

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

By  
CHARLES W. JOHNSON, III, J.D.  
Parliamentarian of the House,  
1994–2004

JOHN V. SULLIVAN, J.D.  
Parliamentarian of the House,  
2004–2012

THOMAS J. WICKHAM, Jr., J.D.  
Parliamentarian of the House,  
2012–

**VOLUME 2**

COVERING PRECEDENTS THROUGH THE OPENING DAY OF  
THE 116TH CONGRESS AND EMPLOYING CITATIONS TO THE  
RULES AND TO THE HOUSE RULES AND MANUAL OF THAT  
CONGRESS



## Acknowledgements

Acknowledgement is made with appreciation to the staff of the Office of Compilation of Precedents, Catherine Moran, Bryan Feldblum, and Parliamentarian Emeritus Charles W. Johnson—and all the staff at the Office of the Parliamentarian—Jason Smith, Anne Gooch, Kyle Jones, Julia Cook, Lloyd Jenkins, Kristen Donahue, and Matthew Kowalewski for their diligent annotation and documentation of the precedents. Assistance to this work was provided by details from the Government Publishing Office, Denise Altland and Allison Torres-Cherry and by interns Krista Viksnins, Brenna Culliton, Kayla Keech, and Sarah Krom.

THOMAS J. WICKHAM, JR.

ANDREW S. NEAL

MAX A. SPITZER

OCTOBER 2019



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

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

Precedents (Wickham) Ch. 1 § 1.1

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

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

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

Deschler's Precedents Ch. 11 § 1.1



## TABLE OF ABBREVIATIONS AND TERMS

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

## TABLE OF ABBREVIATIONS AND TERMS

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



# ***Contents***

## ***Chapter 5. The House Rules, House Journal, and Congressional Record***

### **A. The House Rules**

- § 1. Sources; Judicial Authority
- § 2. The House Rules and Manual
- § 3. Applicability; Construction
- § 4. Abrogation; Waiver
- § 5. Adoption of Rules; General Parliamentary Law
- § 6. Amending the Standing Rules
- § 7. Statutory Rulemaking
- § 8. Separate Orders and Orders of the House
- § 9. The Speaker's Announced Policies

### **B. House Journal**

- §10. In General
- §11. Precedence
- §12. Approving the Journal
- §13. Reading the Journal
- §14. Amending or Correcting the Journal

### **C. Congressional Record**

- §15. In General; Purpose and Status
- §16. Authority Over the *Congressional Record*
- §17. Format
- §18. Matters Printed in the *Congressional Record*
- §19. Correction of Errors
- §20. Revising and Extending Remarks
- §21. Insertion of Extraneous Material
- §22. Deletion of Unparliamentary Remarks
- §23. Availability; Notice
- §24. Special Orders of Business

PRECEDENTS OF THE HOUSE

***Chapter 6. Officers, Officials, and Employees***

**A. The Speaker**

- § 1. Definition and Nature of Office
- § 2. Authority and Duties
- § 3. Power of Appointment
- § 4. Restrictions on the Speaker's Authority
- § 5. The Speaker as a Member
- § 6. Preserving Order
- § 7. Ethics Investigations of the Speaker

**B. The Speaker Pro Tempore**

- § 8. Definition and Nature of Office; Authorities
- § 9. Oath of Office
- §10. Term of Office
- §11. Designation of a Speaker Pro Tempore
- §12. Election of a Speaker Pro Tempore; Authorities

**C. Elected House Officers**

- §13. In General
- §14. The Clerk
- §15. The Sergeant-at-Arms
- §16. The Chaplain
- §17. The Chief Administrative Officer

**D. Other House Officials and Capitol Employees**

- §18. The Parliamentarian
- §19. General Counsel; Bipartisan Legal Advisory Group
- §20. Inspector General
- §21. Legislative Counsel
- §22. Law Revision Counsel
- §23. House Historian
- §24. House Pages
- §25. Other Congressional Officials and Employees

## CONTENTS

### **E. House Employees As Party Defendant or Witness**

- §26. Current Procedures for Responding to Subpoenas
- §27. History of Former Procedures for Responding to Subpoenas

### **F. House Employment and Administration**

- §28. Employment Practices
- §29. Salaries and Benefits of House Officers, Officials, and Employees
- §30. Creating and Eliminating Offices; Reorganizations
- §31. Minority Party Employees



## CHAPTER 5

# *The House Rules, House Journal, and Congressional Record*

### **A. The House Rules**

- § 1. Sources; Judicial Authority
- § 2. The House Rules and Manual
- § 3. Applicability; Construction
- § 4. Abrogation; Waiver
- § 5. Adoption of Rules; General Parliamentary Law
- § 6. Amending the Standing Rules
- § 7. Statutory Rulemaking
- § 8. Separate Orders and Orders of the House
- § 9. The Speaker's Announced Policies

### **B. House Journal**

- §10. In General
- §11. Precedence
- §12. Approving the Journal
- §13. Reading the Journal
- §14. Amending or Correcting the Journal

### **C. Congressional Record**

- §15. In General; Purpose and Status
- §16. Authority Over the *Congressional Record*
- §17. Format
- §18. Matters Printed in the *Congressional Record*

---

Commentary and editing by Andrew S. Neal, J.D. and Max Spitzer, J.D., LL.M.

## **Ch. 5**

## **PRECEDENTS OF THE HOUSE**

- §19. Correction of Errors
- §20. Revising and Extending Remarks
- §21. Insertion of Extraneous Material
- §22. Deletion of Unparliamentary Remarks
- §23. Availability; Notice
- §24. Special Orders of Business

## A. The House Rules

### § 1. Sources; Judicial Authority

The parliamentary procedures by which the House conducts its business derive from a variety of different sources. In the first instance, the U.S. Constitution provides that the House shall have the authority to make its own rules of proceeding and also lays out several additional procedural requirements relating to such matters as: voting by the yeas and nays; quorums; keeping the House Journal; expulsion of Members; and adjournments of Congress.<sup>(1)</sup> Additional procedural requirements in the Constitution relate to the enactment of legislation, such as the requirement that all revenue bills originate in the House, and the President's role in signing or vetoing legislation (subject to congressional override).<sup>(2)</sup>

Beyond these relatively few constitutional requirements, the primary source of House procedures are the standing rules themselves. As discussed elsewhere,<sup>(3)</sup> the standing rules are adopted at the beginning of each Congress, and are applicable to all House procedures from the point of adoption until the expiration of that Congress (unless altered by subsequent House action).<sup>(4)</sup> Prior to the adoption of rules, the House is governed by principles of general parliamentary law,<sup>(5)</sup> as well as customs or traditions of the House that its membership considers applicable.

Congress also enacts statutes that themselves contain congressional procedures. For example, the Trade Act of 1974<sup>(6)</sup> sets out specific procedures that the House (and Senate) must follow to approve or disapprove certain trade agreements negotiated by the executive. This legislative rulemaking contained in statute operates in the same manner as House rules and are to be read in consonance with the standing rules of the House. Although congressional procedures contained in statutes continue beyond the Congress in which they were enacted (as is the case with any law), each new House must affirmatively agree to be bound by such procedures. The House typically does so with language contained in the resolution adopting the standing rules of the House.<sup>(7)</sup>

---

1. U.S. Const. art. I, § 5.

2. U.S. Const. art. I, § 7.

3. See Deschler's Precedents Ch. 1 § 10 and Precedents (Wickham) Ch. 1.

4. For amending the standing rules of the House, see § 6, *infra*.

5. See § 5, *infra*.

6. 19 U.S.C. §§ 2191–2194.

7. See § 7, *infra*.

In recent years, the resolution adopting the standing rules has also included a variety of standing “orders” of the House that are functionally equivalent to rules of the House and operate with the same binding effect. Such orders may create new points of order, vary the application of statutory rulemaking, or authorize some other action by the House, its committees or its Members.<sup>(8)</sup> The number of such standing orders has increased substantially since the 106th Congress and any analysis of House procedures must take into account their provisions.

The rules of the House provide a fair amount of discretion to the Speaker of the House to exercise certain authorities as the Speaker sees fit. Since the 1980s, Speakers have inserted into the *Congressional Record* policy statements announcing in advance how the Speaker intends to exercise these discretionary authorities. Topics addressed by such statements typically include the conduct of votes by electronic device, referral of legislative measures, recognition for unanimous-consent requests to consider legislation, and decorum.<sup>(9)</sup> While such statements offer Members reasonable expectations in how Speakers will exercise their discretionary authorities, unlike formal rules or orders of the House, they are not binding upon the Speaker.

Finally, the House abides by the legal principle of *stare decisis*, meaning “let the decision stand.” When the Chair interprets a rule of the House, such as by ruling on a point of order, that interpretation will stand as a decision of the House regarding that particular question (subject to appeal to the full House). These decisions establish precedents which are recorded and published by the House Parliamentarian in volumes such as this, and are relied upon by subsequent presiding officers in making rulings. In essence, precedents establish a “common law” of the House. Precedents are considered binding and as such may be thought of as governing the procedures of the House in the same manner as formal rules. However, each Speaker has the authority to review prior decisions and offer a different interpretation that may diverge from prior precedent. But, in order to maintain predictability and consistency in House procedures, Speakers rarely overturn earlier decisions and will do so only in compelling circumstances.<sup>(10)</sup>

Given the broad grant of authority by the Constitution for the House to adopt rules of its proceedings, it is rare for conflicts over the interpretation of House rules to rise to the level of a justiciable controversy. However, such

---

8. See § 8, *infra*.

9. See § 9, *infra*.

10. On rare occasions, decisions of the Speaker may be reexamined and reversed (see 4 Hinds’ Precedents § 4637), except on discretionary matters of recognition (see 2 Hinds’ Precedents § 1425). See *House Rules and Manual* § 351 (2019).



a situation may arise where the application or construction of a House rule directly affects persons other than Members of the House. But even in such cases, the role of the courts is generally a narrow one.<sup>(11)</sup> Rules of the House may not violate constitutional requirements or violate fundamental rights. But beyond these limitations, the House may choose whatever procedural methods it wishes to adhere to, and a judicial claim that another method would be better or more just is not admitted.<sup>(12)</sup>

## § 2. The House Rules and Manual

The *House Rules and Manual* is a House document composed by the Parliamentarian of the House<sup>(1)</sup> and published every Congress.<sup>(2)</sup> Its contents include: The U.S. Constitution, Jefferson's *Manual of Parliamentary Practice*, the rules of the House (in the form adopted by the House for that Congress), descriptions of subsidiary House offices and commissions, descriptions of certain joint and select committees, excerpts of statutes providing congressional procedures (including budgetary enforcement mechanisms), and a comprehensive index.<sup>(3)</sup> All of this material is heavily annotated with

11. See Deschler's Precedents Ch. 5 § 4.

12. *Yellin v. United States*, 374 U.S. 109, 114–15 (1963); *United States v. Ballin*, 144 U.S. 1 (1892).

*Parliamentarian's Note:* It has been stated that the role of the courts is not to judge “what rules Congress may establish for its own governance” but rather “what rules the House has established and whether they have been followed.” See *Christoffel v. United States* 338 U.S. 88–89 (1949). In *Christoffel*, the petitioner had been convicted of perjury before a House committee under a statute punishing perjury before a “competent” tribunal. The petitioner contended that that the committee was not a “competent” tribunal in that a quorum was not present at the time of the incident alleged. The court reversed the conviction, citing an erroneous instruction that would have allowed to determine competency on the basis of the situation existing at the time the committee convened rather than at the time of the actual incident.

1. *Parliamentarian's Note:* Prior to the advent of the position of Parliamentarian, a “Digest and Manual of the Rules and Practice of the House of Representatives” was prepared by the Journal Clerk pursuant to an act of March 3, 1877. This precursor to the current *House Rules and Manual* contained many of the same elements as the current version, including an annotated Constitution of the United States, Jefferson's *Manual of Parliamentary Practice*, and the standing rules of the House.
2. See 158 CONG. REC. 17752, 112th Cong. 2d Sess. (Dec. 19, 2012). See also Deschler's Precedents Ch. 5 § 1.1.
3. Earlier editions of the *House Rules and Manual* included a variety of forms for stating questions or offering motions, as well as a description of the legislative stages of a bill from introduction to final enactment as law. See, e.g., H. Doc. 416, 94th Cong. 1st Sess. (1975).

commentary by the Parliamentarian, historical notes on the development of each rule, and references to prior rulings and precedents of the House.<sup>(4)</sup> By statute, each House may order as many copies of the *House Rules and Manual* as desired.<sup>(5)</sup>

Jefferson's *Manual of Parliamentary Practice* was composed by Thomas Jefferson for his personal use as presiding officer of the Senate during the years of his Vice Presidency. Though intended as a model for Senate practice, that body never formally incorporated Jefferson's *Manual of Parliamentary Practice* into its standing rules. By contrast, the House adopted a rule in the 25th Congress (1837) providing that the rules of parliamentary practice embodied in Jefferson's *Manual of Parliamentary Practice* shall govern the proceedings of the House in all cases in which they are not inconsistent with the rules of the House.<sup>(6)</sup> This rule has been carried forward as a standing rule of the House in every subsequent Congress.<sup>(7)</sup>

The annotations to Jefferson's *Manual of Parliamentary Practice* included in the *House Rules and Manual* indicate the extent to which the parliamentary principles adduced by Jefferson are applicable to current procedures of the House. Many such principles have become embodied in the standing rules of the House, or are considered part of general parliamentary law to govern proceedings prior to the adoption of rules.<sup>(8)</sup> Other rules have long since ceased to be applicable to House proceedings.

The Constitution provides that "Each House may determine the Rules of its Proceedings."<sup>(9)</sup> Thus, when the House assembles at the beginning of a new Congress, it is not bound by the rules of any prior Congress<sup>(10)</sup> but instead must formally adopt new rules to govern proceedings for that Congress.<sup>(11)</sup> As has been stated, "While in theory these rules are new in each

4. The Clerk of the House has, for a number of years, published an unannotated version of the standing rules of the House, which is available on its website. Recent efforts by the Committee on Rules and the Government Publishing Office have also expanded electronic availability of the *House Rules and Manual* in a variety of digital formats.

5. 44 U.S.C. § 720.

6. See 5 Hinds' Precedents § 6757.

7. The current rule is clause 1 of rule XXIX. See *House Rules and Manual* § 1105 (2019).

8. For more on general parliamentary law, see § 5, *infra*.

9. U.S. Const. art. I, § 5.

10. *Parliamentarian's Note*: Beginning in 1860, the rules of the House contained a provision ostensibly extending their application beyond the instant Congress to "succeeding Congresses" as well. This rule was of dubious probity and occasionally questioned by Members until its repeal in 1890. See 5 Hinds' Precedents §§ 6743–6747. For more on applicable procedures at organization (prior to the adoption of rules), see § 5, *infra*. See also Deschler's Precedents Ch. 1 and Precedents (Wickham) Ch. 1.

11. When the House in one Congress agrees to a resolution or order addressing actions in a subsequent Congress (for example, authorizing the use of the Capitol Rotunda for

Congress, yet in fact the essential portions of the system of rules are continued from Congress to Congress, and become an existing code, permanent in its essential provisions.”<sup>(12)</sup> Traditionally, the rules adopted each Congress are the rules from the prior Congress with a number of discrete amendments (usually representing procedural changes favored by the majority party caucus).<sup>(13)</sup>

Congress may enact statutory provisions containing congressional procedures for expediting a particular kind of business.<sup>(14)</sup> Such congressional rulemaking contained in statute is either explicitly or implicitly authorized as an exercise in the rulemaking power of each House of Congress, and thus in no way limits the ability of either House to change its procedures at a later time.

**§ 2.1 The House by unanimous consent adopted a resolution providing for the printing of a revised edition of the *House Rules and Manual* for the following Congress.**

On December 6, 2016,<sup>(15)</sup> the following occurred:

PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE ONE HUNDRED FIFTEENTH CONGRESS

Mr. [Kevin] McCARTHY [of California]. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.<sup>(16)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 945

*Resolved*, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fifteenth Congress be printed and bound for the use of the House of Representatives, of which nine hundred eighty copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

---

presidential inauguration ceremonies), that resolution or order must be reaffirmed by the House in the following Congress for it to have effect. See *Precedents* (Wickham) Ch. 4 § 7.14 and 143 CONG. REC. 11900, 105th Cong. 1st Sess. (June 24, 1997).

12. 5 Hinds’ *Precedents* § 6742.

13. For more on the adoption of rules at the beginning of a Congress, see *Deschler’s Precedents* Ch. 1 § 10 and *Precedents* (Wickham) Ch. 1 § 6.

14. See § 7, *infra*.

15. 162 CONG. REC. H7255 [Daily Ed.], 114th Cong. 2d Sess.

16. John Katko (NY).

A motion to reconsider was laid on the table.

### § 3. Applicability; Construction

The rules of the House apply to proceedings that take place in the full House, but also when the House is operating in other forums, such as the Committee of the Whole. Clause 11 of rule XVIII provides that the rules of the House “are the rules of the Committee of the Whole House on the state of the Union so far as applicable.”<sup>(1)</sup> A similar rule provides for the same treatment for committees and subcommittees of the House. Clause 1(a)(1)(A) of rule XI<sup>(2)</sup> provides that the rules of the House “are the rules of its committees and subcommittees so far as applicable.” Committees are permitted to adopt their own rules of proceedings pursuant to clause 2(a)(1) of rule XI,<sup>(3)</sup> but the rule further provides that such committees rules “may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House.”<sup>(4)</sup>

The House abides by the ordinary legal principle that in the case of conflict between two rules, the most recently adopted rule controls.<sup>(5)</sup> This is also true where Congress enacts legislation that contains congressional rule-making (*i.e.*, the rules contained in statute apply from the date of enactment and will override the existing House rules where the two are inconsistent).<sup>(6)</sup>

When the House is considering an amendment to the standing rules, it is not the province of the Chair to interpret the pending proposition. Rather, it is for Members in debate to address how the amendment to the rules will operate and how it should be interpreted (if adopted).<sup>(7)</sup> The Chair does not rule on the constitutionality of a House rule, that being a matter for the House to decide when adopting the rule.<sup>(8)</sup> The Chair does not interpret a special order of business resolution while it is pending.<sup>(9)</sup> Where a special order provides for consideration of a measure whose consideration would otherwise be governed by statutory procedures, the terms of the special

---

1. *House Rules and Manual* § 992 (2019).

2. *House Rules and Manual* § 787 (2019).

3. *House Rules and Manual* § 791 (2019).

4. Rule XI, clause 2(a)(1)(B), *House Rules and Manual* § 791 (2019). For provisions of law operating as rules of the House, see § 7, *infra*.

5. See Deschler's Precedents Ch. 5 § 6.1.

6. See Deschler's Precedents Ch. 5 § 6.2.

7. See § 3.4, *infra*.

8. See § 3.1, *infra*.

9. See § 3.5, *infra*.

order are read in consonance with the statutory requirements and are interpreted as compatible wherever possible.<sup>(10)</sup> The House decides whether or not a Member has violated ethics rules contained in the Code of Official Conduct, and such matter is not resolved by a ruling from the Chair.<sup>(11)</sup>

**§ 3.1 The Chair does not rule on the constitutionality of the rules adopted by the House other than to interpret the rules consistently with constitutional requirements.**

On September 12, 1977,<sup>(12)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(13)</sup> The Chair desires to make an announcement.

Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

---

POINT OF ORDER

Mr. [John] ASHBROOK [of Ohio]. Mr. Speaker, a point of order.

Mr. Speaker, I move a call of the House, since there is not a quorum present and not even close to a quorum present.

The SPEAKER. The gentleman is aware of the rule of the House that the Chair cannot recognize the gentleman for a point of no quorum unless there is a pending question being put to a vote.

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman is aware of the fact that we are postponing votes on the suspensions.

Mr. ASHBROOK. Mr. Speaker, a point of order.

I make a point of order for the record that under the Constitution of the United States a quorum must be present for transaction of business notwithstanding the rules.

The SPEAKER. There is no question or business being put to a vote at the moment, so under clause 6 of rule XV the gentleman's point is not well taken. . . .

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

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, the gentleman from Ohio (Mr. ASHBROOK) has just pointed out the fact that there are possibly less than 50 Members present on the floor at this point. He made the further point that the Constitution, article I, section 5, requires that

10. See § 3.2, *infra*.

11. See § 3.3, *infra*.

12. 123 CONG. REC. 28800–801, 95th Cong. 1st Sess. See also *House Rules and Manual* §§ 555, 1029 (2019).

13. Thomas O'Neill (MA).

the House have a quorum at all times to do business. We are in the full House. We are not in the Committee of the Whole. I raise again the question whether or not the House can conduct its business for 4 or 5 hours today or 13 separate bills under suspension without having a majority of the membership here and recorded present.

I think any legislation we act upon could be challenged in court as not having been considered by a quorum, and a quorum is not here.

Also I am under the impression that rule XV requires or permits at least one quorum call to establish a quorum at the opening of each day's session.

The SPEAKER. With regard to the gentleman's statement, the Constitution does require what the gentleman says—a quorum to do business. The rules of the House reflect this requirement. But under the circumstances, the chair will recognize a Member to move a call of the House.

**§ 3.2 Where a law enacted as a rule of both Houses provides special procedures for consideration of a joint resolution, and the House then adopts a special order providing for consideration of such a joint resolution, the Speaker will interpret the special statutory provisions to apply if consistent with the special order.**

On December 10, 1981,<sup>(14)</sup> the following occurred:

Mr. [Gillis] LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

*Resolved*, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (S.J. Res. 115) to approve the President's recommendation for a waiver of law pursuant to the Alaska Natural Gas Transportation Act of 1976, and to consider said joint resolution in the House.

The SPEAKER.<sup>(15)</sup> The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour. . . .

Mr. LONG. This is not an unprecedented rule, Mr. Speaker. Special orders, or rules, have been used on numerous occasions to provide for the taking of a Senate bill or resolution from the Speaker's table and thereafter considering the measure in the House or in the Committee of the Whole. In fact, such procedure, is routinely provided in rules when a House bill is being considered for which there is a Senate-passed companion measure being held at the Speaker's table. This Senate hook-up, as it is commonly referred to, has been a routine parliamentary technique used by the Rules Committee to expedite the flow of legislation in the House. The rationale has been simply that once the House has perfected and passed a legislative measure, that no single Member of the House should be able to impede the will of the House by objecting to a unanimous-consent request to bring up the Senate measure and passing it or perfecting it by striking the Senate text and inserting in lieu thereof the House-passed measure.

As my colleagues know, on Tuesday, December 8, 1981, the House debated House Joint Resolution 41, the Alaska gas pipeline approval resolution. On Wednesday, the House

14. 127 CONG. REC. 30477–78, 30483, 30485–86, 97th Cong. 1st Sess.

15. Thomas O'Neill (MA).

passed the resolution by a vote of 233 to 173. After passage of House Joint Resolution 341, a unanimous-consent request was made to take the Senate companion measure, Senate Joint Resolution 115, from the Speaker's table for consideration. An objection was heard to that request. Consequently, the only means by which the House would be able to take up the Senate bill and thus complete the procedural requirements of its earlier decision would be by the adoption of a rule. The Committee on Rules met late yesterday afternoon and by a rollcall vote of 13 to 1 ordered a rule reported that would make in order the consideration of Senate Joint Resolution 115 in the House.

The rule simply provides for the consideration of the joint resolution. The procedure outlined in section 8 of the Alaska Natural Gas Transportation Act of 1976 would govern the actual parliamentary situation. I would also like to point out to my colleagues that section 8 of the act specifically states that—

This subsection is enacted by Congress as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House . . . and it supersedes other rules only to the extent that it is inconsistent therewith . . . and with full recognition of the constitutional right of either House to change the rules (so far as those rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

Consequently, a special order providing for the consideration of the joint resolution which is in itself a temporary amendment to the rules of the House is perfectly in order.

For the benefit of Members, I would like to outline the procedure for consideration as provided in the Alaska Natural Gas Transportation Act of 1976. The joint resolution would be considered for 1 hour with the time equally divided between those favoring and those opposing the resolution. No amendment to, or motion to recommit the resolution would be in order. In other words, there would be 1 hour of debate and then an up-or-down vote on the proposition. . . .

Mr. [Philip] SHARP [of Indiana]. Mr. Speaker, I need to refer to a couple of things that have been mentioned in debate: First of all, the claim that is likely to be raised in court should the waiver package be passed, and that somehow this procedure today violates the statute and, therefore, involves reconsideration of the resolution as the statute denies.

Let me say to the Members that that is a tortured interpretation of the statute. It would nullify the intent of the statute, and I think it is very important that we just make that clear here on the record so that when the efforts of the opponents are made to bring it up in court, there will at least be a note made here at this point.

The Senate resolution and the House resolution are identical except for the number. ANGTA never contemplated that the House-passed and Senate-passed resolution could not be merged for Presidential signature. It would be contrary to the intent of ANGTA to prevent the resolution contemplated in it from being enacted on such a technical misreading of the statute. ANGTA clearly contemplated the enactment by each House of such a resolution, and obviously did not contemplate the failure of such a resolution on the grounds that adopting the number of the other legislation one would constitute a separate resolution.

What the language of ANGTA intended was that the defeat of the waiver would not allow the same procedures to be used on a second waiver within the same period, not that the same waiver, once passed, could not be sent to the President for his signature.

The opponents of this rule are clearly making a procedural argument in order to thwart the will of the House and achieve the defeat of a measure the House has already adopted.

If ANGTA can be read the way these Members would have it be read—to prevent the adoption of the very resolution it allows—then ANGTA was defective. Any statute should be interpreted to remove unintended defects, and certainly should be by the Congress itself. We should not interpret ANGTA against ANGTA’s clear, and undisputed purpose: The effective enactment of a waiver resolution. . . .

Mr. LONG of Louisiana. 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.

Mr. [Morris] UDALL [of Arizona]. Mr. Speaker, pursuant to the provisions of House Resolution 296 just adopted, I call up from the Speaker’s table the Senate joint resolution (S.J. Res. 115) to approve the President’s recommendation for a waiver of law pursuant to the Alaska Natural Gas Transportation Act of 1976.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 115

*Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the House of Representatives and Senate approve the waiver of the provision of law (Public Law 95-158, Public Law numbered 688, Seventy-fifth Congress, second session, and Public Law 94-163) as proposed by the President, submitted to the Congress on October 15, 1981.*

The SPEAKER pro tempore.<sup>(16)</sup> Pursuant to section 8(d)(5) of Public Law 94-586, the gentleman from Arizona (Mr. UDALL) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. CORCORAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

#### PARLIAMENTARY INQUIRY

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, it is my understanding that the division of time on this issue was to have been 15 minutes on the pro side and 15 minutes on the con side on the Democrat side, and similarly on the Republican side. That was the understanding I had with the gentleman from Arizona, the gentleman from Indiana and the gentleman from Illinois (Mr. CORCORAN). If I heard the Chair correctly, I think he indicated something different with respect to that understanding.

It is my understanding the gentleman from New York (Mr. OTTINGER) would have the 15 minutes on the con side from the Democrat side of the aisle.

The SPEAKER pro tempore. The gentleman from Arizona may yield time. Under the statute, the proponents are given 30 minutes and the opponents are given 30 minutes. If the gentleman from Arizona would like to yield 15 minutes of his time, he may do so.

Mr. UDALL. Mr. Speaker, we propose on this side to yield half of our 30 minutes to those opposed and half to those who are in favor.

The SPEAKER pro tempore. The gentleman from Illinois may yield 15 minutes of his time.

16. Harold Ford (TN).



Mr. CORCORAN. First of all, Mr. Speaker, we are under a rule at this point rather than a statute; but, second, I do intend to yield 15 minutes to the distinguished gentleman from New Mexico (Mr. LUJAN) for those who are in support of this resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

**§ 3.3 It is for the House and not the Chair to judge the conduct of its Members and to determine whether the Code of Official Conduct<sup>(17)</sup> or any criminal statute has been violated, and the Chair will not respond to parliamentary inquiries seeking an anticipatory ruling on such issues.**

On November 17, 1987,<sup>(18)</sup> the following occurred:

Mr. [James] WRIGHT [of Texas]. I am very, very sorry. I was tied up. I had given the gentleman from California an appointment to come by with some people at 5 o'clock. I was late getting started on the meeting before that due to votes on the House floor, which I am sorry none of us could control, and I apologize to my friend that I was not able to be in the office, but I am going back there right now and if it is convenient to him and to his colleagues, I will just wait right there until they would like to come, or if it would be more convenient tomorrow, I will be delighted to reschedule it and talk with my colleagues any time they wish. . . .

Mr. [Newt] GINGRICH [of Georgia]. Reclaiming my time, I have one more thing that I was going to ask the Speaker, and I say to the gentleman from Indiana [Mr. BURTON] that as he goes to the meeting I would like to give him a document, concerning the Logan Act and private correspondence with foreign governments.

This is a text that begins,

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

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

This act was passed by the Founding Fathers in the 1790's and it is still law. It seems to me it was clearly violated last week. . . .

With all respect to the Speaker, he just admitted that he was in effect explaining and mediating and helping the cardinal talk to the Communist dictator.

This is madness. . . .

And yet, what we see on almost a daily basis on this floor is an attitude by Members of Congress that we, too, are above the law, we are above our own rules, we are above the law of the land. And now we even have it moving into our foreign policy and the conducting of foreign policy where we have decided that the law of the land does not apply to individual Members of Congress. . . .

17. The Code of Official Conduct is now rule XXIII. *House Rules and Manual* § 1095 (2019).

18. 133 CONG. REC. 32150, 32152–55, 100th Cong. 1st Sess.

## PARLIAMENTARY INQUIRY

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

Mr. Speaker, as the gentleman from Georgia has just read, the law of the land in fact states a certain condition. Is that law under the precedents and tradition of the House binding upon the Members of the House?

The SPEAKER pro tempore (Mr. [Owen] PICKETT [of Virginia]). The Chair does not believe that is a proper parliamentary inquiry, asking for an interpretation of an existing criminal statute.

Mr. WALKER. Further parliamentary inquiry, Mr. Speaker. Is it not appropriate to ask in the House about the conduct of the House of Representatives, and does not the parliamentary body have a need to understand that which is before it in ways as to how it directly affects the Members?

The SPEAKER pro tempore. The Chair would state to the gentleman that parliamentary inquiries deal with the business of the House and the issue the gentleman raised may indeed be one for the body of the House, but not for the Chair.

Mr. WALKER. Further parliamentary inquiry, Mr. Speaker. The business of the House presently is a discussion by the gentleman from Georgia [Mr. GINGRICH] with regard to the law of the land; namely, the Logan Act. The gentleman from Georgia has cited previous debate in the House of Representatives backing up his point. The business of the House is such then that it seems to me that the obligation of Members under the law cited by the gentleman from Georgia is in fact business before the House that can be interpreted by the Chair, and all this gentleman is asking is, given what the gentleman from Georgia has told us in debate, the business before the House at the present time, this gentleman is simply making a parliamentary inquiry of whether or not the material as raised by the gentleman from Georgia is in fact binding upon the Members of the House?

The SPEAKER pro tempore. The Chair will state to the gentleman this is not a proper parliamentary inquiry for Chair to try to answer.

Mr. WALKER. I thank the gentleman from Georgia for yielding.

Mr. GINGRICH. Mr. Speaker, let me go on and develop this question because it is a very important issue, because my essential assertion is that what the Speaker has done in the last 2 weeks is clearly unconstitutional, almost certainly illegal and needs to be confronted by the House. . . .

Pinckney, who was a Founding Father, was saying the Constitution by itself made it a criminal act to do what Speaker WRIGHT did last week, but in fact the Logan Act was then passed to state what the penalty would be for violating that constitutional provision. . . .

## PARLIAMENTARY INQUIRIES

I asked the gentleman to yield for further parliamentary inquiry.

Mr. Speaker, if it is improper for the Chair to rule on matters and interpret matters with regard to the conduct of individual Members, could the Chair tell us what the appropriate courses of action are for the House if, in fact, there is reason to believe that one of its Members and one of its officers has committed a felony?

The SPEAKER pro tempore (Mr. PICKETT). The appropriate remedy could be to proceed with the Committee having jurisdiction over conduct governed by that act and request action by them concerning the Member's conduct.

In addition, you could also proceed with the committee that has jurisdiction over the official conduct of Members.

Mr. WALKER. Further parliamentary inquiry: Is there not a remedy available to the House as a whole rather than going to the individual committees?

The SPEAKER pro tempore. The House rules make appropriate provision for dealing with conduct of Members. If the gentleman is speaking of enforcement of the statute that can only be taken by appropriate authorities outside the legislative branch.

Mr. WALKER. A further parliamentary inquiry: Is the Chair telling us that if Members here have a reason to believe that a felonious act has been committed and that it has been done in violation of the Constitution, that there is no remedy available to the House of Representatives as a whole about that? That we have to depend upon the executive branch to take appropriate action?

The SPEAKER pro tempore. Rule XLIII<sup>(19)</sup> is the rule that deals with the official conduct of Members and the House does have the authority to deal with the conduct of its Members.

Mr. WALKER. That is this gentleman's understanding.

Further parliamentary inquiry: And if it is this gentleman's understanding and perhaps this gentleman is misinformed that there are remedies available to the House as a whole beyond just the committee structures, is that not correct?

The SPEAKER pro tempore. The gentleman is correct, that the House itself would be the ultimate decision maker on the conduct of the Members but following normal procedure, the committees would first act on the issue before it is presented to the House as a whole.

Mr. WALKER. Well, further parliamentary inquiry: The Chair is saying under normal procedure. But this gentleman is asking whether or not there are not procedures whereby the normal procedure would be put aside and that the House as a whole would act upon the matter.

The SPEAKER pro tempore. The Chair can only respond to issues that are currently before it for decision and trying to give prospective advice is not within the province of the Chair.

Mr. WALKER. I thank the Chair. I thank the gentleman for yielding.

