until very recently, and I think they are still ongoing in their discussions.

Mr. WALKER. Then my question, Mr. Speaker, would be, and I will be happy to yield to the minority whip in a minute, but my question would be:

If there had been negotiations with regard to this, why is it the minority has been left out of those negotiations despite the assurances of the Speaker and others during our reform task force meetings that there would never be a time when the minority is left out of such discussions?

The SPEAKER. The Chair was of the opinion that the minority had been informed about it. If there has been any lapse in that matter, the Chair regrets it, but there has been no conclusion to the request of the U.S. attorney at this point.

Mr. WALKER. Mr. Speaker, evidently these are matters that have been under discussion for a week. I can find no one on the minority side who was informed about this at any time. This is an ongoing pattern. On several occasions we have also been told that it was a lapse of protocol, a lapse of memory, a lapse of something, that has been preventing the minority from being informed. These are important matters before the House, and they are exactly the kind of thing that was mentioned over and over again in the reform task force meetings as matters that had to come promptly to the minority.

That is not happening in this case, and it is a major concern for Members of the minority that we have not only been kept in the dark about the subpoenas themselves, but also that, as I understand the Speaker, there are ongoing negotiations with the U.S. attorney that we have also not been included in.

The SPEAKER. The matter that has come to the attention of the House is one in which the Chair feels the minority should have been informed, and the Chair takes responsibility for that lapse.

But the Chair would also assure the House that all the procedures of rule L are being scrupulously observed and the House is being informed in the spirit of the rule as the determinations have been made under the rule.

The Chair does believe that he should assure that the minority leader was informed, and takes responsibility to see that that is done in the future.

Mr. WALKER. I thank the Chair for that, but it is a fact that the Republican leader has not been informed.

The SPEAKER. It was the Chair's impression that he had been, and, if the Chair had been advised that he had not been and was aware that he had not been, it would have

been concluded that he would have been informed. The Chair notes that the complaint is not coming from the leader, but from others in the House, and I wish to assure—

Mr. WALKER. I remind the Speaker that all Members have the ability to bring a privileged resolution, and I do not think the minority leader, the Republican leader of the House, the gentleman from Illinois [Mr. MICHEL], would object to this particular resolution. I think the Republican leader is probably very disturbed about the fact that he did not get the kind of information that he was entitled to in this kind of case, and to suggest that somehow I am running a rump operation here I do not believe is something that needs to be aired here. This is an entirely legitimate matter to bring before the House, and I have every reason to believe that the Republican leader is very disturbed about the fact that the Democratic Party is continuing not to inform him of matters that relate to the business of this House. . . .

The SPEAKER. Will the gentleman yield to the Chair?

Mr. WALKER. I yield to the gentleman.

The SPEAKER. The Chair has tried to explain that there is no effort at this point to in any way negotiate the request of the U.S. attorney. It is to determine what it is.

There has been a request from the U.S. attorney through subpoenas which were very broad in their reach and required a very early return. And it was the effort to determine exactly what the reach of the subpoena was and how soon the return that led to discussions with the U.S. attorney, not other negotiations.

It was an attempt to discover from the U.S. attorney what would be needed in the judgment of the Office of Counsel of the Clerk to comply with the subpoena to determine what the U.S. attorney's position was.

The Chair has attempted to explain this. The Chair has taken upon himself a responsibility for not informing the minority leader. It was not intended as any slight to him. This Member has tried very hard, as Speaker, to keep the minority leader advised of these matters. I regret that this was a case where the course of determining what the subpoena was was not promptly communicated to the minority leader.

However, the rule itself is complied with in the Chair's opinion, when it is determined what the request is, that it should be then promptly laid before the House.

Mr. WALKER. Mr. Speaker, respectfully might I say that the rule is fairly clear that such negotiations with regard to the proper exercise of the court's jurisdiction are, in fact, supposed to take place after the House has been notified.

If the Speaker will read clause 3 of rule L, he will find that it says:

Once notification has been laid before the House, the Member, officer or employee shall determine whether the issuance of the subpoena or other judicial order is a proper exercise of the court's jurisdiction, is material and relevant.

And so, therefore, the matter should have been laid before the House prior to the kind of negotiation that the Speaker refers to.

Our concern on this is that this was not laid before the House, that these modifications have taken place.

My question to the Chair would be, if, in fact, this is the matter that has been negotiated or has been dealt with, can the Chair inform the House what the modifications were that the House insisted on?

The SPEAKER. There is no negotiation taking place on section 3 of rule L. The effort has been to determine what the desire of the U.S. attorney was, as expressed in the subpoena. That is all.

Mr. WALKER. Could the Chair inform the House what the modifications were in the original order that have been worked out with the U.S. attorney?

The SPEAKER. There is no determination at this point. The Chair has made an explanation to the gentleman. He assures the House that he will immediately discuss the matter in full with the legal staff and the legal members of the legal committee.

In this way, we can immediately lay before the minority all information we presently possess about this matter.

The Chair reiterates his statement that there was no desire on his part or on the part of the majority to deny the minority leader any appropriate information. The gentleman may not accept that, but in the spirit of the gentleman's privileged resolution, the Chair has made the explanation that the gentleman requested.

The Chair at that point will leave the matter for the House's determination. . . .

The SPEAKER. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the Speaker.

COMMUNICATION FROM WERNER W. BRANDT, SERGEANT AT ARMS

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to former rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

Mr. WALKER. Mr. Speaker, that is an additional one. Do we have one more to go? Do we have another one yet to come?

The SPEAKER. If the gentleman will continue to yield, the Chair would say that there is one more communication which the Chair will supply.

Mr. WALKER. There is one more. Do we have some idea as to when we will get that, Mr. Speaker?

The SPEAKER. As soon as it is transmitted to the Speaker, the Chair would assume, very shortly.

Mr. WALKER. I thank the Speaker. . . .

Mr. SPEAKER. If the gentleman will yield, the Chair lays before the House a communication.

COMMUNICATION FROM HON. DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, Member of Congress:

DEAR MR. SPEAKER: This is to notify you pursuant to former rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

DAN ROSTENKOWSKI.

Mr. WALKER. Mr. Speaker, do I understand now that is all of the subpoenas that are before the House at this point?

The SPEAKER. All that the Chair is aware of. . . .

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

The SPEAKER. Without Objection, the previous question is ordered on the resolution. There was no objection.

The SPEAKER. The question is on the privileged resolution offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker announced that the yeas 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 324, nays 3, not voting 107, as follows:

[Roll No. 126] . . .

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.

Consideration by Unanimous Consent

§ 26.3 By unanimous consent,⁽⁴²⁾ the House agreed to consider two separate resolutions, each proposing a different method of complying with a subpoena from the Special Counsel to the Attorney General.

On April 29, 1992,⁽⁴³⁾ the following unanimous-consent request, making in order two separate resolutions authorizing compliance with subpoenas issued to an officer of the House, was agreed to:

MAKING IN ORDER TWO RESOLUTIONS ON A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that it be in order, without the intervention of any motion, to consider a resolution to be offered by the majority leader or his designee as a question of the privileges of the House,

42. *Parliamentarian's Note:* Although each resolution constituted a question of the privileges of the House under rule IX (and thus entitled to priority over most other business), a unanimous-consent agreement was utilized in this instance in order to structure the debate and preclude intervening motions. See *House Rules and Manual* § 698 (2019).

43. 138 CONG. REC. 9753, 102d Cong. 2d Sess. See also § 26.5, *infra*.

that debate on the resolution continue not to exceed 1 hour, 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, and that the resolution on final adoption not be subject to a demand for a division of the question; and further that immediately upon disposition of that resolution it shall be in order, without the intervention of any motion, to consider a resolution to be offered by the minority leader or his designee as a question of the privileges of the House, that debate on the resolution continue not to exceed 1 hour, to be equally divided and controlled by the minority leader and the majority leader, or their designees, that the previous question be considered as ordered on the resolution to final adoption without intervening motion, and that the resolution on final adoption not be subject to a demand for a division of the question.

The SPEAKER.⁽⁴⁴⁾ Is there objection to the request of the gentleman from Missouri? There was no objection.

Resolutions Prohibiting Compliance

§ 26.4 A resolution asserting that a judicial subpoena was an unconstitutional invasion of the prerogatives of the House, and directing a House officer not to produce investigative records of the House sought by the court, constitutes a question of the privileges of the House.

On April 28, 1983,⁽⁴⁵⁾ the House considered a resolution raised as a question of privilege as follows:

PRIVILEGES OF THE HOUSE—RELATING TO INVESTIGATIVE RECORDS OF SELECT COMMITTEE ON AGING

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution (H. Res. 176), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 176

Whereas the Constitution of the United States vests authority in the House of Representatives to protect and preserve documents and papers generated during an official and duly authorized investigation conducted by one of its committee;

Whereas article I, section 6, clause 1 of the Constitution (the speech or debate clause) prohibits the questioning of legislative actions outside the House, whether by testimony or production of documentary evidence;

Whereas article I, section 5, clause 3 of the Constitution provides that the House shall determine the portion of its proceedings which shall be public;

Whereas the House Select Committee on Aging conducted an investigation and hearing into abuses reported in the sale of medicare supplemental insurance to the elderly during 1978; and

44. Thomas Foley (WA).

45. 129 CONG. REC. 10417–18, 10423–24, 98th Cong. 1st Sess. For an earlier letter signed jointly by the Speaker, floor leaders, and whips of both parties, instructing the Clerk not to produce the requested documents, see 128 CONG. REC. 6114, 97th Cong. 2d Sess. (Mar. 31, 1982).

Whereas such investigation and hearing resulted in the official publication of a committee report entitled "Abuses in the Sale of Health Insurance to the Elderly in Supplementation of Medicare: A National Scandal and a committee report "Cancer Insurance: Exploiting Fear For "Profit (An Examination of Dread Disease Insurance)" Comm. Pub. 96-202; and

Whereas certain documents were obtained or generated during the course of such investigation and hearing and in the preparation of the staff study and the committee report; and

Whereas pursuant to Rule XXXVI of the House of Representatives, the Select Committee's records were committed to the custody of the Clerk of the House whose duty it is to protect, preserve and maintain such records and to prevent their production in contravention of the aforementioned rights and privileges of the House and its Members; and

Whereas there is pending in the United States District Court for the District of Maryland a civil suit entitled *George H. Benford v. American Broadcasting Companies, Inc.*, et al., Civil Action No. N-79-2386;

Whereas on March 22, 1982, a deposition subpoena duces tecum issued by the United States District Court for the District of Maryland issued by the United States in the foregoing action was served upon the Clerk requiring the production of documents relating to the Select Committee's investigation; and

Whereas the Clerk, pursuant to Rule L (50) of the Rules of the House, notified the Speaker of the House of the receipt of such subpoena and the Speaker of the House laid the letter of notification before the House on March 30, 1982.

Whereas the Speaker of the House, in consultation with the majority and minority leaders and whips of the House instructed the Clerk with regard to this subpoena and such instruction was laid before the House on March 31, 1982.

Whereas, on April 8, 1983, the district court refused to continue a stay of such deposition subpoena and required the Clerk to produce for Plaintiff's inspection and copying all documents specified in the subpoena; and

Whereas, the district court refused to allow the Select Committee to intervene to protect its interest in its investigative records in the possession of the Clerk;

Whereas pursuant to, and in compliance with, an earlier subpoena issued by the United States District Court for the District of Columbia to the Clerk in this litigation, and in accordance with the provision of Rule L (50) of the Rules of the House, the Clerk has produced copies of documents constituting or reflecting nonprivileged disseminations; and therefore, be it

Resolved, That the House considers the subpoena an unwarranted and unconstitutional invasion of its constitutional prerogative to determine which of its proceedings shall be made public, and in direct contravention of the constitutional protection for congressional investigative activity and be it further

Resolved, That the Clerk of the House be, and hereby is ordered and directed not to produce for inspection and copying by Plaintiff or any of his representatives, or to the Court for inspection, any of the investigative records of the Select Committee sought by the subpoena and be it further

Resolved, That the counsel to the Clerk are directed to assert the rights and privileges of the House, and any and all other rights arising from applicable rules or laws, in any further proceedings in the case and to take all steps necessary to defend the House's rights, including appeal from any rulings or petitions for certiorari to the Supreme Court.

Resolved, That the Clerk of the House shall forthwith transmit a certified copy of this resolution to the United States District Court for the District of Maryland.

The SPEAKER pro tempore (Mr. [George] BROWN of California). The gentleman from Washington (Mr. FOLEY) is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring this privileged resolution before this body today in the belief that the circumstances of the case have now reached a point at which it is imperative that the House act to protect its own prerogatives, including the essential privilege of speech and debate.

As the resolution indicates, the case arises out of an investigation conducted by the Select Committee on Aging into certain problems connected with the sale of supplementary insurance to the aged, particularly cancer insurance.

In the course of that investigation, meetings took place with some individuals involved in the sale of this insurance which led to lawsuits being filed.

In accordance with that series of lawsuits, a jury trial was had with some of the same defendants. Although the jury returned a verdict against the plaintiff and for the defendants, this plaintiff has pursued certain documents in the possession of the Clerk and the Select Committee on Aging which, in the judgment of the bipartisan committee established under rule L and headed by the Speaker, constitutes an invasion of the privileges of the House.

The House will remember that in approving this rule it gave the Speaker authority to convene such a bipartisan consultation between the respective leadership groups to advise him in his determination of which matters should involve the intervention of the House to protect its privileges.

In this case, as in others, it was agreed by the bipartisan leadership, notwithstanding some concerns about the circumstances of the original case, that the instant request for subpoena is in violation of the privileges of the House and should therefore be resisted.

Because the court, in this case, the U.S. Court for Maryland, sitting in Baltimore, has declined to permit the intervention of the House in order to present issues of privilege and has insisted on the production of documents or, as has been more recently ordered, their examination at the Capitol by the plaintiff, it is felt to be imperative that the House act to instruct the Clerk not to comply with the subpoena. . . .

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

MOTION OFFERED BY MR. SENSENBRENNER

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Mr. Speaker, I offer a motion to refer. The Clerk read as follows:

Mr. SENSENBRENNER moves to refer the resolution to the Committee on the Judiciary.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to refer offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. SENSENBRENNER. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce 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 passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 21, nays 389, not voting 23, as follows: . . .

So the motion to refer was rejected.

The result of the vote was announced as above recorded.

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.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. In accordance with the previous announcement of the Chair, the time during which this vote will be taken will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—yeas 386, nays 22, not voting 25, as follows: . . .

Resolutions Authorizing Limited Compliance

§ 26.5 Although rule VIII⁽⁴⁶⁾ permits officers and employees of the House to determine if compliance with subpoenas is consistent with the rights and privileges of the House, the House retains its authority to modify that permission, and may adopt a resolution authorizing only limited compliance.

On April 29, 1992,⁽⁴⁷⁾ the House considered (but did not ultimately adopt) a resolution authorizing compliance with a subpoena, but conditioned on obtaining a determination from the court regarding the enforceability of the subpoena (including its materiality and relevance):

PRIVILEGES OF THE HOUSE—DIRECTING RELEASE OF CERTAIN MATERIALS RELATING TO INQUIRY OF THE OPERATION OF THE BANK OF THE SERGEANT AT ARMS

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, pursuant to the order of the House just agreed to, I offer a privileged resolution (H. Res. 440) directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236 in a manner consistent with enforcement of criminal law and procedure, respect for the constitutional structure of government and the individual rights assured to all citizens, and the expectation of the public that the legal process will be impartial and fair, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER.⁽⁴⁸⁾ The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 440

Directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236 in a manner consistent with enforcement of criminal law and procedure, respect for the constitutional structure of government and the individual rights assured to all citizens, and the expectation of the public that the legal process will be impartial and fair.

Whereas, on March 27, 1992, Attorney General William Barr, appointed former federal Judge Malcolm A. Wilkey as Special Counsel to the Attorney General to conduct a preliminary inquiry into possible violations of the criminal law arising out of the operations of the former House bank; and

Whereas, shortly thereafter, employees of the former House bank were made available for interviews in accordance with Judge Wilkey's request and in the spirit of cooperation by the House of Representatives with the preliminary inquiry; and,

46. *House Rules and Manual* § 697 (2019).

47. 138 CONG. REC. 9753–54, 9762, 102d Cong. 2d Sess.

48. Thomas Foley (WA).

Whereas, on April 20, 1992, the Speaker of the House, on behalf of himself and the Republican leader, forwarded to Judge Wilkey a letter informing him that it would be inconsistent with the Rules of the House of Representatives to provide copies of the records sought by Judge Wilkey without the matter being fully considered by the entire House upon its reconvening the following week; and,

Whereas, on April 21, 1992, while the House remained in recess, Judge Wilkey caused to be issued subpoenas to the Acting Chairman of the Committee on Standards of Official Conduct and to the Sergeant at Arms of the House of Representatives calling for production by April 28, 1992, of all records of the former House bank which include all transactions of every person who used the former House bank during a 39-month period, such as Members without overdrafts, Member's spouses, employees, members of the press, and the members of the public, as well as deposit slips and monthly statements of all Members: Now, therefore, be it

Resolved, That the House of Representatives shall comply with the subpoenas issued in connection with the preliminary inquiry of the Special Counsel, in a manner consistent with (1) enforcement of criminal law and procedure; (2) respect for the constitutional structure of government and the individual rights assured to all citizens; and (3) the expectation of the public that the legal process will be impartial and fair: Be it further

Resolved, That microfilm rolls shall be collected by the Sergeant at Arms and he shall promptly undertake to expeditiously have reproduced in documentary form, using the best available modern technology, the forty-one rolls of microfilm sought by the subpoena: Be it further

Resolved, The Sergeant at Arms shall obtain from the United States District Court a determination of the enforceability of the subpoena including its materiality and relevance and shall upon receipt of such determination notify the House of the Court's determination: Be it further

Resolved, The Sergeant at Arms, after providing notification to the House, is authorized and directed to comply with the subpoena consistent with the Court's determination: Be it further

Resolved, That the House relies upon the assurances of the Special Counsel that he will take such steps as are necessary to provide full protection for the confidentiality of the records provided: Be it further

Resolved, Consistent with this resolution that it is the will of the House to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House and its Members.