### **§ 3.4 The Chair does not respond to requests to interpret a pending proposal to amend the rules of the House, but may explain the application of the procedural status quo to the instant proceedings.**

On February 1, 2006,<sup>(20)</sup> the following resolution amending the standing rules of the House was considered:

#### **ELIMINATING FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS**

Mr. [David] DREIER [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 648) to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House.

<sup>19</sup>. The Code of Official Conduct is now rule XXIII. *House Rules and Manual* § 1095 (2019).

<sup>20</sup>. 152 CONG. REC. 540, 541, 548, 109th Cong. 2d Sess.

The Clerk read as follows:

H. RES. 648

*Resolved,*

**SECTION 1. FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS.**

Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

“4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

“(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

“(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

“(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

“(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.”.

**SEC. 2. PROHIBITING ACCESS TO MEMBER EXERCISE FACILITIES FOR LOBBYISTS WHO ARE FORMER MEMBERS OR OFFICERS.**

(a) IN GENERAL.—The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term “Member of the House of Representatives” includes a Delegate or Resident Commissioner to the Congress.

(b) REGULATIONS.—The Committee on House Administration shall promulgate regulations to carry out this section.

The SPEAKER pro tempore.<sup>(21)</sup> Pursuant to the rule, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. [Victor] SNYDER [of Arkansas]. Mr. Speaker, a parliamentary inquiry, if I might. Because of the State of the Union last night, and we always have the tradition of lots of former Members, I have two or three parliamentary inquiries that I would like to ask about the rules of the House governing this debate today.

Under rule IV, clause 4, if I might read it, because I think most Members may not have looked at this in a while: “former Members, Delegates and Resident Commissioners; former Parliamentarians of the House; and former elected officers and minority employees nominated and elected as officers of the House shall be entitled to the privileges of admission to the Hall of the House and rooms leading thereto only if,

“(1) they do not have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; and,

“(2) they are not in the employ of or do not represent any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat or amendment of any legislative measure pending before the House reported by a committee or under consideration in any of its committees or subcommittees.”

In Mr. DREIER’s proposal today, it specifically includes all registered lobbyists, any former Members that are registered.

21. Ray LaHood (IL).

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. SNYDER. My inquiry is this: Under the current rules that we are operating under today, do the rules prohibit any registered lobbyist who is a former Member from being on the floor of the House today or in the rooms adjoining thereto?

The SPEAKER pro tempore. Under certain circumstances, yes.

Does the gentleman have another inquiry?

Mr. SNYDER. Mr. Speaker, I would like a further amplification on that. Clearly, a registered lobbyist, since Mr. DREIER's legislation specifically refers to registered lobbyists, who are former Members, have a direct personal interest in this legislation pending today. I am not sure how that application, perhaps I have not been clear in my question, how a registered lobbyist who is a former Member could be on the House floor today when Mr. DREIER's legislation specifically involves registered lobbyists who are former Members.

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. SNYDER. My inquiry is: Are those Members, former Members, who are registered lobbyists, are they not under current rules prohibited from being on the floor today because they would have, obviously, a personal interest in this, the intent of Mr. DREIER's bill?

The SPEAKER pro tempore. Would the gentleman restate his question.

Mr. SNYDER. Mr. Speaker, my question is: If a former Member, who is currently a registered lobbyist, may that former Member, who is currently a former lobbyist, be on the floor today during the consideration of this bill?

The SPEAKER pro tempore. Such a former Member should not be on the floor given the pendency of this motion.

Mr. SNYDER. Mr. Speaker, that is what my understanding was.

The SPEAKER pro tempore. Does the gentleman have another inquiry?

Mr. SNYDER. Mr. Speaker, I do. Under the rules that I just read, it refers to the Hall of the House and rooms leading thereto. I assume that means the Speaker's Lobby and the two cloakrooms. Is that the Speaker's interpretation of that rule?

The SPEAKER pro tempore. The gentleman is correct. It also includes the Rayburn Room, just off the House floor.

Mr. SNYDER. Mr. Speaker, my third parliamentary inquiry, under current rules, I see no exemption, under the current rule, for any kind of an educational function to occur during the consideration of this measure; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SNYDER. Mr. Speaker, my fourth parliamentary inquiry, this bill is now under our suspension calendar. Is it the Speaker's ruling that no amendments are allowed to broaden the application of this rule?

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from California (Mr. DREIER) may proceed.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. . . .

#### PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Speaker, under the rules of the House, this is a proposal to change the rules, when a provision says the Speaker may promulgate regulations, under the rules of the House, will there or will there not be a vote of approval of those promulgated regulations by the Speaker on the definition of educational functions?

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The Chair will read this. Mr. SNYDER. You're a great reader, Mr. Speaker.

The SPEAKER pro tempore. The degree to which the pending proposal changes the status quo is a matter for the House to debate. It is not the function of the Chair to interpret a legislative proposal while it is under debate.

Mr. SNYDER. I am sorry, when the Speaker promulgates regulations, regardless of a minor change or a major change, my inquiry is: Does that or does that not require a vote of the body?

The SPEAKER pro tempore. I will stand by what I said. The terms of the resolution must speak for themselves.

Mr. SNYDER. I will stand with you, Mr. Speaker. Thank you.

### **§ 3.5 The Chair does not interpret a special order prior to or pending its consideration under guise of parliamentary inquiry.**

On April 17, 2012,<sup>(22)</sup> the following resolution was the subject of parliamentary inquiries:

PROVIDING FOR CONSIDERATION OF H.R. 4089, SPORTSMEN'S HERITAGE ACT OF 2012, AND FOR OTHER PURPOSES

Mr. [Robert] BISHOP [of Utah]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 614 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 624

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4089) to protect and enhance opportunities for recreational hunting, fishing and shooting. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-19. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

22. 158 CONG. REC. 4937-40, 112th Cong. 2d Sess.

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution (with the modifications specified in subsection (b)).

(b) In section 201(b) of House Concurrent Resolution 112, as adopted by the House, the following amounts shall apply:

(1) \$7,710,000,000 (in lieu of \$8,200,000,000) for the period of fiscal years 2012 and 2013 with respect to the Committee on Agriculture; and

(2) \$3,490,000,000 (in lieu of \$3,000,000,000) for the period of fiscal years 2012 and 2013 with respect to the Committee on Financial Services.

#### POINT OF ORDER

Ms. [Gwen] MOORE [of Wisconsin]. Mr. Speaker, I raise a point of order against H. Res. 614 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore (Mr. [Steve] WOMACK [of Arkansas]). The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

#### PARLIAMENTARY INQUIRY

Ms. MOORE. Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in the underlying bill, H.R. 4089.

But before I begin, Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state the inquiry.

Ms. MOORE. The rule clearly states, "Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have the force and effect in the House as though Congress had adopted such concurrent resolution."

Does this mean that the rule deems that the Senate will have passed H. Con. Res. 112?

The SPEAKER pro tempore. The Chair will not interpret the resolution during its pendency. That is a matter for debate.

Ms. MOORE. Okay. We will have to debate this. The language, as I have construed it, says it shall have force and effect in the House as though Congress, which would include the Senate, had adopted such concurrent resolution. That is subject to debate.

So I want the House to be really clear here that, given this language, there is a real—it seems probable and likely that if we vote "yes" for House Concurrent Resolution 112, the Republican budget, which ends Medicare for a voucher system, ends the entitlement under Medicaid, cuts food support, cuts funds by \$134 billion over 10 years, that we could be deeming this to be passed.

I am raising again, Mr. Speaker, the question about that use of "Congress has adopted such concurrent resolution," meaning also the Senate.

The SPEAKER pro tempore. The Chair would reiterate that the issue is a matter for debate, and the Chair will not interpret the language of the resolution during its pendency.

## § 4. Abrogation; Waiver

The standing rules of the House are applicable to all proceedings in the House, but the House retains its constitutional authority to alter or waive those rules at any time. The House conducts a large amount of its routine business through the use of unanimous-consent requests, and such requests often waive or render inapplicable whatever rules may impede or prevent the House from taking the desired action.<sup>(1)</sup> Members are protected from arbitrary use of unanimous-consent requests by the fact that any Member may object, in which case the business of the request cannot be transacted.<sup>(2)</sup> By use of the motion to suspend the rules, the House frequently passes relatively noncontroversial legislation, and such motion necessarily involves suspending whatever rules are in conflict with the consideration of the underlying measure.<sup>(3)</sup> A motion to suspend the rules of the House must be carried by a two-thirds vote.<sup>(4)</sup>

The Committee on Rules may also report special order of business resolutions that may waive virtually any of the standing rules of the House or substitute alternate procedures for those that would normally apply.<sup>(5)</sup> No point of order lies against such a resolution based on the fact that some rule of the House would be abrogated by its adoption. In modern practice, special orders of business typically structure the amendment process—allowing only amendments the committee chooses to permit to be offered. Additionally, all points of order against the underlying measure are typically waived in order

1. For more on unanimous-consent requests, see Deschler's Precedents Ch. 23 §§ 42–48 and Precedents (Wickham) Ch. 23.
2. *Parliamentarian's Note*: The Speaker has announced and enforced a policy of conferring recognition for unanimous-consent requests for the consideration of certain measures only when assured that the majority and minority floor and committee leaderships have no objection. See 163 CONG. REC. H35 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017). See also *House Rules and Manual* § 956 (2019).
3. For more on suspension of the rules procedures, see Deschler's Precedents Ch. 21 §§ 9–15 and Precedents (Wickham) Ch. 21.
4. Rule XV, clause 1(a), *House Rules and Manual* § 885 (2019).
5. *Parliamentarian's Note*: A special order of business is, by definition, an exception to the regular order of business. While the standing rules provide for a set order of business for the House to follow (which in theory lays out when particular matters may be considered by the House), in practice the House considers most of its business in the order prescribed by special orders of business reported by the Committee on Rules.



to ensure that consideration of the measure is not impeded. In earlier practice, the Committee on Rules would often report special orders of business that permitted any germane amendment (so-called “open rules”)<sup>(6)</sup> or that only provided selective waivers.<sup>(7)</sup>

As discussed in Section 7, below, Congress from time to time enacts legislation that contains congressional procedures—often to expedite a particular kind of business. Such procedures contained in statute are considered rules of the House and have the same binding effect. However, as rules of the House, they may be altered by subsequent action of the House. The House has chosen to waive or limit the applicability of certain congressional procedures contained in law on several occasions.<sup>(8)</sup> It does not require the enactment of a new law (or an amendment to the existing law) for the House to alter those procedures; it may be done by simple resolution of the House.

There are few rules of the House that restrict the ability of the House at a subsequent time to abrogate or waive their application. Pursuant to clause 2(b) of rule IV,<sup>(9)</sup> the Speaker is prohibited from entertaining unanimous-consent requests or motions to suspend the rules regarding admittance to the Hall of the House. The Speaker is also constrained not to recognize for requests to delete the name of a sponsor of a measure,<sup>(10)</sup> or to suspend the rule against referring to persons in the galleries of the House.<sup>(11)</sup> Under clause 9(c) of rule XXI,<sup>(12)</sup> it is not in order to consider any rule or order of the House that waives the earmark point of order contained in clauses 9(a) and 9(b), and the point of order is disposed of by the House via the question of consideration. Certain procedures contained in statute have provisions explicitly restricting the ability of the House to waive or alter those procedures.<sup>(13)</sup>

Clause 6(g) of rule XIII<sup>(14)</sup> requires the Committee on Rules to include in its report on any special order of business resolution a description of any waivers of points of order that have been included in the resolution.

#### **§ 4.1 A motion to suspend the rules and pass a measure suspends all rules which are in conflict with the motion, and no point of order**

6. See, e.g., H. Res. 164, 143 CONG. REC. 11317, 105th Cong. 1st Sess. (June 18, 1997).

7. See, e.g., H. Res. 489, 134 CONG. REC. 16779–80, 100th Cong. 2d Sess. (July 7, 1988).

8. See, e.g., H. Res. 1368, 154 CONG. REC. 16431–32, 110th Cong. 2d Sess. (July 24, 2008).

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

10. Rule XII, clause 7(b)(2), *House Rules and Manual* § 825 (2019).

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

12. *House Rules and Manual* § 1068d (2019).

13. See, e.g., 31 U.S.C. § 1105 note.

14. *House Rules and Manual* § 863 (2019).

**lies against consideration of the measure on the grounds that consideration of the measure is prohibited by provisions of existing law enacted under the rulemaking power of the House (provisions necessarily waived by the motion to suspend).**

On November 1, 1977,<sup>(15)</sup> the following occurred:

#### CONGRESSIONAL SALARY DEFERRAL

Mr. [Stephen] SOLARZ [of New York]. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9282) to provide that adjustments in the rates of pay for Members of Congress shall take effect at the beginning of the Congress following the Congress in which they are approved, and for other purposes.

The Clerk read as follows:

H.R. 9282

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) (1) paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), relating to congressional salary adjustment, is amended by striking out “Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which” and Inserting in lieu thereof “Effective at the beginning of the Congress following any Congress during which”. . . .

SEC. 2. (a) It shall not be in order in either the House of Representatives or the Senate to consider any appropriation bill, budget, resolution, or amendment thereto, which directly or indirectly prevents the payment of increases in pay rates resulting from a pay adjustment deferred under the amendments made by the first section of this Act.

(b) For purposes of subsection (a), the term “budget resolution” means any concurrent resolution on the budget, as such term is defined in section 3(a) (4) of the Congressional Budget and Impoundment Control Act of 1974.

(c) The provisions of subsection (a) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 3. The provisions of this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore.<sup>(16)</sup> Is a second demanded?<sup>(17)</sup>

#### POINT OF ORDER

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BAUMAN. Mr. Speaker, I make a point of order against the present consideration of the bill under suspension on the ground that the bill itself and the manner in which it was considered is in violation of Public Law 93–344, the Congressional Budget Act, specifically section 306.

Section 306 of the Budget Act says as follows:

15. 123 CONG. REC. 36309–11, 95th Cong. 1st Sess.

16. George Brown (CA).

17. *Parliamentarian’s Note*: Since 1991, the motion to suspend the rules has not required a second. See *House Rules and Manual* § 889 (2019).

No bill or resolution and no amendment to any bill or resolution dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee of the Budget of that House or from the consideration of which such committee has been discharged, or unless it is an amendment to such bill or resolution.

Mr. Speaker, the bill before us specifically, in section 2, seeks to repeal part of the jurisdiction of the Committee on the Budget. Specifically it says the following:

SEC. 2. (a) It shall not be in order in either the House of Representatives or the Senate to consider any appropriation bill, budget resolution, or amendment thereto, which directly or indirectly prevents the payment of increases in pay rates resulting from a pay adjustment deferred under the amendments made by the first section of this Act.

Mr. Speaker, the Budget Act is very clear that so far as the rules of procedure governing the Budget Act itself are concerned, that is within the jurisdiction of the Committee on Rules. This bill was reported by the Committee on Post Office and Civil Service, the committee of original jurisdiction, and I understand the jurisdiction was waived by the Committee on Rules. Nevertheless, section 306 makes it plain that since this bill, if it becomes statutory law, repeals part of the jurisdiction of the Committee on the Budget, it should have also been considered, in the opinion of the gentleman from Maryland, by the Committee on the Budget or their jurisdiction should have been waived. This was not done.

I would say further, Mr. Speaker, that if in fact any committee of the House is able to report a bill which prevents the Committee on the Budget from dealing with subject matters under that reporting committee's jurisdiction, then the Committee on the Budget in fact could be, over a period of time, destroyed as far as its capability of dealing with the Budget Act.

For all of those reasons, I make a point of order against consideration of this bill. I would further point out that section 306 does not deal with reporting or with whether or not the House can suspend the rules, but it forbids consideration by the House at any time of any legislation that repeals or changes the jurisdiction of the Committee on the Budget without that committee's acting upon it.

The SPEAKER pro tempore. Does the gentleman from New York desire to be heard on the point of order?

Mr. SOLARZ. I do, Mr. Speaker.

I have unbounded admiration for the parliamentary sagacity of my good friend, the gentleman from Maryland. Who am I, after all, to challenge the validity of this rather sophisticated parliamentary analysis? But may I suggest, Mr. Speaker, that the substantive merits of the gentleman's objection notwithstanding, the fact is that from a procedural point of view I do believe it has to be found wanting. The reason for that is that under the suspension of the rules, which are the terms under which the legislation is being considered, all existing rules of the House are waived, and to the extent that the provision to which the gentleman from Maryland referred is itself incorporated in the rules of the House, which do, after all, provide for the consideration of these budget resolutions, I would suggest that his objection is not relevant to this resolution and, therefore, is not germane.

Mr. BAUMAN. Mr. Speaker, may I be heard further?

The gentleman makes the contention that by making a motion to suspend the rules of the House, this wipes out a rule against consideration in any form, including the suspension of the requirements of the Budget Act. There is ample precedent in the House

for situations in which the Chair has ruled that a bill may not even be brought up under suspension if it has not in fact been considered by the committee of proper jurisdiction. I refer the Chair to Hinds Precedents, volume 5, section 6848, page 925, in which it was ruled by the Chair that a committee, the Committee on the Census, could not bring up for consideration under a motion to suspend the rules a bill relating to the printing of a compendium of a census, because it had not been brought before the Committee on Printing.

It is quite obvious that this is a question of consideration. It is written into the statutory law that no such bill can be considered, and I am not aware that that rule of consideration can be suspended or repealed by a simple motion to suspend the rules. If, in fact, that is the case, the Budget Act is meaningless.

Mr. [Robert] GIAIMO [of Connecticut]. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, the charge has been made and the objection has been raised that this legislation, particularly section 2, invades the jurisdiction of the Budget Committee in that it purports to prohibit the Budget Committee from exercising its jurisdiction over budget resolutions insofar as they would apply to pay raises and cost-of-living increases. I must submit that that is a proper interpretation.

However, I do believe that the argument of the gentleman from New York that this matter is being brought up under suspension of the rules is a very valid one and that the House of Representatives can in its wisdom by a two-thirds vote suspend the rules and deprive the Budget Committee and in fact the Appropriations Committee of jurisdiction in effecting pay raises or cost-of-living increases by a two-thirds vote.

The SPEAKER pro tempore (Mr. [George] BROWN of California). Are there any other Members who desire to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Maryland makes a point of order against the consideration of the bill H.R. 9282 under suspension of the rules on the grounds that section 306 of the Congressional Budget Act states that no bill or resolution nor amendment to any bill or resolution dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House or from consideration of which such committee has been discharged or unless it is an amendment to such a bill or resolution.

The Chair need not rule on the jurisdictional issue raised by the gentleman and points out to the gentleman from Maryland that under the specific provisions of section 904 of the Budget Act, the provisions of title III including section 306, which he cites, are stipulated as being an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of either House to change such rules so far as relating to such House at any time in the same manner and to the same extent as in the case of any other rule of such House. It is the opinion of the Chair therefore that it is within the discretion of the Chair under rule XXVII to entertain a motion to suspend the rules and to consider the bill at this time. Of course, the precedent cited by the gentleman from Maryland applies only to a provision which is no longer in rule XXVII relating to motions to suspend the rules made by committees. Accordingly the point of order is overruled.

Mr. BAUMAN. Mr. Speaker, may I be heard further, at the sufferance of the Chair?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. BAUMAN. I thank the Speaker for permitting me to be heard further.

I would just point out that the Speaker has pointed out that it is within the prerogatives of the House to change the rules of the House, but this is not a rule of the House. It is a provision of a statute which is being waived, and while I would not appeal the ruling, I do not think that is a proper basis for the ruling.

The SPEAKER pro tempore. The specific provision which the gentleman states has the status of a rule of the House of Representatives under the statute and under the Constitution.

**§ 4.2 Language in a special order of business resolution waiving all points of order against consideration of a measure obviates not only those points of order arising under the standing rules of the House but also those arising in statutory provisions enacted as rules of the House.**

On February 21, 1995,<sup>(18)</sup> the following parliamentary inquiries were made regarding a pending special order of business:

PARLIAMENTARY INQUIRY

Mr. [Charles] RANGEL [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Joel] HEFLEY [of Colorado]). The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, it is my understanding that all points of order have been waived by the Committee on Rules, and my parliamentary inquiry is that if in fact there is no funding mechanism for the provision of extending health care for the self-employed, does the waiver of the point of order prevent anyone from going into the funding mechanism as it relates to the Budget Act?

The SPEAKER pro tempore. The rule does indeed waive all points of order against consideration of the bill.

Mr. RANGEL. I knew that.

But I am asking the Chair, when we have a violation of the Budget Act, and this is something that is very sacred to Republicans and Democrats, that the only thing that we have to do when we do not provide the funding for a particular piece of legislation is go to the Committee on Rules and ask them to waive any violation that we have as relates to the Budget Act? I mean is that the Chair's ruling?

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I do not believe that is a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will respond that the waiving of all points of order includes waiving of points of order when it concerns rules under the Budget Act.

Mr. RANGEL. So my last parliamentary inquiry is if we want a bill funded and we do not have the money for it, all we have to do is go to the Committee on Rules and tell them to waive it, and then we do not even have to fund it, is that correct? Is that correct, Mr. Speaker?

The SPEAKER pro tempore. The Committee on Rules does have the authority to waive all necessary points of order.

18. 141 CONG. REC. 5282–83, 104th Cong. 1st Sess.

**§ 4.3 In response to a parliamentary inquiry, the Chair advised that the operation of a portion of the Code of Official Conduct was not affected by a special order of business waiving various points of order against a measure and against its consideration.**

On March 22, 2007,<sup>(19)</sup> the following resolution, providing for the consideration of H.R. 1591, was considered and adopted:

PROVIDING FOR CONSIDERATION OF H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) four hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1591 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

On March 23, 2007,<sup>(20)</sup> the resolution was the subject of the following parliamentary inquiries:

PARLIAMENTARY INQUIRY

Mr. [Tom] PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Michael] CAPUANO [of Massachusetts]). The gentleman will state it.

Mr. PRICE of Georgia. Mr. Speaker, on the bill that was just passed, H.R. 1591, which passed, as I understand it, by a vote of 218–212, was rule XXIII, clause 16, applicable?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. PRICE of Georgia. Mr. Speaker, so it is my understanding the rule under which we operated on H.R. 1591 did not waive House rule XXIII, clause 16. Is that correct?

The SPEAKER pro tempore. The gentleman is referencing the Code of Official Conduct, the operation of which was not affected by House Resolution 261.

19. 153 CONG. REC. 7316, 110th Cong. 1st Sess.

20. 153 CONG. REC. 7457, 110th Cong. 1st Sess.

## § 5. Adoption of Rules; General Parliamentary Law

As described in Section 1, above, one of the most important items of business that the House undertakes on opening day of a new Congress is the adoption of the standing rules.<sup>(1)</sup> The resolution adopting the standing rules is highly privileged, and the only matters that the House addresses prior to the adoption of rules are typically the initial quorum call of Members-elect, the election of officers, and the swearing-in of Members-elect (along with notifications to the Senate and President of these actions). As the adoption of rules presents a question of the privileges of the House,<sup>(2)</sup> it takes precedence over less privileged matters. When the resolution adopting the standing rules is called up, and a Member raises another matter that itself constitutes a question of privilege, the Chair may exercise discretion to recognize for the resolution adopting rules first (the two questions being of equal privilege).<sup>(3)</sup>

While the resolution adopting the standing rules of the House is normally considered under the hour rule, the House may choose to consider the resolution pursuant to the terms of a separate resolution (in effect, a special order of business resolution of the type reported by the Committee on Rules). The resolution providing for such consideration may divide the resolution adopting rules into separate portions so that Members vote on each portion individually.<sup>(4)</sup> Once one portion of such a divided resolution is adopted, the particular rules contained in that portion become applicable to House procedures.<sup>(5)</sup>

The resolution adopting the House rules is subject to the motion to commit,<sup>(6)</sup> but the minority party has not always availed itself of this procedural

1. For more on the adoption of rules at the beginning of a Congress, see Deschler's Precedents Ch. 1 § 10 and Precedents (Wickham) Ch. 1 § 6.
2. For questions of privilege generally, see Deschler's Precedents Ch. 11 and Precedents (Wickham) Ch. 11.
3. See § 5.1, *infra*.
4. See § 5.2, *infra*.
5. *Parliamentarian's Note*: Under the standing rules of the House, the offeror of a motion to commit or recommit must declare opposition to the underlying measure. So while this motion has been accepted as part of general parliamentary law (and therefore applicable prior to the adoption of rules), the requirement of opposition to the underlying measure is not applicable until the full rule has been adopted. In cases where the resolution adopting the standing rules is divided and adopted in portions, it is possible for the standing rule regarding the motion to commit or recommit to be adopted prior to the offering of said motion. In those circumstances, the offeror of the motion must qualify as opposed, as the relevant rule is already in operation when the motion is offered.
6. For a discussion of this motion as part of general parliamentary law, see §§ 5.3–5.9, *infra*.

option. Prior to the 97th Congress, the minority would traditionally advocate for defeating the motion for the previous question as it applied to the resolution adopting the standing rules. Were such a motion to be defeated, recognition would pass to opponents of the majority's resolution, and they would be authorized to offer an alternate version as an amendment. In debate, members of the minority party would often describe the alternate version they would propose, but there were no instances in which the previous question was defeated and the alternative formally offered.

Beginning in the 97th Congress, the minority party began offering a motion to commit the resolution adopting the standing rules to a select committee (whose membership would be determined by the Speaker), often with instructions to consider a particular amendment and report back after a set period.<sup>(7)</sup> In the 101st Congress, the motion to commit specified that the select committee would be composed of simply the majority and minority floor leaders,<sup>(8)</sup> and further required that the committee report the amendment back to the House "forthwith."<sup>(9)</sup> Beginning in the 112th Congress, the minority party has availed itself of both procedural options: advocating for the defeat of the previous question (so that an amendment to the resolution adopting the standing rules may be offered) and also offering a motion to commit the resolution to a select committee with an amendment to be reported back to the House "forthwith." Because the motion to commit follows the ordering of the previous question, it is a nondebatable motion.<sup>(10)</sup>

Prior to the adoption of the House's standing rules, its Members rely on principles of general parliamentary law to govern proceedings.<sup>(11)</sup> General parliamentary law is not a written set of rules, but instead represents principles of procedure common to legislative bodies and justified by long custom. The House looks to Jefferson's *Manual of Parliamentary Practice* as one source for common parliamentary principles, as well as the rules, precedents, and traditions of the House in prior Congresses.

The requirement of a quorum to transact business is both a constitutional imperative<sup>(12)</sup> and an accepted principle of general parliamentary law. Thus,

7. See 127 CONG. REC. 112–13, 97th Cong. 1st Sess. (Jan. 5, 1981).
8. See 135 CONG. REC. 81, 101st Cong. 1st Sess. (Jan. 3, 1989). For an anomalous instance where the proposed motion to commit proposed to send the resolution to the Committee on Rules (which was not yet then in existence), see 149 CONG. REC. 19, 108th Cong. 1st Sess. (Jan. 7, 2003). In that instance, unanimous consent was obtained to modify the motion to instead commit the resolution to the traditional select committee composed of the floor leaders.
9. *Parliamentarian's Note*: A motion to commit "forthwith" requires an immediate reporting of the proposed amendment back to the House upon adoption of the motion. It does not contemplate an actual meeting of the select committee.
10. 5 Hinds' Precedents §5582.
11. For an earlier discussion of general parliamentary law, see Deschler's Precedents Ch. 1 §8.
12. U.S. Const. art. I, §5. See also Deschler's Precedents Ch. 1 §9.8.



points of no quorum may be made in the House prior to the adoption of rules.<sup>(13)</sup> Similarly, the right of one-fifth of the Members to demand the yeas and nays on any question is based in the Constitution and general parliamentary law.<sup>(14)</sup> Basic rules regarding comportment of Members and decorum are also enforced by the Clerk or the Speaker prior to the adoption of rules.<sup>(15)</sup> The Speaker's control of the House Chamber, including its gallery, has been recognized as a part of general parliamentary law, and the Speaker may regulate the conduct of visitors in the gallery prior to the adoption of rules.<sup>(16)</sup>

The House may entertain unanimous-consent requests prior to the adoption of rules,<sup>(17)</sup> and may also receive messages from the Senate or President.<sup>(18)</sup> Certain motions have long been recognized as part of the general parliamentary law of the House. These include the motion to amend,<sup>(19)</sup> the motion to postpone,<sup>(20)</sup> the motion for the previous question,<sup>(21)</sup> the motion to refer a measure to committee,<sup>(22)</sup> and the motion to commit (or recommit).<sup>(23)</sup> Similarly, the question of consideration has been raised prior to the adoption of rules with respect to the resolution adopting the standing rules itself.<sup>(24)</sup> As noted, a resolution prescribing the procedures for considering the resolution adopting rules has been admitted as part of general parliamentary law, and may be offered as a matter of privilege prior to the adoption of rules.<sup>(25)</sup>

### ***Resolution Adopting Rules as a Question of Privilege***

**§ 5.1 The Speaker has discretion to recognize a Member to offer a resolution providing for the initial adoption of rules as a question of privilege in its own right, prior to recognizing another Member to offer as a question of privilege another resolution challenging the constitutionality of the rules package being offered.<sup>(26)</sup>**

13. U.S. Const. art. I, § 5. See also Deschler's Precedents Ch. 1 §§ 9.1, 9.2.

14. See § 5.3, *infra*.

15. See § 5.6, *infra*.

16. See § 5.7, *infra*.

17. See Deschler's Precedents Ch. 1 §§ 8.1, 8.2.

18. See Deschler's Precedents Ch. 1 § 8.3.

19. See Deschler's Precedents Ch. 1 § 9.6.

20. See Deschler's Precedents Ch. 1 § 9.7.

21. See Deschler's Precedents Ch. 1 §§ 9.3, 9.4.

22. See § 5.9, *infra*.

23. See §§ 5.2, 5.4, and 5.5, *infra*. See also Deschler's Precedents Ch. 1 § 9.5.

24. See § 5.8, *infra*.

25. See § 5.2, *infra*.

26. *Parliamentarian's Note*: The alleged constitutional issue that Rep. Solomon was attempting to raise concerned a new standing rule that would allow Delegates and the

On January 5, 1993,<sup>(27)</sup> the following occurred:

#### RULES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I have a preferential resolution at the desk involving a question of privileges of the House, and ask for its immediate consideration.

The SPEAKER.<sup>(28)</sup> Prior to the adoption of the rules, the gentleman from Missouri [Mr. GEPHARDT] has offered a privileged resolution under the Constitution and the Chair, in his discretion, recognizes the gentleman from Missouri for that purpose.

The Clerk will report the resolution.

### *Resolution Adopting Rules Considered by Special Order*

**§ 5.2 Before the House adopts rules, a Member may offer for immediate consideration a special order of business providing for the consideration of the resolution adopting the rules.<sup>(29)</sup>**

On January 4, 1995,<sup>(30)</sup> the following occurred:

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

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that it be in order immediately to consider in the House a resolution adopting the rules of the House of Representatives for the 104th Congress; that the resolution be considered as read; that the resolution be debatable initially for 30 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees; that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question, except that the question of adopting the resolution shall be divided among nine parts, to wit: Each of the eight sections of title I, and then title II; each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees, and shall be disposed of in the order stated, but if the yeas and nays are ordered on the question of adopting any portion of the divided question, the Speaker may postpone further proceedings on that question until a later time

---

Resident Commissioner to vote in the Committee of the Whole (and serve as its chair). For more on the status of Delegates and the Resident Commissioner, see Deschler's Precedents Ch. 7 § 3 and Precedents (Wickham) Ch. 7.

27. 139 CONG. REC. 49, 103d Cong. 1st Sess. For remarks challenging the Speaker's ruling that the competing resolutions were of equal privilege, see 139 CONG. REC. 322–24, 103d Cong. 1st Sess. (Jan. 6, 1993).

28. Thomas Foley (WA).

29. For an early example of a Member offering a special order of business resolution prior to the adoption of rules, see 5 Hinds' Precedents § 5450.

30. 141 CONG. REC. 447–48, 104th Cong. 1st Sess.

during the consideration of the resolution; and, pending the question of adopting the ninth portion of the divided question, it shall be in order to move the previous question thereon, and if the previous question is ordered, to move that the House commit the resolution to a select committee, with or without instructions, and that the previous question be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER.<sup>(31)</sup> Is there objection to the request of the gentleman from Texas?

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

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

The SPEAKER. An objection has been heard. The Chair now recognizes the distinguished gentleman from New York [Mr. SOLOMON].

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, by direction of the House Republican Conference, since there is no Committee on Rules yet, and the Committee on Rules has not met yet to organize and will not until tomorrow, by direction of the Republican Conference, I call up a privileged resolution and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress. The resolution shall be considered as read. The resolution shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among nine parts, to wit: each of the eight sections of title I; and title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the ninth portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER. The resolution is a matter of privilege. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished minority leader, or in this case the minority whip, or his designee, pending which I yield myself such time as I may consume.

Similarly, on January 4, 2007,<sup>(32)</sup> the following resolution, structuring consideration of the resolution adopting the standing rules, was agreed to by the House:

31. Newt Gingrich (GA).

32. 153 CONG. REC. 7, 110th Cong. 1st Sess.

## RULES OF THE HOUSE

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Tenth Congress. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except as specified in sections 2 through 4 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among five parts, to wit: each of its five titles. The portion of the divided question comprising title I shall be debatable for 30 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title II shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title III shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title IV shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title V shall be debatable for 10 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. Each portion of the divided question shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the final portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee with or without instructions. The previous question shall be considered as ordered on the motion to commit to its adoption without intervening motion.

SEC. 4. During consideration of House Resolution 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. [Steny] HOYER [of Maryland]). The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

On January 3, 2019,<sup>(33)</sup> the following resolution, structuring consideration of the resolution adopting the standing rules, was agreed to by the House:

## RULES OF THE HOUSE

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among each of its three titles. The portion of the divided question comprising title I shall be debatable for 30 minutes, equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. The portion of the divided question comprising title II shall be debatable for one hour, equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. The portion of the divided question comprising title III shall be debatable for one hour, equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. Each portion of the divided question shall be disposed of in the order stated.

33. 165 CONG. REC. H8, H9 [Daily Ed.], 116th Cong. 1st Sess.

SEC. 3. During consideration of House Resolution 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

SEC. 4. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 21) making appropriations for the fiscal year ending September 30, 2019, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion 1 except: (1) one hour of debate equally divided and controlled by Representative Lowey of New York and Representative Granger of Texas or their respective designees; and (2) one motion to recommit.

SEC. 5. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 1) making further continuing appropriations for the Department of Homeland Security for fiscal year 2019, and for other purposes. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) 30 minutes of debate equally divided and controlled by Representative Lowey of New York and Representative Granger of Texas or their respective designees; and (2) one motion to recommit.

#### MOTION TO REFER

Mr. [Kevin] BRADY of Texas. Mr. Speaker, I have a motion at the desk.  
The SPEAKER pro tempore.<sup>(34)</sup> The Clerk will report the motion.  
The Clerk read as follows:

Mr. Brady of Texas moves to refer the resolution to a select committee composed of the Majority Leader and the Minority Leader with instructions to report it forthwith back to the House with the following amendment:

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

SEC. 6. Not later than January 1, 2019, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to make permanent the increase in the standard deduction, the increase in and modifications of the child tax credit, and the repeal of the deduction for personal exemptions contained in Public Law 115-97. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 22.

#### MOTION TO TABLE

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, I have a motion at the desk.  
The SPEAKER pro tempore. The Clerk will report the motion.  
The Clerk read as follows:

**34.** James Langevin (RI).

Mr. MCGOVERN moves to lay on the table the motion to refer.

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

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

Mr. [Kevin] BRADY of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 197, not voting 5, as follows:

[Roll No. 3] . . .

Messrs. KING of New York and ADERHOLT changed their vote from “yea” to “nay.”

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

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the minority leader or his designee—in this case, Mr. COLE—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.

### ***General Parliamentary Law***

**§ 5.3 During debate on a resolution adopting the rules of the House but prior to the adoption of the rules, any Member may make a point of order of no quorum based upon general parliamentary law, because clause 6(e) of rule XV<sup>(35)</sup> (prohibiting points of no quorum except where the Chair has put the question) is not yet applicable.**

On January 15, 1979,<sup>(36)</sup> the following occurred:

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(37)</sup> The Clerk advises the Chair that many Members have not picked up their new identification voting cards. Members should obtain their cards in the lobby prior to the first electronic vote.

---

#### RULES OF THE HOUSE

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

**35.** The current rule is clause 7(a) of rule XX. *House Rules and Manual* § 1027 (2019).

**36.** 125 CONG. REC. 7, 9–10, 96th Cong. 1st Sess.

**37.** Thomas O'Neill (MA).

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the Ninety-fifth Congress, including all applicable provisions of law which constituted the rules of the House at the end of the Ninety-fifth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-sixth Congress, with the following amendments included therein as part thereof, to wit: . . .

Mr. WRIGHT (during the reading). Mr. Speaker, in view of the fact that there are 500 copies of the printed resolution available to the Members on the floor of the House, I ask unanimous consent that further reading of the resolution be dispensed with, that it be printed in the RECORD at this point, and that I be recognized for purposes of debate on the resolution. . . .

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

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. WRIGHT) is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, I yield, for purposes of debate only, 30 minutes of that hour to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES), and pending that, I yield myself such time as I may require.

Mr. Speaker, these are only a few changes recommended by the Democratic Caucus and brought to the body with the imprimatur of the Democratic Caucus of the House.

The rules changes we propose are modest. Their thrust is to assist the House in facilitating the business of the House. I think basically these changes embodied in this resolution will do four things:

First, some of the changes would grant authority to the Speaker to group record votes in clusters in order to expedite the consideration of relatively noncontroversial legislation. The purpose of this, quite obviously, is to save time.

The second group of changes would extend to the Speaker authority to expedite the purely procedural business of the House by delaying points of order and incidental motions while preserving the constitutional requirement of a quorum to conduct all business. Once again, it is an attempt, quite simply, to expedite the business of the House.

The third group of changes would expedite the voting procedures in the Committee of the Whole, and the fourth group would require amendments to the budget resolution to address both the aggregate totals and the corresponding functional categories in a consistent manner.

This is all these changes would accomplish. Each year at this time it is the responsibility of the majority party in the House to bring to the House such changes in the rules as its Members in their wisdom deem appropriate. This we do on this occasion.

We anticipate that the Members of the minority party, our friends from the other side of the aisle, will wish to debate the propriety of some of these changes and will wish to assert their objections to some of them, and thereafter there will be a vote on the previous question.

We would anticipate that all of the Members on the Democratic side, as has been the tradition unbrokenly in the past, will support the decision of the Democratic Caucus and of the majority party. Basically, the purpose of these changes is to save the time of the House, to save the taxpayers waste of that valuable time, and to save Members the harassment that has sometimes come from procedural demands that they present themselves and vote on meaningless votes. . . .

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker pro tem, I think it is interesting that the House should proceed to debate the first major issue facing the House of Representatives with probably 90 percent of the Members absent. Having taken the oath they have simply left the scene. I hope it is not a true commentary on the attitude of the House of Representatives.

In view of these absences a quorum call might be in order—is that not right, Mr. Speaker?—and it might be one of the last times a Member could produce a quorum under our new rules. I make that as a parliamentary inquiry: Is a quorum call in order at this time?

The SPEAKER pro tempore (Mr. [Daniel] ROSTENKOWSKI [of Illinois]). According to the precedents, prior to the adoption of the rules, a point of order would be in order.

Mr. BAUMAN. That is correct under general parliamentary law. I just wanted to make the point, that this may be one of the last times we could get a quorum to hear anything debated in the House.

**§ 5.4 Under general parliamentary law prior to adoption of the rules, the motion to commit is in order after the previous question has been ordered on a resolution, and such motion is not debatable and is itself subject to the motion for the previous question.**

On January 5, 1981,<sup>(38)</sup> the following occurred:

**RULES OF THE HOUSE**

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 5**

*Resolved*, That the Rules of the House of Representatives of the Ninety-sixth Congress, including all applicable provisions of law which constituted the Rules of the House at the end of the Ninety-sixth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-seventh Congress, with the following amendments included therein as part thereof, to wit: . . .

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore.<sup>(39)</sup> The Chair would like to announce that any Member-elect who failed to take the oath of office may present himself or herself in the well of the House prior to the vote on the previous question . . .

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

The SPEAKER pro tempore. Will the gentleman from Texas withhold moving the previous question until after the Speaker has resumed the chair for the swearing in of Members-elect?

Mr. [James] WRIGHT [of Texas]. I withdraw the motion, and I will offer it after the administration of the oath of office.

**SWEARING IN OF MEMBERS**

The SPEAKER.<sup>(40)</sup> Members who have not taken the oath of office will kindly step to the well.

**38.** 127 CONG. REC. 98, 103, 111–13, 97th Cong. 1st Sess.

**39.** William Alexander (AR).

**40.** Thomas O'Neill (MA).



If the Members will raise their right hand, the Chair will now administer the oath of office.

The Speaker administered the oath of office to the following Members-elect: Hon. PHIL GRAMM; Hon. SAM B. HALL, JR.; Hon. CHARLES WHITLEY; Hon. MARTIN OLAV SABO; Hon. DAN MICA; Hon. ANTHONY C. BEILENSEN, and Hon. FLOYD SPENCE.

The SPEAKER. The gentlemen are now Members of Congress.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I move the previous question on the resolution.

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

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The vote taken by electronic device, and there were—yeas 216, nays 179, not voting 24, as follows: . . .

MOTION TO COMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to commit.

The Clerk read as follows:

Mr. MICHEL moves to commit the resolution (H. Res. 5) to a select committee to be appointed by the Speaker and to be composed of nine members, not more than five of whom shall be from the same political party, with instructions to report the same back to the House within 7 calendar days with the following amendment:

On page 10, after line 8, add the following:

(19) In rule X, clause 6(a) is amended by adding the following new subparagraph:

“(3) The membership of each committee (and of each subcommittee, task force or subunit thereof), shall reflect the ratio of majority to minority party members of the House at the beginning of this Congress. This subparagraph shall not apply to—

“(A) the Committee on Appropriations, three-fifths of whose members shall be from the majority party and two-fifths of whose members shall be from the minority party;

“(B) the Committee on the Budget, three-fifths of whose members shall be from the majority party and two-fifths of whose members shall be from the minority party;

“(C) the Committee on Rules, two-thirds of whose members shall be from the majority party and one-third of whose members shall be from the minority party;

“(D) the Committee on Standards of Official Conduct, which shall be constituted as provided for in subparagraph (2); and

“(E) the Committee on Ways and Means, three-fifths of whose members shall be from the majority party and two-fifths of whose members shall be from the minority party.”

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

The SPEAKER pro tempore (Mr. [John] MURTHA [of Pennsylvania]). Is there objection to the request of the gentleman from Illinois?

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, reserving the right to object, I will not object except to ask the distinguished Republican leader to explain the motion.

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

Mr. LOTT. I yield to the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, as indicated, this motion is not a debatable motion. Most of my colleagues have been conversant with motions to recommit. This is a motion to commit to a select committee of nine members, five of whom would be Members of the majority party, to accomplish several goals.

Let me briefly-while I am no better reader than the reading clerk-outline for my colleagues what these things are and then, if there are any questions, I can answer and respond to the inquiries. . . .

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

There was no objection.

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

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

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 180, nays 220, not voting 19, as follows: . . .

**§ 5.5 Prior to the adoption of the rules, a motion to commit is in order after the previous question has been ordered on the resolution adopting the standing rules<sup>(41)</sup> and it is the prerogative of the minority to offer said motion.<sup>(42)</sup>**

On January 3, 1989,<sup>(43)</sup> the following occurred:

Mr. [Marvin] EDWARDS of Oklahoma. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Mr. [Dale] KILDEE [of Michigan]). The Clerk will report the motion.

The Clerk read as follows:

Motion to Commit offered by Mr. EDWARDS of Oklahoma: Mr. EDWARDS moves to commit the resolution H. Res. 5 to a select committee to be comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

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

RESTRICTIVE RULE LIMITATION

“(15) In Rule XI, clause 4 is amended by adding the following new paragraph:

“(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced in the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution.”.

Mr. EDWARDS of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

41. For a 1893 precedent discussing the availability of this motion under general parliamentary law, see 5 Hinds' Precedents § 5604.
42. *Parliamentarian's Note*: Under clause 2(a) of rule XIX, a Member offering a motion to recommit (or commit) must qualify as opposed to the underlying measure in order for the Speaker to accord such Member priority in recognition. See *House Rules and Manual* § 1001 (2019). Prior to the adoption of rules, however, this aspect of the rule is not yet applicable (and it not recognized as part of general parliamentary law). Thus, as noted in the *Congressional Record*, a minority Member offering a motion to commit the resolution adopting the standing rules need not evince opposition in order to secure recognition.
43. 135 CONG. REC. 81, 101st Cong. 1st Sess.

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

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, reserving the right to object, I yield to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from New York for yielding me this time and giving me this opportunity to explain to the Members of the House what we are going to vote on in just a moment.

**§ 5.6 Prior to adoption of the rules, the Speaker may maintain decorum as part of general parliamentary law by directing a Member who had not been recognized in debate beyond an allotted time to be removed from the well, or by directing the Sergeant-at-Arms to present the mace as the traditional symbol of order.**

On January 3, 1991,<sup>(44)</sup> the following occurred:

RULES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the One Hundred First Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the Rules of the House at the end of the One Hundred First Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the One Hundred Second Congress, with the following amendments included therein as part thereof, to wit: . . .

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

The SPEAKER.<sup>(45)</sup> Is there objection to the request of the gentleman from Missouri? There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. Mr. Speaker. I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], for the purposes of debate only, pending which I yield myself such time as I may consume. . . .

The SPEAKER pro tempore.<sup>(46)</sup> The gentleman from New York [Mr. SOLOMON] has 1 minute remaining.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. [Nancy] JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the substance of this proposal, and with deep concern for the subversion of the legislative process contained in this package.

44. 137 CONG. REC. 39–40, 58–59, 102d Cong. 1st Sess.

45. Thomas Foley (WA).

46. Steny Hoyer (MD).

The substance strikes at the heart of the budget agreement. The process strikes at the heart of democracy, and so I am going to use such time as I may consume, and I am not going to recognize the authority of the Speaker's gavel, because I want to make very clear the implications of what is happening here.

First of all, this House is operating under precedent, not under rule. Precedent is something that we honor because we hold ourselves to a standard of ethical conduct that requires honoring our rules.

If we do not hold ourselves to that standard of ethical conduct, then the line between self-government and chaos disintegrates. If we cannot operate ethically, we cannot govern ourselves as a free nation. So, honor is everything; word is bond.

I choose not to be governed by the gavel, because I want to demonstrate that where word is not bond, democracy cannot survive. . . .

If we were doing that here today, democracy in its gut and at the level of trust that it demands would not be at risk; but the majority party is not proposing a statutory change for which they could be held accountable.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. JOHNSON of Connecticut. The majority party is proposing a rules change.

The SPEAKER pro tempore. The Chair would state to the gentlewoman that whatever point she is trying to make that the Chair is going to make a point.

Mrs. JOHNSON of Connecticut. It does not change the law.

The SPEAKER pro tempore. The House will operate under proper decorum.

Mrs. JOHNSON of Connecticut. Rather through the rule, they are intending to abrogate the content and meaning of the law. One could ask one's self, why is this happening today? It is happening for a very simple reason. It is happening for the same simple reason that Wall Street was crippled by greed. On Wall Street individual greed took precedence over that code of conduct that had in the past regulated business decisions, the conduct of business, on Wall Street.

What is happening here is that individual desire for spending programs is overriding the public interest in deficit reduction.

Mr. [Gerald] SIKORSKI [of Minnesota]. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentlewoman is out of order. The gentlewoman is making the point of not following the rules.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am sorry. I know this is unpleasant.

The SPEAKER pro tempore. The gentlewoman will remove herself from the well within 30 seconds.

#### POINT OF ORDER

Mr. [Henry] GONZALEZ [of Texas]. Mr. Speaker, I rise to a point of order. I rise to a point of order, Mr. Speaker.

Mrs. JOHNSON of Connecticut. As I said, I am not going to talk at length but only for the very few minutes necessary to make clear my concern with the substance and process violations in this rules proposal.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GONZALEZ. The gentlewoman is out of order and is defying the Chair's ruling and, therefore, I am imploring the Chair to exercise its authority to enforce the rules of the House by summoning the Sergeant at Arms and presenting the mace.

The SPEAKER pro tempore. The Chair may do that.

Mrs. JOHNSON of Connecticut. I regret that the majority party on such an important matter refused to allow Members the time we need, and I particularly regret this demonstration of oppression of the minority as democracy simply cannot survive if the minority's right to debate is deeply compromised. We must do better than this in the months ahead. We must reject these rules. We must come back with a rules package that honors statutory law and that does not seek to change law through the subterfuge of rules changes. We must come back with a package that honors the standard of ethical conduct on which this House has always depended.

I thank the Speaker.

**§ 5.7 Prior to adoption of the rules, the Speaker quells demonstrations of approval or disapproval by visitors in the gallery.**

On January 4, 1995,<sup>(47)</sup> the following announcement was made prior to the adoption of the standing rules:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(48)</sup> There are to be no demonstrations in the gallery. Those in the gallery are here as guests of the House.

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

**§ 5.8 Prior to adoption of the rules, the question of consideration is available upon the offering of a resolution adopting the rules and before debate thereon.**

On January 4, 2005,<sup>(49)</sup> the question of consideration (admitted as a matter of general parliamentary law) was raised with regard to the resolution adopting the standing rules:

RULES OF THE HOUSE

Mr. [Thomas] DELAY [of Texas]. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

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

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

47. 141 CONG. REC. 454, 104th Cong. 1st Sess.

48. Newt Gingrich (GA).

49. 151 CONG. REC. 42, 44–46, 109th Cong. 1st Sess.

The SPEAKER.<sup>(50)</sup> Is there objection to the request of the gentleman from Texas?  
There was no objection.

## POINT OF ORDER

Mr. [Brian] BAIRD [of Washington]. Mr. Speaker, I rise for a constitutional point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAIRD. Mr. Speaker, the resolution we are preparing to consider, the proposed rules for the 109th Congress, in my judgment violates the United States Constitution which we were just sworn to uphold and defend. It does so by allowing a very limited number of Members, potentially only a handful, to constitute the House of Representatives.

Article 1, section 5 of the Constitution states that “each House shall be the Judge of the Elections, Returns and Qualifications of its Members, and a majority of each shall constitute a Quorum to do Business; but a small Number adjourn from day to day, and may be authorized to compel the attendance of absent Members.”

Unfortunately, H. Res. 5 seeks to allow a small number not just to adjourn or compel attendance, as the Constitution stipulates, but to enact laws, declare war, impeach the President, and fulfill all other article I responsibilities.

The very first act of the very first Congress of the United States was to recess day after day after day because they lacked a quorum. Just moments ago everyone in this body took an oath to uphold and defend the Constitution, and now our first official vote is by rule to undermine a fundamental principle of that Constitution, i.e., what is a quorum. It is my understanding that the Speaker is reluctant to judge on matters of constitutionality. I respect that. But I would reserve and inform the Speaker it is my intent to ask the question of consideration to be put.

The SPEAKER. Does any other Member wish to be heard on the point of order?

The gentleman from California (Mr. DREIER).

Mr. [David] DREIER [of California]. Mr. Speaker, let me respond by saying that the gentleman is absolutely right when he states that the Chair does not rule on questions of constitutionality.

I would also like to say that on this question that is being brought forward by my friend, it is very clear to me based on statements that have been made by a wide range of constitutional scholars that what we are doing in the rules package that we are about to consider is in fact constitutional. In fact, before the Committee on Rules the very distinguished former Solicitor General Walter Dellinger said the following: “It is simply inconceivable that a Constitution established to provide for the common defense and promote the general welfare would leave the Nation unable to act in precisely the moment of greatest peril. No constitutional amendment is required to enact the proposed rule change because the Constitution as drafted permits the Congress to ensure the preservation of government.”

Let me further, Mr. Speaker, say that the Committee on Rules intends to conduct further examination of the best way for the House to assure a continuity of government during a national emergency, and it is our hope that as we proceed with this work that further discussions will take place with the members of that very distinguished panel,

---

50. Dennis Hastert (IL).

the Continuity Commission, which included our former colleague, Senator Simpson, and Speakers Foley and Gingrich and former minority leader Bob Michel, Leon Panetta, Kweisi Mfume, and I believe we will have a chance to proceed with this; but I think it would be very appropriate for us to proceed with consideration of the rules package that we have.

The SPEAKER. Does any other Member wish to be heard on the point of order?

The gentleman from New York (Mr. NADLER).

Mr. [Jerrold] NADLER [of New York]. Mr. Speaker, I rise in support of the point of order. The Constitution defines a quorum to conduct business as the majority of each House.

The question of course before us in this debate is, a majority of what? What is the denominator in that equation?

The precedent holds that the total number of the membership of the House is those Members who are chosen, sworn and living and whose membership has not been terminated by action of the House. Removal by action of the House is also a defined term, expulsion by a vote of two-thirds in article 1, section 5.

The Constitution also gives the House the authority to compel attendance when Members do not answer the call of the Chair in such manner and under such penalties as each House may provide. And, in fact, the Sergeant at Arms has been sent to gather Members by force on prior occasions.

This amendment before us to the rules gives the Speaker nearly unfettered authority to change the number of the Members of the whole House to exclude Members who are chosen, sworn, and living but who do not answer the call of the Chair. This would seem to amount to a constructive expulsion without a two-thirds vote of the whole House.

For example, suppose the House is at its full complement of 435 Members. A quorum would then be 218. Now, suppose only 400 Members answer the Speaker's call for whatever reason. They are still living. They are still chosen. They are still sworn. They have not been expelled. Now a quorum by order of the Speaker would be 200. The House may conduct its business with only 200 Members present. If this is triggered in a time of national emergency, the consequences could be dire.

Mr. Speaker, we heard the distinguished chair, or maybe he is only the presumptive chair, of the Committee on Rules, at this point; but in any event, the gentleman from California (Mr. DREIER) said a moment ago that this proposed rules change is constitutional because the Constitution could not have contemplated that the House could not function. But the Constitution did not contemplate that the majority of the Members of the House might in fact be the victims of an act of mass terrorism. Those things were not contemplated at the time.

The fact is we do need to amend the Constitution to take care of this very serious question; but this provision for the reasons stated by the gentleman from Washington (Mr. BAIRD), for the reasons that I stated a moment ago, is clearly unconstitutional. Certainly, before we take such a measure, it deserves much more extensive debate and hearings and discussion than it can have by three or four speakers in this context now.

So I urge that Members take careful consideration to the question of constitutionality here. This may provoke court action, and we should not adopt this now in the context of an overall rules change with this very serious amendment to the Constitution, which is what it amounts to; it cannot receive adequate consideration in terms of its constitutionality either in terms of its merit.

The SPEAKER. Does any other Member wish to be heard on this point of order?

The gentleman from Mississippi (Mr. TAYLOR).

Mr. [Gene] TAYLOR of Mississippi. Mr. Speaker, I realize that September 11 was a tragic day in America, certainly a wake-up call within the States.

I also remind the Members of this body that in the War of 1812 this building was occupied by a foreign army. So for the gentleman from California (Mr. DREIER) to say that they could not have foreseen these circumstances taking place, what in the heck is he talking about? This building was occupied and set on fire by a foreign army. And yet the Congress at that time did not try to change the rules so that a minority within a minority could govern.

If we are going to amend the Constitution, the gentleman from Washington (Mr. BAIRD) is exactly right: someone should offer a constitutional amendment. If we are going to change the law, then someone should offer a change to the law; but let us not through the House rules try to rewrite the Constitution of this Nation.

This Nation has been around for a long time. It is going to be around for a long time, but only if we continue to do things as the Founding Fathers would have wanted us to do them and not some backdoor-approach like this.

The SPEAKER. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Washington makes a point of order that the resolution adopting the rules of the House for the 109th Congress is not in order because it contains a provision that the House does not have the constitutional authority to propose.

As recorded in section 628 of the House Rules and Manual, citing numerous precedents including volume 2 of Hinds' Precedents at sections 1318–1320, the Chair does not determine the constitutionality of a proposition or judge the constitutional competency of the House to take a proposed action, nor does the Chair submit such a question to the House as a question of order. Rather, it is for the House to determine such a question by its disposition of the proposition, such as by voting on the question of its consideration, as recorded in volume 2 of Hinds' Precedents of section 1255, or by voting on the question of its adoption, as recorded in volume 2 of Hinds' Precedents at section 1320. The Chair would apply these precedents even before the adoption of the Rules of the House as a matter of general parliamentary law.

As such, the House may decide the issues raised by the gentleman by way of the question of consideration of the resolution or the question of adopting the resolution. The point of order is not cognizable.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Before the gentleman proceeds, the Chair would like to announce that any Member-elect who failed to take the oath of office may present himself or herself in the well of the House prior to any vote.

#### SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Will the gentlewoman from New York (Ms. SLAUGHTER), the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Florida (Ms. CORRINE BROWN), kindly come to the well of the House and take the oath of office at this time.

Ms. SLAUGHTER, Mrs. MALONEY and Ms. CORRINE BROWN of Florida appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation



or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

Mr. BAIRD. Mr. Speaker, consistent with the oath of office that I just took, I would request that the question of consideration be put to the body.

The SPEAKER. The question is, Will the House now consider House Resolution 5.

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

Mr. BAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Without objection, this will be an electronic vote on the question of consideration.

There was no objection.

The vote was taken by electronic device, and there were—yeas 224, nays 192, answered “present” 1, not voting 11, as follows: . . .

**§ 5.9 Prior to the adoption of the rules, the motion to refer is in order as a matter of general parliamentary law upon the offering of a resolution adopting the rules and prior to debate thereon, subject to the motion to lay on the table.**

On January 5, 1993,<sup>(51)</sup> the following occurred:

RULES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I have a preferential resolution at the desk involving a question of privileges of the House, and ask for its immediate consideration.

The SPEAKER.<sup>(52)</sup> Prior to the adoption of the rules, the gentleman from Missouri [Mr. GEPHARDT] has offered a privileged resolution under the Constitution and the Chair, in his discretion, recognizes the gentleman from Missouri for that purpose.

The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the One Hundred Second Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Second Congress, are adopted as the Rules of the House of Representatives of the One Hundred Third Congress, with the following amendments to the standing rules, to wit: . . .

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

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I was looking for a copy of the final resolution that is before us. I have just been handed House Resolution 00, dated January 00, 1993.

51. 139 CONG. REC. 49, 51–52, 103d Cong. 1st Sess.

52. Thomas Foley (WA).

Mr. Speaker, is this the final resolution?

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

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I would assume that the Clerk has the resolution available.

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, we were given earlier a change dealing with the Delegate voting, and that is incorporated in this copy; is that correct?

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

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. [Robert] WALKER [of Illinois]. Mr. Speaker, reserving the right to object, we have not really had a chance to review this.

As I understand, Mr. Speaker, we have just been delivered these rules moments ago, we have not seen them, and I understand there were changes made earlier today in the caucus. We have a copy here of one change that was made with regard to the Delegate issue. Is that the only change made by the caucus this morning?

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

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. WALKER. That is correct, and so virtually everything else in the package is exactly the same as it has been discussed before, with the exception of the Delegate issue, and that is in this package in the modified form from this morning; is that right?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection. . . .

#### PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I have a motion to refer at the desk, and I am seeking to be recognized for that purpose.

The SPEAKER. A motion to refer the resolution would be an appropriate motion.

#### MOTION TO REFER OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SOLOMON moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same unit it has conducted a full and complete study of, and made a determination on, the constitutionality of those provisions which would grant voting rights in the Committee of the Whole to the Resident Commissioner from Puerto Rico and the Delegates from American Samoa, the District of Columbia, Guam and the Virgin Islands.

## MOTION TO TABLE OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. GEPHARDT moves to lay on the table the motion to refer

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay on the table the motion to refer offered by the gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. 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 224, nays 176, not voting 31, as follows:

[Roll No. 3] . . .

Similarly, on January 5, 2011,<sup>(53)</sup> a motion to refer the resolution adopting the standing rules was made (and laid on the table) as follows:

## RULES OF THE HOUSE

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

The Clerk read the resolution, as follows:

## H. RES. 5

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

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

The SPEAKER pro tempore.<sup>(54)</sup> Is there objection to the request of the gentleman from Virginia?

There was no objection.

## MOTION TO REFER

Ms. [Eleanor Holmes] NORTON [of District of Columbia]. Mr. Speaker, I rise to offer a motion that is at the desk.

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

The Clerk read as follows:

Ms. Norton moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political

53. 157 CONG. REC. 80, 83–84, 112th Cong. 1st Sess.

54. Steven A. LaTourette (OH).

party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, the constitutionality of the provision that would be eliminated from the Rules that granted voting rights in the Committee of the Whole to the Delegates from the District of Columbia, American Samoa, Guam, the Virgin Islands and the Northern Mariana Islands and the Resident Commissioner from Puerto Rico, including the decision of the United States Court of Appeals for the District of Columbia in *Michel v. Anderson* (14 F.3d 623 (D.C. Cir. 1994)), which upheld the constitutionality of these voting rights.

## MOTION TO TABLE

Mr. CANTOR. Mr. Speaker, I offer a motion.  
The SPEAKER pro tempore. The Clerk will report the motion.  
The Clerk read as follows:

Mr. Cantor moves to lay on the table the motion to refer.

The SPEAKER pro tempore. The question is on the motion to table.  
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.  
Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.  
The yeas and nays were ordered.  
The vote was taken by electronic device, and there were—yeas 223, nays 188, not voting 20, as follows:

[Roll No. 3] . . .

On January 3, 2013,<sup>(55)</sup> a motion to refer the resolution adopting the standing rules was also laid on the table:

## RULES OF THE HOUSE

Mr. [Eric] CANTOR [of Virginia]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.  
The Clerk read the resolution, as follows:

H. RES. 5

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

Mr. CANTOR (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.  
The SPEAKER pro tempore (Mr. [Patrick] TIBERI [of Ohio]). Is there objection to the request of the gentleman from Virginia?  
There was no objection.

## MOTION TO REFER

Ms. [Eleanor Holmes] NORTON [of District of Columbia]. Mr. Speaker, I rise to offer a motion that is at the desk.

55. 159 CONG. REC. 25, 28, 113th Cong. 1st Sess.

The SPEAKER pro tempore. The Clerk will report the motion.  
The Clerk read as follows:

Ms. Norton moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, whether there is any reason to deny Delegates voting rights in the Committee of the Whole House on the state of the Union in light of the decision of the United States Court of Appeals for the District of Columbia in *Michel v. Anderson* (14 F.3d 623 (D.C. Cir. 1994)) upholding the constitutionality of these voting rights, and the inclusion of such voting rights in the Rules for the 103rd, 110th and 111th Congresses.

#### MOTION TO TABLE

Mr. CANTOR. Mr. Speaker, I have a motion to table at the desk.  
The SPEAKER pro tempore. The Clerk will report the motion.  
The Clerk read as follows:

Mr. Cantor moves to lay on the table the motion.

The SPEAKER pro tempore. The question is on the motion to table.  
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. NORTON. 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 224, nays 187, not voting 21, as follows:

[Roll No. 3] . . .

## § 6. Amending the Standing Rules

As noted earlier, the House adopts a set of rules on opening day of a new Congress, and those rules remain applicable for the duration of that Congress. However, the House may amend those standing rules at any point, and the rules in their amended form will govern from the point at which the amendments are adopted.<sup>(1)</sup> In the 106th Congress, the standing rules of the House were recodified in order to present a more logical organization by grouping together related rules, standardizing language across rules, eliminating obsolete provisions, and renumbering rules accordingly.<sup>(2)</sup> The recodification was not intended to effect any substantive amendment to the standing rules, and the rules in their revised format were adopted prior to the consideration of substantive amendments thereto.<sup>(3)</sup>

1. In rare instances, the House has adopted changes to the standing rules on a contingent basis or with a delayed effective date. See §§ 6.16, 6.17, *infra*.
2. 145 CONG. REC. 47–223, 106th Cong. 1st Sess. (Jan. 6, 1999).
3. *Id.*

Amendments to the standing rules of the House have been considered by a variety of methods. The Committee on Rules has jurisdiction over the rules of the House,<sup>(4)</sup> and proposals to amend the standing rules emanating from the committee are accorded privileged status.<sup>(5)</sup> The Committee on Rules is required to provide a comparative print (“Ramseyer”) of the proposed amendment, showing how the current rules would be changed by the amendment.<sup>(6)</sup> When a proposal to amend the House rules is under debate, the Chair will not attempt to interpret the content of the proposed changes in response to a parliamentary inquiry,<sup>(7)</sup> but may explain the application of the procedural status quo to the instant proceedings.<sup>(8)</sup> The House has, by unanimous consent, re-referred a proposal to amend the House rules back to the Committee on Rules after it had been called up for consideration.<sup>(9)</sup>

The Committee on Rules may also provide a special order of business resolution to structure debate on a proposed amendment to the House rules.<sup>(10)</sup> The resolution adopting the standing rules may itself contain a separate order (in the form of a special order of business) providing for the consideration of a specified amendment to those rules<sup>(11)</sup> (whereby the issue of the amendment could be isolated for a separate vote on its provisions only).<sup>(12)</sup> A special order of business resolution providing for the consideration of an ordinary legislative measure may also (in a separate section of the resolution) effect a change in House rules.<sup>(13)</sup>

A resolution to amend the standing rules, though privileged, has also been offered in the House by unanimous consent.<sup>(14)</sup> The House has also considered such resolutions by suspension of the rules<sup>(15)</sup> and by discharge

---

4. Rule X, clause 1(o)(1), *House Rules and Manual* § 733 (2019).

5. Rule XIII, clause 5(a)(4), *House Rules and Manual* § 853 (2019). For an example of a resolution proposing to amend the standing rules being called up as a privileged matter, see § 6.1, *infra*. See also Deschler’s Precedents Ch. 5 §§ 5.1, 5.3. For procedures for amending such resolutions when they are called up, see Deschler’s Precedents Ch. 5 §§ 5.7, 5.8.

6. Rule XIII, clause 3(g), *House Rules and Manual* § 848 (2019). For an earlier ruling made before this requirement was applied to changes in House rules, see Deschler’s Precedents Ch. 5 § 5.5.

7. See Deschler’s Precedents Ch. 5 § 5.12.

8. See § 6.8, *infra*.

9. See Deschler’s Precedents Ch. 5 § 5.9.

10. See § 6.2, *infra*.

11. See § 6.4, *infra*.

12. See § 6.5, *infra*.

13. See § 6.10, *infra*.

14. See § 6.7, *infra*. See also Deschler’s Precedents Ch. 5 § 5.2.

15. See § 6.8, *infra*.

petition procedures.<sup>(16)</sup> Amendments to the standing rules have been considered in the House, the Committee of the Whole,<sup>(17)</sup> and the House “as in” Committee of the Whole.<sup>(18)</sup> The question of consideration has been applied to a resolution proposing to amend the standing rules.<sup>(19)</sup>

As noted, the Committee on Rules has jurisdiction over amendments to House rules. However, rule XXIII (known as the “Code of Official Conduct”) involves rules relating to House ethics requirements, and as such falls under the sole jurisdiction of the Committee on Ethics.<sup>(20)</sup> The Committee on Ethics may report changes to that House rule that have been referred to it, but such reports are not privileged (unlike proposals to change other House rules reported by the Committee on Rules).<sup>(21)</sup> The House has also used select committees to review House rules and propose changes, specifically conferring on such select committees the appropriate jurisdiction.<sup>(22)</sup> Pursuant to section 301(c) of the Budget Act, any budget resolution reported by the Committee on the Budget that proposes to change a rule of the House must be referred to the Committee on Rules so that the committee may review the proposed changes and offer amendments altering or striking such provisions.<sup>(23)</sup> In one instance, a resolution containing a directive to the Speaker and the Committee on Rules to institute closed-circuit broadcasting of House proceedings was called up as a privileged matter as necessarily involving a change in House procedures (though not actually amending the standing rules of the House).<sup>(24)</sup>

While amendments to House rules are normally made through simple resolutions of the House (such changes being a purely internal House matter), occasionally a bill will contain both statutory provisions and amendments to House rules.<sup>(25)</sup> In one instance, the House amended the standing rules by incorporating by reference provisions of statutory text: Title I of the Ethics in Government Act of 1978 was formally incorporated into the House

16. See 139 CONG. REC. 20361–62, 103d Cong. 1st Sess. (Sept. 8, 1993). See also Deschler’s Precedents Ch. 5 §§ 5.10, 5.11.