The SPEAKER pro tempore (Mr. [David] BONIOR [of Michigan]). The resolution states a question of privilege.

Under the unanimous-consent agreement, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT]. . . .

The SPEAKER pro tempore. All time has expired.

Under the unanimous-consent agreement, the previous question is ordered.

The question is on the resolution.

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

Mr. [James] HANSEN [of Utah]. 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 131, nays 284, answered “present” 1, not voting 19, as follows:

[Roll No. 91] . . .

Resolutions Responding to Informal Requests

§ 26.6 Although rule VIII⁽⁴⁹⁾ applies to judicial subpoenas and orders, the House may choose to comply with an informal request for documents and materials issued by judicial officers by adopting a resolution authorizing compliance.

As part of an ongoing investigation by the Justice Department, the House adopted the following resolution on May 28, 1992,⁽⁵⁰⁾ in response to an informal request by the Special Counsel to the Attorney General for documents and materials:

PRIVILEGES OF THE HOUSE—AUTHORIZING SERGEANT AT ARMS TO PROVIDE CERTAIN RECORDS TO SPECIAL COUNSEL RELATIVE TO OPERATION OF HOUSE BANK

Mr. [Richard] GEPHARDT [of Missouri]. Madam Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 471) and ask for its immediate consideration.

The SPEAKER pro tempore (Mrs. [Jolene] UNSOELD [of Washington]). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 471

Whereas on April 29, 1992 the House of Representatives adopted House Resolution 441 directing the release of certain materials relating to the inquiry of the operation of the Bank of the Sergeant at Arms pursuant to House Resolution 236 as a “cooperative response” to requests for those materials from the Honorable Malcolm R. Wilkey, Special Counsel to the Attorney General of the United States;

Whereas pursuant to House Resolution 441 the 41 microfilm rolls provided to the Special Counsel were furnished without prejudice to any future consideration by the House or the Judiciary of requests for documentary or testimonial evidence from Members, Officers of employees of the House, but only upon assurances of the Special Counsel that he will take such steps as are necessary to provide for protection of the confidentiality of the records provided;

Whereas pursuant to House Resolution 441 the House expressed its will to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House and consistent with the constitutional or legal rights applicable or available to any Member, Officer or employee of the House or any other individual;

Whereas the Special Counsel has requested the production of further documentary evidence in addition to that furnished pursuant to House Resolution 441;

Whereas, by the privileges of the House no evidence of a documentary character under the control and in the possession of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control or possession except by the permission of the House; Now therefore be it

Resolved, That the material requested by the Special Counsel consisting of: for the period July 1, 1988 through October 1991 the general ledgers of the bank; the “throwout books”; lists or other compilations of persons whose check privileges had been suspended or otherwise restricted; for accounts in which there were one or more “overdrafts” any

49. *House Rules and Manual* § 697 (2019).

50. 138 CONG. REC. 12790–91, 102d Cong. 2d Sess.

list or other compilation of individuals who had been granted signature authority by account holders and any list or other compilation of individuals who had been designated by Members as a staff contact person; information relating to overdrawn accounts and general bank administration maintained in the computers of the bank; in addition, and without respect to the time limitation referenced above, any list or other compilation relating to promissory notes made by the National Bank of Washington, shall be collected by the Sergeant at Arms and he shall commence production thereof to the Special Counsel not later than five p.m. on Monday June 1, 1992; Be it further

Resolved, That upon receipt of further requests for documentary or testimonial evidence from the Special Counsel addressed to any Member, officer, or employee of the House, the Leadership Legal Advisory Group (consisting of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip), is hereby authorized to respond to and to take appropriate action with respect to such requests from the Special Counsel in a manner consistent with the privileges and precedents of the House.

The SPEAKER pro tempore. The resolution states a question of privilege of the House. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour. . . .

Mr. GEPHARDT. Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER.⁽⁵¹⁾ The question is on the resolution.

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

Mr. [Newt] GINGRICH [of Georgia]. 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 396, nays 5, answered “present” 1, not voting 32, as follows:

[Roll No. 145] . . .

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.

§ 26.7 Where the Department of Justice requests that the House voluntarily provide documents or other material for a judicial proceeding, the House may choose to respond by adopting a resolution authorizing compliance.

On February 17, 2012,⁽⁵²⁾ the House adopted the following resolution:

DIRECTING THE CLERK TO PROVIDE AUDIO BACKUP FILE OF DEPOSITION
OF WILLIAM R. CLEMENS

Mr. [David] DREIER [of California]. Mr. Speaker, I send to the desk a resolution (H. Res. 558) directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens

51. Thomas Foley (WA).

52. 158 CONG. REC. 2060, 112th Cong. 2d Sess.

that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.), and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.⁽⁵³⁾ 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. 558

Whereas on February 5, 2008, William R. Clemens voluntarily appeared in Washington, DC and was deposed by the Committee on Oversight and Government Reform of the House of Representatives in connection with that Committee's investigation into the use of steroids and other performance-enhancing substances in professional sports, and in Major League Baseball in particular;

Whereas the written transcript of Mr. Clemens' deposition, prepared by the Official Reporters of the House, with an Errata Sheet prepared by Mr. Clemens' counsel included as an Appendix, is the official House record of that proceeding;

Whereas this deposition and Mr. Clemens' public appearance before the Committee on Oversight and Government Reform on February 13, 2008, raised significant questions about Mr. Clemens' truthfulness, as a result of which the then Chair and ranking minority member jointly requested, on or about February 27, 2008, that the Department of Justice investigate whether Mr. Clemens committed perjury or knowingly made false statements in the course of the deposition or his February 13, 2008 public appearance;

Whereas the Department of Justice did in fact investigate whether Mr. Clemens committed perjury or knowingly made false statements in the course of his February 5, 2008 deposition and/or his February 13, 2008 public appearance before the Committee; Whereas as a result of the Department of Justice's investigation, Mr. Clemens subsequently was indicted by a grand jury on one count of obstruction of Congress in violation of sections 1505 and 1515(b) of title 18, United States Code, 3 counts of making false statements in violation of sections 1001(a)(2) and (c)(2) of title 18, United States Code, and 2 counts of perjury in violation of section 1621(1) of title 18, United States Code;

Whereas the Department of Justice has requested via letter that the House voluntarily provide to it a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition;

Whereas by the privileges and rights of the House of Representatives, an audio backup file of Mr. Clemens' deposition may not be taken from the possession or control of the Clerk of the House of Representatives by mandate of process of the article III courts of the United States, and may not be provided pursuant to requests by the court or the parties to *United States of America v. Clemens* except at the direction of the House; and

Whereas it is the judgment of the House of Representatives that, in the particular circumstances of this case, providing a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition to the prosecuting attorneys in the case of *United States v. Clemens* would promote the ends of justice in a manner consistent with the privileges and rights of the House: Now, therefore, be it

Resolved, That the House of Representatives directs the Clerk of the House to provide for use at trial a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.).

The resolution was agreed to.

A motion to reconsider was laid on the table.

Concurrent Resolutions Authorizing Compliance

§ 26.8 In order to authorize compliance with a subpoena issued by a court to the Chief of the Capitol Police, both the House and the

53. Steve Womack (AR).

Senate must adopt a concurrent resolution, as the Chief of the Capitol Police is an official of both Houses of Congress.

On July 16, 1975,⁽⁵⁴⁾ the House adopted a concurrent resolution authorizing the Chief of the Capitol Police to respond to a subpoena issued by the U.S. District Court for the District of Columbia:

COMMUNICATION FROM THE SERGEANT AT ARMS—JEFFREY SIMON V.
JAMES M. POWELL, ET AL.

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, July 14, 1975.

Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I was served by a United States Attorney with the attached subpoena that was issued by the U.S. District Court for the District of Columbia. This subpoena is signed by Clerk of the Court, James F. Davey in the case of Jeffrey Simon against James M. Powell, et al., and commands me to answer the complaint within sixty days after service of the summons.

Also attached is a copy of a letter from Honorable William Wannall, Sergeant at Arms, U.S. Senate, and Chairman, U.S. Capitol Police Board to the Department of Justice requesting representation.

The subpoena in question is respectfully attached for such action as the House may in its wisdom see fit to take.

With kind regards, I am

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

The SPEAKER.⁽⁵⁵⁾ The Clerk will read the subpoena.

The Clerk read as follows: . . .

**AUTHORIZING CHIEF OF THE U.S. CAPITOL POLICE TO ANSWER
INTERROGATIONS IN CASE OF SIMON AGAINST POWELL, ET AL.**

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 342) and ask for its immediate consideration.

54. 121 CONG. REC. 23144–46, 94th Cong. 1st Sess.; *House Rules and Manual* § 291a (2019). The Senate did not take up this concurrent resolution. For an anomalous instance where a simple House resolution was used instead of a concurrent resolution, see H. Res. 519, 121 CONG. REC. 17981–82, 94th Cong. 1st Sess. (June 10, 1975).

55. Carl Albert (OK).

The Clerk read the concurrent resolution as follows:

H. CON. RES. 342

Whereas in the case of Jeffery Simon against James M. Powell, et al. (civil action no. 75-0973) pending in the United States District Court for the District of Columbia, a series of interrogatories was issued by the said Court and served upon James M. Powell, Chief of the U.S. Capitol Police, requesting him to answer such interrogatories in writing, under oath, and to serve the answers on counsel for plaintiff in such proceeding; and

Whereas information secured by officers and employees of the Congress of the United States pursuant to their official duties as such officers and employees may not be compelled by the mandate of process of the ordinary courts of justice but by the permission of the Congress: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That James M. Powell, Chief of the U.S. Capitol Police, is authorized to answer the interrogatories before-mentioned; and be it further

Resolved by the House of Representatives (the Senate concurring), That a copy of this resolution be submitted to the said Court.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Executive Session Material

§ 26.9 Although rule L (now rule VIII)⁽⁵⁶⁾ generally permits officers and employees of the House to comply with judicial subpoenas after determining that such compliance is consistent with the prerogatives of the House, the rule specifically excludes the disclosure of material or evidence taken in executive session.

On January 22, 1981,⁽⁵⁷⁾ the following communications, in which the Speaker advised a former employee of the House not to comply with a subpoena seeking executive session material, were laid before the House:

COMMUNICATIONS IN THE CASE OF DUPUY AGAINST RIPLEY, ET AL.

The SPEAKER laid before the House the following communications, which were read:

WASHINGTON, DC,
January 2, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
Room H-204, U.S. Capitol,
Washington, DC.
(Attention of L. Kirk O'Donnell).

DEAR MS. SPEAKER: Please find attached a copy of a Civil Subpoena for the United States District Court for the Central District of California, commanding me to appear in court on the west coast on January 13, 1981. The plaintiff in this civil action desires my testimony concerning my recollection of what transpired during a deposition of two Drug Enforcement Agency agents taken by myself and other members of the staff of the House Select Committee on Intelligence (the Pike Committee) approximately five years

⁵⁶. *House Rules and Manual* § 697 (2019). Clause 3(b) of the rule states that “[u]nder no circumstances may minutes or transcripts of executive sessions, or evidence of witnesses in respect thereto, be disclosed or copied.”

⁵⁷. 127 CONG. REC. 694–95, 97th Cong. 1st Sess.

ago. Pursuant to H. Res. 722, this is notification and a request for permission to testify under the subpoena.

Under H.R. 722, however, it may well be impossible for me to so testify. Under the rules of the House Select Committee on Intelligence Staff depositions such as the one in question here were deemed to have been taken in executive session. In this particular case the information disclosed in the course of the deposition was not classified, or in any way based on classified materials. However that may be, if my memory serves, the executive session designation of the transcript of the deposition was never removed by vote of the full select committee, which under the committee's rules is required for public disclosure. That committee, of course, is no longer in existence.

Finally, even if allowed to testify (perhaps by special resolution of the House) my testimony would be of little value without an opportunity to refresh my recollection by reviewing the transcript of the deposition. I presume (without knowing) that such material is now in the custody and control of the new Permanent Select Committee on Intelligence. By copy of this letter I am notifying that committee of my desire to review the transcript of the deposition taken of Special Agent Stevenson of the DEA in the latter part of 1975.

Your attention to this matter is sincerely appreciated.

Sincerely,

JOHN McELROY ATKISSON.

[U.S. District Court for the Central District of California]

PIERR ROLAND DUPUY, PLAINTIFF, v. CHARLES RIPLEY, ET AL., DEFENDANTS

(CV-76-2956 WPG, CV-77-1534 WPG, CV-76-2657 WPG, CV-76-2658 WPG)

To: John McElroy Atkisson.

You are hereby commanded to appear in the United States District Court for the Central District of California at the United States Courthouse, 312 North Spring Street, in Courtroom No. 6 before the Honorable William P. Gray in the city of Los Angeles on the 13th day of January 1981 at 9:30 o'clock a.m., to testify in the above-entitled action.

WASHINGTON, DC,
January 19, 1981.

JOHN McE. ATKISSON,
White, Fine & Verville, Attorneys at Law,
Washington, DC.

DEAR MR. ATKISSON: I received your letter notifying me of a civil subpoena demanding your appearance to give testimony in the United States District Court for the Central District of California in *Pierre Roland Dupuy v. Charles Ripley, et al.*

The provisions of House Resolution 722 have now been incorporated into the Rules of the House as Rule L. The rule clearly states:

"[t]hat under *no circumstances* shall any minutes or transcripts of executive sessions or any evidence of witnesses in respect thereto be disclosed or copied."

Consequently, the Rule prohibits compliance with the subpoena. Permission to do so could only be granted by a resolution of the House.

Sincerely,

THOMAS P. O'NEILL, Jr.,
The Speaker.

§ 27. History of Former Procedures for Responding to Subpoenas

The precedents carried in this section represent the procedures used by the House in responding to subpoenas issued to officers or employees of the House prior to the advent of current rule VIII. For currently applicable procedures, see Section 26, above.

Former Practice: Precursors to Current Rule VIII

§ 27.1 Prior to the advent of rule VIII,⁽¹⁾ the House would adopt a privileged resolution each Congress providing for the disposition of subpoenas served upon Members, officers, and employees of the House.

Between 1948 and 1975,⁽²⁾ the House would typically adopt a resolution each Congress providing limited authority for officers or employees of the House to respond to subpoenas during periods of recess or adjournment. House Resolution 9, adopted by the House on January 14, 1975,⁽³⁾ is a typical example of this type of resolution:

H. RES. 9

Whereas, by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession except by its permission: Therefore be it

Resolved, That when it appears by the order of any court in the United States or a judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That during any recess or adjournment of the Ninety-fourth Congress, when a subpoena or other order for the production or disclosure of information is by the due process of any court in the United States served upon any Member, officer, or employee of the House of Representatives, directing appearance as a witness before the said court at any time and the production of certain and sundry papers in the possession and under the control of the House of Representatives, that any such Member, officer or employee of the House, be authorized to appear before said court at the place and time named in any such subpoena or order, but no papers or documents in the possession or under the control of the House of Representatives shall be produced in response thereto; and be it further

Resolved, That when any said court determines upon the materiality and the relevancy of the papers or documents called for in the subpoena or other order, then said court, through any of its officers or agents shall have full permission to attend with all proper parties to the proceedings before said court and at a place under the orders and control of the House of Representatives and take copies of the said documents or papers and the Clerk of the House is authorized to supply certified copies of such documents that the

1. *House Rules and Manual* § 697 (2019).

2. See § 26, *supra*.

3. 121 CONG. REC. 35, 94th Cong. 1st Sess. See also *House Rules and Manual* §§ 291a, 697 (2019).

court has found to be material and relevant, except that under no circumstances shall any minutes or transcripts of executive sessions, or any evidence of witnesses in respect thereto, be disclosed or copied, nor shall the possession of said documents and papers by any Member, officer, or employee of the House be disturbed or removed from their place of file or custody under said Member, officer, or employee; and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to any of said courts whenever such writs of subpoena or other orders are issued and served as aforesaid.

The resolution was agreed to.

A motion to reconsider was laid on the table.