17. See § 6.5, *infra*. See also Deschler’s Precedents Ch. 5 § 5.6.

18. See § 6.6, *infra*. For more on this type of forum for conducting House business, see Deschler’s Precedents Ch. 19 § 1 and Precedents (Wickham) Ch. 19.

19. See § 6.11, *infra*.

20. Rule X, clause 1(g), *House Rules and Manual* § 721b (2019).

21. See § 6.12, *infra*.

22. See § 6.14, *infra*.

23. 2 U.S.C. § 632(c).

24. See § 6.13, *infra*. See also Deschler’s Precedents Ch. 5 § 6.4.

25. For an example of a government ethics bill that made changes in law as well as House rules, see 135 CONG. REC. 29468–69, 29473–75, 29479–83, 101st Cong. 1st Sess. (Nov. 16, 1989).

rules by a reference to the statute in clause 2 of rule XXVI.<sup>(26)</sup> Thus, amendments to that title of the Ethics in Government Act will necessarily result in a change in House rules.<sup>(27)</sup>

Although rare, the House has on occasion adopted changes to House rules on a contingent basis, or with a delayed effective date. For example, in the 94th Congress, the House adopted a change to a rule regarding conference procedures contingent upon the Senate adopting a similar rule.<sup>(28)</sup> Upon notice to the House that the Senate had in fact adopted a corresponding change to its rules, the amendment to the House rules became effective. In the 105th Congress, the House passed a bill containing both changes in statute and changes to House rules, with the changes to House rules only becoming effective as of a date certain.<sup>(29)</sup>

The House has sometimes chosen to vacate or reverse a change in the standing rules subsequent to the adoption of the amendment. In the 99th Congress, a resolution amending the House rules was adopted by unanimous consent.<sup>(30)</sup> On the following legislative day, the Committee on Rules reported a resolution vacating the adoption of previous day's resolution amending the standing rules and laying that resolution on the table (to return the rules to their earlier form).<sup>(31)</sup> In the 109th Congress, the Committee on Rules reported a resolution to reverse changes to House ethics rules that were adopted on opening day of that Congress, to return such rules to the form they had taken in the previous Congress.<sup>(32)</sup>

A proposal to amend the standing rules of the House is a relatively narrow subject for purposes of clause 7 of rule XVI (the germaneness rule).<sup>(33)</sup> For amendments to such a proposal to be germane, they must be focused solely on the rules of the House and not address other matters. Where the

26. *House Rules and Manual* § 1103 (2019). The pertinent part of the rule reads: "For purposes of this rule, the provisions of title I of the Ethics in Government Act of 1978 shall be considered Rules of the House as they pertain to Members, Delegates, the Resident Commissioner, officers, and employees of the House." For the House adoption of the conference report on the Ethics in Government Act of 1978, see 124 CONG. REC. 36459–61, 95th Cong. 2d Sess. (Oct. 12, 1978).

27. *Parliamentarian's Note*: On November 16, 1995, the House passed a lobbying disclosure bill which, *inter alia*, made changes to the Ethics in Government Act of 1978 (and would thus be incorporated by reference in clause 2 of rule XXVI). See 141 CONG. REC. 33471, 104th Cong. 1st Sess.

28. See § 6.16, *infra*.

29. See § 6.17, *infra*.

30. See § 6.18, *infra*.

31. *Id.*

32. See § 6.19, *infra*.

33. *House Rules and Manual* § 928 (2019).



proposed rules change only affects a limited area of House procedure, an amendment would need to confine itself to that area in order to be germane.<sup>(34)</sup> Where legislation does not touch upon the rules of the House, any amendment that would change House rules would likely not be germane.<sup>(35)</sup> But where the amendment merely calls for changes in, for example, congressional security protocols, and does not directly amend the standing rules of the House, the amendment may be germane.<sup>(36)</sup>

An amendment to an appropriation bill that has the effect of changing any rules of the House will generally be subject to a point of order under clause 2 of rule XXI<sup>(37)</sup> for legislating on an appropriation bill.<sup>(38)</sup> However, a limitation amendment that merely places restrictions on the Speaker's discretionary authorities, and does not amend the rules of the House, does not violate the rule.<sup>(39)</sup>

A question of the privileges of the House may be based on an alleged violation of the rules of the House or the improper abuse of the authorities granted by the rules.<sup>(40)</sup> However, a question of privilege may not be raised to effect a change in House rules or their interpretation, nor may a question of privilege be raised to collaterally attack a rule or order.<sup>(41)</sup>

### ***Method of Consideration***

#### **§ 6.1 A resolution reported from the Committee on Rules proposing to amend the standing rules of the House may be offered as a privileged matter.**

On November 12, 1997,<sup>(42)</sup> the following resolution amending the standing rules was offered as privileged:

AMENDING THE RULES OF THE HOUSE TO REPEAL EXCEPTION TO REQUIREMENT THAT PUBLIC COMMITTEE PROCEEDINGS BE OPEN TO ALL MEDIA

Mr. [Porter] GOSS [of Florida]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

<sup>34</sup>. See §§ 6.20, 6.21, *infra*.

<sup>35</sup>. See § 6.22, *infra*.

<sup>36</sup>. See 137 CONG. REC. 14207, 102d Cong. 1st Sess. (June 11, 1991).

<sup>37</sup>. *House Rules and Manual* § 1036–1059 (2019). For more on this point of order, see Deschler's Precedents Ch. 26 and Precedents (Wickham) Ch. 26.

<sup>38</sup>. See § 6.24, *infra*.

<sup>39</sup>. See § 6.23, *infra*.

<sup>40</sup>. For questions of privilege generally, see Deschler's Precedents Ch. 11 and Precedents (Wickham) Ch. 11.

<sup>41</sup>. See Deschler's Precedents Ch. 11 § 3.

<sup>42</sup>. 143 CONG. REC. 26040–41, 26211, 105th Cong. 1st Sess.

## Ch. 5 § 6

## PRECEDENTS OF THE HOUSE

The Clerk read the resolution, as follows:

H. RES. 301

*Resolved*, That (a) clause 3(f) of rule XI of the Rules of the House of Representatives is amended by repealing subdivision (2) and by redesignating subdivisions (3) through (13) as subdivisions (2) through (12), respectively.

(b) Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking “, except as provided by clause 3(f)(2)”.

(d) The first sentence of clause 3(e) of rule XI of the Rules of the House of Representatives is amended by striking “, except as provided in paragraph (f)(2)”.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. . . .

House Resolution 301 is a straightforward rule. It is a straightforward rule change to repeal the exception to the requirement that public committee proceedings be open to all media, all types of media. This resolution continues the process we began in 1995 of opening up our committee proceedings to enhance public scrutiny and greater accountability. The resolution repeals clause 3(f)(2) of House rule XI, known inside this building as the camera rule.

As Members recall, when we began the 104th Congress under new management for the first time in 40 years, we instituted an openness policy that said that committee meetings and hearings that are open to the public shall also be open to the media. This sunshine rule reaffirms the right of the public to have all types of media cover most of our proceedings, making it clear that such coverage is no longer treated as a privilege to be granted and taken away at the discretion of a committee or subcommittee.

The only deviation from this policy has been the exception found in clause 3(f)(2) giving subpoenaed witnesses the absolute right to decide, for whatever reason, to pull the plug on certain types of media coverage of their testimony at an otherwise public hearing.

Mr. Speaker, this exception to the sunshine rule is a holdover from another era. We heard testimony in the Committee on Rules from the distinguished dean of this House, the gentleman from Michigan, [Mr. JOHN DINGELL], who is one of the most respected and probably one of the most feared committee chairmen ever to serve in this body. Mr. DINGELL cautioned us not to repeal this exception for subpoenaed witnesses, and he raised the specter of the McCarthy hearings that took place nearly half a century ago. . . .

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The pending business is the question de novo on agreeing to House Resolution 301.

The Clerk read the title of the resolution.

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. [John] MOAKLEY [of Massachusetts]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 165, not voting 27, as follows:

[Roll No. 632] . . .

## § 6.2 A resolution proposing to amend the standing rules of the House, while itself privileged for consideration in the House, may

**also be considered pursuant to the terms of a special order of business resolution reported by the Committee on Rules.**

On September 18, 1997,<sup>(43)</sup> the following special order of business, providing for the consideration of amendments to the standing rules, was considered and adopted:

PROVIDING FOR CONSIDERATION OF H. RES. 168, IMPLEMENTING THE  
RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The first reading of the resolution shall be dispensed with. General debate shall be confined to the resolution and shall not exceed one hour equally divided and controlled by Representative Livingston of Louisiana and Representative Cardin of Maryland or their designees. After general debate the resolution shall be considered for amendment under the five-minute rule. The resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the resolution and amendments thereto to final adoption without intervening motion or demand for division of the question except one motion to recommit.

The SPEAKER pro tempore (Mr. [Joel] HEFLEY [of Colorado]). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

**§ 6.3 A resolution proposing to amend the standing rules of the House has been considered as adopted pursuant to a special order of business resolution reported by the Committee on Rules (the House having decided, by a two-thirds vote on the question of consideration, to consider the special order on the same day that it was reported).**<sup>(44)</sup>

43. 143 CONG. REC. 19302–303, 105th Cong. 1st Sess. For adoption of the underlying resolution amending the standing rules, see 143 CONG. REC. 19317–23, 19325, 19331, 19335, 105th Cong. 1st Sess. (Sept. 18, 1997).

44. *Parliamentarian's Note*: A special order of business resolution reported by the Committee on Rules may not be considered the same legislative day that it is reported to the House, unless the House agrees (by a two-thirds vote) to the question of consideration (which the Chair puts to the body *sua sponte*). This requirement is found in clause 6(a) of rule XIII. *House Rules and Manual* § 857 (2019).

On April 27, 2005,<sup>(45)</sup> the following occurred:

AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REINSTATE CERTAIN PROVISIONS OF THE RULES RELATING TO PROCEDURES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO THE FORM IN WHICH THOSE PROVISIONS EXISTED AT THE CLOSE OF THE 108TH CONGRESS

Mr. [David] DREIER [of California], from the Committee on Rules, submitted a privileged report (Rept. No. 109–59) on the resolution (H. Res. 241) providing for the adoption of the resolution (H. Res. 240) amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

*Resolved*, That upon adoption of this resolution, House Resolution 240 is hereby adopted.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The question is, Will the House now consider House Resolution 241.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 241.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

**§ 6.4 A resolution proposing to amend the standing rules has been considered pursuant to the terms of a special order of business contained in a separate section of the resolution adopting standing rules on opening day of a new Congress.<sup>(46)</sup>**

On January 6, 1999,<sup>(47)</sup> the following special order of business was adopted as part of the resolution adopting the standing rules of the House:

H. RES. 5 . . .

Upon the adoption of this resolution it shall be in order to consider in the House a resolution amending clause 5 of rule XXVI, if offered by the Majority Leader or his designee. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion

45. 151 CONG. REC. 8036, 109th Cong. 1st Sess.

46. *Parliamentarian's Note*: This procedural situation reflected the desire to isolate one particular ethics rule (the so-called "gift rule") for a separate vote following the adoption of the standing rules.

47. 145 CONG. REC. 76, 106th Cong. 1st Sess.

or demand for division of the question except one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

Later on January 6, 1999,<sup>(48)</sup> the special order was called up as follows:

#### HOUSE GIFT RULE AMENDMENT

Mr. [James] HANSEN [of Utah]. Mr. Speaker, pursuant to section 3 of House Resolution 5 and as the designee of the majority leader, I offer a resolution (H. Res. 9) amending clause 5 of rule XXVI, and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 9

*Resolved*, That subparagraph (1) of clause 5(a) of rule XXVI is amended—

(1) by inserting “(A)” before “A Member”; and

(2) by adding at the end the following new subdivision:

“(B) A Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift (other than cash or cash equivalent) that the Member, Delegate, Resident Commissioner, officer, or employee reasonably and in good faith believes to have a value of less than \$50 and a cumulative value from one source during a calendar year of less than \$100. A gift having a value of less than \$10 does not count toward the \$100 annual limit. Formal recordkeeping is not required by this subdivision, but a Member, Delegate, Resident Commissioner, officer, or employee of the House shall make a good faith effort to comply with this subdivision.”.

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

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). Pursuant to section 3 of House Resolution 5, the resolution is considered read for amendment, and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider is laid upon the table.

### **§ 6.5 A resolution proposing to amend the standing rules may be considered pursuant to a special order of business resolution that provides for its consideration in the Committee of the Whole.<sup>(49)</sup>**

On March 7, 1973,<sup>(50)</sup> the following occurred:

Mr. [Claude] PEPPER [of Florida]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 272 and ask for its immediate consideration.

48. 145 CONG. REC. 237, 239–40, 106th Cong. 1st Sess. For a similar procedure used to consider an amendment to the standing rules, see H. Res. 6, § 506, 153 CONG. REC. 19–24, 110th Cong. 1st Sess. (Jan. 4, 2007) (order providing for the consideration of a resolution amending the standing rules to enhance intelligence oversight authority), and 153 CONG. REC. 567, 110th Cong. 1st Sess. (Jan. 9, 2007) (consideration of said amendment to the standing rules pursuant to the earlier order).

49. *Parliamentarian’s Note*: While some legislative matters are required under the rules to be considered in the Committee of the Whole, propositions to amend the standing rules do not fall into that category and are normally considered in the full House. However, the Committee on Rules may propose a special order of business that provides for consideration in the Committee of the Whole, especially if the special order provides amendments to the proposition.

50. 119 CONG. REC. 6700, 6705–706, 93d Cong. 1st Sess.

The Clerk read the resolution as follows:

H. RES. 272

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 259) to amend the Rules of the House of Representatives to strengthen the requirement that committee proceedings be held in open session. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit. . . .

The SPEAKER.<sup>(51)</sup> The question is on ordering the previous question.

Mr. [John] ANDERSON of Illinois. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 196, answered “present” 1, not voting 38, as follows:

[Roll No. 36] . . .

So the previous question was ordered. . . .

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 6.6 A resolution proposing to amend the standing rules of the House has been considered pursuant to a special order of business resolution that provides for consideration in the House as in Committee of the Whole.**<sup>(52)</sup>

On June 10, 1976,<sup>(53)</sup> the following occurred:

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1272 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1272

*Resolved*, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 1260) to amend the Rules of the House of Representatives to allow all expenses of the Committee on Standards of Official Conduct to be obtained directly from the contingent fund of the House of Representatives upon vouchers signed by its chairman and ranking minority member, in the House as in the Committee of the Whole. It shall be in order to consider the amendment recommended by the Committee on Rules now printed in the resolution, the provisions of clause 7, Rule XVI to the contrary notwithstanding.

The SPEAKER.<sup>(54)</sup> The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour. . . .

51. Carl Albert (OK).

52. For more on consideration of measures in the House as in Committee of the Whole, see Deschler's Precedents Ch. 19 § 1 and Precedents (Wickham) Ch. 19.

53. 122 CONG. REC. 17322, 94th Cong. 2d Sess.

54. Carl Albert (OK).

Mr. BOLLING. Mr. Speaker, the resolution that we are now considering makes in order the resolution introduced by the chairman of the Committee on Standards of Official Conduct, with an amendment made by the Committee on Rules. This resolution has to do with the ability of the Committee on Standards of Official Conduct to get funded for the various investigations that are pending before it, and it is in that sense a very unusual and important resolution.

The rule provides for the consideration of that resolution in the House as in the Committee of the Whole, so that the only general debate will be on the rule. That is now proceeding. When the rule is adopted, we will consider the matter from the Committee on Standards of Official Conduct in the House as in the Committee of the Whole, which means that we will automatically be under the 5-minute rule.

It further means that the manager of the resolution is empowered to move the previous question, not only on amendments to the resolution but on all amendments and the resolution itself to final passage. Of course, the gentleman who is managing it does not intend to move the previous question unless the debate becomes onerous from the point of view of the House.

**§ 6.7 A resolution proposing to amend the standing rules of the House, though privileged, may also be considered by unanimous consent.**

On January 28, 2009,<sup>(55)</sup> a resolution amending the standing rules to increase the membership of the Permanent Select Committee on Intelligence was considered by unanimous consent as follows:

CHANGING THE SIZE OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.<sup>(56)</sup> Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 97

*Resolved*, That clause 11(a)(1) of rule X is amended by—  
(1) striking “21” and inserting “22”; and  
(2) striking “12” and inserting “13”.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 6.8 A resolution proposing to amend the standing rules of the House may be considered by a motion to suspend the rules.**

55. 155 CONG. REC. 1946–47, 111th Cong. 1st Sess.

56. John H. Adler (NJ).

On February 1, 2006,<sup>(57)</sup> a resolution amending the standing rules with regard to floor privileges was considered by a motion to suspend the rules as follows:

ELIMINATING FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS

Mr. [David] DREIER [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 648) to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House.

The Clerk read as follows:

H. RES. 648

*Resolved,*

**SECTION 1. FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS.**

Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

“4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

“(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

“(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

“(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

“(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.”.

**SEC. 2. PROHIBITING ACCESS TO MEMBER EXERCISE FACILITIES FOR LOBBYISTS WHO ARE FORMER MEMBERS OR OFFICERS.**

(a) IN GENERAL.—The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term “Member of the House of Representatives” includes a Delegate or Resident Commissioner to the Congress.

(b) REGULATIONS.—The Committee on House Administration shall promulgate regulations to carry out this section.

The SPEAKER pro tempore.<sup>(58)</sup> Pursuant to the rule, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 20 minutes.

The Chair recognizes the gentleman from California. . . .

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this question will be postponed. . . .

57. 152 CONG. REC. 540–41, 549, 580–81, 109th Cong. 2d Sess.

58. Ray LaHood (IL).



## ELIMINATING FLOOR PRIVILEGES OF FORMER MEMBERS AND OFFICERS

The SPEAKER pro tempore.<sup>(59)</sup> The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 648.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DREIER) that the House suspend the rules and agree to the resolution, H. Res. 648, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 50, answered “present” 1, not voting 3, as follows:

[Roll No. 3] . . .

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 6.9 The House has agreed to a unanimous-consent request to dispense with consideration of a privileged motion on the Discharge Calendar to discharge the Committee on Rules from consideration of a resolution amending the rules of the House, and to consider that resolution, under the same terms as if discharged, if called up by its sponsor or designee at a time certain on a subsequent day.<sup>(60)</sup>**

On September 23, 1993,<sup>(61)</sup> the following occurred:

**MAKING IN ORDER ON MONDAY, SEPTEMBER 27, 1993, CONSIDERATION OF HOUSE RESOLUTION 134, RELATING TO PUBLICATION OF MEMBERS SIGNING A DISCHARGE MOTION**

Mr. [James] INHOFE [of Oklahoma]. Mr. Speaker, I ask unanimous consent that the business in order pursuant to clause 3 of rule XXVII, immediately after the approval of the Journal on Monday, September 27, 1993, be dispensed with and that it shall instead be in order at 4 p.m. or thereafter that day for Representative INHOFE, or his designee, to call up House Resolution 134 for consideration under the same terms as if discharged from the Committee on Rules pursuant to clause 3 of rule XXVII.

59. Mark A. Foley (FL).

60. *Parliamentarian's Note*: The underlying resolution proposing to amend the standing rules of the House had garnered the requisite 218 signatures under the discharge petition rule (rule XV, clause 2, *House Rules and Manual* § 892 (2019)), allowing it to be considered pursuant to the terms of that rule. This unanimous-consent request was used to expedite consideration, including altering the 20 minutes of debate on the motion to discharge (and vote thereon), as well as waiving restrictions on the time at which the resolution could be considered.

61. 139 CONG. REC. 22220, 103d Cong. 1st Sess. Consideration of the resolution was postponed on several occasions, and the resolution eventually agreed to on September 28, 1993. See 139 CONG. REC. 22698–704, 103d Cong. 1st Sess.

The SPEAKER pro tempore.<sup>(62)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

**§ 6.10 A special order of business resolution, in addition to providing for the consideration of a legislative measure, may also contain a separate section proposing an amendment to the standing rules of the House, such that adoption of the special order would effectuate that amendment to the House rules.**

On May 24, 2007,<sup>(63)</sup> the following occurred:

PROVIDING FOR CONSIDERATION OF H.R. 2317, LOBBYING TRANSPARENCY ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 2316, HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Ms. [Kathy] CASTOR [of Florida]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 437

*Resolved*, That at any time after the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution, the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to

**62.** Michael R. McNulty (NY).

**63.** 153 CONG. REC. 14156–57, 110th Cong. 1st Sess. For a similar example, see H. Res. 544, 155 CONG. REC. 15281, 111th Cong. 1st Sess. (June 16, 2009).

a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. During consideration of H.R. 2317 or H.R. 2316 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.

SEC. 4. Subparagraph (3)(Q) of clause 5(a) of rule XXV is amended to read as follows: “(Q) Free attendance at an event permitted under subparagraph (4).”.

### **§ 6.11 The question of consideration may be raised with respect to a resolution proposing to amend the standing rules of the House.**

On January 24, 2007,<sup>(64)</sup> the following occurred:

#### **PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE**

Mr. [Alcee] HASTINGS of Florida. Madam Speaker, pursuant to House Resolution 86, I call up the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union, and ask for its immediate consideration.

The Clerk read the title of the resolution.

Mr. [Patrick] MCHENRY [of North Carolina]. Madam Speaker, I demand the question of consideration.

The SPEAKER pro tempore (Mrs. [Ellen] TAUSCHER [of California]). The gentleman from North Carolina demands the question of consideration. The question is: Will the House consider the resolution?

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

#### **RECORDED VOTE**

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

A recorded vote was ordered.

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

[Roll No. 56] . . .

So the question of consideration was decided in the affirmative.

<sup>64</sup>. 153 CONG. REC. 2140–41, 110th Cong. 1st Sess. For consideration of the special order of business that provided for the consideration of this resolution, see 153 CONG. REC. 2127–30, 110th Cong. 1st Sess. (Jan. 24, 2007).

*Jurisdiction and Privilege*

**§ 6.12 The Committee on Rules has general jurisdiction over the standing rules (and proposed amendments thereto), with the exception of rule XXIII (the Code of Official Conduct) which falls under the jurisdiction of the Committee on Ethics.<sup>(65)</sup>**

On April 16, 1975,<sup>(66)</sup> the following occurred:

TO AMEND THE CODE OF OFFICIAL CONDUCT OF RULES OF THE HOUSE OF  
REPRESENTATIVES

Mr. [Spark] MATSUNAGA [of Hawaii]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 396

*Resolved*, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 46) to amend the Code of Official Conduct of the Rules of the House of Representatives, in the House as in the Committee of the Whole.

The SPEAKER.<sup>(67)</sup> The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 396 provides for consideration of House Resolution 46, which, as reported by our Committee on Standards of Official Conduct, would add a new paragraph 10 to House Rule XLIII, the Code of Official Conduct. . . .

After 1 hour of debate on House Resolution 396 and upon the adoption of House Resolution 396, the House, as in the Committee of the Whole, would then proceed into the 5-minute rule for amendments to House Resolution 46.

Mr. Speaker, I urge the adoption of House Resolution 396 in order that House Resolution 46 may be considered.

**§ 6.13 A proposal to change long-standing House protocols or procedures (even if not codified in the standing rules) has been accepted as privileged for immediate consideration in the same manner as formal proposals to amend the standing rules of the House.<sup>(68)</sup>**

**65.** *Parliamentarian's Note:* At the time of the events described here, the Code of Official Conduct was found in rule XLIII, and the Committee on Ethics was known as the Committee on Standards of Official Conduct. While a proposal to amend the rules is privileged if offered by the Committee on Rules, no such privilege attaches to amendments to the Code of Official Conduct reported by the Committee on Ethics. Thus, the amendments here were made in order via a special order of business resolution (House Resolution 396).

**66.** 121 CONG. REC. 10339–40, 94th Cong. 1st Sess.

**67.** Carl Albert (OK).

**68.** *Parliamentarian's Note:* This proposal would have altered a long-standing policy of the House that had previously prohibited all audio-visual broadcasting from the House

On October 27, 1977,<sup>(69)</sup> the following occurred:

Mr. [Bernice] SISK [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 866

*Resolved*, That it is the purpose of this resolution to provide for a system for closed circuit viewing of the proceedings of the House and to provide for the orderly development of a system for audio and visual broadcasting thereof.

ESTABLISHMENT OF CLOSED CIRCUIT SYSTEM

SEC. 2. The Speaker shall devise and implement a system subject to his direction and control for closed circuit viewing of floor proceedings of the House of Representatives in the offices of all Members and committees and in such other places in the Capitol and the House office Buildings as he deems appropriate. Such system may include other telecommunications functions as he deems appropriate.

STUDY OF BROADCASTING

SEC. 3. The Committee on Rules shall conduct a study of all alternative methods of providing complete and unedited audio and visual broadcasting of the proceedings of the House of Representatives. The committee shall report its findings and recommendations as soon as practicable but not later than February 15, 1978.

ESTABLISHMENT OF BROADCASTING SYSTEM

SEC. 4. (a) As soon as practicable after receipt of the report of the committee, the Speaker shall devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting and recording of the proceedings of the House of Representatives. He shall provide for the distribution of such broadcasts and recordings thereof to news media and the storage of audio and video recordings of the proceedings.

(b)(1) All television and radio broadcasting stations, networks, services, and systems (including cable systems) which are accredited to the House Radio and Television Correspondents' Galleries, and all radio and television correspondents who are accredited to the Radio and Television Correspondent's Galleries shall be provided access to the live coverage of the House of Representatives.

(2) No coverage made available under this resolution nor any recording thereof shall be used for any political purpose.

(3) Coverage made available under this resolution shall not be broadcast with commercial sponsorship except as part of bona fide news programs and public affairs documentary programs. No part of such coverage or any recording thereof shall be used in any commercial advertisement.

AUTHORITY TO DELEGATE

SEC. 5. The Speaker may delegate any of his responsibilities under this resolution to such legislative entity as he deems appropriate.

The SPEAKER pro tempore.<sup>(70)</sup> The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume. . . .

House Resolution 866 provides for the establishment of a closed circuit system for viewing floor proceedings in the offices of all Members and committees and in other places in the House Office Buildings and the Capitol. Again, the Speaker is vested with all authority to devise and implement the system.

---

floor, in order to allow an experiment in closed-circuit broadcasting to Members' offices. While not a direct amendment to the standing rules, this resolution was nevertheless called up as a privileged matter (as a change in established House procedures).

69. 123 CONG. REC. 35425-26, 35428, 35437, 95th Cong. 1st Sess.

70. Jim Wright (TX).

This provision was included in the resolution to insure that the Speaker would be able to undertake installation of the cabling for the closed circuit system during the upcoming recess. Testimony by both Mr. BROOKS and Mr. CLEVELAND at the Rules Committee hearing on October 13 indicated that this was the prime reason for taking a broadcast resolution to the floor at this time since it would be impossible from a technical standpoint to make the broadcast coverage available to the public until sometime in the second session of this Congress.

The resolution also requires the Committee on Rules to conduct a study of all possible alternatives for providing broadcasting and to report their findings no later than February 15, 1978. The committee believed that the Speaker received as much information as possible on all alternatives for broadcasting before he made a decision on which system to choose. At this time, two alternatives—providing for broadcasting by a network pool arrangement and by in-house system—have been analyzed in depth, but other possible alternatives have not been investigated extensively. Such alternatives might include a system operated by the Public Broadcasting System or by a commission on broadcasting established by the House.

As soon as practicable after receipt of the report of the Committee on Rules, the Speaker would devise and implement a system subject to his discretion and control for the complete and unedited recordings of all the proceedings of the House. The Speaker shall provide for distribution of the broadcastings and recordings to the public and the news media. All of the television and radio broadcasting stations, networks, services, systems, and individual correspondents which are accredited to the House Radio and Television Correspondents' Gallery will have access to the live coverage of the House.

The resolution prohibits the use of any of the coverage for political or commercial advertising purposes.

Under the resolution, the Speaker may delegate any of his responsibility for broadcasting to any legislative entity he deems appropriate.

The resolution does not provide for a permanent change in the Rules of the House as did House Resolution 821. The Committee on Rules made this change to allow more time to evaluate a broadcast system before a permanent change in the rules was made. The resolution would provide for broadcasting for the rest of this Congress, and at the adoption of the rules for the next Congress, the change in the rules could be made. . . .

Mr. [John] ANDERSON of Illinois. Mr. Speaker, I want to make clear at the outset that I supported sending this resolution to the floor under an open rule. But it was the will of a majority of the Rules Committee to report this as a privileged resolution, and I accept that decision and support the adoption of House Resolution 866. During our markup on the original resolution we considered, House Resolution 821, introduced by the gentleman from Texas (Mr. BROOKS), the gentleman from California, (Mr. SISK), and others, I offered a substitute which, among other things, would have expressed the sense of the House that broadcast coverage should be carried by a network pool. The gentleman from Mississippi (Mr. LOTT) offered an alternative approach, expressing the sense of the House that the Public Broadcasting Service should be invited to provide the coverage. Those two amendments failed.

At that point, the gentleman from Mississippi (Mr. LOTT) offered the substitute which is before us today as House Resolution 866, which had been developed by him and the gentleman from California (Mr. SISK), in the spirit of bipartisan compromise. It is not every thing that many of us may have wanted, but I think it represents an historic and reasonable beginning.

Last March 15, when the closed-circuit broadcast test began, I offered a resolution as a question of privilege, directing the Rules Committee to evaluate the test and report to the House its findings and recommendations, including a recommendation as to whether this broadcast coverage should be made available to the public. This resolution fulfills that mandate. The Rules Committee has recommended, in this resolution, that as soon as possible after next February 15, the Speaker shall devise and implement a system for the broadcast coverage of all our proceedings and make that coverage available to the public and the news media. Thus, by adopting this resolution, the House will have the first real opportunity to go on record in favor of permitting the American people to view and listen to our debates on their television sets and radios. . . .

The resolution before us today does not commit the House or the Speaker to one means of coverage or another, nor did the resolution introduced by Chairman BROOKS. We all recognize that this decision must ultimately be made by the Speaker. What this resolution does do is to authorize and direct the Speaker to complete the closed-circuit broadcast system to all House offices as soon as possible.

In the meantime, the Rules Committee is directed to study the various alternatives for providing coverage and report its findings and recommendations to the House no later than February 15, 1978. As soon thereafter as possible, the Speaker shall devise an implement a system for broadcast coverage and make this available to the public and news media. I think it is important to note that the Speaker will in no way be bound to accept the recommendations of the Rules Committee, anymore than he will be bound to accept the recommendations of the select committee. But, it was our feeling in the Rules Committee that we should fully explore the various options available—in-House, network pool, and public broadcasting—lay these out before the House and the Speaker, and give him the benefit of our best judgment based on our study.

It would also be my hope that the Rules Committee could then develop and report a House broadcast rule providing guidelines for broadcasting our proceedings, without in any way impairing the right of the Speaker to choose the best means for coverage as he sees fit, or, for that matter, of changing to another method later on if he thinks it is advisable. . . .

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore.<sup>(71)</sup> The question is on the resolution.

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

Mr. [John] ROUSSELOT [of California]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 44, not voting 48, as follows:

[Roll No. 709] . . .

## **§ 6.14 The House has conferred jurisdiction over proposed amendments to the standing rules of the House to a select committee,**

71. John Murtha (PA).

**which then reported a resolution embodying various changes to the rules regarding the House committee structure.**

On March 19, 1979,<sup>(72)</sup> the House adopted the following resolution creating a select committee to study the committee structure of the House and report thereon:

#### ESTABLISHING A SELECT COMMITTEE ON COMMITTEES

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 118) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 118

*Resolved*, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Committees (hereinafter referred to as the "select committee").

##### FUNCTIONS

SEC. 2. (a) The select committee is authorized and directed to conduct a thorough and complete study with respect to the operation and implementation of rules X, XI, and XLVIII of the Rules of the House of Representatives including committee structure of the House, the number of committees and their jurisdiction, committee rules and procedures, media coverage of meetings, staffing, space, equipment, and other committee facilities.

(b) The select committee is authorized and directed to report to the House by bill, resolution, or otherwise, with respect to any matters covered in subparagraph (a): *Provided, however*, That the select committee shall not report to the House by bill or resolution recommendations relating to the optimum size of committees, the appropriate committee and subcommittee assignments, per Member, or the number of subcommittees or their jurisdictions, but such recommendations may be made to the respective party caucuses.

##### APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of fifteen Members of the House, who shall be appointed by the Speaker; ten from the majority party and five from the minority party, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

##### AUTHORITY AND PROCEDURES

SEC. 4. (a) For the purposes of this title, resolution, the select committee or any subcommittee thereof is authorized to sit and act during sessions of the House and during the present Congress at such times and places whether or not the House has recessed or adjourned.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives, except the provisions of clause 2(m) relating to subpoena power, and clause 2(i), shall apply to the select committee.

(c) The majority of the members of the select committee shall constitute a quorum for the transaction of business, except that two or more shall constitute a quorum for the purpose of taking testimony.

##### ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

72. 125 CONG. REC. 5423–24, 96th Cong. 1st Sess.



(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code; and

(4) to terminate the employment of any such staff as the select committee considers appropriate.

(c) The select committee and all authority granted in this resolution shall expire ninety days after the filing of the report of the select committee with the House.