In 1977 and 1979, the House expanded the scope of these resolutions by: (1) permitting limited compliance with subpoenas at any point in the Congress; (2) providing that the Speaker be notified of the receipt of any such subpoenas; and (3) reserving to itself the ability to revoke or modify the authorization at any point. On January 15, 1979,⁽⁴⁾ the House adopted the following resolution:

PROCEDURES IN RELATION TO THE PRODUCTION OF WITNESSES AND DOCUMENTS IN COURTS OF JUSTICE

Mr. [John] BRADEMAs [of Indiana]. Mr. Speaker, I offer a resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Whereas, by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice be taken from such control or possession except by its permission: Therefore be it

Resolved, That when it appears by the order of any court in the United States or a judge thereof, or of any legal officer charged with the administration of the orders of such court or judge that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; and be it further

Resolved, That during the Ninety-sixth Congress, when a subpoena or other order for the production or disclosure of information is by the due process of any court in the United States served upon any Member, officer, or employee of the House of Representatives directing appearance as a witness before the said court at any time and the production of certain and sundry papers in the possession and under the control of the House of Representatives, that any such Member, officer, or employee of the House, after notifying the Speaker, is authorized to appear before said court at the place and time named in any such subpoena or order, but no papers or documents in the possession or under the control of the House of Representatives shall be produced in response thereto; and be it further

Resolved, That after the Speaker has been notified by the Member, officer, or employee that a proper court has determined upon the materiality and relevancy of specific papers or documents called for in the subpoena or other order, then said court, through any of its officers or agents shall have full permission to attend with all proper parties to the proceedings before said court and at a place under the orders and control of the House of Representatives and take copies of the said documents or papers and the Clerk of the House is authorized to supply certified copies of such documents that the court has found to be material and relevant, except that under no circumstances shall any minutes or

4. 125 CONG. REC. 19, 96th Cong 1st Sess. See also H. Res. 10, 123 CONG. REC. 73, 95th Cong. 1st Sess. (Jan. 4, 1977).

transcripts of executive sessions, or any evidence of witnesses in respect thereto be disclosed or copied, nor shall the possession of said documents and papers by any Member, officer, or employee of the House be disturbed or removed from their place of file or custody under said Member, officer, or employee; and be it further

Resolved, That the House of Representatives reserves to Itself the power to revoke or modify the authority contained herein in all or specific instances; and be it further *Resolved*, That a copy of these resolutions be transmitted by the Clerk of the House to any of said courts whenever such writs of subpoena or other orders are Issued and served as aforesaid.

On September 17, 1980,⁽⁵⁾ the House adopted a resolution that formed the basis of current rule VIII⁽⁶⁾ (incorporated into the standing rules in the following Congress as former rule L):⁽⁷⁾

Mr. [Butler] DERRICK [of South Carolina]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 722 and ask for its immediate consideration. The Clerk read the resolution, as follows:

H. RES. 722

Whereas, by the privileges of this House, no evidence of a documentary character, under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice be compelled or taken from such control or possession except by its permission: Therefore, be it

Resolved, That when any Member, officer, or employee of the House of Representatives is properly served with a subpoena or other judicial order directing appearance as a witness relating to the official functions of the House or for the production or disclosure of any documents relating to the official functions of the House, such Member, officer, or employee shall comply, consistently with the privileges and rights of the House, with said subpoena or other judicial order as hereinafter provided, unless otherwise determined pursuant to the provisions of this resolution.

SEC. 2. Upon receipt of a properly served subpoena or other judicial order directing appearance as a witness relating to the official functions of the House or for the production or disclosure of any documents relating to the official functions of the House, such Member, officer, or employee shall promptly notify, in writing, the Speaker of its receipt and such notification shall then be promptly laid before the House by the Speaker, except that during a period of recess Or adjournment of longer than three days, no such notification to the House shall be required. However, upon the reconvening of the House, such notification shall then be promptly laid before the House by the Speaker.

SEC. 3. Once notification has been laid before the House, the Member, officer, or employee shall determine whether the issuance of the subpoena or other judicial order is a proper exercise of the court's jurisdiction, is material and relevant, and is consistent with the privileges and rights of the House. The Member, officer, or employee shall notify the Speaker prior to seeking judicial determination of these matters.

SEC. 4. Upon determination whether the subpoena or other judicial order is a proper exercise of the court's jurisdiction, is material and relevant, and is consistent with the privileges and rights of the House, the Member, officer, or employee shall immediately notify, in writing, the Speaker of such a determination.

SEC. 5. The Speaker shall inform the House of the determination of whether the subpoena or other judicial order is a proper exercise of the court's jurisdiction, is material and relevant, and is consistent with the privileges and rights of the House, and shall generally describe the records or information sought, except that during any recess or adjournment of the House for longer than three days, no such notification is required. However, upon the reconvening of the House, such notification shall then be promptly laid before the House by the Speaker.

SEC. 6. Upon such notification to the House that said subpoena is a proper exercise of the court's jurisdiction, is material and relevant, and is consistent with the privileges

5. 126 CONG. REC. 25777–78, 25785, 25787–90, 96th Cong. 2d Sess. For the special order of business resolution structuring consideration of House Resolution 722, see H. Res. 723, 126 CONG. REC. 25776, 96th Cong. 2d Sess. (Sept. 17, 1980).

6. *House Rules and Manual* § 697 (2019).

7. See H. Res. 5, 127 CONG. REC. 98–99, 97th Cong. 1st Sess. (Jan. 5, 1981).

and rights of the House, the Member, officer, or employee shall comply with such subpoena or other judicial order by supplying certified copies, unless the House adopts a resolution to the contrary; except that under no circumstances shall any minutes or transcripts of executive sessions, or any evidence of witnesses in respect thereto, be disclosed or copied. Should the House be in recess or adjournment for longer than three days, the Speaker may authorize compliance or take such other action as he deems appropriate under the circumstances during the pendency of such recess or adjournment. And upon the reconvening of the House, all matters having transpired under this section shall be laid promptly before the House by the Speaker.

SEC. 7. A copy of this resolution shall be transmitted by the Clerk of the House to any of said courts whenever any such subpoena or other judicial order is issued and served on a Member, officer, or employee of the House.

SEC. 8. Nothing in this resolution shall be construed to deprive, condition or waive the constitutional or legal rights applicable or available to any Member, officer, or employee of the House, or of the House itself, or the right of a Member or the House to assert such privilege or right before any court in the United States, or the right of the House thereafter to assert such privilege or immunity before any court in the United States.

SEC. 9. This resolution shall apply with respect to subpoenas served on or after the date of its adoption; and, with respect to those subpoenas, House Resolution 10 shall be of no force or effect.

The SPEAKER.⁽⁸⁾ Pursuant to the provisions of House Resolution 723, the gentleman from South Carolina (Mr. DERRICK) will be recognized for 45 minutes, and the gentleman from Maryland (Mr. BAUMAN) will be recognized for 45 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DERRICK). . . .

The SPEAKER pro tempore (Mr. [Philip] SHARP [of Indiana]). Under the rule, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—yeas 112, nays 18.

Mr. [Robert] BAUMAN [of Maryland]. 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 380, nays 23, not voting 29, as follows:

[Roll No. 553] . . .

The resolution was agreed to.

A motion to reconsider was laid on the table.

Former Practice: Resolutions Authorizing Compliance

§ 27.2 Prior to the 97th Congress, it was necessary for the House to adopt a privileged resolution in order to authorize officers or employees of the House to comply with a subpoena issued by a court.

Before the adoption of what is now rule VIII⁽⁹⁾ of the standing rules of the House, a separate resolution was required to authorize compliance with

8. Thomas O'Neill (MA).

9. *House Rules and Manual* § 697 (2019).

a subpoena issued to an officer or employee of the House. The proceedings of February 20, 1973,⁽¹⁰⁾ typify the procedure by which this type of privileged resolution (in this case authorizing compliance with a subpoena *duces tecum* issued by a Federal grand jury) would be considered and adopted by the House:

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *February 6, 1973.*

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena *duces tecum* by a representative of the U.S. Department of Justice, that was issued and signed by the Chief United States District Judge for the U.S. District Court for the Western District of Pennsylvania. This subpoena is in connection with the *United States of America v. Grand Jury Investigation*.

The subpoena commands me to appear in the said U.S. District Court for the Western District of Pennsylvania in Pittsburgh, Pennsylvania, on the 13th day of March 1973 and requests certain House records of employees of a former Member, Congressman J. Irving Whalley (12th Congressional District, Pennsylvania) that are outlined in the subpoena itself, which is attached hereto.

House Resolution 12 of January 3, 1973, and the rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena *duces tecum*, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER.⁽¹¹⁾ The Clerk will read the subpoena. . . .

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I offer a privileged resolution (H. Res. 221) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 221

Whereas in the Grand Jury Investigation pending in the United States District court for the Western District of Pennsylvania, a subpoena *duces tecum* was issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the grand jury of the said court at 10 o'clock ante-meridian on the 13th day of March, 1973, and to bring with him certain papers and documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of the House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

10. 119 CONG. REC. 4490-91, 93d Cong. 1st Sess.

11. Carl Albert (OK).

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the grand jury in the subpoena duces tecum beforehand, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpoena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpoena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Former Practice: Resolutions Prohibiting Compliance

§ 27.3 Prior to the 97th Congress, if the House did not (by the adoption of a privileged resolution) authorize officers or employees to respond to court-issued subpoenas, any response was therefore precluded, and the House could instead adopt a resolution affirming its constitutional privilege not to authorize a response.

On December 18, 1974,⁽¹²⁾ the House adopted a resolution affirming its constitutional right to preclude its officers and employees from responding to subpoenas *duces tecum* issued by the U.S. District Court for the District of Columbia and providing that the resolution be submitted to the court in lieu of compliance:⁽¹³⁾

12. 120 CONG. REC. 40925–26, 93d Cong. 2d Sess.

13. *Parliamentarian's Note*: The adoption of a resolution specifically precluding a response was not required, as the lack of any action by the House (prior to the advent of rule VIII) would have prevented officers or employees from complying with judicial orders. Here, the Speaker had previously informed the House that subpoenas had been issued to various House employees, and the House had chosen to take no action. See 120 CONG. REC. 33020–23, 93d Cong. 2d Sess. (Sept. 30, 1974) and 120 CONG. REC. 38730–32, 93d Cong. 2d Sess. (Dec. 10, 1974). Those employees served with subpoenas were subsequently served with applications to show why they should not be held in contempt of court. The Speaker laid that matter before the House on December 20, 1974. See 120 CONG. REC. 41863, 93d Cong. 2d Sess. See also *House Rules and Manual* § 291

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Res. 1517) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1517

Whereas in the case of Common Cause et al. against E. T. Klassen et al. (Civil Action No. 1887-73) pending in the United States District Court for the District of Columbia, The House of Representatives was notified by the Speaker on September 30, 1974, that subpoenas duces tecum had been issued upon the application of Kenneth J. Guido, attorney for the plaintiffs, and had been served upon Mr. Eli S. Bjellos, Chief, House Publications Distribution Service of the Office of the Doorkeeper; upon Mr. John M. Swanner, Staff Director, Committee on Standards of Official Conduct; upon Mr. Victor C. Smiroldo, Staff Director and Counsel, House Commission on Congressional Mailing Standards; upon Mr. David Ramage, House Majority Clerk, House Majority Room; and upon Mr. Thomas J. Lankford, House Minority Clerk, House Minority Room; directing them to appear as witnesses before the said court on various dates and to bring with them certain papers in the possession and under the control of the United States House of Representatives, and

Whereas plaintiffs have subsequently filed with the said Court and have served upon the aforementioned employees of the House motions to compel the deponents to answer questions and to produce the documents called for in the subpoenas duces tecum or to be held in contempt of the said Court, and

Whereas said Court has scheduled a status call in the aforementioned case to be held on Friday, December 20, 1974, and a hearing on a motion to dismiss in the aforementioned case on Monday, January 27, 1975 before said Court: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission, and no House employee may be compelled to disclose information obtained pursuant to his official duties as an employee of the House, without the consent of the House; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the House; be it further

Resolved, That as a respectful answer to the subpoenas duces tecum a copy of these resolutions be submitted to the said Court. . . .

The resolution was agreed to.

A motion to reconsider was laid on the table.

Former Practice: Secret Grand Jury Proceedings

§ 27.4 Pursuant to House resolutions adopted in the 95th and 96th Congresses, all subpoenas received by officers or employees of the House during these Congresses were required to be laid before the House and printed in full in the *Congressional Record*,⁽¹⁴⁾ with an exception for subpoenas involving secret grand jury proceedings.

(2019). For further proceedings in this case in the following Congress, see H. Res. 85, 121 CONG. REC. 1161, 94th Cong. 1st Sess. (Jan. 23, 1975).

14. *Parliamentarian's Note*: Under the current notification procedures of rule VIII, communications regarding subpoenas received by officers and employees of the House are printed in the *Congressional Record* for the information of Members, but the text of the judicial orders at issue is not typically printed in full. See *House Rules and Manual* § 697 (2019).

Under former practice of the 95th and 96th Congresses, subpoenas received by officers or employees of the House were required to be laid before the House for the information of Members (and consequently printed in full in the *Congressional Record*). Due to the secrecy of the deliberations, subpoenas involving grand jury proceedings would not be laid down before the House and printed in full in the *Record*. Instead, the subpoenas would be made available to Members for their inspection, and mere notice of their receipt printed in the *Record*, as depicted in the following proceedings of February 28, 1980:⁽¹⁵⁾

COMMUNICATION FROM THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

WASHINGTON, DC,
February 28, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On February 13, 1980 I was served with a subpoena duces tecum by a representative of the U.S. Department of Justice; said subpoena was issued by the United States District Court for the District of Columbia.

The subpoena commands me or my authorized representative to appear before a Grand Jury of said Court, which is deliberating in secrecy pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure, and requests the production of certain House Records. Attached to the subpoena is a finding by the Court that the records are material and relevant to the Grand Jury investigation, pursuant to House Resolution 10, Ninety-Sixth Congress, which authorizes any officer of the House to produce copies of House records pursuant to a subpoena of a court upon a finding of materiality and relevancy. The subpoena is available in my office for inspection by any Member.

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

WASHINGTON, DC,
February 28, 1980.

DEAR MR. SPEAKER: On February 13, 1980 I was served with a subpoena duces tecum by a representative of the U.S. Department of Justice; said subpoena was issued by the United States District Court of Columbia.

15. 126 CONG. REC. 4306, 96th Cong. 2d Sess.

The subpoena commands me or my authorized representative to appear before a Grand Jury of said Court, which is deliberating in secrecy pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure, and requests the production of certain House Records. Attached to the subpoena is a finding by the Court that the records are material and relevant to the Grand Jury investigation, pursuant to House Resolution 10, Ninety-Sixth Congress, which authorizes any officer of the House to produce copies of House records pursuant to a subpoena of a court upon a finding of materiality and relevancy. The subpoena is available in my office for inspection by any Member.

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

Former Practice: Notification

§ 27.5 A resolution alleging that the House had not properly authorized an officer of the House to take certain actions in court proceedings in defense of the House’s constitutional prerogatives, and further calling for an investigation into the matter, constitutes a question of the privileges of the House.⁽¹⁶⁾

On February 13, 1980,⁽¹⁷⁾ the House adopted the following resolution raised as a question of the privileges of the House:

INSTRUCTING COMMITTEE ON RULES TO INQUIRE INTO TRUTH OR FALISITY OF A CERTAIN NEWSPAPER ACCOUNT

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, Whereas it was reported in the public press on February 9, 1980, that, “The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;” and

Whereas the House of Representatives has never authorized such action on its behalf in the case mentioned in the press account; and

16. *Parliamentarian’s Note:* Notification of the receipt of these subpoenas was laid before the House on February 11, 1980. See 126 CONG. REC. 2579, 96th Cong. 2d Sess. The Counsel to the Clerk (a precursor position to the current House General Counsel (see § 19, *supra*)) had attempted to quash the subpoenas issued to the Clerk and Sergeant-at-Arms by the U.S. District Court for the District of Columbia. This action was taken without first notifying the House and without the House’s prior approval. Prior to the 97th Congress, no officer or employee of the House was authorized to respond to subpoenas without the specific approval of the House (*i.e.*, by the adoption of a privileged resolution permitting compliance with the court order). Under current rule VIII, officers and employees are authorized to make the initial determination as to whether compliance is consistent with the privileges of the House (usually after consultation with the House General Counsel). See *House Rules and Manual* § 869 (2019).

17. 126 CONG. REC. 2768–69, 96th Cong. 2d Sess.

Whereas such alleged House action involves the conduct of officers and employees of the House, newspaper charges affecting the honor and dignity of the House, and the protection of the constitutional prerogatives of the House when directly questioned in the courts, and thus involves a question of privilege of the House:

Therefore be it resolved, That the Committee on Rules be instructed to inquire into the truth of falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .

The SPEAKER.⁽¹⁸⁾ The Chair has examined the resolution and finds that under rule IX and the precedents of the House, the resolution presents the question of the privilege of the House.

The gentleman from Missouri (Mr. BOLLING) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. BOLLING). . . .

The SPEAKER. The gentleman from Missouri has referred in his remarks that he feels that it is appropriate for the House, through the Rules Committee, initially to look into this matter, and he thinks it might be done with greater dignity and, one might say, with greater honor if done by the committee or considered at another time.

The Chair, in its opinion, feels that he has not transgressed on the honor or the dignity of the minority party or the minority leader, and the point of order is not well taken.

The gentleman from Missouri.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, would the Chair address himself to the issue of motivation the gentleman from Missouri raised, as to whether that is a correct use of parliamentary language.

The SPEAKER. In the opinion of the Chair the gentleman did not talk about or refer to the dishonor of any Member of the House, nor did he characterize the motives of any specific Member in an unparliamentary way.

The Chair repeats, the point of order is not well taken.

The Chair recognizes the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I am happy to yield to my distinguished friend from Arizona 5 minutes for debate only.

Mr. [John] WYDLER [of New York]. Mr. Speaker, a point of order.

Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman knows that is not in order at this time. He is well aware of the rules.

The Chair recognizes the gentleman from Arizona (Mr. RHODES).

F. House Employment and Administration

§ 28. Employment Practices

The House of Representatives is not only a constitutionally-prescribed component of the Federal legislature but also an employing entity that oversees the work of thousands of individuals across Capitol Hill.⁽¹⁾ Like any

18. Thomas O'Neill (MA).

1. For earlier treatment of House employment issues, see Deschler's Precedents Ch. 6 §§ 24–27.

large employer, the House is subdivided into numerous offices, divisions, and other subunits. Each Member of the House employs numerous staff to handle legislative work, constituent services, and other matters, and each Member is responsible for hiring and terminating staff.⁽²⁾ The elected officers of the House,⁽³⁾ as well as nonelected officials,⁽⁴⁾ are likewise responsible for staffing their offices.⁽⁵⁾

The standing committees of the House employ both partisan and non-partisan professional staff.⁽⁶⁾ Clause 9 of rule X⁽⁷⁾ lays out a variety of rules relating to the appointment of such employees, their compensation, and their duties and responsibilities.⁽⁸⁾

The Committee on House Administration exercises jurisdiction over most aspects of House employment. Pursuant to clause 1(k)(3) of rule X,⁽⁹⁾ the committee's purview includes "employment of persons by the House, including staff for Members, Delegates, the Resident Commissioner, and committees; and reporters of debates subject to rule VI." Additional areas of jurisdiction related to employment in the House include: "Appropriations from accounts for committee salaries and expenses . . . and allowance and expenses of Members, Delegates, the Resident Commissioner, officers, and administrative offices of the House." (clause 1(k)(1) of rule X);⁽¹⁰⁾ "Services to the House" (clause 1(k)(13) of rule X);⁽¹¹⁾ and "Compensation, retirement, and other benefits of Members, Delegates, the Resident Commissioner, officers and employees of Congress." (clause 1(k)(16) of rule X).⁽¹²⁾ Pursuant to

2. For more on Members' offices, see Deschler's Precedents Ch. 7 and Precedents (Wickham) Ch. 7.

3. See §§ 13–17, *supra*.

4. See §§ 18–23, *supra*.

5. *Parliamentarian's Note*: Employees of the party caucuses are not employees of the House or any of its subdivisions, and are instead compensated by the relevant party organization. For a discussion of "minority employee" positions, see § 31, *infra*. For more on party organization generally, see Precedents (Wickham) Ch. 3.

6. For more on committee employment generally, see Deschler's Precedents Ch. 17 § 13 and Precedents (Wickham) Ch. 17.

7. *House Rules and Manual* §§ 771–781 (2019).

8. *Parliamentarian's Note*: The formalization of committee staffing began with the Legislative Reorganization Act of 1946 (60 Stat. 812), which for the first time authorized the hiring of professional staff on a nonpartisan basis. This process was strengthened by the Legislative Reorganization Act of 1970 (P.L. 91–510, 84 Stat. 1140) and the Committee Reform Amendments of 1974 (H. Res. 988, 120 CONG. REC. 34447–67, 93d Cong. 2d Sess. (Oct. 8, 1974)). Most notably, the reforms of the 1970s provided for the first time that the minority party would be entitled to a portion of the committee staff, ending the majority party's sole control over committee resources.

9. *House Rules and Manual* § 724 (2019).

10. *Id.*

11. *Id.*

12. *Id.*

clause 4(d),⁽¹³⁾ the Committee on House Administration also maintains oversight jurisdiction relating to certain elected officers of the House and other administrative officials (including employment) and the management of services to the House provided by the Architect of the Capitol.⁽¹⁴⁾

Over the years, the House has adopted various rules regulating employment practices and establishing workforce protections. One of the earliest attempts to provide systematic treatment of House employment practices was the Fair Employment Practices Resolution of the 100th Congress⁽¹⁵⁾ (renewed in the next Congress⁽¹⁶⁾ and ultimately incorporated into the standing rules).⁽¹⁷⁾ That rule focused on nondiscrimination in House employment and contained procedures to remedy alleged violations.

The Employment Practices Resolution was overtaken by a subsequent attempt by the House to take Federal workplace laws (applicable to the executive branch and/or private sector) and apply them to House employment processes as well. This resolution, known as the “Application of Certain Laws,” was adopted at the end of the 103d Congress in 1994.⁽¹⁸⁾ This resolution created an Office of Compliance tasked with issuing regulations to implement the application of various laws to the House of Representatives.

The system established by the “Application of Certain Laws” resolution was itself supplanted by the enactment of the Congressional Accountability Act (CAA) at the outset of the 104th Congress in 1995.⁽¹⁹⁾ This law retained the Office of Compliance⁽²⁰⁾ and broadened the applicability of various employment laws (including civil rights, labor, and workplace safety laws) to both the House and the Senate. The CAA remains the primary law regarding employment practices applicable to House operations.

In the 115th Congress, the House adopted a resolution providing that all employees undergo mandatory training in workplace rights and responsibilities.⁽²¹⁾ That same resolution provided that each employing office shall post in a prominent position a statement of the rights and protections for employees under the Congressional Accountability Act of 1995.⁽²²⁾ The House

13. *House Rules and Manual* §§ 750, 752 (2019).

14. For more on the role of the Architect of the Capitol, see § 25, *supra*.

15. H. Res. 558, 134 CONG. REC. 27840–41, 100th Cong. 2d Sess. (Oct. 3, 1988).

16. H. Res. 15, 135 CONG. REC. 85, 101st Cong. 1st Sess. (Jan. 3, 1989).

17. H. Res. 5, 137 CONG. REC. 39, 102d Cong. 1st Sess. (Jan. 3, 1991), and H. Res. 5, 139 CONG. REC. 49, 103d Cong. 1st Sess. (Jan. 5, 1993).

18. H. Res. 578, 140 CONG. REC. 29314–18, 29326, 103d Cong. 2d Sess. (Oct. 7, 1994).

19. 2 U.S.C. §§ 1301 *et seq.* See § 28.3, *infra*.

20. *Parliamentarian’s Note*: In the 115th Congress, the Congressional Accountability Act was amended to change the name of the Office of Compliance to the Office of Congressional Workplace Rights. See P.L. 115–397, 132 Stat. 5297.

21. See H. Res. 630, 163 CONG. REC. H9491–H9498 [Daily Ed.], 115th Cong. 1st Sess. (Nov. 29, 2017).

22. *Id.* This requirement was continued as a separate order in the 116th Congress. See 165 CONG. REC. H21 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

also adopted a resolution in the 115th Congress requiring employing offices in the House to adopt anti-harassment and anti-discrimination policies for each employing offices.⁽²³⁾ That resolution also established the Office of Employee Advocacy, which provides assistance to congressional employees regarding Congressional Accountability Act procedures.⁽²⁴⁾ Also in the 115th Congress, the Congressional Accountability Act of 1995 Reform Act was passed, which expanded various congressional employment rights and changed the name of the Office of Compliance to the Office of Congressional Workplace Rights.⁽²⁵⁾ In the 116th Congress, the Code of Official Conduct was amended to explicitly prohibit employment discrimination against individuals on the basis of sexual orientation or gender identity.⁽²⁶⁾

Former Practice: The Patronage System

Prior to the 1970s, employment in the House was handled in a much more informal manner than it has been since that time. For much of the House's history, a system of patronage was used to fill positions within the various House offices.⁽²⁷⁾ Under such system, the majority party by custom would control the distribution of "appointive places in the House organization"⁽²⁸⁾ and an internal party committee formed to administer the allocation of patronage positions. Patronage appointments at the committee level were typically not included as part of this distribution, but were instead under the control of individual committee chairs.

The lack of clear criteria for employing individuals under the patronage system was a key factor in the transition to a more regularized process for hiring employees for House operations.⁽²⁹⁾ As discussed above, employment in the House in the latter half of the 20th century gradually became more professionalized, and the House itself became subject to Federal laws and regulations applicable to other parts of the Federal government and private

23. See H. Res. 724, 164 CONG. REC. H813, H814 [Daily Ed.], 115th Cong. 2d Sess. (Feb. 6, 2018). This requirement was continued as a separate order in the 116th Congress. See 165 CONG. REC. H21 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019). House Resolution 724 also amended the Code of Official Conduct to explicitly prohibit "unwelcome sexual advances or conduct" by officers and employees of the House. See Rule XXIII, clause 18(b), *House Rules and Manual* § 1095 (2019).

24. *Id.*

25. P.L. 115–397, 132 Stat. 5297.

26. H. Res. 6, 165 CONG. REC. H19 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

27. For an earlier description of the House's patronage system, see 8 Cannon's Precedents §§ 3626–3629.

28. 8 Cannon's Precedents § 3627.

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

employers. Thus, the former patronage system represents a bygone era no longer applicable to the administration of the House.

Office of Fair Employment Practices

§ 28.1 The House adopted a resolution: reiterating the prohibition contained in former clause 9 of rule XLIII⁽³⁰⁾ against discrimination in employment practices; establishing a grievance procedure for consideration of alleged violations; and creating an Office of Fair Employment Practices.

On October 3, 1988,⁽³¹⁾ the following resolution was adopted:

FAIR EMPLOYMENT PRACTICES RESOLUTION

Mr. [Leon] PANETTA [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 558) providing for fair employment practices in the House of Representatives.

The Clerk read as follows:

H. RES. 558

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Fair Employment Practices Resolution”.

SEC. 2. NONDISCRIMINATION IN HOUSE OF REPRESENTATIVES EMPLOYMENT.

(a) IN GENERAL.—Personnel actions affecting employment positions in the House of Representatives shall be made free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), handicap, or age.

(b) INTERPRETATIONS.—Interpretations under subsection (a) shall reflect the principles of current law, as generally applicable to employment.

(c) CONSTRUCTION.—Subsection (a) does not prohibit the taking into consideration of—

(1) the domicile of an individual with respect to a position under the clerk-hire allowance; or

(2) the political affiliation of an individual with respect to a position under the clerk-hire allowance or a position on the staff of a committee.

SEC. 3. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of section 2 consists of 3 steps as follows:

(1) Step I, Counseling and Mediation, as set forth in section 5.

(2) Step II, Formal Complaint, Hearing, and Review by the Office of Fair Employment Practices, as set forth in section 6.

(3) Step III, Final Review by Review Panel, as set forth in section 7.

SEC. 4. ESTABLISHMENT OF OFFICE OF FAIR EMPLOYMENT PRACTICES.

There is established an Office of Fair Employment Practices (hereafter in this resolution referred to as the “Office”), which shall carry out functions assigned under this resolution. Employees of the Office shall be appointed by, and serve at the pleasure of, the

30. See *House Rules and Manual* § 1101 (2019). This rule specified that a “Member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex (including marital or parental status), handicap, age, or national origin, but may take into consideration the domicile or political affiliation of such individual.”

31. 134 CONG. REC. 27840–41, 100th Cong. 2d Sess.

Chairman and the ranking minority party member of the Committee on House Administration, acting jointly, and shall be under the administrative direction of the Clerk of the House of Representatives. The Office shall be located in the District of Columbia and shall begin operation not more than 30 days after the date on which this resolution is agreed to.

SEC. 5. STEP I: COUNSELING AND MEDIATION.

(a) **COUNSELING.**—An individual aggrieved by an alleged violation of section 2 may request counseling by counselors in the Office, who shall provide information with respect to rights and related matters under that section. A request for counseling shall be made not later than 180 days after the alleged violation and may be oral or written, at the option of the individual. The period for counseling is 30 days. The Office may not notify the employing authority of the counseling before the beginning of mediation or the filing of a formal complaint, whichever occurs first.

(b) **MEDIATION.**—If, after counseling, the individual desires to proceed, the Office shall attempt to resolve the alleged violation through mediation between the individual and the employing authority.

SEC. 6. STEP II: FORMAL COMPLAINT, HEARING, AND REVIEW BY THE OFFICE OF FAIR EMPLOYMENT PRACTICES.

(a) **FORMAL COMPLAINT AND REQUEST FOR HEARING.**—Not later than 15 days after the end of the counseling period, the individual may file a formal complaint with the Office. Not later than 10 days after filing the formal complaint, the individual may file with the Office a written request for a hearing on the complaint.

(b) **HEARING.**—The hearing shall be conducted—

(1) not later than 10 days after filing of the written request under subsection (a), except that the Office may authorize a delay of not more than 30 days for investigation;

(2) on the record by an employee of the Office, and

(3) to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 555 and 556 of title 5, United States Code.

(c) **DECISION.**—Not later than 20 days after the hearing, the Office shall issue a written decision to the parties. The decision shall clearly state the issues raised by the complaint, and shall contain a determination as to whether a violation of section 2 has occurred.

SEC. 7. STEP III: FINAL REVIEW BY REVIEW PANEL.

(a) **IN GENERAL.**—Not later than 20 days after issuance of the decision under section 6, any party may seek final review of the decision by filing a written request with the Office. The final review shall be conducted by a panel constituted at the beginning of each Congress and composed of—

(1) 2 elected officers of the House of Representatives, appointed by the Speaker;

(2) 2 employees of the House of Representatives appointed by the minority leader of the House of Representatives;

(3) 2 members of the Committee on House Administration (one of whom shall be appointed as chairman of the panel), appointed by the Chairman of that Committee; and

(4) 2 members of the Committee on House Administration, appointed by the ranking minority party member of that Committee. If any member of the panel withdraws from a particular review, the appointing authority for such member shall appoint another officer, employee, or Member of the House of Representatives, as the case may be, to be a temporary member of the panel for purposes of that review only.

(b) **REVIEW AND DECISION.**—The review under this section shall consist of a hearing (conducted in the manner described in section 6(b)(3)), if such hearing is considered necessary by the panel, and an examination of the record, together with any statements or other documents the panel deems appropriate. A tie vote by the panel is an affirmation of the decision of the Office. The panel shall complete the review and submit a written decision to the parties and to the Committee on House Administration not later than 30 days after filing of the request under subsection (a).

SEC. 8. RESOLUTION BY AGREEMENT.

If, after a formal complaint is filed under section 6, the parties resolve the issues involved, the parties shall enter into a written agreement, which shall be effective—

(1) in the case of a matter under review by the Office under section 6, if approved by the Office; and

(2) in the case of a matter under review by a panel under section 7, if approved by the panel.

SEC. 9. REMEDIES.

The Office or a review panel, as the case may be, may order the following remedies:

(1) Monetary compensation, to be paid from the contingent fund of the House of Representatives.

(2) In the case of a serious violation, a payment in addition to compensation under paragraph (2), to be paid from the clerk-hire allowance of a Member of the House, or from personnel funds of a committee of the House or other entity, as appropriate.

- (3) Injunctive relief.
- (4) Costs and attorney fees.
- (5) Employment, reinstatement to employment, or promotion (with or without back pay).

SEC. 10. COSTS OF ATTENDING HEARINGS.

An individual with respect to whom a hearing is held under this resolution shall be reimbursed for actual and reasonable costs of attending the hearing, if the individual resides outside the District of Columbia.

SEC. 11. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any person by an employing authority because of the exercise of a right under this resolution is a violation of section 2.

SEC. 12. CLOSED HEARING AND CONFIDENTIALITY.

All hearings under this resolution shall be closed. All information relating to any procedure under this resolution is confidential, except that a decision of the Office under section 6 or a decision of a review panel under section 7 shall be published, if the decision constitutes a final disposition of the matter.

SEC. 13. EXCLUSIVITY OF PROCEDURES AND REMEDIES.

The procedures and remedies under this resolution are exclusive except to the extent that the Rules of the House of Representatives and the rules of the House Committee on Standards of Official Conduct provide for additional procedures and remedies.

SEC. 14. DEFINITIONS.

As used in this resolution—

(1) the term “employment position” means, with respect to the House of Representatives, a position the pay for which is disbursed by the Clerk of the House of Representatives, and any employment position in a legislative service organization or other entity that is paid through funds derived from the clerk-hire allowance;

(2) the term “employing authority” means, the Member of the House of Representatives or elected officer of the House of Representatives with the power to appoint the employee;

(3) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(4) the term “elected officer of the House of Representatives” means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).

The SPEAKER pro tempore.⁽³²⁾ Is a second demanded?

Mr. [Pat] ROBERTS [of Kansas]. Mr. Speaker, I demand a second.

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

There was no objection.

“Application of Certain Laws”

§ 28.2 The House adopted a resolution: applying certain employment laws to House employment processes; establishing an Office of Compliance to issue regulations implementing such laws; and providing procedures by which alleged violations would be adjudicated and resolved.