## REPORTS AND RECORDS

SEC. 6. (a) The select committee shall report to the House on the matters referred to in section 2 as soon as practicable during the present Congress, but not later than February 1, 1980.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) The records, files, and materials of the select committee shall be transferred to the Committee on Rules.

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

The SPEAKER pro tempore (Mr. [Charles] ROSE [of North Carolina]). Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour. . . .

On January 30, 1980,<sup>(73)</sup> the select committee filed its report as follows:

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. [Jerry] PATTERSON [of California]: Select Committee on Committees. House Resolution 549. Amending the Rules of the House of Representatives to establish a standing committee on energy (Rept. No. 96-741). Referred to the House Calendar.

**§ 6.15 Pursuant to section 301(c) of the Congressional Budget Act,<sup>(74)</sup> a concurrent resolution on the budget reported from the Committee on the Budget is to be sequentially referred to the Committee on Rules for not more than five legislative days if the resolution includes any procedure or matter having the effect of changing any rule of the House.**

Although this procedure is rarely invoked in modern practice, the following referral on May 13, 1986,<sup>(75)</sup> is an example of one such sequential referral of a concurrent resolution on the budget to the Committee on Rules:

73. 126 CONG. REC. 1332, 96th Cong. 2d Sess. On March 18, 1980, the House adopted a special order of business resolution to structure consideration of this resolution amending the House rules. See 125 CONG. REC. 5752, 5755, 96th Cong. 1st Sess. The amendments to House rules were finally adopted on March 25, 1980. See 126 CONG. REC. 6405, 6406, 6408-10, 96th Cong. 2d Sess.

74. 2 U.S.C. § 632(c).

75. 132 CONG. REC. 10440, 99th Cong. 2d Sess.

REPORT ON CONCURRENT RESOLUTION SETTING FORTH CONGRESSIONAL  
BUDGET FOR FISCAL YEARS 1987, 1988, AND 1989

Mr. [Kenneth] GRAY of Pennsylvania, from the Committee on the Budget, submitted a privileged report (Rept. No. 99–598, Part I) on the concurrent resolution (H. Con. Res. 337) setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989, which was referred to the Committee on Rules pursuant to subsection 301(c) of the Congressional Budget Act of 1974, as amended (Public Law 93–344, as amended by Public Law 99–177), for a period not to exceed 5 legislative days, for consideration of such portions of the concurrent resolution as fall within that committee’s jurisdiction pursuant to clause 1(q), rule X,<sup>(76)</sup> and ordered to be printed.

### ***Contingent Amendments***

**§ 6.16 Clause 6 of rule XXVIII (now clause 12 of rule XXII)<sup>(77)</sup> of the rules of the House, adopted on opening day of the 94th Congress, became effective by its terms upon adoption by the Senate of an identical rule relating to open conference committee meetings.**

On November 5, 1975,<sup>(78)</sup> the Senate adopted a rule relating to conference committee meetings that was identical to a rule adopted by the House (which the House had adopted on a contingent basis, to become effective upon notification of the requisite Senate action):

Mr. [William] ROTH [of Delaware]. Mr. President, I call up amendment No. 968.  
The PRESIDING OFFICER.<sup>(79)</sup> The clerk will report.  
The legislation clerk read as follows:

The Senator from Delaware (Mr. ROTH) proposes for himself and others amendment No. 968.

Mr. ROTH. Mr. President, I ask unanimous consent to dispense with the further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.  
The amendment is as follows:

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

SEC. . (a) Rule XXVII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

“3. Each conference committee between the Senate and the House of Representatives shall be open to the public except when the managers of either the Senate or the House of Representatives in open session determine by a rollcall vote of a majority of those managers present, that all or part of the remainder of the meeting on the day of the vote shall be closed to the public.”.

(b) The amendment made by subsection (a) shall not become effective until a similar rule is adopted by the House of Representatives.

**76.** *Parliamentarian’s Note:* The jurisdiction of the Committee on Rules is now contained in clause 1(o) of rule X. *House Rules and Manual* § 733 (2019).

**77.** *House Rules and Manual* § 1093 (2019).

**78.** 121 CONG. REC. 35203, 35208–209, 35217–18, 94th Cong. 1st Sess.

**79.** William Brock (TN).

(c) The caption of such rule XXVII is amended to read as follows: . . .

“CONFERENCE COMMITTEES; REPORTS; OPEN MEETINGS”.

Mr. ROTH. Mr. President, amendment No. 968 would require House-Senate conference committees to be open to the public except when a majority of either the House or the Senate managers present voted to close the conference. Similar language has already been adopted by the House, so that if the Senate passes this amendment and the resolution, open conference committees would become the rule, not the exception. . . .

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll. . . .

The result was announced—yeas 81, nays 6, as follows:

[Rollcall Vote No. 469 Leg.] . . .

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll. . . .

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 470 Leg.] . . .

**§ 6.17 The House considered and passed a bill (later enacted into law) containing statutory House procedures and also directly amending House rules to require “tax complexity analysis” to accompany certain legislation.<sup>(80)</sup>**

On November 5, 1997,<sup>(81)</sup> the House considered and passed a bill containing the following:

***Subtitle C—Tax Law Complexity . . .***

*SEC. 422. TAX COMPLEXITY ANALYSIS.*

*(a) REQUIRING ANALYSIS TO ACCOMPANY CERTAIN LEGISLATION.—*

*(1) IN GENERAL.—Chapter 92 (relating to powers and duties of the Joint Committee on Taxation) is amended by adding at the end the following new section:*

*“SEC. 8024. TAX COMPLEXITY ANALYSIS.*

*“(a) IN GENERAL.—If—*

*“(1) a bill or joint resolution is reported by the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, or any committee of conference, and*

**80.** *Parliamentarian’s Note:* A change in the rules of the House that is proposed in a bill does not become effective until the bill becomes law. This bill became law on July 22, 1998 (P.L. 105–206; 112 Stat. 685). The new clause 2(l)(8) of rule XI (now clause 3(h) of rule XIII) became effective January 1, 1999. See *House Rules and Manual* § 849 (2019).

**81.** 143 CONG. REC. 24564, 105th Cong. 1st Sess. For House adoption of the conference report on this bill, see 144 CONG. REC. 13573–74, 13601, 13661–62, 105th Cong. 2d Sess. (June 24, 1998).

“(2) such legislation includes any provision amending the Internal Revenue Code of 1986, the report for such legislation shall contain a Tax Complexity Analysis unless the committee involved causes to have the Tax Complexity Analysis printed in the Congressional Record prior to the consideration of the legislation in the House of Representatives or the Senate (as the case may be).

“(b) LEGISLATION SUBJECT TO POINT OF ORDER.—It shall not be in order in the Senate to consider any bill or joint resolution described in subsection (a) required to be accompanied by a Tax Complexity Analysis that does not contain a Tax Complexity Analysis.

“(c) RESPONSIBILITIES OF THE COMMISSIONER.—The Commissioner shall provide the Joint Committee on Taxation with such information as is necessary to prepare Tax Complexity Analyses.

“(d) TAX COMPLEXITY ANALYSIS DEFINED.—For purposes of this section, the term ‘Tax Complexity Analysis’ means, with respect to a bill or joint resolution, a report which is prepared by the Joint Committee on Taxation and which identifies the provisions of the legislation adding significant complexity or providing significant simplification (as determined by the Joint Committee) and includes the basis for such determination.”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 92 is amended by adding at the end the following new item:

“Sec. 8024. Tax complexity analysis.”

(b) LEGISLATION SUBJECT TO POINT OF ORDER IN HOUSE OF REPRESENTATIVES.—

(1) LEGISLATION REPORTED BY COMMITTEE ON WAYS AND MEANS.—Clause 2(l) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

“(8) The report of the Committee on Ways and Means on any bill or joint resolution containing any provision amending the Internal Revenue Code of 1986 shall include a Tax Complexity Analysis prepared by the Joint Committee on Taxation in accordance with section 8024 of the Internal Revenue Code of 1986 unless the Committee on Ways and Means causes to have such Analysis printed in the Congressional Record prior to the consideration of the bill or joint resolution.”.

(2) CONFERENCE REPORTS.—Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“7. It shall not be in order to consider the report of a committee of conference which contains any provision amending the Internal Revenue Code of 1986 unless—

“(a) the accompanying joint explanatory statement contains a Tax Complexity Analysis prepared by the Joint Committee on Taxation in accordance with section 8024 of the Internal Revenue Code of 1986, or

“(b) such Analysis is printed in the Congressional Record prior to the consideration of the report.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to legislation considered on or after January 1, 1998.

## ***Vacating or Reversing Amendments to Rules***

**§ 6.18 Following House consideration (by unanimous consent) and adoption of a resolution amending the standing rules, the House later reversed that action by adopting a special order of business resolution (reported by the Committee on Rules) vacating the adoption of the original resolution and laying said resolution on the table.**

On April 22, 1986,<sup>(82)</sup> the House agreed to a unanimous-consent request to consider a resolution amending the rules of the House (which was adopted):

AMENDING THE RULES OF THE HOUSE TO INCREASE AMOUNT OF OUTSIDE  
EARNED INCOME WHICH A MEMBER MAY ACCEPT

Mr. [John] MURTHA [of Pennsylvania]. Mr. Speaker, I offer a resolution (H. Res. 427) amending the Rules of the House of Representatives to increase the amount of outside

82. 132 CONG. REC. 8328, 99th Cong. 2d Sess.

earned income which a Member may accept, and I ask unanimous consent for its immediate consideration.

The SPEAKER.<sup>(83)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 427

*Resolved*, That clause 1 of rule XLVII of the Rules of the House of Representatives is amended by striking out “which is in excess” and all that follows in both paragraph (a) and paragraph (b) and inserting in lieu thereof in each instance “in excess of the percentage of the aggregate salary as a Member, paid to the Member during such calendar year, to which such outside earned income is limited by law.”.

SEC. 2. The amendments made by the first section of this resolution shall take effect on January 1, 1986.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. [John] HILER [of Indiana]. Mr. Speaker, reserving the right to object, could we be enlightened as to what the gentleman’s resolution is about?

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

Mr. HILER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, this has been cleared by the leadership on both sides. It just changes the rules to bring them into closer compliance with the Senate rules.

The intent of this amendment to the House rule is to change the current 30-percent limitation to 40 percent.

Mr. HILER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

On April 23, 1986,<sup>(84)</sup> a Member asked unanimous consent to consider a resolution reversing this change to the House rules, but such request was objected to:

Mr. [Richard] DURBIN [of Illinois]. Mr. Speaker, I offer a resolution (H. Res. 431) amending clause 1, rule XLVII of the Rules of the House, and ask unanimous consent for its immediate consideration.

The SPEAKER.<sup>(85)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 431

*Resolved*, That clause 1 of Rule XLVII of the Rules of the House of Representatives be amended to read as follows:

1. (a) Except as provided by paragraph (b), no Member may, in any calendar year beginning after December 31, 1978, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1978, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

83. Thomas O’Neill (MA).

84. 132 CONG. REC. 8443, 99th Cong. 2d Sess.

85. Thomas O’Neill (MA).

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I object.

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I object.

The SPEAKER. Will the gentleman who offered the objection stand?

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER. The gentleman objects. Objection is heard.

#### PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DURBIN. Mr. Speaker, is there any procedure presently available before the House to consider this resolution which would restore the language of rule XLVII to exactly the same language as it was?

The SPEAKER. The matter may be referred to the Rules Committee, and if there is a report, a two-thirds vote will bring it to the floor today, and if there is approval on the minority side we will bring the matter to the floor this afternoon.

Mr. DURBIN. Mr. Speaker, will it be brought to the floor this afternoon?

The SPEAKER. It is the intention to refer the matter to the Rules Committee. The Chair cannot dictate what the Rules Committee is going to do, but it will recommend to the Rules Committee.

Mr. DURBIN. I thank the Speaker.

Later on the same day,<sup>(86)</sup> the Committee on Rules reported a special order of business resolution that vacated the adoption of the original resolution amending the rules, and laid said resolution on the table:

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2:30 p.m.

VACATING THE PROCEEDINGS BY WHICH HOUSE RESOLUTION 427 WAS  
ADOPTED BY THE HOUSE ON APRIL 22, 1986 AND PROVIDING THAT SAID  
RESOLUTION SHALL BE CONSIDERED TO HAVE BEEN LAID ON THE  
TABLE

Mr. [Claude] PEPPER [of Florida], from the Committee on Rules, reported the following privileged resolution (H. Res. 432, Rept. 99-553) which was referred to the House Calendar and ordered to be printed:

H. RES. 432

*Resolved*, That the proceedings by which H. Res. 427 was adopted by the House on April 22, 1986 are hereby vacated, and said resolution shall be considered to have been laid on the table.

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 432 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

86. 132 CONG. REC. 8474-75, 99th Cong. 2d Sess.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 432? The question was taken.

Mr. [John] MURTHA [of Pennsylvania]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The resolution requires a two-thirds vote for passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 68, not voting 32, as follows: . . .

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 432.

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

Mr. PEPPER. House Resolution 427 was adopted yesterday and lays the resolution on the table. As my colleagues are aware, yesterday a resolution passed this House that had the effect of lifting the limitation on outside earned income for Members. The resolution now before the Members would restore the limitations that were in place before yesterday's action. In other words, House Resolution 432 would reimpose the 30-percent limitation on outside earned income for Members by vitiating the action taken by the House.

Mr. Speaker, it is clear that Members are concerned about the absence of full legislative scrutiny of the amendment to the rules of the House adopted yesterday. There is a general consensus that the sensitive issues of Members' compensation and outside income should be addressed through careful study and deliberation.

The committee wishes to make the legislative intent in this matter clear. The committee's action in reporting this resolution should not be viewed as an endorsement of the previous rule setting a ceiling on outside income of 30 percent of a Members' pay. Nor should it be viewed as a rejection of the 40-percent limit adopted by the House yesterday, or of any other higher or lower limit which might be proposed in any subsequent legislation, subject to the normal procedure. The resolution presented today simply responds to the concerns I have discussed, by restoring the status quo. The committee views it as important to do so promptly, to avoid arousing passions about matters which should be reviewed with care and sensitivity.

The controversy surrounding the previous resolution, and the pending matter, make it clear that the current limit on outside income, and the disparate practices of the two Houses, are issues of some importance, which deserve to be addressed through subsequent hearings and study in appropriate legislative fora.

The Committee on Rules, and other committees of appropriate jurisdiction, will continue their legislative and oversight reviews of the issues of Members' pay and allowances, limitations and standards governing honoraria and other outside income, and comparability of these matters between the two Chambers.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 6.19 The House adopted a special order of business “hereby” adopting a resolution returning certain ethics rules of the House to their status quo ante from the previous Congress.<sup>(87)</sup>**

On April 27, 2005,<sup>(88)</sup> the following occurred:

AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REINSTATE CERTAIN PROVISIONS OF THE RULES RELATING TO PROCEDURES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO THE FORM IN WHICH THOSE PROVISIONS EXISTED AT THE CLOSE OF THE 108TH CONGRESS

Mr. [David] DREIER [of California], from the Committee on Rules, submitted a privileged report (Rept. No. 109–59) on the resolution (H. Res. 241) providing for the adoption of the resolution (H. Res. 240) amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

*Resolved*, That upon adoption of this resolution, House Resolution 240 is hereby adopted.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The question is, Will the House now consider House Resolution 241.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 241.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking minority Member of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides that upon its adoption, House Resolution 240 will be adopted. This will take us back to the 108th Congress’s rules with regard to ethics, word for word, comma for comma, exactly the same rules that existed in the 108th Congress. . . .

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

**87. *Parliamentarian’s Note:*** On opening day of the 109th Congress, the House adopted standing rules that made several changes to the operation of the Committee on Standards of Official Conduct (now the Committee on Ethics) as compared to the prior Congress. These changes proved controversial and the House later agreed to this special order returning the rules to their earlier form.

**88.** 151 CONG. REC. 8036, 8044–46, 109th Cong. 1st Sess.



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.

Ms. [Louise] SLAUGHTER [of New York]. 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 406, nays 20, answered “present” 1, not voting 7, 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.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 241, House Resolution 240 is adopted.

The text of H. Res. 240 is as follows:

H. RES. 240

*Resolved*, That clause 3 of rule XI of the Rules of the House of Representatives (relating to the Committee on Standards of Official Conduct) is amended as follows:

(1) Subparagraph (2) of paragraph (b) is amended to read as follows:

“(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only—

“(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner; or

“(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that he believes the information is submitted in good faith and warrants the review and consideration of the committee.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Standards of Official Conduct, the chairman and ranking minority member shall establish jointly an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.”.

(2) Paragraph (k) is amended to read as follows:

*“Duties of chairman and ranking minority member regarding properly filed complaints*

“(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

“(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

“(B) establish an investigative subcommittee; or

“(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

“(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.”.

(3) Paragraphs (p) and (q) are amended to read as follows:

*“Due process rights of respondents*

“(p) The committee shall adopt rules to provide that—

“(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

“(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

“(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

“(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

“(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

“(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

“(5) a respondent shall receive written notice whenever—

“(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

“(B) a complaint or allegation is transmitted to an investigative subcommittee;

“(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

“(D) an investigative subcommittee votes to expand the scope of its investigation;

“(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

“(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

“(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

*“Committee reporting requirements*

“(q) The committee shall adopt rules to provide that—

“(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

“(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent’s waiver is approved by the committee—

“(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

“(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

“(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent’s views available to the public before the commencement of any sanction hearing; and

“(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent’s views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

“(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.”.

### *Germaneness*

#### **§ 6.20 To a resolution amending several clauses of a rule of the House, but confined in its scope to the issue of access to committee meetings and hearings, an amendment to another clause of that rule relating to committee staffing was held not germane.**

On March 7, 1973,<sup>(89)</sup> the following occurred:

Mr. [John] ANDERSON of Illinois. Mr. Chairman, I offer an amendment.  
The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 2, line 24, add a new section 4, to read as follows:

Clause 32(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:

“(c) The minority party on any such standing committee is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of committee staff pursuant to each primary or additional expense resolution. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the staff until such appointment is made. Each staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.”

#### POINT OF ORDER

Mr. [John] MCFALL [of California]. Mr. Chairman, I rise to make a point of order against the amendment.

**89.** 119 CONG. REC. 6714, 93d Cong. 1st Sess.

The CHAIRMAN.<sup>(90)</sup> The gentleman will state his point of order.

Mr. MCFALL. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the matter that we are considering. The matter that we are considering has to do with access to committee meetings, and the amendment has to do with staff makeups, and they are entirely two different subject matters.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. ANDERSON of Illinois. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, House Resolution 259, the resolution we are considering today amends two clauses in rule XI of the Rules of the House of Representatives. I am proposing another amendment to rule XI, namely the provision dealing with minority staffing of committees.

I contend this amendment is germane and in order. Having only Cannon's Procedure of the 87th Congress available to me, I quote from page 201 of that volume dealing with germaneness:

But where the bill proposes to amend existing law in several particulars, no arbitrary rule can be laid down either admitting or excluding further amendments to the law not proposed in the pending bill, but the question of the germaneness of such additional amendments must be determined in each instance on the merits of the case presented (VIII, 2938).

This ruling was made by Chairman Sydney Anderson of Minnesota on June 10, 1921. I quote from volume VIII of the Precedents:

The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee, nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case. In the particular case under consideration it appears that the committee has reported a bill which amends several sections of Title IV of the bill in various particulars. The Chair does not feel that he can hold that no amendment to a section not dealt with by the committee is not in order.

Mr. Chairman, I feel my amendment would clearly be in order.

Mr. Chairman, the substitute rule would not make it possible for any other amendments to be made to rule XI.

It seems to me this further argues in favor of the germaneness of this particular amendment. I ask that the point of order be overruled.

The CHAIRMAN (Mr. WAGGONER). The Chair is prepared to rule.

House Resolution 259, while it technically amends two different clauses of rule XI, relates solely to the single subject of public access to House committee meetings and hearings. Thus, amendments to other portions of rule XI pertaining to committee jurisdiction such as staffing, and procedures other than access to hearings and meetings would not be germane.

Under the precedents, the fact that a bill amends several sections of a law does not necessarily open the whole law to amendment. The purpose and scope of the bill must

---

90. Joseph Waggoner (LA).

be considered. In the 89th Congress, the Committee of the Whole had under consideration a bill amending the National Labor Relations Act to repeal section 14(b) of that law. On that occasion, in several rulings by Chairman O'Brien of New York, the principle was reintegrated that where a bill is amendatory of existing law in several particulars, but relates to a single subject affected thereby, amendments proposing to modify the law but not related to the bill are not germane (CONGRESSIONAL RECORD, volume 111, part 14, pages 18631–18645).

For this reason, the chair holds that the amendment is not germane and sustains the point of order.

**§ 6.21 To a proposition reorganizing House committees and dealing with the committee stage of the legislative process, an amendment relating to voting procedures in the Committee of the Whole was held not germane.**

On October 8, 1974,<sup>(91)</sup> the following occurred:

Mr. [Jonathan] BINGHAM [of New York]. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: On page 53, after line 2, insert the following:

“PAIRS IN COMMITTEE OF THE WHOLE.

“SEC. 209. The first sentence of clause 2 of rule VIII of the Rules of the House of Representatives is amended by inserting ‘by the House or Committee of the Whole’ immediately before the first comma.”

POINT OF ORDER

Mr. [Neal] SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN.<sup>(92)</sup> The Chair will be glad to hear the gentleman's point of order.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment for the reason that it is an amendment to rule VIII, whereas the principal resolution under consideration here, House Resolution 988, attempts to amend rules X and XI only. Therefore, the amendment is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. BINGHAM. I do, Mr. Chairman.

Mr. Chairman, I was hoping that the amendment was sufficiently noncontroversial so that the point of order would not be made, and I do want to be heard on it.

This would amend title II of the resolution, which is headed, “Miscellaneous and Conforming Provisions.” That title of the resolution is not limited to changes in rules X and XI. It affects other rules, section 207, for example, amendment to rule XVI, and under the heading of “Miscellaneous and Conforming Provisions,” it would seem to me that a simple amendment to rule VII would clearly be in order.

91. 120 CONG. REC. 34415–16, 93d Cong. 2d Sess.

92. William Natcher (KY).

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

On hearing the gentleman from Iowa (Mr. SMITH) and the gentleman from New York (Mr. BINGHAM), the Chair is of the opinion that there is nothing in the Hansen amendment in the nature of a substitute, as perfected, relating to voting procedures in the Committee of the Whole. The miscellaneous provisions in the Hansen amendment, as perfected by the Waggoner amendment, do not broaden the Hansen amendment to the extent suggested by the gentleman from New York.

Therefore, the point of order must be sustained, and the point of order is sustained.

**§ 6.22 To a bill authorizing funding for the intelligence community for one fiscal year and making diverse changes in permanent law relating to sundry authorities of the Central Intelligence Agency and the Department of Defense (but devoid of any changes to House rules), an amendment proposing a change in the rules of the House relating to the Permanent Select Committee on Intelligence is not germane.**

On June 11, 1991,<sup>(93)</sup> the following occurred:

AMENDMENT OFFERED BY MR. SHUSTER

Mr. [Bud] SHUSTER [of Pennsylvania]. Madam Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 8, after line 15, add the following new section at the end of Title IV:

**SEC. 403. OATH OF SECRECY.**

In order to promote an enhanced consciousness by the Members and staff of the Permanent Select Committee on Intelligence of their special responsibilities for the protection of sensitive classified intelligence information, and thereby to promote an increased readiness on the part of the Executive Branch to provide information to the Committee necessary for it to most effectively carry out its legislative and oversight responsibilities for programs for which funds are authorized in this Act, Rule XLVIII (Rule 48) of the Rules of the House of Representatives is amended—

(a) at the end of clause 1 by adding the following new paragraph:

“(d) At the time a Member is appointed to serve on the select committee, or within thirty days after the adoption by the House of this provision, whichever is later, the member shall take the following oath:

“I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.”

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.”:

(b) at the end of clause 5 by adding the following new sentences: “Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of signing or within thirty days after the adoption by the House of this provision, whichever

**93.** 137 CONG. REC. 14206–207, 102d Cong. 1st Sess. For another germaneness ruling on this bill regarding the Permanent Select Committee on Intelligence, see 137 CONG. REC. 14207, 102d Cong. 1st Sess. (June 11, 1991).

is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each of such persons taking this oath, which shall be subscribed by each such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.”:

(c) in clause 7(d) by inserting immediately after the words “paragraph (c)” the words “or of the oath required by clause 1(d) or by clause 5,” and by adding immediately after the last sentence of clause 7(d) the following new sentences: “The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the member shall not be given access to classified information.”: and

(d) by adding the following new sentence at the end of clause 7(e): “If the Committee on Standards of Official Conduct determines that any member of the select committee or any person on its staff who is the subject of any such investigation has violated the oath required by clause 1(d) or clause 5, such person shall be permanently expelled from membership on the select committee or have his employment in any capacity by the select committee terminated permanently, as the case may be, in addition to being subject to such other actions as the House may determine are appropriate.”.

Mr. SHUSTER (during the reading), Madam Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN.<sup>(94)</sup> Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### POINT OF ORDER

Mr. [David] McCURDY [of Oklahoma]. Madam Chairman, I make a point of order against the amendment.

Madam Chairman, the amendment proposes a change in the rules of the House. Changes in House rules are outside of the jurisdiction of the Permanent Select Committee on Intelligence, and within the jurisdiction of the Committee on Rules. H.R. 2038 therefore contains no changes to House rules.

The amendment fails the test of committee jurisdiction under section 798c of the Rules and Practices of the House of Representatives by including matters within the jurisdiction of a committee not reporting the bill, the Committee on Rules. As a result, the amendment is not germane, and therefore it violates clause 7 of rule XVI (16).

Madam Chairman, I insist on my point of order.

Mr. SHUSTER. Madam Chairman, I regret that once again the House will not apparently be given the opportunity to vote on this amendment, and I am prepared for the ruling of the Chair.

Mr. [Gerald] SOLOMON [of New York]. Madam Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman wish to speak on the point of order?

Mr. SOLOMON. Madam Chairman, did the gentleman reserve a point of order or did he make a point of order?

Mr. McCURDY. I made a point of order.

The CHAIRMAN. The gentleman has made a point of order.

Mr. SOLOMON. So it is not debatable and I cannot engage in a colloquy with the sponsor of the amendment then?

94. Louise Slaughter (NY).

The CHAIRMAN (Ms. SLAUGHTER of New York). The gentleman is correct.

The Chair is ready to rule on the point of order of the gentleman from Oklahoma [Mr. MCCURDY].

For the reasons stated by the gentleman from Oklahoma, and based on the Chair's ruling of May 1, 1991, on the question, the Chair agrees that this amendment is not germane to the bill before the committee and, accordingly, the point of order is sustained.

### ***Amendments as Legislation on Appropriation Bills***

**§ 6.23 While an amendment to a general appropriation bill which has the direct effect of changing a rule of the House may be ruled out as legislation in violation of clause 2 of rule XXI,<sup>(95)</sup> an amendment which merely restricts the availability of funds in the bill for the implementation of one aspect of a discretionary authority conferred upon a House official by rule (but which does not by its terms directly change that authority) may be in order as a proper limitation.**

On June 14, 1978,<sup>(96)</sup> the following occurred:

Mr. [Adam] BENJAMIN [of Indiana]. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENJAMIN: On page 32, after line 7, insert the following:

SEC. 306. No funds in this bill may be used to implement a system for televising and broadcasting the proceedings of the House pursuant to House Resolution 866, 95th Congress, under which the TV cameras in the Chamber are controlled and operated by persons not in the employ of the House.

Mr. [William] ARMSTRONG [of Colorado]. Mr. Chairman, I reserve a point of order against the amendment. . . .

The CHAIRMAN.<sup>(97)</sup> Before the Chair hears other Members, the Chair would like to determine what the point of order is and dispose of it.

Mr. ARMSTRONG. Mr. Chairman, I make a point of order against the gentleman's amendment that it is violative of the rules of the House, in this respect: That if the amendment were adopted, it would alter a rule of the House. I refer to that rule of the House which was adopted on October 27, 1977, in House Resolution 866. In 3 pages, more or less, the House on that date adopted a rule providing for the implementation of a system of audio and visual broadcasting, and so on.

In this proposed amendment, very clearly, we are changing that existing rule, perhaps in a way that some Members will consider to be desirable, but, nonetheless, we are making a change in the rule itself. It is the equivalent of legislation on an appropriation bill.

I would suggest to the Chair and to my colleagues that if we would permit this to happen, other rules of the House could be similarly amended and, certainly, that is a precedent the Chair does not want to set.

**95.** *House Rules and Manual* § 1038 (2019). For an earlier annunciation of this principle regarding changes to House rules constituting legislation, see 4 Hinds' Precedents § 3819. See also generally, Deschler's Precedents Ch. 26.

**96.** 124 CONG. REC. 17661–62, 95th Cong. 2d Sess.

**97.** Daniel Rostenkowski (IL).



Mr. Chairman, I would ask that the Chair rule the amendment out of order.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BENJAMIN).

Mr. BENJAMIN. Mr. Chairman, to respond to the point of order raised by our colleague, the gentleman from Colorado (Mr. ARMSTRONG), House Resolution 866, adopted on October 27, 1977, provided for amending the rules of the House. It was a resolution adopted by this body, indicating the procedure by which the Speaker of the House was entitled to devise and implement a system for broadcast coverage. The resolution provided that the Speaker could make his determination, and a report by the Committee on Rules was to be delivered no later than February 15, 1978. That has been accomplished.

The gentleman from Indiana, who has offered this amendment, does not believe that we really need to have an amendment, because he believes that the Speaker has the authority. However, the question has been raised by Members of this body on a continuing basis, as late as last evening in a special order delivered by the gentleman from Illinois, that there has been a promise of a vote and a determination by this body.

This is a restriction on funding within the appropriations bill. The restriction is merely that no funds could be used for the operation of cameras by a non-employee of the House. These restrictions on funding are allowed along with the rules. It has no relationship to House Resolution 866, and I would urge the Chair to find that the amendment is in order.

The CHAIRMAN. The Chair is ready to rule on the point of order.

The amendment offered by the gentleman from Indiana (Mr. BENJAMIN) clearly does not amend any rule of the House, as he has very carefully stated. It is a negative restriction on the use of funds in the fiscal year covered by the bill.

The Chair overrules the point of order.

**§ 6.24 An amendment to a general appropriation bill requiring random drug testing of legislative branch personnel was held to propose legislation and ruled out of order under clause 2 of rule XXI.<sup>(98)</sup>**

On June 5, 1991,<sup>(99)</sup> 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.

<sup>98</sup>. *House Rules and Manual* § 1038 (2019).

<sup>99</sup>. 137 CONG. REC. 13587–88, 102d Cong. 1st Sess.

The CHAIRMAN.<sup>(100)</sup> 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 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.

---

100. Brian Donnelly (MA).

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.

## § 7. Statutory Rulemaking

In prior years, it was rare for Congress to enact legislation that contained provisions involving congressional rulemaking. The rationale was simply that the procedural rules of the House or Senate are internal matters for each body, to be adopted by simple resolution of each House (rather than by bills or joint resolutions enacted into law).<sup>(1)</sup> Notable exceptions came in the form of major legislative branch reorganizations, such as the Legislative Reorganization Act of 1946<sup>(2)</sup> and the Legislative Reorganization Act of 1970.<sup>(3)</sup>

Beginning in the 1970s, however, Congress began to more fully assert its power of review over executive branch and independent agencies of the government. One method of exercising that power was to provide, in law, the possibility of a “congressional veto” in response to certain actions taken by executive branch officials. One of the more noteworthy early examples of this type of law is the War Powers Resolution,<sup>(4)</sup> which provides procedures for Congress to direct the removal of military forces engaged in hostilities. The intent was to provide a more active role for Congress in supervising the use of military force by the executive branch in the absence of a formal declaration of war. Many other laws containing congressional procedures have been enacted since the 1970s, and the *House Rules and Manual* currently carries 35 separate laws containing some form of expedited procedures for congressional consideration of legislation.<sup>(5)</sup>

As the House adopts new rules at the beginning of each Congress, it is not bound by legislative procedures contained in law unless it affirmatively

---

1. *Parliamentarian's Note*: In the early years of Congress, the House and Senate would sometimes adopt joint rules to govern situations that required concurrent action (primarily addressing the enrollment and certification of legislative measures). 4 Hinds' Precedents § 3430. However, in 1876, these rules were abrogated and subsequent attempts to reinstate them were unsuccessful. 5 Hinds' Precedents §§ 6782–6789. Joint rules are not used in modern practice, with the exception of the law governing the counting of electoral votes for President and Vice President (whose procedures are made a joint rule of the two Houses by incorporation by reference in a concurrent resolution). See Deschler's Precedents Ch. 5 § 3 and Deschler's Precedents Ch. 10 § 2.6. The Committee on Rules retains jurisdiction over joint rules. Rule X, clause 1(o)(1), *House Rules and Manual* § 733 (2019).

2. P.L. 79–601; 60 Stat. 812.

3. P.L. 91–510; 84 Stat. 1140.

4. 50 U.S.C. §§ 1544–1546.

5. *House Rules and Manual* § 1130 (2019).

agrees to be so bound. The House routinely does so in the resolution adopting the standing rules of the House, which typically states that “applicable provisions of law or concurrent resolution that constituted rules of the House” at the end of the previous Congress shall be considered rules of the House in the current Congress.<sup>(6)</sup>

These provisions of law regarding congressional procedure have provided for action by both Houses of Congress (in the form of a joint or concurrent resolution), one House of Congress alone (by simple resolution), or a committee of one of the Houses. However, the Supreme Court’s decision in the *Chadha* case<sup>(7)</sup> rendered unconstitutional certain types of actions that could be taken by one House alone. The Court also affirmed several lower court decisions invalidating provisions involving mere simple or concurrent resolutions, or actions taken by committees of Congress.<sup>(8)</sup> In response, Congress has updated some of these earlier laws to provide that the “congressional veto” may be exercised only by joint resolution signed by the President.<sup>(9)</sup>

The particular procedures vary from statute to statute, but most can be described as expediting some kind of congressional action. For example, statutory procedures may mandate the introduction of some particular piece of legislation (such as a resolution of disapproval) and referral to a particular committee.<sup>(10)</sup> They may also provide deadlines for committees to report legislation back to the House, with discharge procedures available for committees that fail to report.<sup>(11)</sup> Another common procedure contained in such statutes is to give privileged status to particular motions to expedite floor consideration.<sup>(12)</sup> Once on the floor for debate, statutory procedures may restrict the amount of debate,<sup>(13)</sup> who may be recognized to debate,<sup>(14)</sup> and/or what amendments may be offered.<sup>(15)</sup> Finally, statutory procedures may restrict the offering of particular motions that may cause delay, such as the motion to reconsider.<sup>(16)</sup>

While the House has always reiterated its acceptance of these statutory procedures (by affirmatively making them applicable as rules of the House

---

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

7. *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983).

8. See, e.g., *Consumer Energy Council of America, et al. v. FERC*, 673 F.2d 425 (D.C. Cir. 1982), *aff’d* 463 U.S. 1216 (1983).

9. See, e.g., P.L. 101–382; 104 Stat. 629.

10. See, e.g., 5 U.S.C. § 910(a).

11. See, e.g., 29 U.S.C. § 1306(b)(4).

12. See, e.g., 42 U.S.C. § 2159(a).

13. See, e.g., 16 U.S.C. § 1823(c)(4)(A).

14. See, e.g., 19 U.S.C. § 2191(f)(2).

15. See, e.g., 42 U.S.C. § 2160e(e)(4)(C).

16. See, e.g., 5 U.S.C. § 912(b).

when adopting the standing rules), nothing prevents the House from altering or waiving those congressional procedures contained in law at a later time. As they operate as mere rules of the House, they can be changed by a simple resolution of the House or other House order, and need not be addressed by the enactment of a law. Thus, the House has, from time to time, adopted resolutions waiving or altering statutory procedures.<sup>(17)</sup> The House has also adopted separate orders (contained in the resolution adopting the standing rules) that waive or alter the applicability of statutory procedures, often for the duration of that Congress.<sup>(18)</sup> The Committee on Rules retains jurisdiction over statutory rulemaking.<sup>(19)</sup>

In the 104th Congress, after a significant reorganization of the committee system, Congress enacted a law to update the names of committees contained in various statutory rulemaking provisions.<sup>(20)</sup>

### *Germaneness*

**§ 7.1 While an amendment affecting the rules of the House to establish a special disapproval procedure would not ordinarily be germane to a proposition which merely granted certain authority to the executive (but did not contain a provision affecting congressional procedures), such an amendment is germane where the section of law being amended by that proposition contains a comparable provision regarding congressional procedures.**

On December 14, 1973,<sup>(21)</sup> the following occurred:

Mr. [Henry] HEINZ [of Pennsylvania]. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

17. See, *e.g.*, H. Res. 231, 161 CONG. REC. 6002–6003, 114th Cong. 1st Sess. (Apr. 30, 2015); H. Res. 391, 159 CONG. REC. 16368, 113th Cong. 1st Sess. (Oct. 29, 2013); and H. Res. 1092, 154 CONG. REC. 5640, 110th Cong. 2d Sess. (Apr. 10, 2008).
18. See § 8, *infra*.
19. For an exchange of letters between the Committee on Rules and a legislative committee regarding expedited congressional procedures contained in proposed legislation, see 160 CONG. REC. 8528, 113th Cong. 2d Sess. (May 20, 2014).
20. See H.R. 1421, 141 CONG. REC. 10698–99, 104th Cong. 1st Sess. (Apr. 6, 1995). The bill was signed into law as P.L. 104–14; 109 Stat. 186. See also *Precedents* (Wickham) Ch. 6 § 30.4.
21. 119 CONG. REC. 41716–18, 93d Cong. 1st Sess. For similar germaneness rulings involving statutory rulemaking and the rules of the House, see 122 CONG. REC. 12344–48, 94th Cong. 2d Sess. (May 4, 1976), 125 CONG. REC. 28097–99, 96th Cong. 1st Sess. (Oct. 12, 1979), and 128 CONG. REC. 20969, 20975–78, 97th Cong. 2d Sess. (Aug. 13, 1982).

## POINT OF ORDER

Mr. [Robert] PRICE of Texas. Mr. Chairman, a point of order.

The CHAIRMAN.<sup>(22)</sup> The gentleman will state it.

Mr. PRICE of Texas. Mr. Chairman, I thought the agreement was to alternate amendments between members of the Committee and members who are not on the Committee. This is another example of what we have here today.

Mr. HEINZ. Mr. Chairman, I would be happy to withdraw my amendment.

The CHAIRMAN. Permit the Chair to say in respect to the point of order, that the procedure mentioned by the gentleman from Texas was discussed but not agreed to. The Chair had hoped that procedure would be followed.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HEINZ to the amendment in the nature of a substitute offered by Mr. STAGGERS. Page 8, after line 18, insert the following new subsection: (e) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by inserting at the end thereof the following new subsections:

“(1)(1) The President shall transmit any rule (other than any technical or clerical amendments) which amends the regulation (promulgated pursuant to subsection (a) of this section) with respect to end-use allocation authorized under subsection (h) of this section.

“(2) Any such rule with respect to end-use allocation shall, for purposes of subsections (m) and (n) of this section, be treated as an energy action and shall take effect only if such actions are not disapproved by either House of Congress as provided in subsections (m) and (n) of this section.

“(m) DISAPPROVAL OF CONGRESS.—

“(1) For purposes of this subsection, the term ‘energy action’ means any rule under subsection (1) or repeal of such rule.

“(2) The President shall transmit any energy action (bearing an identification number) to the Congress. The President shall have such action delivered to both Houses on the same day and to each House while it is in session.

“(3) Except as otherwise provided in paragraph (4) of this subsection, an energy action shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that that House not favor the energy action.

“(4) For the purpose of subsection (1) of this section—

“(A) continuity of session is broken only by an adjournment of Congress sine die; and

“(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 15-day period.

“(5) Under provisions contained in an energy action, a provision of the plan may be effective at a time later than the date on which the action otherwise is effective.

“(6) An energy action which is effective shall be printed in the Federal Register.

“(n) DISAPPROVAL PROCEDURE.—

“(1) This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“(2) For the purpose of this subsection, ‘resolution’ means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: ‘That the — does not favor the energy action numbered — transmitted to Congress by the President on , 19 ’, the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy action.

22. Richard Bolling (MO).

“(3) A resolution with respect to an energy action shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives as the case may be.

“(4)(A) If the committee to which a resolution with respect to an energy action has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the energy action which has been referred to the committee.

“(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same energy action.

“(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy action, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

“(6A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an energy action, and motions to proceed to the consideration of other business, shall be decided without debate.

“(B) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy action shall be decided without debate.” . . .

The Clerk continued to read the amendment.

#### PARLIAMENTARY INQUIRY

Mr. [Robert] ECKHARDT [of Texas] (during the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ECKHARDT. Mr. Chairman, would it be in order for me to press my point of order at this time?

The CHAIRMAN. Did the Chair understand the gentleman to say, to press his point of order?

Mr. ECKHARDT. Yes, Mr. Chairman. Would it be in order for me to urge my point of order at this time?

The CHAIRMAN. The Chair feels that the reading of the amendment should be concluded. . . .

#### POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ECKHARDT. Mr. Chairman, my point of order is that the amendment is not germane to the amendment in the nature of a substitute. Further, the amendment is not germane to the material of the bill.

I should further like to argue on the point of order if I may be heard at this time.

The CHAIRMAN. The gentleman will proceed.

Mr. ECKHARDT. Mr. Chairman, what the amendment purports to do is create additional machinery with respect to the allocation section of the bill which is covered in section 103 of that bill so as to provide that the powers which are to be exercised in allocation, including end use allocation, shall be subject to presentation to the Congress during a 1 day period in which, if they are not vetoed by one or the other House, such provisions may be canceled by having been denied by the two Houses.

There is nothing in the original bill or in the amendment that provides for any procedure by which the matter shall be resubmitted to the Congress. There is nothing in the amendment in the nature of a substitute that has any such procedure in it.

The amendment offered here provides an extensive amendment of the procedures of both the House and Senate with respect to the manner in which this is accomplished.

I should like to point out to the Chair that this is not a small change in policy or in law but an extremely large one. What it purports to do, in effect, is to change the role of the Presidency and that of the Congress and to afford a special procedure by which this bill reserves to the Congress the administrative position, a position in which as a condition subsequent to the passage of this bill this bill may require a second look at the entire question and a determination on the question of policy by the Congress.

The major thrust of my point of order does not go to any question of constitutionality.

It indicates too the fact that the matter contained herein so sweepingly alters the procedures of the House, and the work to accommodate itself to this peculiar and unusual problem, that it is far beyond the scope of any provision in the bill. It does not in a minor manner change the bill, but it changes it in an extremely substantial manner because it calls upon the House to make a deep and complete policy determination with respect to the question of allocation at a time subsequent to the passage of the bill, and give that policy determination the effect of law as a condition subsequent to its particular enactment.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. HEINZ) desire to be heard on the point of order?

Mr. HEINZ. I do, Mr. Chairman.

Mr. Chairman, the gentleman from Texas contends on the one hand that my amendment is not constitutional, and on the other that it is not germane to the bill.

On the first point I would like to indicate, Mr. Chairman, that there are already on the statute books two laws, the War Powers Act, and the Procedure for Approving Executive Reorganizations. They use the same procedure for the two items I mentioned. Therefore I do not feel that the point of constitutionality can stand the test.

Second, the gentleman from Texas argues that my amendment and the disapproval portion thereof is not germane to the bill. Were this the case it would seem to me inconsistent, Mr. Chairman, because we would not have had, as we did 2 days ago, a vote on the Broyhill amendment which included the exact same procedures as exist in my amendment.

Admittedly, section 105 is not section 103 but, nonetheless, both amendments were offered to the amendment in the nature of a substitute, H.R. 11882. I do not believe, therefore, Mr. Chairman, that the point of order has merit.

Mr. ECKHARDT. Mr. Chairman, I should like to urge one other point aside from the germaneness question, and that is that the amendment is out of order because it seeks to amend the Rules of the House.



Mr. HEINZ. Mr. Chairman, if I may be heard further, I just do not think that the gentleman from Texas is correct. What is in this amendment is simply no different from writing into the bill, which we could do at any time, for any section, a provision which might say “notwithstanding anything in Section 103 or any other section, the Executive Branch has to come back to the Congress for enactment or approval or determination, or anything.”

The CHAIRMAN (Mr. [Richard] BOLLING [of Missouri]). The Chair is prepared to rule.

The gentleman from Texas (Mr. ECKHARDT) makes a very interesting and strong argument. The Chair in its ruling is persuaded that the question is a narrow question. The Chair does not rule on the constitutional questions raised in this argument; but there are two aspects of the matter that the Chair takes into consideration in its decision. One, which the Chair believes to be the lesser one, is the fact that in the original bill there is a similar provision which in turn was offered as an amendment to the amendment in the nature of a substitute. But the Chair relies primarily on the fact that the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ) is in fact an amendment to section 4 of Public Law 93–159, the Emergency Petroleum Allocation Act which, in a different manner, does provide for a procedure whereby the President shall make submissions to the Congress. And hereby either House may disapprove of such submissions.

Therefore the Chair overrules the point of order.

## § 8. Separate Orders and Orders of the House

In addition to the standing rules of the House, the House may adopt resolutions that represent “free-standing” orders of the House. Such resolutions are functionally equivalent to amendments to the standing rules, but do not formally amend the standing rules of the House. They may address specific areas where the House rules may be silent or provide broad grants of discretionary authority. For example, the 95th Congress adopted two resolutions providing for short-term experimentation in closed-circuit broadcasting of House floor proceedings—an area not explicitly addressed by the standing rules at that time, but previously regulated by the Speaker exercising discretionary authority over control of the Chamber.<sup>(1)</sup>

Often, these free-standing orders are temporary measures that are later codified in the standing rules themselves, usually in a subsequent Congress. In the 96th Congress, for example, a free-standing order was adopted providing for a new process by which Members and officers of the House would respond to subpoenas—a process that would be formally incorporated into the standing rules in the following Congress.<sup>(2)</sup> In the 100th Congress, the

1. See Precedents (Wickham) Ch. 4 § 3.1. See also Deschler's Precedents Ch. 5 § 6.4.

2. See H. Res. 722, 126 CONG. REC. 25777–78, 25785, 25787–90, 96th Cong. 2d Sess. (Sept. 17, 1980), and H. Res. 5, 127 CONG. REC. 98–99, 97th Cong. 1st Sess. (Jan. 5, 1981).

House adopted a resolution creating an Office of Fair Employment Practices—a free-standing order that was renewed in the 101st Congress and incorporated into the standing rules in the 102d Congress.<sup>(3)</sup> In the 110th Congress, the House adopted a resolution creating a new point of order regarding the practice of congressional earmarks.<sup>(4)</sup> That point of order was made part of the standing rules in the 111th Congress.<sup>(5)</sup>

Free-standing orders may be used to create or waive points of order. In the 106th Congress, Congress enacted a bill regarding aviation funding which contained a point of order against reducing that funding.<sup>(6)</sup> This point of order was continued in subsequent enactments but is not currently incorporated into the standing rules of the House.<sup>(7)</sup> Limits on the number of Members who may serve on a certain committee,<sup>(8)</sup> or on the service of the chair of a committee,<sup>(9)</sup> may be waived by an order of the House.

Beginning in the 104th Congress, the House has typically included a variety of free-standing orders in the resolution adopting the standing rules of the House. These additional orders of the House are included in a separate section (or sections) of such resolution, but do not amend the rules of the House. The subjects addressed by these separate orders include a broad

---

3. See H. Res. 558, 134 CONG. REC. 27840–41, 100th Cong. 2d Sess. (Oct. 3, 1988), H. Res. 15, 135 CONG. REC. 85, 101st Cong. 1st Sess. (Jan. 3, 1989), and H. Res. 5, 137 CONG. REC. 40, 102d Cong. 1st Sess. (Jan. 3, 1991).

4. See H. Res. 491, 153 CONG. REC. 16163, 110th Cong. 1st Sess. (June 18, 2007).

5. See H. Res. 5, 155 CONG. REC. 7, 111th Cong. 1st Sess. (Jan. 6, 2009).

6. See P.L. 106–181; 114 Stat. 61.

7. See P.L. 108–176; 117 Stat. 2490 and P.L. 112–95; 126 Stat. 11.

8. See 129 CONG. REC. 1791–92, 98th Cong. 1st Sess. (Feb. 7, 1983).

9. See H. Res. 213, 135 CONG. REC. 16457, 101st Cong. 1st Sess. (July 27, 1989).

range of parliamentary topics and House procedures. One of the more common types of separate orders is authority to continue an investigation, inquiry, or other judicial proceeding commenced in a prior Congress.<sup>(10)</sup> Commissions or other offices may also be continued or reauthorized by a separate order of the House.<sup>(11)</sup> Frequently, separate orders are used to authorize actions or create additional restrictions related to the congressional budget process.<sup>(12)</sup>

Separate orders sometimes address rules regarding the operation of committees of the House. Separate orders have reauthorized or created select committees,<sup>(13)</sup> permitted committees to exceed subcommittee limitations contained in the standing rules,<sup>(14)</sup> waived term limits,<sup>(15)</sup> expanded staff deposition authorities,<sup>(16)</sup> and created new requirements for committee reports.<sup>(17)</sup>

Separate orders may provide for the consideration of ordinary legislative measures, either by proposing special orders of business,<sup>(18)</sup> authorizing measures to be taken up by suspension of the rules procedures,<sup>(19)</sup> or expanding the number of suspension days for a set period.<sup>(20)</sup> Bill sponsorship and numbering is also an area frequently addressed by separate orders (*e.g.*, reserving particular bill numbers for the Speaker or Minority Leader).<sup>(21)</sup>

10. The House has, by separate order, continued ethics resolutions (see, *e.g.*, H. Res. 5, sec. 3(a), 147 CONG. REC. 26, 107th Cong. 1st Sess. (Jan. 3, 2001)), contempt of Congress proceedings (see, *e.g.*, H. Res. 5, sec. 3(f), 155 CONG. REC. 10, 111th Cong. 1st Sess. (Jan. 6, 2009)), and intervention by the House in other judicial proceedings (see, *e.g.*, H. Res. 5, sec. 4(a)(1), 159 CONG. REC. 27, 113th Cong. 1st Sess. (Jan. 3, 2013)). In the 115th Congress, the House adopted a new rule (clause 8(c) of rule II) permitting the House, Speaker, committee, or committee chair to act as the “successor in interest” with respect to litigation matters authorized during a prior Congress, thus obviating the need for the ad hoc reauthorizations described above. *House Rules and Manual* § 670b (2019).
11. For example, the House Democracy Partnership, the Tom Lantos Human Rights Commission, and the Office of Congressional Ethics. 163 CONG. REC. H10, H11 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).
12. For more on the budget process generally, see Deschler’s Precedents Ch. 41 and Precedents (Wickham) Ch. 41.
13. See, *e.g.*, H. Res. 5, sec. 4(a), 155 CONG. REC. 9, 111th Cong. 1st Sess. (Jan. 6, 2009).
14. See, *e.g.*, H. Res. 5, sec. 3(k), 157 CONG. REC. 82, 112th Cong. 1st Sess. (Jan. 5, 2011).
15. See, *e.g.*, H. Res. 5, sec. 2(b), 145 CONG. REC. 75, 106th Cong. 1st Sess. (Jan. 6, 1999).
16. See, *e.g.*, H. Res. 5, sec. 3(b), 161 CONG. REC. 35, 114th Cong. 1st Sess. (Jan. 6, 2015).
17. See, *e.g.*, H. Res. 5, sec. 3(k), 159 CONG. REC. 27, 113th Cong. 1st Sess. (Jan. 3, 2013).
18. See, *e.g.*, H. Res. 5, sec. 5, 155 CONG. REC. 10, 111th Cong. 1st Sess. (Jan. 6, 2009). For an earlier example of legislation considered (by unanimous consent) prior to the adoption of rules, see Deschler’s Precedents Ch. 5 § 3 (fn. 2).
19. See, *e.g.*, H. Res. 5, sec. 5(b), 157 CONG. REC. 83, 112th Cong. 1st Sess. (Jan. 5, 2011).
20. See, *e.g.*, H. Res. 5, sec. 3(d), 149 CONG. REC. 11, 108th Cong. 1st Sess. (Jan. 7, 2003).
21. See, *e.g.*, H. Res. 5, sec. 3(k), 163 CONG. REC. H10 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

In addition to altering or waiving requirements of the standing rules, separate orders may also address rulemaking contained in statute. The House has, for example, rendered certain congressional procedures contained in statute inapplicable for the duration of a Congress.<sup>(22)</sup> Finally, separate orders may provide for any number of miscellaneous authorities not otherwise addressed by the rules of the House. These have included: providing for a reading of the U.S. Constitution,<sup>(23)</sup> providing for alternative electronic availability of House documents,<sup>(24)</sup> and authorizing the publication of state memorials for constitutional conventions.<sup>(25)</sup>

## § 9. The Speaker's Announced Policies

As noted in Section 1, above, the rules of the House provide a number of general authorities to the Speaker, and leave it to the Speaker's discretion as to how such authorities will be exercised. Since the 1980s, Speakers have typically made formal announcements to the House on opening day of a new Congress (or soon thereafter) detailing policies that the Speaker intends to abide by in exercising these discretionary authorities. Such policy statements have addressed such topics as: the introduction and referral of bills and resolutions; unanimous-consent requests to consider legislation; the format for non-legislative debate (such as one-minute speeches, morning-hour debate, and special-order speeches); the exercise of floor privileges; protocols regarding decorum; the conduct of votes by electronic device; committee jurisdictional issues; the appointment of conferees; the use of hand-outs and electronic equipment on the floor of the House; and the use of the House Chamber while not in session.<sup>(1)</sup> While not formal rules of the House (and therefore not binding on the Speaker), these announced policies of the Speaker function in a similar manner by providing Members with certain expectations as to what procedures will govern a particular area, how rules will be interpreted, and what actions will or will not be permitted on the floor of the House. A new Speaker elected during a Congress may choose to formally reiterate the policies articulated by the preceding Speaker in order to preserve their continuity for the remainder of the Congress.<sup>(2)</sup>

22. See, e.g., H. Res. 5, sec. 3(a), 161 CONG. REC. 35, 114th Cong. 1st Sess. (Jan. 6, 2015).

23. See, e.g., H. Res. 5, sec. 5(a), 163 CONG. REC. H9 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

24. See, e.g., H. Res. 5, sec. 3(n), 157 CONG. REC. 83, 112th Cong. 1st Sess. (Jan. 5, 2011).

25. See, e.g., H. Res. 5, sec. 3(c), 161 CONG. REC. 35, 114th Cong. 1st Sess. (Jan. 6, 2015).

1. See, e.g., 163 CONG. REC. H34–H36 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017). See also *Precedents (Wickham)* Ch. 6 § 2.5.

2. See, e.g., 161 CONG. REC. H7340 [Daily Ed.], 114th Cong. 1st Sess. (Oct. 29, 2015). See also *Precedents (Wickham)* Ch. 6 § 2.6.

**B. House Journal****§ 10. In General**

The House is required by the U.S. Constitution to keep a Journal of its proceedings and to publish the same “from time to time,” excepting whatever parts are determined must remain secret.<sup>(1)</sup> The Journal represents the formal “minutes” of the House and thus is the official record of actions taken by the House.<sup>(2)</sup> As such, it is accorded judicial notice by both Federal and state courts.<sup>(3)</sup> The *Congressional Record*, by contrast, is intended to be a verbatim transcript of debates in the House, and while it is therefore a more complete record of the proceedings of the House, its lack of constitutional imprimatur gives it a lower evidentiary status as compared to the Journal.<sup>(4)</sup>

By statute, copies of extracts of the Journal (certified by the Clerk) are to be received in evidence by judicial authorities with the same effect as originals.<sup>(5)</sup> Members are required to sign a copy of the oath of office, and this signed copy is included in the Journal, to be used as “conclusive proof” that the Member “duly took the oath of office in accordance with law.”<sup>(6)</sup>

By House rule, the Clerk is required to distribute the final Journal to all Members at the close of a session.<sup>(7)</sup> A copy of the Journal is also sent to the executive.<sup>(8)</sup> Formerly, the Clerk was also required to send a copy to each branch of the state legislature of each state, but this requirement was amended in the 104th Congress to require a formal request by state officials to receive the Journal.<sup>(9)</sup> By statute, copies of the House Journal are to be deposited in the Library of Congress,<sup>(10)</sup> the House Library and document

---

1. U.S. Const. art. I, § 5. See also *House Rules and Manual* § 69 (2019).

2. 4 Hinds’ Precedents § 2727.

3. For judicial decisions interpreting the evidentiary status of the House Journal, see *Marshall Field & Co. v. Clark*, 143 U.S. 649 (1892) and *Prevost v. Morgenthau*, 106 F.2d 330 (70 App. D.C. 306, 1939). See also 31 CJS Evidence § 43 and 4 Hinds’ Precedents § 2810.

4. See Division C, *infra*.

5. 28 U.S.C. § 1736.

6. 2 U.S.C. § 25. For more on the administration of the oath of office, see Deschler’s Precedents Ch. 2 and Precedents (Wickham) Ch. 2.

7. Rule II, clause 2(c)(3), *House Rules and Manual* § 647 (2019). According to Jefferson’s *Manual of Parliamentary Practice*, every Member has a right to inspect the Journal and to publish votes from them. *House Rules and Manual* § 582 (2019).

8. Rule II, clause 2(c)(4), *House Rules and Manual* § 647 (2019).

9. See H. Res. 254, 141 CONG. REC. 35077–78, 104th Cong. 1st Sess. (Nov. 30, 1995).

10. 2 U.S.C. § 146.

room,<sup>(11)</sup> and sent to other governmental officials, agencies and departments.<sup>(12)</sup>

The Constitution mandates that certain matters be included in the House Journal. Veto messages of the President are required to be entered in the Journal,<sup>(13)</sup> as are votes by the yeas and nays when demanded by one-fifth of the membership.<sup>(14)</sup> Certain statutes require that particular information be entered in the Journal, including the oath of office subscribed to by Members,<sup>(15)</sup> and the electoral vote totals for President and Vice President.<sup>(16)</sup>

House rules contain many provisions requiring inclusion of particular material in the Journal. The Clerk is responsible for noting all questions of order in an appendix to the Journal,<sup>(17)</sup> as well as the hour at which the House adjourns each legislative day.<sup>(18)</sup> When the Clerk designates another official in the Office of the Clerk to assume certain responsibilities of the Clerk in the case of absence or disability, this designation is entered in the Journal.<sup>(19)</sup> Senate messages and messages from the President are entered in the Journal,<sup>(20)</sup> as are petitions, memorials, and private bills submitted by Members.<sup>(21)</sup> Titles of introduced bills and resolutions, along with the names of committees to which they have been referred, are also required by House rules to be entered in the Journal.<sup>(22)</sup> When measures are introduced “by request,” those words are also required by rule to be entered in the Journal.<sup>(23)</sup> Additions or deletions of cosponsors of legislation are also included in the Journal as of the date of addition or deletion,<sup>(24)</sup> but unanimous-consent requests to list new cosponsors as having been added on the date on introduction are not entertained.<sup>(25)</sup>

11. 44 U.S.C. § 713.

12. 44 U.S.C. §§ 1714, 1718.

13. U.S. Const., art. I, § 7. See § 10.4, *infra*. For a description of the Senate Journal, see Deschler's Precedents Ch. 5 § 8.1. For further information as to what is required to be carried in the House Journal, see Deschler's Precedents Ch. 5 §§ 10.1–10.10.

14. U.S. Const., art. I, § 5. See also Deschler's Precedents Ch. 5 § 10.4.

15. 2 U.S.C. § 25. See § 10.6, *infra*.

16. 3 U.S.C. § 15. See also Deschler's Precedents Ch. 5 §§ 10.5, 10.6. For the counting of electoral votes for President and Vice President generally, see Deschler's Precedents Ch. 10 and Precedents (Wickham) Ch. 10.

17. Rule II, clause 2(c)(1), *House Rules and Manual* § 647 (2019).

18. Rule II, clause 2(c)(2), *House Rules and Manual* § 647 (2019).

19. Rule II, clause 2(g), *House Rules and Manual* § 651 (2019).

20. Rule XII, clause 1, *House Rules and Manual* § 815 (2019).

21. Rule XII, clause 3, *House Rules and Manual* § 818 (2019).

22. Rule XII, clause 7(a), *House Rules and Manual* § 825 (2019).

23. Rule XII, clause 7(b)(5), *House Rules and Manual* § 826 (2019). See also Deschler's Precedents Ch. 5 § 10.7.

24. Rule XII, clause 7(b)(3), *House Rules and Manual* § 825 (2019). For adoption of this rule, see H. Res. 86, 124 CONG. REC. 34929, 95th Cong. 2d Sess. (Oct. 10, 1978).

25. See § 10.2, *infra*.

Committee reports are not themselves entered as part of the Journal, but the title and subject of each report is required to be included by House rule.<sup>(26)</sup> Discharge motions under rule XV are entered in the Journal when they receive the requisite number of signatures.<sup>(27)</sup> Discharge motions are considered in the order they appear in the Journal.<sup>(28)</sup> All motions made in the House are entered in the Journal, along with the name of the Member making the motion (unless withdrawn the same day).<sup>(29)</sup> In addition to the constitutional requirement of entering the yeas and nays in the Journal,<sup>(30)</sup> other recorded votes and quorum calls (conducted by electronic device<sup>(31)</sup> or tellers)<sup>(32)</sup> are also included in the Journal pursuant to House rule. Members present in the Chamber who do not respond to a quorum call are nevertheless counted for purposes of establishing a quorum, and their names are entered in the Journal pursuant to clause 4(b) of rule XX.<sup>(33)</sup> The House Journal reflects actions taken by the House, and as such, does not include actions which the House has declined to take (such as when a unanimous-consent request is objected to).<sup>(34)</sup> The Journal does not carry the deliberations of the Committee of the Whole, except for recorded votes.

The Journal Clerk, a Member of the Clerk's staff is tasked with maintaining the Journal, updating it to reflect the official actions of the House, and including matters required by House rules, statutes, or the Constitution.<sup>(35)</sup> The Journal Clerk also keeps custody of discharge petitions under rule XV,<sup>(36)</sup> as well as motions to discharge authorized by congressional rule-making contained in statute.<sup>(37)</sup>

26. Rule XIII, clause 2(a)(1), *House Rules and Manual* § 831 (2019).

27. Rule XV, clause 2, *House Rules and Manual* § 892. For discharging matters from committee generally, see Deschler's Precedents Ch. 18 and Precedents (Wickham) Ch. 18. For the rules change that made signatories to discharge petitions a matter of public record, see 139 CONG. REC. 22698–704, 103d Cong. 1st Sess. (Sept. 28, 1993).

28. Rule XV, clause 2(d)(1), *House Rules and Manual* § 892 (2019).

29. Rule XVI, clause 1, *House Rules and Manual* § 902 (2019).

30. See § 10.3, *infra*.

31. Rule XX, clause 2(a), *House Rules and Manual* § 1014 (2019).

32. Rule XX, clause 4(a), *House Rules and Manual* § 1019 (2019).

33. *House Rules and Manual* § 1020 (2019). For a history of this rule, see 4 Hinds' Precedents § 2905.

34. See Deschler's Precedents Ch. 5 § 10.2.

35. *Parliamentarian's Note*: Prior to the advent of the position of House Parliamentarian, the Journal Clerk was charged with publishing a "Digest and Manual of the Rules and Practice of the House of Representatives" pursuant to an act of March 3, 1877. The Parliamentarian now prepares the successor publication: the *House Rules and Manual*. See Division A, *supra*.

36. See § 10.5, *infra*.

37. For an example of a discharge motion filed under statutory procedures (the Federal Trade Commission Improvements Act), see 127 CONG. REC. 30765, 97th Cong. 1st Sess. (Dec. 10, 1981).

*Content of the Journal***§ 10.1 The Speaker laid before the House a copy of a letter (to be included in the Journal) from a Member transmitted to the Governor of his state during the August recess announcing his resignation from the House.**

On September 3, 1975,<sup>(38)</sup> the following letter of resignation was printed in the *Congressional Record* and entered into the House Journal:

RESIGNATION AS REPRESENTATIVE IN HOUSE OF REPRESENTATIVES FROM  
TENNESSEE'S FIFTH CONGRESSIONAL DISTRICT

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, DC, August 14, 1975.

Hon. RAY BLANTON,  
Governor, State of Tennessee,  
Nashville, Tenn.

DEAR GOVERNOR BLANTON: This is to respectfully inform you that I am hereby resigning my seat as Tennessee's Fifth District Representative to the United States House of Representatives effective this date.

Sincerely,

RICHARD H. FULTON.

**§ 10.2 Pursuant to clause 4 of rule XXII (now clause 7 of rule XII)<sup>(39)</sup> which permits an original sponsor to add additional cosponsors to a bill or resolution for entry in the Journal and *Congressional Record* as of a subsequent date, the Chair will not entertain a unanimous-consent request to list an additional original cosponsor as of the date of original introduction where such name had been inadvertently omitted by the original sponsor.**

On January 28, 1985,<sup>(40)</sup> the following occurred:

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

Mr. [Beryl] ANTHONY [of Arkansas]. Mr. Speaker, I introduced H.R. 531. It is a piece of legislation to repeal the contemporaneous recordkeeping to claim the business use of not only automobiles, but airplanes, computers, and other business equipment.

Unfortunately, when that piece of legislation was introduced, Congressman HAROLD VOLKMER of Missouri was inadvertently left off.

Mr. Speaker, I ask now unanimous consent for Congressman VOLKMER to be listed as an original cosponsor.

**38.** 121 CONG. REC. 27201, 94th Cong. 1st Sess. See also H. Jour. 1358, 94th Cong. 1st Sess. (1975).

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

**40.** 131 CONG. REC. 1141, 99th Cong. 1st Sess.



The SPEAKER pro tempore (Mr. [Bill] ALEXANDER [of Arkansas]). The gentleman should submit a new list of cosponsors as of today.

Mr. ANTHONY. Mr. Speaker, I will submit a new list with Congressman VOLKMER'S name on it.

Similarly, on May 23, 1985,<sup>(41)</sup> the Speaker declined to entertain a unanimous-consent request for a Member to be included as an original cosponsor on a House resolution:

PERMISSION TO INCLUDE NAME OF MEMBER AS ADDITIONAL COSPONSOR  
OF HOUSE RESOLUTION 2573

Mr. [Herbert] BATEMAN [of Virginia]. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. ANDERSON] be added as one of the original cosponsors of the bill, House Resolution 2573, his name having been omitted from that list by an oversight.

The SPEAKER.<sup>(42)</sup> The Chair would advise the gentleman that the name may be added as an additional sponsor as of today.

Mr. BATEMAN. But it cannot be included as an original sponsor?

The SPEAKER. It cannot be included as an original sponsor.

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

There was no objection.

**§ 10.3 Although the Constitution and the rules of the House require that votes taken by the yeas and nays be spread upon the Journal, neither requires that a Member's vote be made public immediately during the vote.**

On September 19, 1985,<sup>(43)</sup> the following parliamentary inquiries were made:

PARLIAMENTARY INQUIRY

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

Mr. Speaker, it would be my intention to ask for a recorded vote on the final passage of this bill. However, it has come to my attention that the electronic voting system that we typically use in the House of Representatives is not functioning, and under the rule XV, clause 5, the Speaker does in fact have the discretion to have the vote be by rollcall vote of the Members rather than by electronic means.

It is my reading that the intent of the Constitution and the intent of the rules of this House is to assure that Members of Congress, when casting their vote, do so wholly in public so that the Member's vote is in fact known to the public at the time he or she casts that vote.