On October 7, 1994,⁽³³⁾ the House adopted the following resolution:

PROVIDING FOR THE ADOPTION OF HOUSE RESOLUTION 579, AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES

Mr. [John] MOAKLEY [of Massachusetts], from the Committee on Rules, reported the following privileged resolution (H.R. 579), which was referred to the House Calendar and ordered to be printed:

32. Sonny Montgomery (MS).

33. 140 CONG. REC. 29314–18, 29326, 103d Cong. 2d Sess.

H. RES. 579

Resolved, That House Resolution 578 is hereby adopted.

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The SPEAKER.⁽³⁴⁾ The Clerk will report the resolution.

The Clerk read the resolution.

Mr. SPEAKER. The question is, Will the House now consider House Resolution 579?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 579.

The text of House Resolution 578 is as follows:

H. RES. 578

Resolved,

SECTION 1. APPLICATION OF CERTAIN LAWS TO THE HOUSE OF REPRESENTATIVES.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

“Rule LII.

“Application of Certain Laws.

“1. There is established an Office of Compliance which shall have a Board of Directors consisting of 5 individuals appointed jointly by the Speaker and the minority leader. Apointments of the first 5 members of the Board of Directors shall be completed not later than 120 days after the beginning of the One Hundred Fourth Congress.

“2. (a) The Office of Compliance shall carry out the duties and functions set forth in sections 2 through 16 of House Resolution _____, One Hundred Third Congress, including the issuance of regulations, to implement the requirements of the following laws to the House of Representatives:

“(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to paragraph (c)), effective at the beginning of the One Hundred Fifth Congress.

“(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective at the beginning of the One Hundred Fifth Congress.

“(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress, except that this Act shall not apply to the United States Capitol Police.

“(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective at the beginning of the second session of the One Hundred Fourth Congress.

“(b) Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the House in accordance with this rule.

“(c) The House shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued, subject to the availability of funds appropriated for that purpose after the receipt of the citation.

34. Thomas Foley (WA).

“3. (a)(1) The Chairperson of the Board of Directors of the Office shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this rule as the ‘executive director’). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or expertise in the application of the laws referred to in clause 2. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

“(2) The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive director. The term of office of the executive director shall be a single term of 5 years.

“(b)(1)(A) No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Secretary of the Senate or the Clerk shall be considered eligible for appointment to, or service on, the Board of Directors.

“(B) No member of the Board of Directors may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House or Senate, or may have held such a position within 4 years of the date of appointment.

“(2) If during a term of office a member of the Board of Directors engages in an activity described in subparagraph (1)(A), such position shall be declared vacant and a successor shall be selected in accordance with paragraph (a)(1).

“(3) A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

“(c)(1) Except as provided in subparagraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

“(2) Of the members first appointed to the Board of Directors—

“(A) 1 shall have a term of office of 3 years,

“(B) 2 shall have a term of office of 4 years, and

“(C) 2 shall have a term of office of 5 years,

as designated at the time of appointment by the persons specified in paragraph (a)(1).

“(3) Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in paragraph (a)(1) and only for—

“(A) disability that substantially prevents the member from carrying out the duties of the member,

“(B) incompetence,

“(C) neglect of duty,

“(D) malfeasance, or

“(E) a felony or conduct involving moral turpitude.

“(d) The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.”.

SEC. 2. DEFINITIONS.

As used in sections 2 through 16:

(1) The term “employee of the House” means any individual (other than a Member) whose pay is disbursed by the Director of Non-legislative and Financial Services or any individual to whom supervision and all other employee-related matters were transferred to the Sergeant at Arms pursuant to direction of the Committee on Appropriations in House Report 103-517 of the One Hundred Third Congress, and such term includes an applicant for the position of employee and a former employee.

(2) The term “employing authority” means, with respect to an employee, the Member of the House of Representatives or elected officer of the House of Representatives, or the Director of the Congressional Budget Office, with the power to appoint the employee.

(3) The term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(4) The term “elected officer of the House of Representatives” means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).

(5) The term “Office” refers to the Office of Compliance established by rule LII of the Rules of the House of Representatives.

SEC. 3. APPLICATION OF LAWS.

(a) The laws set forth in clause 2 of rule LII of the Rules of the House of Representatives shall apply, as prescribed by that rule, to the House of Representatives.

(b) The laws referred to in rule LI of the Rules of the House of Representatives which apply on December 31, 1994, to House employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this resolution.

SEC. 4. ADMINISTRATIVE MATTERS RELATING TO THE OFFICE OF COMPLIANCE.

(a)(1) Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(b) The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this resolution.

(c) The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(d) The executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

SEC. 5. STUDY AND REGULATIONS.

(a) The Board of Directors shall conduct a study of the manner in which the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives. The Board of Directors shall complete such study and report the results to House of Representatives not later than 180 days after the date of the first appointment of the first executive director.

(b) On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in clause 2(b) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives and if it should, the manner in which it should be made applicable;

(2) shall study the application to the House of provisions of Federal law referred to in paragraphs (a) and (b) of clause 2 of rule LII of the Rules of the House of Representatives that are enacted after the date of adoption of this resolution;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c)(1)(A) Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in clause 2(a) of rule LII of the Rules of the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2)(A) Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in clause 2(b) of rule LII of the Rules of the House of Representatives shall apply to the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the House of Representatives, including portions relating to remedies.

(4) If a regulation is disapproved by a resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) A final regulation issued under subsection (c) shall be transmitted to the House of Representatives for consideration under paragraph (e).

(e)(1) Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the House of Representatives by resolution.

(2) A resolution referred to in paragraph (1) may be introduced in the House of Representatives within 5 legislative days after the date on which the Board of Directors issues the final regulation to which the resolution applies. The matter after the resolving clause of the resolution shall be as follows: "That the House of Representatives disapproves the issuance of final regulations of the Office of Compliance as issued on _____ (the blank space being appropriately filled in)."

(3) A resolution referred to in paragraph (1) shall be referred to the appropriate committee. If no resolution is reported within 15 legislative days after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the resolution was referred shall be discharged from further consideration of the first such resolution introduced and the resolution shall be placed on the appropriate calendar. Any meeting of a committee on a resolution shall be open to the public. Within 5 legislative days after the resolution is reported or discharged, it shall be in order as a privileged matter to move to proceed to its consideration and such motion shall not be debatable. The resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment.

(f) Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

SEC. 6. OTHER FUNCTIONS.

(a) The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States and the General Counsel of the House of Representatives on the adoption of rules.

(b) The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 7 through 10.

(c) The Office shall—

(1) carry out a program of education for Members of the House of Representatives and other employing authorities of the House of Representatives respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the House of Representatives and under sections 7 through 10,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 10, and any other information the executive director deems appropriate for distribution, distribute such information to Members and other employing authorities of the House in a manner suitable for posting, provide such information to new employees of the House, distribute such information to the residences of employees of the House, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by employees of the House, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 10 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk, develop a system for the collection of demographic data respecting the composition of employees of the House, including race, sex, and wages, and a system for the collection of information on employment practices, including family leave and flexible work hours, in House offices.

(d) Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to the House of Representatives a report on the information collected under such system. Each report after the first

report shall contain a comparison and evaluation of data contained in the previous report.

SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the House of Representatives under this rule consists of 3 steps as follows:

- (1) Step I, counseling, as set forth in section 8.
- (2) Step II, mediation, as set forth in section 9.
- (3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

SEC. 8. STEP I: COUNSELING.

(a) An employee of the House alleging a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 9. STEP II: MEDIATION.

(a) Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing authority, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing authority.

(b) The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing authority when the mediation period has ended.

SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) Not later than 30 days after receipt by the employee of the House of notice from the Office of the end of the mediation period under section 9, the employee of the House may file a formal complaint with the Office against the head of the employing authority involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) A board of 3 independent hearing officers (hereinafter in this resolution referred to as a “hearing board”), who are not Members, officers, or employees of the House, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing.

(e) Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f)(1) A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board under the seal of the House of Representatives for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may report the refusal to the Committee on Rules which may take any action it deems appropriate, which shall be authorized by the Chairman and ranking minority member acting jointly. Such action may include—

(A) a referral to the Committee on Standards of Official Conduct if the refusal is by a current Member of the House of Representatives or officer or employee of the House of Representatives, or

(B) a report to the House of Representatives of a resolution to certify a contempt pursuant to sections 102 and 104 of the Joint Resolution of June 22, 1938 (2 U.S.C. 192, 194) if the failure is by someone other than a current Member of the House of Representatives or officer or employee of the House of Representatives.

(3) The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee of the House and the employing authority. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the House of Representatives under this rule has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives, it shall order the remedies under such law as made applicable to the House of Representatives under that rule, except that no Member of the House of Representatives or any other head of an employing authority, or agent of such a Member shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages.

(i)(1) A House employee or an employing authority may request the Board of Directors to review a decision of the hearing board under subsection (g) (including a decision after a remand under paragraph (2)(A)). Such a request shall be made within 30 days of the date of the decision of the hearing board. Review by the Board of Directors shall be based on the record of the hearing board.

(2) The Board of Directors shall issue a decision not later than 60 days after the date of the request under paragraph (1). The decision of the Board of Directors may—

(A) remand to the hearing board the matter before the Board of Directors for the purpose of supplementing the record or for further consideration;

(B) reverse the decision of the hearing board and enter a new decision and order in accordance with subsection (h); or

(C) direct that the decision and order of the hearing board be considered as the final decision.

(j) There shall be established in the House of Representatives a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or (i). From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

SEC. 11. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the employing authority resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 12. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee of the House by any Member, officer, or employee of the House of Representatives because of the exercise of a right under this resolution constitutes an unlawful employment practice, which may be remedied in the same manner under this resolution as is a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives.

SEC. 13. CONFIDENTIALITY.

(a) All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing authority of the allegations.

(b) All mediation shall be strictly confidential.

(c) Except as provided in subsection (d), the hearings and deliberations of the hearing board shall be confidential.

(d) At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct access to the records of the hearings and

decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(e) The executive director shall coordinate the proceedings with the Committee on Standards of Official Conduct to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in their respective proceedings.

SEC. 14. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) It shall not be a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives to consider the—

- (1) party affiliation,
- (2) domicile, or
- (3) political compatibility with the employing authority, of an employee of the House with respect to employment decisions.

(b) For purposes of subsection (a), the term “employee” means—

- (1) an employee on the staff of the House of Representatives leadership,
- (2) an employee on the staff of a committee or subcommittee,
- (3) an employee on the staff of a Member of the House of Representatives,
- (4) an officer or employee of the House of Representatives elected by the House of Representatives or appointed by a Member of the House of Representatives, other than those described in paragraphs (1) through (3), or
- (5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 15. EXCLUSIVITY OF PROCEDURES AND REMEDIES.

The procedures and remedies under rule LII of the Rules of the House of Representatives are exclusive except to the extent that the Rules of the House of Representatives and the rules of the Committee on Standards of Official Conduct provide for additional procedures and remedies.

SEC. 16. STUDY.

(a) The Office shall conduct a study—

- (1) of the ways that access by the public to information held by the House of Representatives may be improved and streamlined, and of the application of section 552 of title 5, United States Code to the House of Representatives; and
- (2) of the application of the requirement of section 552a of title 5, United States Code, to the House of Representatives.

(b) The study conducted under subsection (a) shall examine—

- (1) information that is currently made available under such section 552 by Federal agencies and not by the House of Representatives;
- (2) information held by the nonlegislative offices of the House of Representatives, including—
 - (A) the Director of Non-legislative and Financial Services,
 - (B) the Clerk,
 - (C) the Inspector General,
 - (D) the Sergeant at Arms,
 - (E) the Doorkeeper,
 - (F) the United States Capitol Police, and
 - (G) the House Commission on Congressional Mailing Standards;
- (3) financial expenditure information of the House of Representatives; and
- (4) provisions for judicial review of denial of access to information held by the House of Representatives.

(c) The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the House of Representatives not later than one year after the date of the initial appointment of the Board of Directors.

(d) The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the House of Representatives not later than one year after the date of the initial appointment of the Board of Directors.

SEC. 17. EFFECTIVE DATE AND TRANSITION RULES.

(a) The amendments made by section 1 shall take effect on November 1, 1994.

(b) Effective at the beginning of the second session of the One Hundred Fourth Congress, rule LI of the Rules of the House of Representatives is repealed and rule LII of such Rules is redesignated as rule LI and all references to rule LII in sections 2 through 16 of this resolution are deemed to be references to rule LI of such Rules.

(c) Notwithstanding subsection (b), until the beginning of the second session of the One Hundred Fourth Congress, the functions under rule LI of the Rules of the House of Representatives that are the responsibility of the Office of Fair Employment Practices shall continue to be the responsibility of that Office.

(d) Any formal complaint filed under rule LI of the Rules of the House of Representatives before the close of the first session of the One Hundred Fourth Congress which has

not been finally disposed of shall be transferred to the Office of Compliance for completion of all pending proceedings relating to that complaint. The Office of Compliance may make regulations to provide for the orderly transfer and disposition of such complaints.

(e) In appointing staff under section 4(b), the executive director should give full consideration to employees of the Office of Fair Employment Practices.

(f) Sections 1 through 16 and subsections (a) through (e) of this section shall have no force or effect upon the enactment by the One Hundred Third Congress of the Congressional Accountability Act, whether by enactment of the bill H.R. 4822, by incorporation of the text of that bill in another measure, or otherwise.

SEC. 18. The Chairman and ranking minority member of the Committee on House Administration, acting jointly, shall study and report recommendations to the Speaker and minority leader, no later than January 3, 1995, for changes in House Rule LII to be adopted by the House to reconcile such rule with the existing jurisdiction of the Committee on House Administration.

SEC. 19. The General Counsel of the House shall conduct a study to be submitted to the Speaker, Minority Leader, and the chairmen and ranking minority members of the Committees on House Administration and Rules no later than January 3, 1995 on further changes in House rules to provide to employees of the House (as defined in section 2) the ability to bring a civil action in Federal district court against an employing authority (as defined in section 2) for an alleged violation under Federal law to the extent that such violation relates to the terms and conditions of employment, until the statutory provisions contained in H.R. 4822, as passed by the House, are enacted.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] 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. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, it is time for Congress to dispel the image that it is above the laws it makes for others. Members of Congress should be as accountable for their actions in the workplace as private citizens and other public officials are in their workplaces, and congressional employees should be assured fair, efficient review of their complaints.

On August 2, 1994, the Rules Committee reported H.R. 4822, the Congressional Accountability Act, which would assure legislative branch employees the same employment protections currently enjoyed by private sector and executive branch employees. On August 10, the House passed the measure by a vote of 427 to 4, and since then has been awaiting Senate action on the bill.

With adjournment impending, it is unlikely the Senate will take action on the measure. The House must therefore take alternative action to ensure, at the very least, that House employees will receive the broad protections under the laws designated in H.R. 4822.

House Resolution 578 accomplishes by House Rule what H.R. 4822 would do by public law. While narrower in scope—applicable only to the House—the provisions in this resolution are nonetheless similar to those in H.R. 4822, as passed by the House: The constitution of the Office of Compliance and the policies and procedures that this Office would follow are largely the same.

The resolution extends to House employees the same 10 employee protection and anti-discrimination laws outlined in H.R. 4822, and provides for the continual review of other laws that should apply. A new House Office of Compliance would study and propose regulations prescribing how these laws should apply. The procedure for review and adoption of the regulations are similar to those in H.R. 4822. With the exception of judicial review, the consideration of employee complaints would be the same.

Since access to Federal courts requires statutory authorization, House Resolution 578 does not provide House employees with the opportunity to seek judicial review of their complaints. Instead, the resolution allows dissatisfied parties to request review of a hearing board decision by the Board of Directors.

Statutory authorization is also required for judicial enforcement of subpoenas affecting employees, officers or Members of the House. The resolution therefore confers such enforcement authority upon the chairman and ranking member of the House Rules Committee.

Mr. Speaker, it is indefensible that congressional employees currently do not receive the same protections under the law as private sector or executive branch employees. House Resolution 578 will rectify this inequity, at least in the House.

Given the late hour, and the dim hope that the Senate will complete action on H.R. 4822 before we adjourn, I urge my colleagues to support House Resolution 579. The Senate's failure to act on H.R. 4822 should not deprive House employees of the protections they deserve. . . .

Mr. MOAKLEY. 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 Previous question was ordered.

The SPEAKER pro tempore (Mr. [Phillip] SHARP [of Indiana]). The question is on the resolution.

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

Mr. MOAKLEY. 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 348, nays 3, not voting 84 as follows:

[Roll No. 505] . . .

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.

Congressional Accountability Act; Office of Compliance

§ 28.3 The House passed a bill—the Congressional Accountability Act of 1995—applying specific employment laws to Congress and its employees, and establishing an Office of Compliance to adjudicate alleged violations of such laws.

On January 17, 1995,⁽³⁵⁾ the following bill was passed:

35. 141 CONG. REC. 1315–17, 1323–24, 1328, 1350–51, 104th Cong. 1st Sess. The Congressional Accountability Act (2 U.S.C. §§ 1301 *et seq.*) applies to the House several labor, workplace safety, and civil rights laws including the Age Discrimination in Employment Act of 1967 (29 U.S.C. §§ 621 *et seq.*); The Americans with Disabilities Act of 1990

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. [William] THOMAS [of California]. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Clerk read as follows:

S. 2

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Congressional Accountability Act of 1995”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.

Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

Part A—Employment Discrimination, Family and Medical Leave, Fair Labor Standards, Employee Polygraph Protection, Worker Adjustment and Retraining, Employment and Reemployment of Veterans, and Intimidation

Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990.

Sec. 202. Rights and protections under the Family and Medical Leave Act of 1993.

Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.

Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.

Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.

Sec. 206. Rights and protections relating to veterans’ employment and reemployment.

Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States Code, relating to Federal service labor-management relations; procedures for remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.

(42 U.S.C. §§ 12101 *et seq.*); Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e *et seq.*); The Employee Polygraph Protection Act of 1988 (29 U.S.C. §§ 2001 *et seq.*); The Fair Labor Standards Act of 1938 (29 U.S.C. §§ 201 *et seq.*); The Family and Medical Leave Act of 1993 (29 U.S.C. §§ 2611 *et seq.*); Chapter 71 (relating to federal service labor-management relations) of Title 5 of the U.S. Code; The Occupational Safety and Health Act of 1970 (29 U.S.C. §§ 651 *et seq.*); The Rehabilitation Act of 1973 (29 U.S.C. §§ 701 *et seq.*); Chapter 43 (relating to veterans’ employment and reemployment) of Title 38 of the U.S. Code; The Worker Adjustment and Retraining Notification Act (29 U.S.C. §§ 2101 *et seq.*); and The Veterans Employment Opportunities Act of 1998 (2 U.S.C. § 1316a).

- Sec. 302. Officers, staff, and other personnel.
- Sec. 303. Procedural rules.
- Sec. 304. Substantive regulations.
- Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

- Sec. 401. Procedure for consideration of alleged violations.
- Sec. 402. Counseling.
- Sec. 403. Mediation.
- Sec. 404. Election of proceeding.
- Sec. 405. Complaint and hearing.
- Sec. 406. Appeal to the Board.
- Sec. 407. Judicial review of Board decisions and enforcement.
- Sec. 408. Civil action.
- Sec. 409. Judicial review of regulations.
- Sec. 410. Other judicial review prohibited.
- Sec. 411. Effect of failure to issue regulations.
- Sec. 412. Expedited review of certain appeals.
- Sec. 413. Privileges and immunities.
- Sec. 414. Settlement of complaints.
- Sec. 415. Payments.
- Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Exercise of rulemaking powers.
- Sec. 502. Political affiliation and place of residence.
- Sec. 503. Nondiscrimination rules of the House and Senate.
- Sec. 504. Technical and conforming amendments.
- Sec. 505. Judicial branch coverage study.
- Sec. 506. Savings provisions.
- Sec. 507. Use of frequent flyer miles.
- Sec. 508. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions.
- Sec. 509. Severability. . . .

(3) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House. . . .

(c) APPROVAL OF REGULATIONS.—

(1) IN GENERAL.—Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

(3) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: “The following regulations issued by the Office of Compliance on _____ are hereby approved:” (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) JOINT RESOLUTION.—In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: “The following regulations issued by the Office of Compliance on _____ are hereby approved and shall have the force and effect of law:” (the blank space being appropriately filled in, and the text of the regulations being set forth). . . .

The SPEAKER pro tempore.⁽³⁶⁾ Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes. . . .

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2. The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is one the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the Senate bill, S. 2, on which the yeas and nays are ordered. . . .

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

§ 28.4 The House adopted a resolution approving regulations promulgated by the Office of Compliance under section 304 of the Congressional Accountability Act of 1995 insofar as those regulations were applicable to House employees.

On April 15, 1996,⁽³⁷⁾ the following occurred:

Mr. [William] THOMAS [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 400) approving regulations to implement the Congressional Accountability Act of 1995 with respect to employing offices and covered employees of the House of Representatives.

The Clerk read as follows:

H. RES. 400

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

(a) IN GENERAL.—The regulations listed in subsection (b) are hereby approved, insofar as such regulations apply to employing offices and covered employees of the House of Representatives.

(b) REGULATIONS APPROVED.—The regulations referred to in subsection (a) are the following regulations issued by the Office of Compliance on January 22, 1996, as published in the Congressional Record on January 22, 1996 (Volume 142, daily edition), each beginning on the page indicated:

(1) Regulation on rights and protections under the Family and Medical Leave Act of 1993, page S200.

(2) Regulation on rights and protections under the Fair Labor Standards Act of 1938, page S238.

(3) Regulation on use of lie detector tests by the Capitol Police, page S261.

(4) Regulation on rights and protections under the Employee Polygraph Protection Act of 1988, page S263.

36. William Barrett (NE).

37. 142 CONG. REC. 7468–70, 104th Cong. 2d Sess. See also 142 CONG. REC. 7470–72, 104th Cong. 2d Sess. (Apr. 15, 1996). For another example of the House agreeing to a resolution approving regulations promulgated by the Office of Compliance, see 141 CONG. REC. 37590, 104th Cong. 1st Sess. (Dec. 19, 1995).

(5) Regulation on rights and protections under the Worker Adjustment and Retraining Notification Act, page S271.

The SPEAKER pro tempore.⁽³⁸⁾ The gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS]. . . .

Mr. THOMAS. Mr. Speaker, the Congressional Accountability Act—Public Law 104–1—became effective on January 23, 1996. This law created the Office of Compliance, an independent office within the legislative branch, which is responsible for educating Congressional offices on how to comply with the laws made applicable to the Congress, as well as for providing a procedure for resolution of employee grievances, and for adopting regulations to implement these laws. These regulations must be approved by the House.

The Board of Directors of the Office of Compliance adopted regulations which were published in the CONGRESSIONAL RECORD on January 22, 1996. In anticipation of these regulations, on December 19, 1995, the House agreed to House Resolution 31 and House Concurrent Resolution 123, which provided for provisional approval of these regulations until the Committees of jurisdiction could review them and make a final recommendation to the House.

On March 12, 1996, the Committee on House Oversight considered these regulations, and voted to recommend their approval to the House. The regulations were also considered by the Committee on Educational and Economic Opportunities, which has jurisdiction over most of the laws made applicable to Congress by the act. The two House Resolutions which will be considered by the House today are the product of consultation by the two committees. . . .

In addition House Resolution 400 provides for approval of the regulations adopted by the Office of Compliance which are applicable to House employing offices and covered employees, as contemplated by section 304(c)(4) of the act. . . .

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and agree to the resolution, House Resolution 400.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

§ 28.5 Pursuant to law,⁽³⁹⁾ appointments to the Board of Directors of the Office of Compliance are made jointly by the Speaker and Minority Leader of the House, and the Majority and Minority Leaders of the Senate.

On March 23, 2015,⁽⁴⁰⁾ the following appointments were made:

38. Frank Riggs (CA).

39. *Parliamentarian's Note*: Section 301(e)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. § 1381(e)(1)) originally provided that members of this board may not serve for more than two terms, but this limitation was altered by subsequent statutes. See P.L. 111–114, 123 Stat. 3028 and P.L. 114–6, 129 Stat. 81. All three members appointed on this day were appointed to their fourth terms, as were the remaining two board members reappointed on May 13, 2015. See 161 CONG. REC. 6655, 114th Cong. 1st Sess.

40. 161 CONG. REC. 4014, 114th Cong. 1st Sess.

JOINT REAPPOINTMENT OF INDIVIDUALS TO BOARD OF DIRECTORS OF
OFFICE OF COMPLIANCE

The SPEAKER pro tempore.⁽⁴¹⁾ The Chair announces, on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate, their joint reappointment, pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), as amended by Public Law 114–6, of the following individuals on March 23, 2015, each to a 2-year term on the Board of Directors of the Office of Compliance:

Mr. Alan V. Friedman, Los Angeles, California
 Ms. Susan S. Robfogel, Rochester, New York
 Ms. Barbara Childs Wallace, Ridgeland, Mississippi

§ 29. Salaries and Benefits of House Officers, Officials, and Employees

Salaries for officers, officials, and employees of the House are paid out of the Treasury pursuant to discretionary appropriation, *i.e.*, annual appropriation bills passed by Congress to fund the legislative branch.⁽¹⁾ The Chief Administrative Officer of the House is charged with making the requisite disbursements to these officers, officials, and employees.⁽²⁾ Pursuant to statute, all House employees are to be paid a single gross per annum salary.⁽³⁾

The rate of compensation for officers, officials and employees of the House is regulated by statute. One of the earliest statutes establishing rates of pay for House employees was the Legislative Pay Act of 1929.⁽⁴⁾ Subsequent acts occasionally provided for ad hoc adjustments to these compensation rates.⁽⁵⁾ Additionally, statutes would sometimes provide authority for the Speaker of the House to make adjustments in House salaries for officers and employees in order to achieve parity with respect to similar positions in the Senate or the executive branch.⁽⁶⁾ In recent years, this type of adjustment authority

41. Bradley Walker (NC).

1. Traditionally, Congress enacts 12 different general appropriation bills each fiscal year, one of which provides funds for the legislative branch. For more on appropriation bills and the appropriation process generally, see Deschler's Precedents Ch. 25 and Precedents (Wickham) Ch. 25.
2. Rule II, clause 4(a), *House Rules and Manual* § 861 (2019).
3. This provision of law was originally found in the Legislative Reorganization Act of 1970, which has since been codified at 2 U.S.C. § 4533.
4. 46 Stat. 32.
5. See, *e.g.*, the Federal Employee Pay Act of 1945 (59 Stat. 295), the Federal Employee Pay Act of 1946 (60 Stat. 216), the Federal Legislative Salary Act of 1964 (P.L. 88–426, 78 Stat. 413), and the Federal Legislative Salary Act of 1966 (P.L. 89–504, 80 Stat. 294).
6. See, *e.g.*, the Federal Salary Act of 1967 (P.L. 90–206, 81 Stat. 624) and the Federal Pay Comparability Act of 1970 (P.L. 91–656, 84 Stat. 1946).

has been the primary source for determining the compensation of officers and other officials of the House. Provisions in the Legislative Branch Appropriations Act for Fiscal Year 1988,⁽⁷⁾ subsequently enacted as permanent law,⁽⁸⁾ authorize the Speaker of the House to issue pay orders that determine the rate of compensation of certain House officers, officials, and employees.⁽⁹⁾

Executive branch employees are provided with annual cost-of-living adjustments pursuant to statute,⁽¹⁰⁾ and similar provisions of law apply to House employees as well. The Chief Administrative Officer of the House is authorized to make comparable adjustments to the salaries of House employees whenever a cost-of-living adjustment is made for executive branch employees.⁽¹¹⁾

The Committee on House Administration is authorized by statute to implement certain wage schedules for House employees.⁽¹²⁾ Pursuant to the House Employees Position Classification Act (originally enacted in 1964),⁽¹³⁾ the Committee on House Administration is authorized to establish a “House Employee Schedule” that sets compensation rates for different employees of the House.⁽¹⁴⁾ The Committee also establishes a “House Wage Schedule” for House employee positions that fall under the jurisdiction of the Clerk, Sergeant-at-Arms, and the Chief Administrative Officer.⁽¹⁵⁾ These officers may, with the approval of the committee, create their own position descriptions for employees under their purview.⁽¹⁶⁾

Compensation for committee staff is also regulated by statute. Each standing committee is authorized to approve the compensation of committee employees,⁽¹⁷⁾ subject to regulations issued by the Committee on House Administration regarding the availability of appropriations for this purpose.⁽¹⁸⁾

7. P.L. 100–202, 101 Stat. 1329.

8. 2 U.S.C. § 4532.

9. Orders of this sort have been issued by Speakers since the 100th Congress. See 2 U.S.C. § 4532 note. For example, a recent order was issued by Speaker Pelosi on January 9, 2009 (subsequently amended by Speaker Boehner on January 3, 2011, and Speaker Ryan on September 28, 2017). A separate provision of law sets the rate of compensation for the Chaplain of the House (2 U.S.C. § 5521) but the Chaplain’s salary has also been adjusted via pay orders issued by the Speaker.

10. 5 U.S.C. § 5303.

11. 2 U.S.C. § 4531.

12. 2 U.S.C. § 293.

13. P.L. 88–652, 78 Stat. 1079.

14. 2 U.S.C. § 293.

15. *Id.* This provision also covers employees under the Inspector General of the House. See § 20, *supra*.

16. 2 U.S.C. § 294.

17. 2 U.S.C. § 4311.

18. 2 U.S.C. § 4312. This provision does not apply to the Committee on Appropriations.

Compensation for “minority employees” of the House is also regulated by statute.⁽¹⁹⁾

In addition to salary, the House provides its employees with a variety of additional benefits, such as retirement benefits, health insurance, student loan repayment programs, transit subsidies, etc.⁽²⁰⁾ Pursuant to law,⁽²¹⁾ employees of the House are eligible for certain death gratuities (payable to the deceased employees’ widow, widower, or heirs). From time to time, the House has provided additional funds for increased staff or equipment support for the Speaker or other leadership offices.⁽²²⁾ More recently, the House adopted a resolution in the 115th Congress providing an ad hoc increase in the Member’s Representational Allowance (MRA)⁽²³⁾ for expenses relating to office security.⁽²⁴⁾ Ad hoc disbursements to widows of Members and employees of the House are also occasionally authorized by House resolution.⁽²⁵⁾

§ 29.1 The House adopted a privileged resolution, providing for additional employee and equipment allowances for certain House leadership offices.

On April 12, 1973,⁽²⁶⁾ the following occurred:

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”⁽²⁷⁾ of the House for office personnel and for rental or

19. 2 U.S.C. § 5143. See § 31, *infra*.

20. See, e.g., *Health Benefits for Members of Congress and Designated Congressional Staff: In Brief*, CRS Report R43194 (Jan. 13, 2017) and *Retirement Benefits for Members of Congress*, CRS Report RL30631 (Dec. 5, 2017).

21. See 2 U.S.C. § 4553 and 2 U.S.C. § 1851.

22. See §§ 29.1, 29.4, *infra*. Certain statutes provide for the compensation of office staff for House leadership offices. See, e.g., 2 U.S.C. § 5103.

23. For salaries and benefits of Members, see Deschler’s Precedents Ch. 7 and Precedents (Wickham) Ch. 7.

24. H. Res. 411, 163 CONG. REC. H5202 [Daily Ed.], 115th Cong. 1st Sess. (June 27, 2017). This resolution was agreed to in the wake of a shooting that occurred at a charity congressional baseball practice in June 2017. Also in response to the shooting, Congress passed the Wounded Officers Recovery Act of 2017 (P.L. 115–45, 131 Stat. 956) which authorized payments from the United States Capitol Police Memorial Fund for employees killed in the line-of-duty or sustaining serious line-of-duty injuries. See 2 U.S.C. § 1901 note. For more on the Capitol Police, see § 25, *supra*.

25. See §§ 29.5, 29.7, *infra*.

26. 119 CONG. REC. 12185–86, 93d Cong. 1st Sess.

27. *Parliamentarian’s Note*: References to the “contingent fund” were eliminated in the 104th Congress. See rule X, clause 1(k)(1), *House Rules and Manual* § 724 (2019).

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. . . .

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.

§ 29.2 The House passed 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,⁽²⁸⁾ 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.⁽²⁹⁾ 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. . . .

28. 120 CONG. REC. 7206-207, 93d Cong. 2d Sess.

29. Carl Albert (OK).

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 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.

§ 29.3 In a provision of law authorizing the President pro tempore of the Senate to adjust salary levels of Senate staff, the Speaker was granted discretionary authority to adjust the pay of House personnel to assure comparability of compensation with Senate staff whose pay had been adjusted.

On December 21, 1987,⁽³⁰⁾ the House adopted the conference report on House Joint Resolution 395 (making further continuing appropriations for fiscal year 1988). This joint resolution contained the following provisions allowing the Speaker of the House to adjust certain pay levels:

SEC. 311. (a) The first sentence of section 4(a) of Public Law 91-656 (2 U.S.C. 60a-1) is amended by striking out the period at the end and inserting “and adjust the rates of such personnel by such amounts as necessary to restore the same pay relationships that existed on December 31, 1986, between personnel and Senators and between positions.”.

(b) Section 4(b) of such public law is amended by striking out the period at the end and inserting “, except in cases in which it is necessary to restore and maintain the same pay relationships that existed on December 31, 1986, between personnel and Senators and between positions.”.

(c) Notwithstanding any other provision of this Act or any other provision of law, subsections (a) and (b) of this section shall be effective in the case of pay orders issued by the President pro tempore of the Senate on or after January 1, 1988.

(d) Notwithstanding any other provision of this Act, or any other provision of law, rule, or regulation, hereafter each time the President pro tempore of the Senate exercises any authority pursuant to any of the amendments made by this section with respect to rates of pay or any other matters relating to personnel whose pay is disbursed by the Secretary of the Senate, the Speaker of the House of Representatives may, with respect to personnel whose pay is disbursed by the Clerk of the House of Representatives, exercise the same authority to the extent necessary to ensure parity of treatment between personnel of the respective Houses of Congress having comparable duties and responsibilities.

§ 29.4 By unanimous consent, the House considered and adopted a resolution authorizing additional funding for the Office of Speaker.

30. 133 CONG. REC. 37189, 100th Cong. 1st Sess.