It seems to me that if we have an electronic voting system which is not giving the American people that opportunity to understand the votes of their Representatives at the

41. 131 CONG. REC. 13421, 99th Cong. 1st Sess.

42. Thomas O'Neill (MA).

43. 131 CONG. REC. 24245, 99th Cong. 1st Sess.; *House Rules and Manual* §§ 76, 1014a (2019).

time that vote is cast that we ought to revert to the system that is the underlying system of the House of a voice vote, which in fact that record the Member's vote precisely that way. I would ask, Mr. Speaker, that under the discretion given the Chair in rule XV, the Chair exercise that particular authority with regard to the upcoming vote.

The SPEAKER.<sup>(44)</sup> In response to the gentleman, the Chair would state that the Chair by utilizing the electronic system is following precedent of June 1, 1977, June 21, 1978, July 18, 1979, October 21, 1981, and September 18, 1985. So there are several precedents.

The Constitution requires that the yeas and nays be spread upon the Journal, and that is what the rules of the House have always guaranteed, both prior to and subsequent to electronic voting. Consequently, the Chair believes that the proper method is being used and that there are precedents therefor.

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. WALKER. 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 will be taken by electronic device.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has been advised that while the electronic display panels are not working, all voting stations are operating. The Chair will direct that all vote-monitoring stations be staffed with personnel so that any Member may go to another monitor and verify his or her vote.

Members may also verify their votes, as they should on any vote, by reinserting their card at the same or at another voting station.

The Chair has now been informed that the voting stations are not working. The House will revert to a standby procedure.

The Clerk will call the roll.

The question was taken; and there were—yeas 290, nays 128, not voting 16, as follows:

### **§ 10.4 Pursuant to a previous order of the House,<sup>(45)</sup> a veto message was laid before the House and the objections of the President were spread at large upon the Journal.**

On October 22, 2015,<sup>(46)</sup> the following occurred:

44. Thomas O'Neill (MA).

45. *Parliamentarian's Note*: The House had anticipatorily postponed consideration of this veto message until November 5, 2015, by unanimous consent the day before. See 161 CONG. REC. H7079 [Daily Ed.], 114th Cong. 1st Sess. (Oct. 21, 2015). For prior, similar examples of veto messages being laid down and postponed pursuant to a previous order, see 153 CONG. REC. 29383–84, 110th Cong. 1st Sess. (Nov. 5, 2007) and 156 CONG. REC. 17520 111th Cong. 2d Sess. (Nov. 15, 2010).

46. 161 CONG. REC. H7127 [Daily Ed.], 114th Cong. 1st Sess.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—VETO  
MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO.  
114–70)

The SPEAKER pro tempore (Mr. [Trent] KELLY of Mississippi) 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. 1735, the “National Defense Authorization Act for Fiscal Year 2016.” While there are provisions in this bill that I support, including the codification of key interrogation-related reforms from Executive Order 13491 and positive changes to the military retirement system, the bill would, among other things, constrain the ability of the Department of Defense to conduct multi-year defense planning and align military capabilities and force structure with our national defense strategy, impede the closure of the detention facility at Guantanamo Bay, and prevent the implementation of essential defense reforms. . . .

Because of the manner in which this bill would undermine our national security, I must veto it.

BARACK OBAMA.  
THE WHITE HOUSE, *October 22, 2015.*

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.

Pursuant to the order of the House of October 21, 2015, further consideration of the veto message and the bill are postponed until the legislative day of Thursday, November 5, 2015, and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

**§ 10.5 In response to a parliamentary inquiry, the Chair advised a Member that a discharge petition resides with the Journal Clerk at the desk and may be signed by a Member when the House is in session.**

On March 27, 1998,<sup>(47)</sup> the following parliamentary inquiries were entertained regarding discharge petitions:

PARLIAMENTARY INQUIRY

Mrs. [Lois] CAPPS [of California]. Mr. Speaker, as the newest Member of Congress, I have a parliamentary inquiry.

I am very interested in campaign finance reform, and I wish to know how to sign the discharge petition which will bring this discussion to the floor.

The SPEAKER pro tempore.<sup>(48)</sup> The petition resides with the Journal Clerk at the desk.

Mrs. CAPPS. I thank the Speaker. May I sign it now?

The SPEAKER pro tempore. Yes.

47. 144 CONG. REC. 5041, 105th Cong. 2d Sess.

48. David Hobson (OH).

§ 10.6 Pursuant to law,<sup>(49)</sup> the Clerk submits for printing in the Journal and in the *Congressional Record* the list of Members, Delegates, and the Resident Commissioner who have taken the oath of office required by the Constitution, in the form prescribed by statute.<sup>(50)</sup>

On March 25, 1999,<sup>(51)</sup> the Clerk submitted the following for printing in the Journal:

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

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

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 106th Congress, pursuant to the provisions of 2 U.S.C. 25:

Attachment

## § 11. Precedence

Pursuant to the standard order of business found in clause 1 of rule XIV, the reading and approval of the Journal is listed as the second item of business, to be conducted immediately following the prayer by the Chaplain.<sup>(1)</sup> It was formerly the case that the reading and approval of the Journal required a quorum to be present,<sup>(2)</sup> and a vote on approving the Journal could not be postponed.<sup>(3)</sup> Thus, the transaction of any House business, no matter

49. 2 U.S.C. § 25.

50. 5 U.S.C. § 3331.

51. 145 CONG. REC. 5771, 106th Cong. 1st Sess. See also H. Jour. 286, 287, 106th Cong. 1st Sess. (1999).

1. *House Rules and Manual* § 869 (2019). For more on the order of business generally, see Deschler's Precedents Ch. 21 §§ 1–8 and Precedents (Wickham) Ch. 21.

2. See 4 Hinds' Precedents §§ 2732, 2733, and 6 Cannon's Precedents §§ 624, 625, and 629.

3. Postponement authority was provided in the 98th Congress. See H. Res. 5, 129 CONG. REC. 34, 98th Cong. 1st Sess. (Jan. 3, 1983).

how privileged, could not be undertaken prior to the approval of the Journal.<sup>(4)</sup> The only exceptions to this prohibition were certain other highly privileged matters, such as the motion to adjourn<sup>(5)</sup> or the administration of the oath of office to a Member-elect.<sup>(6)</sup> Additionally, the Chair could entertain unanimous-consent requests prior to the approval of the Journal.<sup>(7)</sup>

Several amendments to the standing rules in the 1970s and 1980s greatly streamlined the process of approving the Journal and reduced the ability of Members to offer procedural motions related to the Journal. Prior to the 92d Congress (1971–1972), the Speaker was required to await the establishment of a quorum before proceeding to a mandatory reading of the Journal.<sup>(8)</sup> In the 92d Congress, the mandatory reading of the Journal was replaced with discretionary authority for the Speaker to have the Journal read, or for a Member to move that the Journal be read.<sup>(9)</sup> The requirement for establishing a quorum prior to approving the Journal was eliminated in the 96th Congress (1979–1980).<sup>(10)</sup> At the same time, the approval of the Journal was converted to an automatic process: the Speaker’s approval of the Journal is “deemed” agreed to, subject to a demand by any Member that a vote be taken on that question.<sup>(11)</sup> Finally, in the 98th Congress (1983–1984), clause 5(b) of rule I (now clause 8 of rule XX)<sup>(12)</sup> was amended to allow the Speaker to postpone a vote on agreeing to the Speaker’s approval of the Journal until a time later that same legislative day.

The effect of these changes to House rules regarding the Journal was to essentially end procedural motions (sometimes for purposes of delay or obstruction) related to approving or reading the Journal.<sup>(13)</sup> With the elimination of the requirement to establish a quorum prior to the approval of the

---

4. See Deschler’s Precedents Ch. 5 § 12.1.

5. See Deschler’s Precedents Ch. 5 §§ 12.3, 12.4.

6. See Deschler’s Precedents Ch. 5 § 12.5.

7. See Deschler’s Precedents Ch. 5 §§ 12.9, 12.10. For an instance where the Chair declined to confer recognition for a unanimous-consent request prior to the approval of the Journal, see Deschler’s Precedents Ch. 5 § 12.11.

8. See *House Rules and Manual* § 621 (1969). See also H. Doc. 402, 90th Cong. 2d Sess.

9. This rules change was made by the Legislative Reorganization Act of 1970 (P.L. 91–510; 84 Stat. 1140) and made part of the standing rules at the beginning of the 92d Congress. See H. Res. 5, 117 CONG. REC. 14–15, 140–144, 92d Cong. 1st Sess. (Jan. 21, 1971).

10. H. Res. 5, 125 CONG. REC. 7–9, 16, 96th Cong. 1st Sess. (Jan. 15, 1979).

11. *Id.*

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

13. *Parliamentarian’s Note*: As a result of these rules changes related to the Journal, many of the precedents carried in Deschler’s Precedents Ch. 5 §§ 8–14 are no longer applicable to current procedures. See notes herein for precedents that may still have applicability to current practice.

Journal, points of no quorum could no longer be made pending the Journal's approval by the Speaker.<sup>(14)</sup> With the Speaker authorized to postpone any vote on agreeing to the Speaker's approval of the Journal, the House can move on to other business even if a Member demands a vote on that question.

Prior to the approval of the Journal, the Speaker may exercise discretion to recognize Members for parliamentary inquiries.<sup>(15)</sup> As with all parliamentary inquiries, they should be related to the pending business of the House (*i.e.*, the issue of approving of the Journal or the order of business). The House may also receive messages from the Senate or the President prior to the approval of the Journal.<sup>(16)</sup> As the motion to adjourn is one of the most highly privileged motions in the House, it thus takes precedence over a demand for a recorded vote on agreeing to the Speaker's approval of the Journal.<sup>(17)</sup>

### ***Parliamentary Inquiries***

#### **§ 11.1 The Speaker may entertain parliamentary inquiries (relating to the order of business or the Journal) prior to the approval of the Journal.**

On February 28, 1979,<sup>(18)</sup> the Chair entertained parliamentary inquiries related to the Journal as follows:

#### PARLIAMENTARY INQUIRY

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER.<sup>(19)</sup> The gentleman from Maryland will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, before the gentleman from Maryland decides whether, under clause 1, rule I, he would like to ask for a vote on the approval of the Journal, as that rule provides, could the Chair tell us whether or not he will entertain a motion for a call of the House and at what point he might entertain such a motion today?

Mr. [John] BRADEMÁS [of Indiana]. Mr. Speaker, will the gentleman yield?

14. For an example of prior practice, see Deschler's Precedents Ch. 5 §§ 12.6, 12.7.

15. See §§ 11.1, 11.2, *infra*. For earlier precedents on entertaining parliamentary inquiries during a reading of the Journal, see Deschler's Precedents Ch. 5 §§ 12.15, 12.16. For parliamentary inquiries generally, see Deschler's Precedents Ch. 31 §§ 14, 15, and Precedents (Wickham) Ch. 31.

16. See § 11.3, *infra*. For earlier precedents regarding the receipt of messages prior to or during a reading of the Journal, see Deschler's Precedents Ch. 5 §§ 12.12, 12.19, and 12.20.

17. See §§ 11.4, 11.5, *infra*. See also Deschler's Precedents Ch. 5 §§ 12.3, 12.4.

18. 125 CONG. REC. 3465–66, 96th Cong. 1st Sess.

19. Thomas O'Neill (MA).

The SPEAKER. The Chair will state it is his understanding the gentleman from Indiana (Mr. BRANDEMAS) intends to move a call of the House.

Mr. BAUMAN. So, Mr. Speaker, there will be a call after the 1-minute speeches?

The SPEAKER. The gentleman is correct.

Mr. BAUMAN. I thank the Chair.

---

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### **§ 11.2 Instance where, after the Speaker's announcement of the approval of the Journal pursuant to clause 1 of rule I,<sup>(20)</sup> the Speaker responded to parliamentary inquiries concerning recognition following approval of the Journal for a unanimous-consent request to vacate proceedings of the previous day.**

On April 23, 1986,<sup>(21)</sup> the following occurred:

#### THE JOURNAL

The SPEAKER.<sup>(22)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, under the provisions of clause 1, rule I, I ask that the question be put on the Speaker's approval of the Journal.

#### PARLIAMENTARY INQUIRIES

Mr. [Martin] RUSSO [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RUSSO. Mr. Speaker, would it be in order after the conclusion of the Journal vote to make a unanimous-consent request to vacate yesterday's proceedings dealing with the——

The SPEAKER. The answer is in the affirmative.

The Chair cannot control the fact that somebody could object to the unanimous-consent request.

Mr. RUSSO. Is the Speaker prepared to do something subsequent to that?

The SPEAKER. What does the gentleman have in mind?

Mr. RUSSO. Would the Speaker then send the matter to the Rules Committee for report this afternoon?

The SPEAKER. What matter is the gentleman referring to?

---

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

21. 132 CONG. REC. 8442, 99th Cong. 2d Sess.

22. Thomas O'Neill (MA).

Mr. RUSSO. House Resolution 427, as I understand.

The SPEAKER. On the resolution that was passed yesterday by unanimous consent, it has been decided by the leadership on the majority side that that matter will go to the Rules Committee this afternoon, be reported and require a two-thirds vote for consideration if called up today.

The answer is in the affirmative.

Mr. [Richard] DURBIN [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Speaker, after that matter is referred to the Rules Committee, could the leadership give any indication to the body as to when it will be brought to the floor for consideration?

The SPEAKER. It will be brought as soon as it has been reported by the committee.

Mr. DURBIN. Mr. Speaker, does that decision preclude the possibility of a unanimous-consent request on the same subject?

The SPEAKER. The Chair can still entertain the unanimous-consent request.

Mr. DURBIN. I thank the Chair.

The SPEAKER. The procedure with a rule is in the event the unanimous-consent request fails.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. WALKER. 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. In the opinion of the Chair, there are not 218 Members present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 178, not voting 40, as follows:

### ***Receipt of Messages***

#### **§ 11.3 The Speaker may receive messages from the Senate prior to announcing the approval of the Journal.**

On March 31, 1988,<sup>(23)</sup> the following message was received prior to the approval of the Journal:

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 513. Joint resolution to designate April 6, 1988, as "National Student-Athlete Day."

**23.** 134 CONG. REC. 5979, 100th Cong. 2d Sess.



The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1900) “An act to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such acts.”

The message also announced that the Senate disagrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 2616) “An act to amend title 38, United States Code, to improve healthcare programs of the Veterans’ Administration,” and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CRANSTON, Mr. DECONCINI, Mr. MATSUNAGA, Mr. MURKOWSKI, and Mr. SIMPSON to be the conferees on the part of the Senate.

---

#### THE JOURNAL

The SPEAKER.<sup>(24)</sup> The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### ***Motions to Adjourn***

#### **§ 11.4 A motion to adjourn has precedence over the question of approving the Journal and is not subject to debate.**

On May 3, 2001,<sup>(25)</sup> prior to the approval of the Journal, the following motion was made:

#### MOTION TO ADJOURN

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore.<sup>(26)</sup> The Clerk will report the motion.

The Clerk read as follows:

Mr. BONIOR moves that the House do now adjourn.

The SPEAKER pro tempore. This motion is not debatable.

The question is on the motion to adjourn offered by the gentleman from Michigan (Mr. BONIOR).

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

Mr. BONIOR. 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.

---

24. James Wright (TX).

25. 147 CONG. REC. 7085–86, 107th Cong. 1st Sess. For similar proceedings, see 133 CONG. REC. 30386, 100th Cong. 1st Sess. (Nov. 2, 1987).

26. Ray LaHood (IL).

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 157, nays 250, not voting 24, as follows:

[Roll No. 97] . . .

---

#### THE JOURNAL

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Gene] GREEN of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

### **§ 11.5 Pursuant to clause 4 of rule XVI<sup>(27)</sup> the motion to adjourn is of the highest privilege and is in order even prior to a demand under clause 1 of rule I<sup>(28)</sup> for the question to be put on the Speaker's approval of the Journal.**

On October 31, 1987,<sup>(29)</sup> the following occurred:

The House met at 10 a.m.

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

Almighty God, may we learn to see the works of Your mighty hand in the seemingly ordinary events of the day. In the simplest word of encouragement to one other person, we do Your will; by showing respect to all people without regard to their title or rank, we follow Your will, by sharing our blessings and good fortune with the neediest of our communities, we heed Your command; and by forgiving those with whom we differ, we are reconciled one with another. Amen.

---

#### THE JOURNAL

The SPEAKER.<sup>(30)</sup> The Chair has examined the Journal of the second legislative day of Thursday, October 29, 1987, and announces to the House his approval thereof.

---

27. *House Rules and Manual* § 911 (2019).

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

29. 133 CONG. REC. 30378, 100th Cong. 1st Sess.

30. James Wright (TX).

Mr. [Robert] WALKER [of Illinois]. Mr. Speaker, I have a highly privileged resolution that I send to the desk.

---

ADJOURNMENT

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Monday, November 2, 1987, at 12 noon.

***Emergency Recess***

**§ 11.6 The Chair may utilize authority provided in clause 12(b) of rule I<sup>(31)</sup> to declare the House in emergency recess subject to the call of the Chair prior to the approval of the Journal.<sup>(32)</sup>**

On July 8, 2016,<sup>(33)</sup> the Chair declared the House in recess prior to the approval of the Journal as follows:

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. [Randy] HULTGREN [of Illinois]).

---

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
July 8, 2016.

I hereby appoint the Honorable RANDY HULTGREN to act as Speaker pro tempore on this day.

PAUL D. RYAN,  
*Speaker of the House of Representatives.*

---

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(b) of rule I, the Chair declares the House in recess subject to the call of the Chair. Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess.

---

31. *House Rules and Manual* § 639 (2019).

32. *Parliamentarian's Note*: A security incident at the Capitol prompted the Chair to exercise emergency recess authority.

33. 162 CONG. REC. H4551 [Daily Ed.], 114th Cong. 2d Sess.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. [Robert] DOLD [of Illinois]) at 10 o'clock and 16 minutes a.m.

## PRAYER

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

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

**§ 11.7 Where the Chair utilizes the authority provided in clause 12(b) of rule I<sup>(34)</sup> to declare the House in emergency recess, an announcement that the Journal has been approved may precede the declaration where a previous order of the House had provided for “automatic” approval of the Journal without the possibility of a vote on the question.<sup>(35)</sup>**

On January 21, 2014,<sup>(36)</sup> the announcement that the Journal was approved pursuant to a previous order of the House<sup>(37)</sup> preceded the declaration of an emergency recess as follows:

## COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 21, 2014.

DEAR MR. SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is 1 p.m. on Tuesday, January 21, 2014. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

<sup>34</sup>. *House Rules and Manual* § 639 (2019).

<sup>35</sup>. For more on such “automatic” approvals, see § 12.13, *infra*.

<sup>36</sup>. 160 CONG. REC. 1799, 113th Cong. 2d Sess.

<sup>37</sup>. House Resolution 458 provided that, “On any legislative day during the period from January 17, 2014, through January 24, 2014 . . . the Journal of the proceedings of the previous day shall be considered as approved . . .” H. Res. 458, 160 CONG. REC. 702, 113th Cong. 2d Sess. (Jan. 15, 2014).

Sincerely,

PAUL D. IRVING,  
*Sergeant at Arms.*

---

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(38)</sup> Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

---

#### PRAYER

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

---

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 458, the Journal of the last day's proceedings is approved.

---

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance. . . .

---

#### RECESS

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

Accordingly (at 11 o'clock and 33 minutes a.m.), the House stood in recess.

### § 12. Approving the Journal

As noted in Section 11 above, rules changes in the 96th Congress created an automatic process for approving the Journal (subject to a demand for a vote on the question).<sup>(1)</sup> The Speaker's announcement that the Journal is approved is "deemed" agreed to by the House, unless a Member makes a demand for a vote on that question. In earlier practice, a full reading of the

---

38. Luke Messer (IN).

1. For earlier treatment of approving the Journal, see Deschler's Precedents Ch. 5 § 14.

Journal was required prior to approval.<sup>(2)</sup> Current practice essentially reverses the order of reading and approval: the Journal is “deemed” approved under clause 1 of rule I,<sup>(3)</sup> and only by rejecting a vote on agreeing to the Speaker’s approval of the Journal can a Member offer a motion to have the Journal read.<sup>(4)</sup>

A Member seeking a vote on the question of agreeing to the Speaker’s approval of the Journal must make the request in a timely fashion. If the Chair has moved on to other business (such as the receipt of messages), the request will be considered untimely.<sup>(5)</sup> When a vote is demanded on the question of the Speaker’s approval of the Journal, a point of no quorum may be made when the result of the voice vote is announced.<sup>(6)</sup> If the lack of a quorum is established, the House may not entertain a unanimous-consent request to vacate proceedings and have the Journal stand approved by the earlier voice vote.<sup>(7)</sup> However, if the Chair postpones the question to a point later in the same legislative day (pursuant to clause 8(a)(1)(B) of rule XX),<sup>(8)</sup> and a quorum is established when the House resumes consideration of the question, then a unanimous-consent request to vacate proceedings (to the end that the Journal stand approved pursuant to the earlier voice vote) is in order.<sup>(9)</sup>

If the vote on agreeing to the Speaker’s approval of the Journal reveals the absence of a quorum, and the House then agrees to a motion to adjourn, the Journal is not approved and all the proceedings on the question are automatically vacated.<sup>(10)</sup> In cases where the House adjourns without having

---

2. *Parliamentarian’s Note*: The mandatory reading of the Journal (which could only be waived by unanimous consent) was eliminated at the beginning of the 92d Congress. Between the 92d Congress and the 96th Congress, the Journal was “considered as read” under clause 1 of rule I, but any Member could make a (nondebatable) motion that the Journal be read. See *House Rules and Manual* § 621 (1977). See also H. Doc. 94–663, 94th Congress, 2d Sess.

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

4. *Id.*

5. See §§ 12.3, 12.4, *infra*.

6. See § 12.1, *infra*. In the 96th Congress, the requirement that the House establish a quorum prior to the Speaker’s announcement of the approval of the Journal was eliminated. Thus, points of no quorum are no longer in order prior to the Speaker putting the question on agreeing to the approval of the Journal, and may only be offered if a Member demands a vote on the question of agreeing to the Speaker’s approval of the Journal. This is consistent with the general prohibition on points of no quorum when no question is pending before the House. For more on quorums generally, see Deschler’s Precedents Ch. 20 and Precedents (Wickham) Ch. 20.

7. See § 12.1, *infra*.

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

9. See § 12.5, *infra*.

10. See §§ 12.2, 12.15, *infra*.

approved the Journal, the question of approving the Journal remains the unfinished business on the following legislative day.<sup>(11)</sup> Where multiple Journals from different legislative days require approval by the House, the votes on approving each Journal are taken up in chronological order.<sup>(12)</sup> In the rare case where the House adjourns one legislative day and convenes again on the same calendar day (beginning a second legislative day), the regular order of business is followed, and the Journal of the first legislative day is approved at the convening of the second legislative day.<sup>(13)</sup>

Where the House adopts a concurrent resolution of adjournment that provides for a series of pro forma sessions (at which no organizational or legislative business is to be conducted), the Chair may be authorized to postpone the approval of the Journal until the House convenes to resume regular legislative activities.<sup>(14)</sup> Alternatively, the House may provide that the Journal be “considered as approved” at such pro forma sessions, thus obviating any possibility of a vote.<sup>(15)</sup> As noted, the question on agreeing to the Speaker’s approval of the Journal became subject to postponement by the Chair to a place later the same legislative day in the 98th Congress.<sup>(16)</sup> Since the 103d Congress, the House has conducted “morning–hour debate” prior to the convening of the House for legislative business.<sup>(17)</sup> Orders of the House establishing such debates have provided for the postponement of the prayer, pledge of allegiance, and approval of the Journal until the House convenes for regular legislative business.<sup>(18)</sup>

When the House recesses (but does not adjourn), the legislative day continues and thus, upon convening after a recess, the Journal does not need to be approved again. This is true even in cases where the House has taken serial recesses spanning several calendar days (but still constituting just one

---

11. See §§ 12.6, 12.7, and 12.16, *infra*.

12. See §§ 12.5, 12.7, *infra*. See also Deschler’s Precedents Ch. 5 § 14.1.

13. See § 12.8, *infra*.

14. See § 12.10, *infra*.

15. See § 12.13, *infra*.

16. See H. Res. 5, 129 CONG. REC. 34, 98th Cong. 1st Sess. (Jan. 3, 1983). For the first use of this postponement authority, see § 12.11, *infra*.

17. For an early description of morning–hour debates, see Deschler’s Precedents Ch. 29 § 73.

18. See 140 CONG. REC. 2244, 103d Cong. 2d Sess. (Feb. 11, 1994). For a continuation of this policy of conducting “morning–hour debate” in the following Congress, see 141 CONG. REC. 547, 104th Cong. 1st Sess. (Jan. 4, 1995). This policy has been repeated in various forms in succeeding Congresses. See, e.g., 163 CONG. REC. H29 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

legislative day).<sup>(19)</sup> As noted above, the House may adjourn prior to the approval of the Journal, in which case such approval becomes unfinished business on the following legislative day.<sup>(20)</sup> When the House exercises emergency authority pursuant to clause 12(c)(2) of rule I<sup>(21)</sup> to reconvene the House from an adjournment of not more than three days, the Speaker's reconvening of the House is "solely" to declare the House in recess and thus the Journal is not approved in such circumstances.<sup>(22)</sup> When the House convenes for a second (or subsequent) session of a Congress, the Journal of the last day of the prior session is traditionally not approved by the House.<sup>(23)</sup>

### ***Quorum Requirements***

**§ 12.1 Where the absence of a quorum has resulted in an "automatic" yea and nay vote under clause 4 of rule XV (now clause 6 of rule XX)<sup>(24)</sup> on the Speaker's approval of the Journal, the House may not, even by unanimous consent, vacate the record vote in order to conduct another voice vote in lieu of a rollcall vote, because the House may not transact business (including a unanimous-consent agreement) in the announced absence of a quorum.**

On July 13, 1983,<sup>(25)</sup> the following occurred:

#### THE JOURNAL

The SPEAKER.<sup>(26)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

**19.** See § 12.11, *infra*. For a similar authority to conduct serial recesses spanning several calendar days, see H. Res. 320, 141 CONG. REC. 38141, 104th Cong. 1st Sess. (Dec. 21, 1995).

**20.** See § 12.15, *infra*.

**21.** *House Rules and Manual* § 639 (2019).

**22.** See § 12.17, *infra*. The approval of the Journal remains unfinished business to be addressed when the House reconvenes following the emergency recess.

**23.** *Parliamentarian's Note*: The rationale for this tradition appears to lie in the reluctance of Members to revisit actions of the House occurring in the prior session following *sine die* adjournment—actions which may have occurred weeks or months before the convening of the next session. Obviating the need to approve the Journal at the next session permits proceedings of the prior session to be finalized for publication purposes. For an example of the House convening for a second session (and not approving the last Journal from the prior session), see 156 CONG. REC. 2–3, 111th Cong. 2d Sess. (Jan. 5, 2010).

**24.** *House Rules and Manual* § 1025 (2019).

**25.** 129 CONG. REC. 18844, 98th Cong. 1st Sess.

**26.** Thomas O'Neill (MA).



Mr. [William] ARCHER [of Texas]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. ARCHER. 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.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. [Barbara] BOXER [of California]). The Chair would like to make an announcement.

The Chair has been advised that the electronic voting system is at the present time not operable.

Until further notice, therefore, all votes and quorum calls will be taken by the stand-by procedures which are provided for in the rules.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk proceeded to call the roll.

#### PARLIAMENTARY INQUIRIES

Mr. [William] CARNEY [of New York] (during the rollcall). Madam Speaker, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. CARNEY. Would it be possible to take the vote on the Journal by a voice vote at this time? Could we make a unanimous-consent request to take the Journal vote by a voice vote?

The SPEAKER pro tempore. Under the rule, the yeas and nays must be taken. Since the absence of a quorum has been disclosed, no unanimous-consent business can be transacted.

Mr. [William] RATCHFORD [of Connecticut]. Madam Speaker as a parliamentary inquiry, may I ask, is it possible under the rules to delay the vote?

The SPEAKER pro tempore. The Chair is advised that it is not now possible to postpone the vote which has been commenced, and since the absence of a quorum has been announced by the Chair.

### **§ 12.2 Where a quorum fails an “automatic” yea and nay vote pursuant to former clause 4 of rule XV (now clause 6 of rule XX)<sup>(27)</sup> on the question of the Speaker's approval of the Journal, and the House adjourns on motion under that clause, all proceedings on the question of approval of the Journal are vacated.**

On October 30, 1987,<sup>(28)</sup> the following occurred:

27. *House Rules and Manual* § 1025 (2019).

28. 133 CONG. REC. 30273–74, 100th Cong. 1st Sess.

The House met at 10 a.m.

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

Our hearts are lifted, O gracious God, in praise for the gifts of beauty that touch us every day. For the glorious light streaming through a stained glass window illuminating colors of every shade, for music which brightens our lives and touches every emotion of the human soul, for paintings and sculpture that remind of the great events of history, for drama that tells of our hopes and our every experience, we offer our thanks and pray that our hearts will be open to hear and see all the beauty and wonder of Your marvelous world.

In Your name we pray. Amen.

---

#### THE JOURNAL

The SPEAKER.<sup>(29)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Larry] HOPKINS [of Kentucky]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. HOPKINS. 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 81, nays 74, not voting 279, as follows: . . .

Messrs. CONTE, DREIER of California, LIVINGSTON, LOTT, and ROTH changed their votes from "yea" to "nay."

Messrs. HAWKINS, MILLER of California, and PENNY changed their votes from "nay" to "yea."

The SPEAKER pro tempore (Mr. [Dale] KILDEE [of Michigan]). On this vote the ayes are 81, the noes are 74.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

---

#### ADJOURNMENT

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

---

29. James Wright (TX).

Mr. HOPKINS. 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 85, nays 75, not voting 273, as follows:

[Roll No. 395] . . .

### ***Timeliness***

**§ 12.3 In response to a parliamentary inquiry, the Chair advised that the Journal had already been approved and thus a demand for a vote on the question pursuant to clause 1 of rule I<sup>(30)</sup> was untimely.**

On March 18, 2013,<sup>(31)</sup> after the Chair's approval of the Journal, a Member made the following unanimous-consent request to ask for a vote on the Journal:

#### THE JOURNAL

The SPEAKER pro tempore.<sup>(32)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

---

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) will lead the House in the Pledge of Allegiance.

Mr. HOYER led the Pledge of Allegiance as follows:

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

---

#### PARLIAMENTARY INQUIRY

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Is it in order to request at this point in time a vote on the Journal?

The SPEAKER pro tempore. The Journal has been approved.

Mr. HOYER. Mr. Speaker, I was seeking recognition to ask for a vote on the Journal when you recognized me to lead the Pledge of Allegiance.

---

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

**31.** 159 CONG. REC. 3806, 113th Cong. 1st Sess.

**32.** George Holding (NC).

The SPEAKER pro tempore. The Chair recognized the gentleman to lead the Pledge.

Mr. HOYER. I appreciate that, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman have a unanimous-consent request?

Mr. HOYER. I ask unanimous consent that I might now ask for a vote on the Journal.

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

There was no objection.

Mr. HOYER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

**§ 12.4 Receipt of a message after the Speaker has announced the approval of the Journal pursuant to clause 1 of rule I<sup>(33)</sup> is such intervening business as to preclude a demand that the question on the Speaker's approval be put to a vote.**

On July 8, 1987,<sup>(34)</sup> the following occurred:

THE JOURNAL

The SPEAKER.<sup>(35)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

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

REQUEST FOR VOTE ON APPROVAL OF THE JOURNAL

Mr. [Martin] FROST [of Texas]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The Chair will have to advise the gentleman that the Chair was unaware of his intention to make such a request. The request comes too late, other business

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

34. 133 CONG. REC. 18972, 100th Cong. 1st Sess.

35. James Wright (TX).

having transpired in the meanwhile from the time of the Chair's announcement of his approval of the Journal.

The Chair would suggest that in the future if Members desire to make that point and demand a vote upon the Journal, they allow the Chair to know in advance so that the Chair might rightly protect their rights.

Mr. FROST. I would only mention, Mr. Speaker, that I was on my feet and was attempting to get recognition at the time.

The SPEAKER. If the gentleman from Texas would like to ask for a call of the House, the Chair would be pleased to entertain a motion for a call of the House.

### ***Vacating Proceedings***

#### **§ 12.5 The House by unanimous consent vacated the ordering of the yeas and nays on the Speaker's approval of the Journal to the end that it stand approved by the earlier voice vote.**

On October 25, 2007,<sup>(36)</sup> the following occurred:

##### THE JOURNAL

Ms. [Louise] SLAUGHTER [of New York]. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays on approval of the Journal be vacated to the end that the Journal stand approved by the earlier voice vote.

The SPEAKER pro tempore (Mrs. [Ellen] TAUSCHER [of California]). Without objection, the Journal stands approved.

There was no objection.

### ***Multiple Journals***

#### **§ 12.6 Where the House adjourns on consecutive days without having approved the Journal of the previous days' proceedings, the Speaker puts the question de novo in chronological order as the first order of business on the subsequent day.**

On November 3, 1987,<sup>(37)</sup> multiple Journals from prior legislative days were approved as follows:

##### THE JOURNAL OF THE SECOND LEGISLATIVE DAY OF THURSDAY, OCTOBER 29, 1987

The SPEAKER.<sup>(38)</sup> The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on the approval of that Journal. Without objection, that Journal is approved.

36. 153 CONG. REC. 28317, 110th Cong. 1st Sess.

37. 133 CONG. REC. 30592-93, 100th Cong. 1st Sess.

38. James Wright (TX).

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, it is my understanding that now we have four Journals pending and that we will be voting first on the Journal of last Thursday, is that correct?

The SPEAKER. The gentleman is exactly correct.

Mr. WALKER. So the first vote that we could take today would occur then on last Thursday's Journal, and then we would have approvals of the other Journals immediately following?

The SPEAKER. That is correct.

Mr. WALKER. I thank the Chair and I withdraw my reservation of objection.