On June 14, 1989,⁽³¹⁾ the following occurred:

PROVIDING FUNDS FOR THE OFFICE OF SPEAKER

Mr. [Victor] FAZIO [of California]. Mr. Speaker, I offer a resolution (H. Res. 175) providing funds for the Office of Speaker, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. [Peter] DEFAZIO [of Oregon]). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 175

Resolved, That, effective June 14, 1989, there shall be authorized the additional sum of \$60,000 for the compensation of personnel and other expenses of the Office of Speaker. . . .

Mr. FAZIO. That is correct.

The resolution is necessary to provide for the humanitarian transition of staff who are involved in the change in the Office of Speaker.

It provides that \$60,000 be added to the authorization of the Office of Speaker for office personnel and expenses.

No new funds are appropriated here. The \$60,000 will have to come from any excess funds that may be available out of funds already appropriated. If such excess funds are found, and if they are needed by the Office of Speaker, the Committee on Appropriations will take action to transfer those funds under existing transfer authority.

This is necessary because the budget of that office cannot absorb the entire cost, however temporary, of two staff groups. These funds are needed to defray those expenses for a short time while the outgoing staff find new positions. . . .

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

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 29.5 By unanimous consent, the House considered and adopted a resolution paying a gratuity to the widow of a congressional employee.

On December 15, 1977,⁽³²⁾ the following resolution was considered and adopted:

PROVIDING FOR PAYMENT OF GRATUITY TO MARGARET WOODWORTH,
WIDOW OF LAURENCE N. WOODWORTH

Mr. [Albert] ULLMAN [of Oregon]. Mr. Speaker, I offer a resolution (H. Res. 936) providing for payment of a gratuity to Margaret Woodworth, widow of Laurence N. Woodworth, and ask unanimous consent for its immediate consideration.

31. 135 CONG. REC. 11748, 101st Cong. 1st Sess.

32. 123 CONG. REC. 38998–99, 95th Cong. 1st Sess. For more on death benefits for widows of Members, see Deschler's Precedents Ch. 38 § 3.

The Clerk read the resolution, as follows:

H. RES. 936

Resolved, That there shall be paid from the contingent fund of the House as a gratuity to Margaret Woodworth, widow of Laurence N. Woodworth, a sum equal to the annual compensation which was payable by the House to the said Laurence N. Woodworth as Chief of Staff of the Joint Committee on Taxation. Such annual compensation shall be determined by reference to the monthly rate for such position in effect for December 1976. . . .

The SPEAKER.⁽³³⁾ Is there objection to the request of the gentleman from Oregon?

The SPEAKER pro tempore (Mr. [Frank] EVANS of Colorado). Is there objection to the request of the gentleman from Oregon?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 29.6 By unanimous consent, the House considered and adopted a resolution providing a lump-sum payment for accrued annual leave for certain House employees involuntarily separated from employment.

On January 17, 1995,⁽³⁴⁾ the following resolution was considered and adopted:

PROVIDING FOR LUMP SUM PAYMENT FOR ACCRUED ANNUAL LEAVE TO ELIGIBLE FORMER EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

Mr. [William] THOMAS [of California]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the resolution (H. Res. 35) providing for payment of a lump sum for accrued annual leave to eligible former employees of the House of Representatives, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. [David] DREIER [of California]). Is there objection to the request of the gentleman from California?

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, reserving the right to object, under my reservation, I will be glad to yield to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight, for the purpose of explaining the objectives of this legislation.

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

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

Mr. HOYER. Mr. Speaker, further reserving the right to object, I understand the gentleman has no further speakers on this issue. If that is the case, I will withdraw my reservation of objection.

Mr. Speaker, I withdraw my reservation of objection.

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

33. Thomas O'Neill (MA).

34. 141 CONG. REC. 1314–15, 104th Cong. 1st Sess.

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved,

SECTION 1. LUMP-SUM PAYMENT FOR ACCRUED ANNUAL LEAVE.

- (a) IN GENERAL.—An eligible employee of the House of Representatives—
- (1) who is separated from employment involuntarily;
 - (2) whose last day of employment is during the period beginning on January 3, 1995, and ending on June 30, 1995; and
 - (3) who is not reemployed by the House of Representatives, the Senate, or an agency of the legislative branch within 30 days after such last day of employment;
- shall be paid a lump sum for the accrued annual leave of the employee.
- (b) PAYMENT.—The lump sum—
- (1) shall be paid, as certified under subsection (c), in an amount equal to the value of the total accrued annual leave of the employee or the value of 30 days of accrued annual leave of the employee, whichever is less;
 - (2) shall be paid—
- (A) for clerk hire employees, from the clerk hire allowance of the Member for calendar year 1995;
 - (B) for committee employees, from amounts appropriated for committees; and
 - (C) for other employees, from amounts appropriated to the employing authority for fiscal year 1995; and
- (3) shall be computed using the rate of pay in effect with respect to the employee on the last day of employment of the employee.
- (c) CERTIFICATION.—For purposes of this resolution, accrued annual leave of an employee shall be certified by the appropriate employing authority—
- (1) as of December 31, 1994, in the case of an employee whose last day of employment is January 3, 1995; and
 - (2) as of the last day of employment of the employee, in the case of an employee whose last day of employment is after January 3, 1995, and before July 1, 1995.

SEC. 2. REGULATIONS.

The Committee on House Oversight shall have authority to prescribe regulations to carry out this resolution.

SEC. 3. DEFINITIONS.

As used in this resolution—

- (1) the term “eligible employee” means, with respect to the House of Representatives, an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include—
- (A) an employee under the clerk hire allowance whose appointing Member is not a Member of the House of Representatives in the One Hundred Fourth Congress; or
 - (B) a uniformed or civilian support employee under the Capitol Police Board; and
- (2) The term “agency of the legislative branch” means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.

AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: Page 1, line 9, strike out “January 3, 1995” and insert in lieu thereof “December 31, 1994”.

Page 3, beginning on line 5, strike out “January 3, 1995” and insert in lieu thereof “December 31, 1994, or January 1, 2, or 3, 1995”.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. THOMAS].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

§ 29.7 By unanimous consent, the House considered and adopted a concurrent resolution providing for, *inter alia*, a survivor's gratuity to the widows of slain Capitol Police officers.

On July 27, 1998,⁽³⁵⁾ the following resolution was considered and adopted:

**AUTHORIZING USE OF ROTUNDA OF CAPITOL FOR MEMORIAL SERVICE FOR
DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB
JOSEPH CHESTNUT OF UNITED STATES CAPITOL POLICE**

Mr. [Thomas] DELAY [of Texas]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 310) and I ask for its immediate consideration and adoption by the House.

The SPEAKER pro tempore.⁽³⁶⁾ The Clerk will report the concurrent resolution.
The Clerk read as follows:

H. CON. RES. 310

Resolved by the House of Representatives (the Senate concurring),

**SECTION 1. AUTHORIZING USE OF ROTUNDA OF THE CAPITOL FOR MEMORIAL SERVICE FOR DE-
TECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHEST-
NUT.**

The rotunda of the Capitol is authorized to be used for a memorial service and proceedings related thereto for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on Tuesday, July 28, 1998, under the direction of the United States Capitol Police Board.

**SEC. 2. PLACEMENT OF PLAQUE IN CAPITOL IN MEMORY OF DETECTIVE GIBSON AND PRIVATE
FIRST CLASS CHESTNUT.**

The Architect of the Capitol shall place a plaque in honor of the memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police at an appropriate site in the United States Capitol, with the approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SEC. 3. PAYMENT OF FUNERAL EXPENSES FOR JOHN GIBSON AND JACOB JOSEPH CHESTNUT.

(a) IN GENERAL.—The Sergeant at Arms of the House of Representatives is authorized and directed to make such arrangements as may be necessary for funeral services for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, including payments for travel expenses of immediate family members, and for the attendance of Members of the House of Representatives at such services, including payments for expenses incurred by Members in attending such services.

(b) SOURCE AND MANNER OF MAKING PAYMENTS.—Any payment made under subsection (a) shall be made from the applicable accounts of the House of Representatives, using vouchers approved in a manner directed by the Committee on House Oversight.

**SEC. 4. PAYMENT OF SURVIVOR'S GRATUITY TO WIDOWS OF JOHN GIBSON AND JACOB JOSEPH
CHESTNUT.**

(a) IN GENERAL.—In accordance with the first sentence of the last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), the Chief Administrative Officer of the House of Representatives is authorized and directed to pay, from the applicable accounts of the House of Representatives—

(1) a gratuity to the widow of Detective John Michael Gibson of the United States Capitol Police in the amount of \$51,866.00; and

(2) a gratuity to the widow of Private First Class Jacob Joseph Chestnut of the United States Capitol Police in the amount of \$47,280.00.

35. 144 CONG. REC. 17438–40, 105th Cong. 2d Sess.

36. Howard Coble (NC).

(b) TREATMENT AS GIFT.—Each gratuity paid under subsection (a) shall be held to have been a gift.

SEC. 5. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF CAPITOL POLICE MEMORIAL FUND.

It is the sense of Congress that there should be established under law a United States Capitol Police Memorial Fund for the surviving spouse and children of members of the United States Capitol Police who are slain in the line of duty.

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

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, reserving the right to object, obviously I will not object, but at this time I yield to the distinguished gentleman from Texas (Mr. DELAY), the majority whip, who lost a good and true friend, as all of us lost two good and true friends.

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

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

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. [John] SHIMKUS [of Illinois]). Is there objection to the request of the gentleman from Texas?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

§ 30. Creating and Eliminating Offices; Reorganizations

The internal organization of the House is not addressed by the Constitution, and the House is therefore free to establish whatever offices the membership desires, in whatever structure is deemed suitable for the efficient administration of House operations. As noted earlier,⁽¹⁾ the only officer of the House mandated by the Constitution is the Speaker of the House, and a variety of officer positions have been created and terminated by the House over the course of its history.⁽²⁾ The House has also experimented with a number of lesser administrative officials to oversee different House functions.⁽³⁾

Since World War II, the House has undergone a number of reorganizations and reforms in its administration that have occasioned the creation, the consolidation, and the abolition of offices, thereby creating and/or eliminating employee positions. The first major reform effort in the post-war era, undertaken by a Joint Committee on the Organization of Congress, led to the enactment of the Legislative Reorganization Act of 1946.⁽⁴⁾ This act reformed the committee structure in the House (eliminating or consolidating

1. See § 13, *supra*.

2. *Id.*

3. See §§ 13–23, *supra*.

4. 60 Stat. 812.

numerous committees), strengthened oversight capabilities, and provided for increases in Member and committee staff.

In the 1960s, another joint committee was formed to investigate congressional procedure and operations in both the House and the Senate and to recommend reforms.⁽⁵⁾ As a result of these efforts, Congress enacted the Legislative Reorganization Act of 1970.⁽⁶⁾ This act made further reforms to the committee system (including the ability of the minority party to hire committee staff), created the Congressional Research Service (as a successor to the Legislative Reference Service), and made additional changes to floor procedure and budget processes.⁽⁷⁾ The act further paved the way for later innovations, such as the electronic voting system.

In the 93d Congress in 1973, the House created a Select Committee on Committees (otherwise known as the “Bolling Committee”).⁽⁸⁾ Although this select committee recommended comprehensive changes to the committee system, the House ultimately adopted a less extensive version of the proposal (known as the “Hansen Alternative”) recommended by the majority party caucus.⁽⁹⁾ This version reorganized committee jurisdictions, strengthened subcommittees and regularized subcommittee procedures, and provided more opportunities for the minority to access committee resources. Another Select Committee on Committees (known as the “Patterson Committee”) was formed in the 96th Congress in 1979, but the House did not ultimately adopt its recommendations.⁽¹⁰⁾

In the 102d Congress, the Committee on House Administration and the Committee on Rules recommended a variety of changes to House operations that eventually led to the adoption of the House Administrative Reform

5. See S. Con. Res. 2, 111 CONG. REC. 4780, 89th Cong. 1st Sess. (Mar. 11, 1965). The final report of the joint committee was issued on July 28, 1966. See S. Rept. 1414, 89th Cong.

6. P.L. 91-510, 84 Stat. 1142.

7. The congressional budget process was significantly overhauled in the 93d Congress with the enactment of the Congressional Budget and Impoundment Control Act of 1974 (codified at 2 U.S.C. §§ 601-688). For more on the congressional budget process, including amendments to the original Budget Act, see Deschler's Precedents Ch. 41.

8. See H. Res. 988, 120 CONG. REC. 34447-67, 93d Cong. 2d Sess. (Oct. 8, 1974).

9. The Hansen alternative language was introduced in the 94th Congress as House Resolution 1248. On September 30, 1974, the House adopted a special order of business (H. Res. 1395) to structure consideration of the original Bolling resolution. 120 CONG. REC. 32953, 93d Cong. 2d Sess. That special order provided for consideration of the Hansen resolution as an amendment in the nature of a substitute. The amendment was adopted and the underlying resolution agreed to on October 8, 1974. See 120 CONG. REC. 34447-67, 93d Cong. 2d Sess.

10. H. Res. 118, 125 CONG. REC. 5423-24, 96th Cong. 1st Sess. (Mar. 19, 1979).

Amendments of 1992.⁽¹¹⁾ These reforms had a significant impact on House operations by: (1) abolishing the Office of the Postmaster; (2) making the Clerk, the Doorkeeper, and the Sergeant-at-Arms subject to removal by the House or by the Speaker; (3) transferring certain job functions and entities of those elected officers to a new Director of Non-Legislative and Financial Services; (4) establishing an Office of Inspector General; and (5) placing the elected officers and a General Counsel under the oversight of the Committee on House Administration.

Also in the 102d Congress, another Joint Committee on the Organization of Congress was formed,⁽¹²⁾ and its successor committee in the following Congress recommended a variety of institutional reforms.⁽¹³⁾ Legislation (known as the Legislative Reorganization Act of 1994) was introduced in both the House and the Senate but never considered by either body.⁽¹⁴⁾ However, in the 104th Congress, some of the recommendations from these prior joint committees were incorporated into the Congressional Accountability Act of 1995 (CAA).⁽¹⁵⁾

Additional changes to the House's institutional structure were made by the new Republican majority at the beginning of the 104th Congress. The former Director of Non-Legislative and Financial Services was replaced by a new elected officer position: the Chief Administrative Officer. The Office of the Doorkeeper was also abolished and most of its functions transferred to the jurisdiction of the Sergeant-at-Arms. Additional changes were made to the committee structure as certain committees were consolidated and renamed.⁽¹⁶⁾ The only significant reform to the House's committee system since that time was the advent of the Committee on Homeland Security in the 108th Congress in 2005.⁽¹⁷⁾

Since the 104th Congress, the House has not undertaken a comprehensive reorganization of its administration. However, additional offices have occasionally been created to address specific needs. In the 104th Congress, for example, the House created a Corrections Calendar Office to coordinate legislation to be considered under expedited procedures.⁽¹⁸⁾ However, both Corrections Calendar procedures and the Corrections Calendar Office were discontinued in the 109th Congress. An Office of Emergency Planning, Preparedness, and Operations was created in the 107th Congress to coordinate

11. H. Res. 423, 138 CONG. REC. 9039–40, 102d Cong. 2d Sess. (Apr. 9, 1992).

12. H. Con. Res. 192, 138 CONG. REC. 21961–62, 102d Cong. 2d Sess. (Aug. 6, 1992).

13. The joint committee's final report was issued in December, 1993. See H. Rept. 103–413, 103d Cong. 1st Sess.

14. The introduced bills were H.R. 3801 in the House and S. 1824 in the Senate.

15. See § 28, *supra*.

16. See § 30.4, *infra*.

17. *House Rules and Manual* § 723a (2019).

18. *Parliamentarian's Note*: The former Corrections Calendar was created in the 104th Congress to provide expedited consideration of bills aimed at "correcting" laws or regulations (replacing the seldom-used Consent Calendar). The Speaker in consultation

emergency preparedness, crisis management, and recovery operations.⁽¹⁹⁾ However, the functions of this office were transferred to the Office of the Sergeant-at-Arms in the 112th Congress. In the 108th Congress, the Office of Interparliamentary Affairs was created.⁽²⁰⁾ Its mission is to respond to inquiries from foreign governments pertaining to official visits between House Members (and other officials) and their counterparts in other international legislatures. In the 115th Congress, the Office of Employee Advocacy was created to provide legal representation to House employees pursuing claims under the Congressional Accountability Act.⁽²¹⁾ In the 116th Congress, an Office of Diversity and Inclusion and an Office of the Whistleblower Ombudsman were created via separate orders contained in the resolution adopting the standing rules.⁽²²⁾ Also in the 116th Congress, a Select Committee on the Modernization of Congress was formed to review a wide range of House procedures and operations and to recommend improvements to House administration, particularly in the area of information technology.⁽²³⁾

Former Corrections Calendar Office

§ 30.1 By unanimous consent, the House considered and agreed to a resolution establishing a Corrections Calendar Office, authorizing the Speaker (in consultation with the Minority Leader) to appoint five employees to maintain the Office and set their rates of pay.

On January 7, 1997,⁽²⁴⁾ the following occurred:

ESTABLISHING THE CORRECTIONS CALENDAR OFFICE

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a resolution (H. Res. 7) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 7

Resolved,

with the Minority Leader could place reported legislation on the Corrections Calendar, where it would be subject to a supermajority vote requirement. The Corrections Calendar and the Corrections Calendar Office were abolished in the 109th Congress. See *House Rules and Manual* § 898 (2019). See also *Precedents* (Wickham) Ch. 22.

19. See P.L. 112–74, 125 Stat. 786. See also *House Rules and Manual* § 1125c (2019) and § 15, *supra*.
20. 2 U.S.C. § 5582. See also *House Rules and Manual* § 1124 (2019).
21. See H. Res. 724, 164 CONG. REC. H813, H814 [Daily Ed.], 115th Cong. 2d Sess. (Feb. 6, 2018).
22. 165 CONG. REC. H22 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).
23. 165 CONG. REC. H23 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).
24. 143 CONG. REC. 142, 105th Cong. 1st Sess.

SECTION 1. CORRECTIONS CALENDAR OFFICE.

There is established in the House of Representatives an office to be known as the Corrections Calendar Office, which shall have the responsibility of assisting the Speaker in the management of the Corrections Calendar under the Rules of the House of Representatives. The Office shall have not more than five employees—

(1) who shall be appointed by the Speaker, in consultation with the minority leader; and

(2) whose annual rate of pay shall be established by the Speaker, but may not exceed 75 percent of the maximum annual rate under the general limitation specified by the order of the Speaker in effect under section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a 2a).

The SPEAKER pro tempore.⁽²⁵⁾ 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.

Former Director of Non-Legislative and Financial Services

§ 30.2 Pursuant to section 7(b) of the House Administrative Reform Resolution of 1992,⁽²⁶⁾ the Committee on House Administration transferred ultimate responsibility for the operation of the House Finance Office from the Clerk to the Director of Non-Legislative and Financial Services.⁽²⁷⁾

On February 4, 1993,⁽²⁸⁾ the following occurred:

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following communication from the Honorable CHARLIE ROSE, chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 1993.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, H-204 The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the authority vested in the Committee on House Administration by House Rule X, Clause 4(d)(3), and upon recommendation of the Subcommittee on Administrative Oversight of the Committee on House Administration pursuant to Clause 3(j)(2), the Committee has directed the following, effective on February 1, 1993:

25. Ray LaHood (IL).

26. H. Res. 423, 138 CONG. REC. 9039–40, 102d Cong. 2d Sess. (Apr. 9, 1992).

27. *Parliamentarian's Note*: This resolution amended the standing rules to achieve administrative reforms across a wide range of House operations. Under the resolution, the transfer of the financial responsibilities described here was to occur within 90 days after the adoption of the resolution. The House, by unanimous consent, extended this deadline on several occasions. See 138 CONG. REC. 18307, 102d Cong. 2d Sess. (July 8, 1992) and 138 CONG. REC. 24372–73, 102d Cong. 2d Sess. (Sept. 10, 1992). See also 138 CONG. REC. 27726–27, 102d Cong. 2d Sess. (Sept. 25, 1992).

28. 139 CONG. REC. 2512, 103d Cong. 1st Sess.

“The responsibility for the operation of the House Finance Office is transferred to the Director of Non-Legislative and Financial Services, subject to the oversight of the Subcommittee on Administrative Oversight of the Committee on House Administration.”

It is intended that the House Finance Office continue to operate under the existing statutory authority of the Clerk of the House, but at the direction of the Director of Non-Legislative and Financial Services, until such time as the necessary statutory changes are enacted.

Upon receipt of a copy of this letter, the Clerk of the House is directed to continue to carry out the ministerial functions imposed by statute with regard to the operation of the House Finance Office subject to the direction of the Director of Non-Legislative and Financial Services, and to work cooperatively with the Director and the Subcommittee on Administrative Oversight of the Committee on House Administration to ensure that all functions and operations of the House Finance Office are timely executed.

Sincerely,

CHARLIE ROSE
Chairman.
BILL THOMAS,
Ranking Republican Member.

Joint Committee on the Organization of Congress

§ 30.3 By unanimous consent, the House agreed to a Senate amendment to a House concurrent resolution establishing a Joint Committee on the Organization of Congress.⁽²⁹⁾

On August 6, 1992,⁽³⁰⁾ the following concurrent resolution (as amended) was adopted:

ESTABLISHING A JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Mr. [John] MOAKLEY [of Massachusetts]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Senate Amendment: Strike out all after resolving clause and insert:

SECTION 1. ESTABLISHMENT OF COMMITTEE.

- (a) ESTABLISHMENT AND MEMBERSHIP.—There is established an ad hoc Joint Committee on the Organization of the Congress (referred to as the “Committee”) to be composed of—
(1) 12 members of the Senate—

29. *Parliamentarian's Note:* Although the joint committee provided recommendations, no institutional reform measures were considered by either House.
30. 138 CONG. REC. 21961–62, 102d Cong. 2d Sess. For initial House consideration of the concurrent resolution, see 138 CONG. REC. 15411–49, 102d Cong. 2d Sess. (June 18, 1992). For House appointments to this joint committee, see 138 CONG. REC. 24627, 102d Cong. 2d Sess. (Sept. 14, 1992) and 138 CONG. REC. 34802, 102d Cong. 2d Sess. (Oct. 9, 1992).

- (A) 6 to be appointed by the Majority Leader; and
- (B) 6 to be appointed by the Minority Leader; and
- (2) 12 members of the House of Representatives—
- (A) 6 to be appointed by the Speaker; and
- (B) 6 to be appointed by the Minority Leader. . . .

There was no objection.

A motion to reconsider was laid on the table.

Reforms of the 104th Congress

§ 30.4 By unanimous consent, the House considered and passed a bill changing references in law to committees and officers of the House to reflect the reorganization of House operations that occurred at the beginning of the 104th Congress.⁽³¹⁾

On April 6, 1995,⁽³²⁾ the following occurred:

Mr. [William] THOMAS [of California]. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1421) to provide that references in the statutes of the United States to any committee or officer of the House of Representatives the name or jurisdiction of which was changed as part of the reorganization of the House of Representatives at the beginning of the 104th Congress shall be treated as referring to the currently applicable committee or officer of the House of Representatives.

The Clerk read the title of the bill.

The SPEAKER pro tempore.⁽³³⁾ Is there objection to the request of the gentleman from California? . . .

The Clerk read the bill, as follows:

H.R. 1421

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

SECTION 1. REFERENCES IN LAW TO COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

(a) REFERENCES TO COMMITTEES WITH NEW NAMES.—Except as provided in subsection (c), any reference in any provision of law enacted before January 4, 1995, to—

(1) the Committee on Armed Services of the House of Representatives shall be treated as referring to the Committee on National Security of the House of Representatives;

(2) the Committee on Banking, Finance and Urban Affairs of the House of Representatives shall be treated as referring to the Committee on Banking and Financial Services of the House of Representatives;

(3) the Committee on Education and Labor of the House of Representatives shall be treated as referring to the Committee on Economic and Educational Opportunities of the House of Representatives;

(4) the Committee on Energy and Commerce of the House of Representatives shall be treated as referring to the Committee on Commerce of the House of Representatives;

(5) the Committee on Foreign Affairs of the House of Representatives shall be treated as referring to the Committee on International Relations of House of Representatives;

31. *Parliamentarian's Note:* The rules package for the 104th Congress contained a number of institutional and organizational changes for the House, including the creation and abolition of officer positions and a reorganization of the committee structure. Thus, it was necessary to amend laws that made reference to such positions or committees.

32. 141 CONG. REC. 10698–99, 104th Cong. 1st Sess.

33. Scott McInnis (CO).

(6) the Committee on Government Operations of the House of Representatives shall be treated as referring to the Committee on Government Reform and Oversight of the House of Representatives;

(7) the Committee on House Administration of the House of Representatives shall be treated as referring to the Committee on House Oversight of the House of Representatives;

(8) the Committee on Natural Resources of the House of Representatives shall be treated as referring to the Committee on Resources of the House of Representatives;

(9) the Committee on Public Works and Transportation of the House of Representatives shall be treated as referring to the Committee on Transportation and Infrastructure of the House of Representatives; and

(10) the Committee on Science, Space, and Technology of the House of Representatives shall be treated as referring to the Committee on Science of the House of Representatives.

(b) REFERENCES TO ABOLISHED COMMITTEES.—Any reference in any provision of law enacted before January 4, 1995, to—

(1) the Committee on District of Columbia of the House of Representatives shall be treated as referring to the Committee on Government Reform and Oversight of the House of Representatives;

(2) the Committee on Post Office and Civil Service of the House of Representatives shall be treated as referring to the Committee on Government Reform and Oversight of the House of Representatives, except that a reference with respect to the House Commission on Congressional Mailings Standards (the “Franking Commission”) shall be treated as referring to the Committee on House Oversight of the House of Representatives; and

(3) the Committee on Merchant Marine and Fisheries of the House of Representatives shall be treated as referring to—

(A) the Committee on Agriculture of the House of Representatives, in the case of a provision of law relating to inspection of seafood or seafood products;

(B) the Committee on National Security of the House of Representatives, in the case of a provision of law relating to interoceanic canals, the Merchant Marine Academy and State Maritime Academies, or national security aspects of merchant marine;

(C) the Committee on Resources of the House of Representatives, in the case of a provision of law relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography;

(D) the Committee on Science of the House of Representatives, in the case of a provision of law relating to marine research; and

(E) the Committee on Transportation and Infrastructure of the House of Representatives, in the case of a provision of law relating to a matter other than a matter described in any of subparagraphs (A) through (D).

(c) REFERENCES TO COMMITTEES WITH JURISDICTION CHANGES.—Any reference in any provision of law enacted before January 4, 1995, to—

(1) the Committee on Energy and Commerce of the House of Representatives shall be treated as referring to—

(A) the Committee on Agriculture of the House of Representatives, in the case of a provision of law relating to inspection of seafood or seafood products;

(B) the Committee on Banking and Financial Services of the House of Representatives, in the case of provision of law relating to bank capital markets activities generally or to depository institution securities activities generally; and

(C) the Committee on Transportation and Infrastructure of the House of Representatives, in the case of a provision of law relating to railroads, railway labor, or railroad retirement and unemployment (except revenue measures related thereto); and

(2) the Committee on Government Operations of the House of Representatives shall be treated as referring to the Committee on the Budget of the House of Representatives in the case of a provision of law relating to the establishment, extension, and enforcement of special controls over the Federal budget.

SEC. 2. REFERENCES IN LAW TO OFFICERS OF THE HOUSE OF REPRESENTATIVES.

Any reference in any provision of law enacted before January 4, 1995, to a function, duty, or authority—

(1) of the Clerk of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives;

(2) of the Doorkeeper of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives;

(3) of the Postmaster of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives; and

(4) of the Director of Non-legislative and Financial Services of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives.

The bill 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.

Other Transfers of Authority

§ 30.5 The Chair laid before the House a communication from the chair of the Committee on House Oversight (now the Committee on House Administration) informing the House that the committee had directed that the operational and financial responsibility for the House Document Room (formerly under the Doorkeeper)⁽³⁴⁾ be assigned to the Clerk.

On March 28, 1995,⁽³⁵⁾ the following occurred:

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE OVERSIGHT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Oversight.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 24, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: In my letters to you of January 18, 1995 assigning various functions to the House Officers, I indicated that assignment of these responsibilities constituted a first step in the ongoing restructuring of House operations, and that further changes may be directed as they become necessary.

Based on further review, and pursuant to the authority vested in the Committee on House Oversight by House Rule X, clause 1(h) and clause 4(d)(2), the Committee directs that operational and financial responsibility for the House Document Room is assigned to the Clerk of the House of Representatives effective on March 27, 1995.

Best regards,

BILL THOMAS,
Chairman.

34. *Parliamentarian's Note:* The Office of the Doorkeeper was eliminated in the 104th Congress, and the duties of the Doorkeeper shifted to other elected House officer positions. See § 13, *supra*.

35. 141 CONG. REC. 9489–90, 104th Cong. 1st Sess.

§ 31. Minority Party Employees

“Minority employees” of the House refer to certain statutory positions traditionally filled by the candidates for the elected officer positions selected by the minority party on opening day of a new Congress.⁽¹⁾ As discussed above,⁽²⁾ these candidates are nominated via an amendment to the majority party’s resolution electing officers.⁽³⁾ Such amendment has never been adopted. By tradition, these unsuccessful candidates for officer positions are instead chosen to fill certain minority party positions established in law.⁽⁴⁾ The purpose of these positions is to provide professional staff for the minority party who can develop and retain institutional knowledge and thus provide continuity should control of the House switch from one party to another.

While current law enumerates six minority employees, the Minority Leader is authorized to appoint up to three additional minority employees and set their rates of pay.⁽⁵⁾ Unlike the elected officers of the House, the resignation of a minority employee is not subject to acceptance by the House.⁽⁶⁾ Under clause 2(a)(5) of rule IV,⁽⁷⁾ minority employees are accorded floor privileges, but the standing rules provide no other special prerogatives.

§ 31.1 By unanimous consent, the House considered and adopted a resolution naming six minority party employees, establishing their rates of pay, and authorizing the Minority Leader to appoint up to three additional minority employees.

On January 6, 2015,⁽⁸⁾ the following resolution was considered and adopted:

1. For more on “minority employees” in the context of party organization, see *Precedents (Wickham)* Ch. 3 § 2. See also *Deschler’s Precedents* Ch. 6 § 26.
2. See § 13, *supra*.
3. See § 13.1, *supra*.
4. 2 U.S.C. § 5143. Minority employees of this kind were first provided for in the 71st Congress in the Legislative Pay Act of 1929 (46 Stat. 32). Current law incorporates by reference various House resolutions enumerating the six minority employees and establishing their rates of pay. For more information on the legislative history of these provisions, see *Precedents (Wickham)* Ch. 3 § 2 (fn. 17).
5. See H. Res. 7, 141 CONG. REC. 547, 104th Cong. 1st Sess. (Jan. 4, 1995) (made permanent law by P.L. 104–53, 109 Stat. 514).
6. *Parliamentarian’s Note*: In the past, the resignation of a minority employee would be laid before the House for the information of Members. See §§ 31.2, 31.3, *infra*.
7. *House Rules and Manual* § 678 (2019). Former minority employees are also granted floor privileges pursuant to clause 2(a)(15) of rule IV. However, this privilege may not be exercised if the minority employee engages in certain lobbying activities defined under clause 4(a) of rule IV. See *House Rules and Manual* § 680 (2019).
8. 161 CONG. REC. 56, 114th Cong. 1st Sess.

PROVIDING FOR THE DESIGNATION OF CERTAIN MINORITY EMPLOYEES

Mr. [Xavier] BECERRA [of California]. Madam Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.⁽⁹⁾ 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. 8

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 6, 2015, until otherwise ordered by the House, to-wit: Nadeam Elshami, George Kundanis, Diane Dewhirst, Richard Meltzer, Wyndee Parker, and Drew Hammill, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to 3 further minority employees.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Former Practice: Resignation of Minority Employees

§ 31.2 Under former practice, the resignation of a minority employee would be laid before the House for the information of Members, but the House would take no action thereon.⁽¹⁰⁾

On February 5, 1986,⁽¹¹⁾ the following occurred:

COMMUNICATION FROM TIMOTHY J. WYNGAARD, REPUBLICAN POLICY
COMMITTEE

The Speaker pro tempore laid before the House the following communication from Timothy J. Wyngaard of the Republican Policy Committee:

REPUBLICAN POLICY COMMITTEE,
Washington, DC, February 1, 1986.

Hon. THOMAS P. O'NEILL
Speaker, U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you of my intention to resign my position as one of the floor assistants to the Republican leader of the House.

9. Virginia Foxx (NC).

10. *Parliamentarian's Note*: Because minority employees are not elected by the House, the House takes no formal action on their resignation. Under former practice, the House would adopt a resolution to fill vacancies in minority employee positions, and the resignation of a minority employee would be laid before the House for the information of Members.

11. 132 CONG. REC. 1762, 99th Cong. 2d Sess.

Regards,

TIMOTHY J. WYNGAARD.

Former Practice: Filling Vacancies in Minority Employee Positions

§ 31.3 When a minority employee resigns the position, the House may fill the vacancy via the adoption of a simple resolution naming another individual to the position.

On June 22, 1989,⁽¹²⁾ the following occurred:

RESIGNATION AS FLOOR ASSISTANT

The SPEAKER laid before the House the following resignation as Floor Assistant to the Minority:

HOUSE REPUBLICAN POLICY COMMITTEE,
Washington, DC, June 14, 1989.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation as Floor Assistant to the Minority, effective at the close of business, 30 June 1989.

I very much appreciate the opportunity and honor of serving in this position, and I offer my thanks to you, to the Minority Leader, and to all Members of the House for your kindness.

Sincerely,

GORDON S. JONES.

AUTHORIZING COMPENSATION FOR CERTAIN MINORITY EMPLOYEES

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, by direction of the Republican Conference, I offer a resolution (H. Res. 183), and I ask unanimous consent for its immediate consideration.

The SPEAKER.⁽¹³⁾ The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 183

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the fifth and sixth of the minority employees authorized therein shall be Mr. William F. Gavin and Ms. Vicki Love Martyak, effective July 1, 1989, (to fill two existing vacancies) until otherwise ordered by the House, to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-Fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

12. 135 CONG. REC. 12929, 101st Cong. 1st Sess.

13. Thomas O'Neill (MA).

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There was no objection.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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