Mr. [James] SENSENBRENNER [of Wisconsin]. Mr. Speaker, reserving the right to object, is the Chair going to put the question?

The SPEAKER. The Chair will put the question.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The question is on the Chair's approval of the Journal of the second legislative day of Thursday, October 29, 1987.

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

Mr. WALKER. 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 JOURNAL OF FRIDAY, OCTOBER 30, 1987

The SPEAKER pro tempore (Mr. [John] MURTHA [of Pennsylvania]). The Chair has examined the Journal of the proceedings of Friday, October 30, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved. . . .

---

#### THE JOURNAL OF MONDAY, NOVEMBER 2, 1987

The SPEAKER pro tempore. The Chair has examined the Journal of the proceedings of Monday, November 2, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### **§ 12.7 The House adjourned without having agreed to the Speaker's approval of the Journal of the previous day's proceedings, thereby leaving that question as unfinished business.**

On October 1, 1997,<sup>(39)</sup> the vote on agreeing to the Speaker's approval of the Journal having previously been postponed, the following occurred:

#### POSTPONEMENT OF MOTIONS TO SUSPEND RULES CONSIDERED BY THE HOUSE ON MONDAY, SEPTEMBER 29, 1997 TO MONDAY, OCTOBER 6, 1997

Mr. [Benjamin] GILMAN [of New York]. Mr. Speaker, according to the majority leader's previously announced schedule that we would wind up our business at 3 p.m., therefore, I am going to make the following unanimous-consent request and then move to adjourn so that the Jewish Members can observe their high holy days.

---

39. 143 CONG. REC. 20922, 105th Cong. 1st Sess.

Mr. Speaker, I ask unanimous consent that further consideration of the remaining motions to suspend the rules postponed from Monday be postponed until Monday, October 6, 1997.

The SPEAKER pro tempore.<sup>(40)</sup> Is there objection to the request of the gentleman from New York?

Mr. [Melvin] WATT of North Carolina. Mr. Speaker, reserving the right to object, I just want to ask the gentleman a question. Would the votes be after 5 Monday?

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, the votes would be for a long time after 5.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

---

#### ADJOURNMENT

Mr. GILMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, October 2, 1997, at 10 a.m.

Upon convening on October 2, 1997,<sup>(41)</sup> proceedings resumed on the unfinished business of approving the Journal of September 30, 1997 (which preceded the question of approving the Journal of the most recent day's proceedings):

#### THE JOURNAL OF TUESDAY, SEPTEMBER 30, 1997

The SPEAKER pro tempore (Mr. [Edward] PEASE [of Indiana]). Pursuant to clause 5 of rule I, the unfinished business is the question of agreeing to the Speaker's approval of the Journal of Tuesday, September 30, 1997.

The question is on agreeing to the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

---

#### THE JOURNAL OF WEDNESDAY, OCTOBER 1, 1997

The SPEAKER pro tempore. The Chair has examined the Journal of Wednesday, October 1, 1997, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### *Two Legislative Days on One Calendar Day*

#### **§ 12.8 The first orders of business when the House convenes for a new legislative day, even if it is the second legislative day on the**

---

40. Edward Pease (IN).

41. 143 CONG. REC. 20991, 105th Cong. 1st Sess.

**same calendar day, are the offering of the prayer and the approval of the Journal from the preceding legislative day.**

On November 17, 1981,<sup>(42)</sup> the following occurred:

(SECOND LEGISLATIVE DAY)

The House met at 4 p.m.

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

*The sum of Thy word is truth; and every one of Thy righteous ordinances endures forever.*—Psalm 119: 160.

O God, as we move on with the necessary details that press upon us, we remember Your commandments and ordinances that speak the truth to people in every generation. With all the pressures of life, may we recognize our need to focus on the eternal verities and the timeless truths that have been the heritage of a free people. May all who seek to be truly human and desire to reflect Your love, bind together in harmony and peace that justice may roll down like waters and righteousness like an ever-flowing stream. Amen.

---

THE JOURNAL

The SPEAKER.<sup>(43)</sup> The Chair has examined the Journal of the last legislative day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal. . . .

So the Journal was approved.

The result of the vote was announced as above recorded.

**§ 12.9 Where the House began the second of two legislative days convened on a single calendar day, the Speaker announced the approval of the Journal of the first legislative day in the normal order of business.**

On October 29, 1987,<sup>(44)</sup> the following occurred:

Accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until today, Thursday, October 29, 1987, at 3:15 p.m. . . .

---

SECOND LEGISLATIVE DAY

The House met at 3:15 p.m.

---

42. 127 CONG. REC. 27772–73, 97th Cong. 1st Sess.; *House Rules and Manual* § 1014 (2019).

43. Thomas O'Neill (MA).

44. 133 CONG. REC. 29935–37, 100th Cong. 1st Sess.



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

Remind us each day, O God, that the greatest gift that any of us might possess is the attitude of thanksgiving. From the rising of the Sun until the going down of the same, at all the times of life, may we treasure every moment to express praise and joy for all the wonderful gifts of life—the gifts of freedom and renewal, the gifts of family and friendships, and the gift of grace. Amen.

### THE JOURNAL

The SPEAKER.<sup>(45)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Philip] CRANE [of Illinois]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

### PARLIAMENTARY INQUIRY

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

The SPEAKER. The Chair will take the parliamentary inquiry of the gentleman.

Mr. WALKER. I thank the Chair.

We are about to cast a vote. Is the Journal available for inspection by the Members?

The SPEAKER. The Journal is indeed available.

Mr. WALKER. I thank the Chair.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 161, answered “present” 2, not voting 25, as follows:

[Roll No. 388] . . .

So the Journal was approved.

The result of the vote was announced as above recorded.

### ***Postponement Authority***

**§ 12.10 Where the two Houses have agreed, by concurrent resolution,<sup>(46)</sup> to conduct no organizational or legislative business on certain days on which pro forma sessions would take place, the Chair**

45. James Wright (TX).

46. *Parliamentarian's Note*: The House has provided similar authorities unilaterally by unanimous consent. See, e.g., 149 CONG. REC. 32134, 108th Cong. 1st Sess. (Dec. 8, 2003).

**announces that the approval of the Journal under clause 1 of rule I<sup>(47)</sup> will be postponed<sup>(48)</sup> until the day scheduled for resumption of legislative business.**

On January 7, 1980,<sup>(49)</sup> the following occurred:

#### THE JOURNAL

The SPEAKER pro tempore.<sup>(50)</sup> Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the approval of the Journal of the last day's proceedings will be postponed until January 22, 1980.

---

#### BILLS AND RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, bills and resolutions introduced today or any day prior to January 22, 1980, will be numbered as of the day introduced but not noted until the RECORD of January 22 and not referred to committee by the Speaker until January 22. Likewise, executive communications, petitions, and memorials will not be numbered or referred until January 22, 1980.

On January 22, 1980,<sup>(51)</sup> the House convened to conduct regular legislative business, at which time the Journals of preceding days were approved:

The SPEAKER.<sup>(52)</sup> Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the House will now proceed to organizational business.

The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

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

Under the rule, further proceedings under the call are dispensed with.

---

#### THE JOURNALS

The SPEAKER. The Chair has examined the Journals of January 3, 7, 10, 14, and 17 and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, these Journals stand approved.

---

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

48. *Parliamentarian's Note*: General postponement authority within a legislative day regarding the question of agreeing to the Speaker's approval of the Journal was provided in the 98th Congress (1983). For the first use of such authority, see § 12.11, *infra*.

49. 126 CONG. REC. 25, 96th Cong. 2d Sess.

50. John Moakley (MA).

51. 126 CONG. REC. 187–88, 96th Cong. 2d Sess.

52. Thomas O'Neill (MA).

**§ 12.11 Inaugural instance of the Speaker exercising discretionary authority under former clause 5 of rule I (now clause 8(a)(1)(B) of rule XX),<sup>(53)</sup> to postpone further proceedings on the question of agreeing to the Speaker's approval of the Journal.**

On November 10, 1983,<sup>(54)</sup> the following occurred:

THE JOURNAL

The SPEAKER.<sup>(55)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Howard] NIELSON of Utah. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

Mr. NIELSON of Utah. 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. The Chair will postpone the vote until after we have sworn in the new Member from Georgia.

---

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, *November 10, 1983.*

HON. THOMAS P. O'NEILL, Jr.,  
*The Speaker, House of Representatives, Washington, DC*

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable Joe Frank Harris, Governor of the State of Georgia, indicating that the Honorable George (Buddy) Darden was elected to the Office of Representative in Congress from the Seventh District of Georgia in a Special Election held on November 8, 1983.

With kind regards I am,

Sincerely,

BENJAMIN J. GUTHRIE,  
*Clerk, House of Representatives.*

---

SWEARING IN OF THE HONORABLE GEORGE (BUDDY) DARDEN AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect kindly step forward with the dean of the Georgia delegation and the members of the Georgia delegation?

---

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

54. 129 CONG. REC. 32097, 98th Cong. 1st Sess.

55. Thomas O'Neill (MA).

Mr. DARDEN appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman is now a Member of the Congress of the United States and we welcome you.

---

THE JOURNAL

The SPEAKER. The question now is on the approval of the Journal.

Those in favor will vote “aye”; those opposed will vote “no.” Voting will be by electronic device, and the gentleman from Georgia (Mr. DARDEN) is entitled to vote.

**§ 12.12 Under former clause 5 of rule I (now clause 8(a)(1)(B) of rule XX),<sup>(56)</sup> the Speaker has authority to postpone further proceedings on the approval of the Journal to a time within that legislative day, and such postponement authority applies also to an objection for a lack of a quorum for a division vote.**

On September 21, 1993,<sup>(57)</sup> the following occurred:

THE JOURNAL

The SPEAKER.<sup>(58)</sup> The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Dan] BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

The SPEAKER. The question is on the Chair’s approval of the Journal.

The question was taken; and on a division (demanded by Mr. BURTON of Indiana) there were—ayes 8, noes 18.

Mr. [Romano] MAZZOLI [of Kentucky]. 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. Under the provisions of clause 5, rule I, the Chair will postpone this vote until the end of the day.

The point of no quorum is considered withdrawn.

---

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Speaker, if there has been a division, can the Chair postpone the vote on the Journal?

The SPEAKER. The gentleman from Kentucky [Mr. MAZZOLI] made a point of order that a quorum was not present and objected to the division vote on the ground that a

---

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

57. 139 CONG. REC. 21770, 103d Cong. 1st Sess.

58. Thomas Foley (WA).

quorum is not present. Under those proceedings if a quorum is not present, the yeas and nays are ordered automatically, unless the question is postponed by the Chair as permitted by clause 5(b), rule I.

### ***Automatic Approval***

**§ 12.13 The House has adopted a special order of business resolution providing for, *inter alia*, a series of pro forma sessions (in lieu of adjourning over the relevant period) at which the Journal would be considered as approved, thus preventing any vote on the question of the Speaker's approval of the Journal.**

On July 28, 2011,<sup>(59)</sup> the House agreed to a resolution containing the following provisions:

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

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

The Clerk read the resolution, as follows:

H. RES. 375 . . .

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

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

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

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

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

On August 2, 2011,<sup>(60)</sup> the use of that authority for automatic approval of the Journal occurred:

### THE JOURNAL

The SPEAKER pro tempore.<sup>(61)</sup> Pursuant to section 5 of House Resolution 375, the Journal of the last day's proceedings is approved.

59. 157 CONG. REC. 12338, 112th Cong. 1st Sess. For similar proceedings, see 158 CONG. REC. 14513, 112th Cong. 2d Sess. (Sept. 20, 2012).

60. 157 CONG. REC. 12781, 112th Cong. 1st Sess. For similar proceedings, see 158 CONG. REC. 14984, 112th Cong. 2d Sess. (Oct. 5, 2012).

61. Frank Wolf (VA).

***When the Journal Need Not Be Approved***

**§ 12.14 Under former practice, on returning from an overnight recess the House would resume its proceedings with a prayer and the pledge of allegiance, but not approval of the Journal (because the resumption of proceedings is a continuation of the same legislative day).**

On December 27, 1995,<sup>(62)</sup> the following occurred:

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 5 o'clock and 3 minutes p.m.

**PRAYER**

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

In the stillness of this moment, in the quiet of our prayer, we place before You, O God, that which is in our hearts and souls, those thoughts and ideas and feelings that make us what we are and direct us along life's way. We pray, gracious God, that You would refresh us and encourage us, that You would heal our hearts and make us strong, that You would forgive us when we miss the mark and give peace to every soul. For the wonders of the world and the little miracles of every day, we offer these words of prayer and thanksgiving. In Your name, we pray. Amen.

**PLEDGE OF ALLEGIANCE**

The SPEAKER pro tempore.<sup>(63)</sup> Will the gentlewoman from Maryland [Mrs. MORELLA] come forward and lead the House in the Pledge of Allegiance.

Mrs. MORELLA led the Pledge of Allegiance as follows:

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

***Effect of Adjournment and Recess***

**§ 12.15 Where a quorum fails to vote on an “automatic yea and nay” pursuant to clause 4 of rule XV (now clause 6 of rule XX)<sup>(64)</sup> on the**

**62.** 141 CONG. REC. 38545, 104th Cong. 1st Sess. For earlier examples of the House taking an overnight recess, see, *e.g.*, 127 CONG. REC. 28628, 97th Cong. 1st Sess. (Nov. 20, 1981); 127 CONG. REC. 28769, 97th Cong. 1st Sess. (Nov. 22, 1981); 128 CONG. REC. 32406, 97th Cong. 2d Sess. (Dec. 19, 1982); and 129 CONG. REC. 32200, 98th Cong. 1st Sess. (Nov. 10, 1983).

**63.** Robert Walker (PA).

**64.** *House Rules and Manual* § 1025 (2019).

**question of the Speaker's approval of the Journal and the House adjourns on motion, all proceedings on the question of approval of the Journal are vacated.**

On October 30, 1987,<sup>(65)</sup> the following occurred:

The House met at 10 a.m.

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

Our hearts are lifted, O gracious God, in praise for the gifts of beauty that touch us every day. For the glorious light streaming through a stained glass window illuminating colors of every shade, for music which brightens our lives and touches every emotion of the human soul, for paintings and sculpture that remind of the great events of history, for drama that tells of our hopes and our every experience, we offer our thanks and pray that our hearts will be open to hear and see all the beauty and wonder of Your marvelous world.

In Your name we pray. Amen.

---

THE JOURNAL

The SPEAKER.<sup>(66)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Larry] HOPKINS [of Kentucky]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. HOPKINS. 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 81, nays 74, not voting 279, as follows:

[Roll No. 394] . . .

Messrs. CONTE, DREIER of California, LIVINGSTON, LOTT, and ROTH changed their votes from "yea" to "nay."

Messrs. HAWKINS, MILLER of California, and PENNY changed their votes from "nay" to "yea."

The SPEAKER pro tempore (Mr. [Dale] KILDEE [Michigan]). On this vote the ayes are 81, the noes are 74.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

---

65. 133 CONG. REC. 30273–74, 100th Cong. 1st Sess.

66. James Wright (TX).

## ADJOURNMENT

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. HOPKINS. 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 85, nays 75, not voting 273, as follows:

[Roll No. 395] . . .

On October 31, 1987,<sup>(67)</sup> the Speaker convened the House and the House then adjourned without approving the Journal from the second legislative day of October 29, 1987:

## THE JOURNAL

The SPEAKER.<sup>(68)</sup> The Chair has examined the Journal of the second legislative day of Thursday, October 29, 1987, and announces to the House his approval thereof.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have a highly privileged resolution that I send to the desk.

## ADJOURNMENT

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Monday, November 2, 1987, at 12 noon.

On November 2, 1987,<sup>(69)</sup> the House again adjourned without approving the Journal from the second legislative day of October 29, 1987:

## THE JOURNAL

The SPEAKER.<sup>(70)</sup> The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on approval of that Journal. . . .

## ADJOURNMENT

Mr. [David] BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

67. 133 CONG. REC. 30378, 100th Cong. 1st Sess.

68. James Wright (TX).

69. 133 CONG. REC. 30386, 30390, 100th Cong. 1st Sess.

70. James Wright (TX).



The SPEAKER. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

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

Mr. [Frank] SENSENBRENNER [of Wisconsin]. 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 116, nays 106, not voting 211, as follows:

[Roll No. 400] . . .

Messrs. FRENZEL, HEFLEY, and LOWERY of California changed their votes from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 3, 1987, at 12 noon.

**§ 12.16 Where the House adjourns on consecutive days without having approved the Journal of the previous days' proceedings, the Speaker puts the questions de novo in chronological order as the first order of business on the subsequent day.**

On November 3, 1987,<sup>(71)</sup> after the Journal for the second legislative day of October 29, 1987, was not approved on the three previous legislative days,<sup>(72)</sup> the Speaker put the question on approval of the Journal de novo:

THE JOURNAL OF THE SECOND LEGISLATIVE DAY OF THURSDAY, OCTOBER 29, 1987

The SPEAKER.<sup>(73)</sup> The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on the approval of that Journal. Without objection, that Journal is approved.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, it is my understanding that now we have four Journals pending and that we will be voting first on the Journal of last Thursday, is that correct?

The SPEAKER. The gentleman is exactly correct.

Mr. WALKER. So the first vote that we could take today would occur then on last Thursday's Journal, and then we would have approvals of the other Journals immediately following?

The SPEAKER. That is correct.

Mr. WALKER. I thank the Chair and I withdraw my reservation of objection.

71. 133 CONG. REC. 30592–93, 100th Cong. 1st Sess.

72. See § 12.9, *supra*.

73. James Wright (TX).

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Mr. Speaker, reserving the right to object, is the Chair going to put the question?

The SPEAKER. The Chair will put the question.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The question is on the Chair's approval of the Journal of the second legislative day of Thursday, October 29, 1987.

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

Mr. WALKER. 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 JOURNAL OF FRIDAY, OCTOBER 30, 1987

The SPEAKER pro tempore (Mr. [John] MURTHA [of Pennsylvania]). The Chair has examined the Journal of the proceedings of Friday, October 30, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved. . . .

---

#### THE JOURNAL OF MONDAY, NOVEMBER 2, 1987

The SPEAKER pro tempore. The Chair has examined the Journal of the proceedings of Monday, November 2, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### **§ 12.17 When the Speaker exercises emergency recall authority pursuant to clause 12(c) of rule I,<sup>(74)</sup> the convening of the House is solely for the purpose of declaring a recess (to respond to the emergency), and the Journal is not approved prior to the recess.**

On December 19, 2009,<sup>(75)</sup> the following occurred:

The House met at noon and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

---

#### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC.  
*December 19, 2009.*

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.*

---

<sup>74</sup>. *House Rules and Manual* § 639 (2019).

<sup>75</sup>. 155 CONG. REC. 32729, 111th Cong. 1st Sess.

## COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 18, 2009.*

Hon. NANCY PELOSI,  
*The Speaker,*  
*Washington, DC.*

DEAR MADAM SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is 6 p.m. on Saturday, December 19, 2009. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Respectfully,

WILSON LIVINGOOD,  
*Sergeant at Arms.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

## PRAYER

The Reverend Gene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

Lord, during this holy season which prompts us to especially lift our thoughts to You, may You bless this Congress with Your wisdom and the peace and justice it creates when we turn to You.

We further pray that in this inclement weather You give its Members safe passage home to be with their loved ones and to experience the joy this creates. Amen.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance. The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER 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, December 19, 2009.*

Hon. NANCY PELOSI,  
*The Speaker,*  
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 19, 2009, at 10:00 a.m.

That the Senate concurs in the amendment of the House to the amendment of the Senate to the bill H.R. 3326.

That the Senate passed without amendment H.R. 1377.

That the Senate agreed to without amendment H. Con. Res. 218.

That the Senate agreed to without amendment H.J. Res. 64.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

---

 RECESS

The SPEAKER pro tempore. Pursuant to clause 12(c) of rule I, the House shall stand in recess until approximately 11:30 a.m. on Wednesday, December 23, 2009.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess.

## § 13. Reading the Journal

As noted earlier in this division, prior practice required a full reading of the Journal before it could be approved by the Speaker.<sup>(1)</sup> This was changed to a procedure where the Journal was considered as read, subject to a non-debatable motion by any Member that the Journal be read.<sup>(2)</sup> In the 96th Congress, the rule was again changed to require that the Speaker's approval of the Journal be disagreed to (by a vote of the House) before the nondebatable motion to have the Journal read could be offered.<sup>(3)</sup> If the motion to have the Journal read is not adopted, the Chair puts the question on approving the Journal (which takes precedence over a motion to amend the Journal).<sup>(4)</sup>

1. For an earlier treatment of reading the Journal, see Deschler's Precedents Ch. 5 § 11.

2. See § 13.1, *infra*.

3. See § 13.3, *infra*.

4. See § 13.2, *infra*. For amending the Journal, see § 14, *infra*.

Since the 96th Congress, when disagreeing to the Speaker's approval of the Journal became a prerequisite for offering the motion to have the Journal read, there has only been one instance of such a reading taking place.<sup>(5)</sup> In that case, the actual reading of the Journal was dispensed with by unanimous consent and the Journal opened to amendment at any point.<sup>(6)</sup>

Though it is rare in modern practice for the House to conduct a full reading of its Journal, older precedents regarding the propriety of business before and during the reading are, for the most part, still applicable.<sup>(7)</sup> The presentation of a conference report is not in order during a reading of the Journal,<sup>(8)</sup> nor is the consideration of a privileged report from the Committee on Rules.<sup>(9)</sup> However, the reading may be interrupted by parliamentary inquiry,<sup>(10)</sup> the offering of articles of impeachment,<sup>(11)</sup> or a question of the privileges of the House.<sup>(12)</sup> Because of changes to quorum requirements in the 1970s, it is no longer the case that a point of no quorum may interrupt the reading of the Journal.<sup>(13)</sup>

**§ 13.1 Under the former rule,<sup>(14)</sup> pending the Speaker's announcement of the approval of the Journal, and prior to approval of the Journal by the House, any Member could, pursuant to clause 1 of rule I,<sup>(15)</sup> offer a privileged (nondebatable) motion that the Journal be read.**

On April 23, 1975,<sup>(16)</sup> the following occurred:

THE JOURNAL

The SPEAKER.<sup>(17)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

- 
5. See § 14.1, *infra*.
  6. *Id.*
  7. See Deschler's Precedents Ch. 5 § 12.
  8. Rule XXII, clause 7(a), *House Rules and Manual* § 1077 (2019).
  9. Deschler's Precedents Ch. 5 § 12.2.
  10. Deschler's Precedents Ch. 5 § 12.15.
  11. 6 Cannon's Precedents § 469.
  12. Deschler's Precedents Ch. 5 § 12.17.
  13. For contrary precedents reflecting the former state of the rule, see Deschler's Precedents Ch. 5 §§ 12.13, 12.14.
  14. *Parliamentarian's Note*: The current form of clause 1 of rule I requires the House to disagree to the Speaker's approval of the Journal before a motion to have the Journal read may be offered. *House Rules and Manual* § 621 (2019).
  15. *House Rules and Manual* § 621 (2019).
  16. 121 CONG. REC. 11482, 94th Cong. 1st Sess.
  17. Carl Albert (OK).

Is there objection to dispensing with the reading of the Journal?

MOTION OFFERED BY MR. JOHN L. BURTON

Mr. JOHN L. BURTON [of California]. Mr. Speaker, I move, pursuant to the rules of the House, that the Journal be read.

The SPEAKER. The question is, shall the Journal be read?

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

Mr. JOHN L. BURTON. 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 16, nays 386, not voting 30, as follows:

[Roll No. 136] . . .

So the motion was rejected.

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

The SPEAKER. Without objection, the Journal stands approved.

There was no objection.

**§ 13.2 Under the former version of clause 1 of rule 1,<sup>(18)</sup> one preferential motion that the Journal be read was in order, pending the approval of the Journal.**

On March 14, 1978,<sup>(19)</sup> the following occurred:

THE JOURNAL

The SPEAKER pro tempore.<sup>(20)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I object to the approval of the Journal.

The SPEAKER pro tempore. Objection is heard.

Does the gentleman from Maryland offer a motion?

Mr. BAUMAN. I do, Mr. Speaker.

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the preferential motion.

**18.** *Parliamentarian's Note*: The current form of clause 1 of rule I requires the House to disagree to the Speaker's approval of the Journal before a motion to have the Journal read may be offered. *House Rules and Manual* § 621 (2019).

**19.** 124 CONG. REC. 6838–39, 95th Cong. 2d Sess.; *House Rules and Manual* § 1014 (2019).

**20.** Edwin Meeds (WA).

The Clerk read as follows:

Mr. BAUMAN moves that the Journal be read in full.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Maryland (Mr. BAUMAN).

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

Mr. BAUMAN. 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 99, nays 301, not voting 34, as follows:

[Roll No. 140] . . .

Messrs. McCLORY, SCHULZE, WALKER, DICKINSON, VANDER JAGT, STANGELAND, STEERS, and LIVINGSTON changed their vote from “nay” to “yea.”

Messrs. MOORE, EDWARDS of Oklahoma, STRATTON, MARLENEE, DON H. CLAUSEN, and BURGNER changed their vote from “yea” to “nay.”

The SPEAKER pro tempore (Mr. [Edwin] MEEDS [of Washington]). All time has expired.

The Chair will take votes of those Members who have not had an opportunity to vote, and those who have had such an opportunity can clear the well. If there are people here who have not voted, the Chair will take those votes. Otherwise, the vote is closed.

Mr. [John] ASHBROOK [of Ohio]. Mr. Speaker, I object.

The SPEAKER pro tempore. All time has expired.

#### POINT OF ORDER

Mr. ASHBROOK. Mr. Speaker, a point of order.

The SPEAKER pro tempore (Mr. MEEDS). The gentleman will state it.

Mr. ASHBROOK. Mr. Speaker, under Cannon's Precedents it says clearly:

The vote of a Member failing to be recorded, he may insist that it be recorded even after the Chair has declared the result and the Chair then makes a new declaration (V. 6064, 6065; VIII, 3143).

Under the precedents, I would like to suggest that the Chair is not making a proper ruling.

The SPEAKER pro tempore. Those precedents apply only to rollcalls preceding the installation of the electronic device and are not a precedent for holding the vote by electronic device open indefinitely.

All time has expired.

So the motion was rejected.

The result of the vote was announced as above recorded.

#### POINT OF ORDER

Mr. [Richard] SCHULZE [of Pennsylvania]. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SCHULZE. Mr. Speaker, I attempted to change my vote under the electronic device process before the conclusion of the vote and was unable to do so. So, if we are not

going to be able to change our vote by electronic device then we must be able to change our vote in the well or change the electronic device so that we can watch our vote.

The SPEAKER pro tempore (Mr. MEEDS). The gentleman's objection will be noted. The Chair will rule that a point of order will not lie when the Chair exercises his discretion to close the voting.

In the absence of an objection the Chair will approve the Journal.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move that the Journal be approved.

Mr. BAUMAN. Mr. Speaker, I demand that the gentleman submit a written motion.

Mr. FOLEY. I have a written motion at the desk.

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

#### MOTION OFFERED BY MR. FOLEY

The Clerk read as follows:

Mr. FOLEY moves that the Journal be approved.

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

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

Mr. ASHBROOK. 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 371, nays 29, not voting 34, as follows:

[Roll No. 141] . . .

### **§ 13.3 In response to a parliamentary inquiry, the Chair affirmed that, pursuant to clause 1 of rule I,<sup>(21)</sup> rejection by the House of the Speaker's announced approval of the Journal permits the offering of a (nondebatable) motion that the Journal be read.**

On November 1, 1989,<sup>(22)</sup> the following occurred:

#### THE JOURNAL

The SPEAKER.<sup>(23)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Fred] UPTON [of Michigan]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

22. 135 CONG. REC. 26788, 101st Cong. 1st Sess.

23. Thomas Foley (WA).



The SPEAKER. The question is on the Chair's approval of the Journal.

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

PARLIAMENTARY INQUIRY

Mr. UPTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UPTON. Mr. Speaker, what is the result if the "no" vote stands?

The SPEAKER. A motion that the Journal be read would be in order.

Mr. UPTON. 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.

Mr. SPEAKER. Evidently a quorum is not present.

## § 14. Amending or Correcting the Journal

The House may amend the Journal of the last day's proceedings prior to approval, and has done so on occasion,<sup>(1)</sup> primarily to effect minor technical corrections (such as correcting the name of a Member offering a motion).<sup>(2)</sup> A motion to amend the Journal is in order, but not before a reading of the Journal has been completed (or waived).<sup>(3)</sup> A motion to approve the Journal takes precedence over a motion to amend, and where a motion for the previous question has been demanded on the motion to approve, the Chair will not recognize for a motion to amend.<sup>(4)</sup>

Under current practice,<sup>(5)</sup> amendments to the Journal are only in order after: (1) the Speaker's approval of the Journal is disagreed to by vote of the House; (2) the motion to have the Journal read is adopted; and (3) the reading of the Journal is completed (or dispensed with by unanimous consent). Since the House instituted this series of requirements, there has only

1. *Parliamentarian's Note*: While the House may amend its Journal "to the extent of omitting things actually done or of recording things not done," (4 Hinds' Precedents § 2784) certain actions of the House represent a final disposition of the matter and ought not to be reversed or altered merely by amending their depiction in the Journal. The motion to reconsider is the proper method by which Members may attempt to revisit an issue in the House, and the House will normally table the motion to reconsider at the conclusion of consideration of a measure as a means of preventing the issue from being reopened. For more on the motion to reconsider, see Deschler's Precedents Ch. 23 §§ 33–41 and Precedents (Wickham) Ch. 23.
2. For earlier treatment of amendments to the Journal, see Deschler's Precedents Ch. 5 § 13.
3. See Deschler's Precedents Ch. 5 §§ 13.1, 13.2.
4. See Deschler's Precedents Ch. 5 § 13.3.
5. See also Deschler's Precedents Ch. 5 §§ 13.1–13.8.

been one instance of the House amending the Journal. In the 101st Congress, the Journal was amended to vacate the receipt and referral of an executive communication.<sup>(6)</sup>

In *Rangel v. Boehner*,<sup>(7)</sup> Rep. Charles Rangel sought to have his censure expunged from the Journal.<sup>(8)</sup> The District Court for the District of Columbia held, *inter alia*, that the court could not grant Rangel's requested relief because the Journal clause of the U.S. Constitution leaves the matter of altering the Journal "within the discretion of the House," and not the courts, under the separation of powers doctrine.<sup>(9)</sup> Ultimately, the court found that Rangel's desired relief involved a nonjusticiable political question and dismissed the claim.<sup>(10)</sup>

**§ 14.1 Under clause 1 of rule I,<sup>(11)</sup> where the House fails to agree to the Speaker's approval of the Journal, and a motion to have the Journal read is adopted, it is then in order (following the reading or after unanimous consent is obtained to waive the reading) for any Member to offer a motion to amend the Journal.**

On March 19, 1990,<sup>(12)</sup> the House Journal was amended to vacate the referral of an executive communication:<sup>(13)</sup>

#### THE JOURNAL

The SPEAKER pro tempore (Mr. [Sonny] MONTGOMERY [of Mississippi]). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

6. See § 14.1, *infra*.

7. 20 F.Supp.3d 148 (D.D.C. 2013). The decision was upheld on appeal. See *Rangel v. Boehner*, 785 F.3d 19 (2017).

8. Rep. Rangel based his argument on 4 Hinds' Precedents §§ 2792, 2793. These two precedents recorded a 1875 instance where the House rescinded a resolution recorded in the Journal of a preceding Congress by unanimous consent.

9. *Rangel*, 20 F.Supp.3d at 176.

10. *Parliamentarian's Note*: The court also held that the Clerk, which Rep. Rangel joined in the lawsuit as keeper of the House Journal, was immune from the lawsuit due to the Speech or Debate Clause. See *Id.*, at p. 180.

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

12. 136 CONG. REC. 4488, 4491, 101st Cong. 2d Sess.

13. *Parliamentarian's Note*: The executive communication was subsequently referred anew. See 136 CONG. REC. 4571, 101st Cong. 2d Sess. (Mar. 20, 1990).

## MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WALKER moves that the Journal of the last day's proceedings be read.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the Journal.

The Clerk proceeded to read the Journal.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the Journal be considered as read and open to amendment at any point.

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

There was no objection.

## AMENDMENT OFFERED BY MR. WALKER TO THE JOURNAL OF THE LAST DAY'S PROCEEDINGS

Mr. WALKER. Mr. Speaker, I offer an amendment to the Journal.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER to the Journal of the last day's proceedings: Strike Executive Communication 2748—A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j).

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 hour.

Mr. WALKER. Mr. Speaker, the amendment that I am offering to the Journal would strike from the Journal's proceedings of last week a letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting a copy of the annual report in compliance with the Government Sunshine Act to this body. The reason for striking this particular provision is because I am somewhat concerned that this body ought not be receiving any kinds of communications with regard to Government in Sunshine.

It is now apparent that this body is unwilling to work in sunshine itself. I refer, as an example of the problem, to the situation that has now arisen on child care. As of late last week the minority leader and the other members of the minority leadership were told on the House floor that there were no plans to bring that particular bill to the House floor. . . .

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. [George] MILLER of California. Mr. Speaker, I move that the Journal, as amended, be approved.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The motion was agreed to.

The SPEAKER pro tempore. The Journal, as amended, is approved.

### ***Correcting the Journal***

#### **§ 14.2 The Speaker declines to entertain unanimous-consent requests to correct the Journal on votes taken by electronic device, as it is each Member's responsibility to assure that his or her vote has been properly cast and verified prior to the announcement of the result by the Chair.**

On June 29, 1987,<sup>(14)</sup> the following occurred:

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN.<sup>(15)</sup> Are there any other amendments to the bill not precluded by clause 2 of rule XXI?

Mr. [Buddy] DARDEN [of Georgia]. Mr. Chairman, I was in the Chamber and I respectfully object to the proceedings. I was in the Chamber and it was my intention to vote. I was on my feet while the Chairman was in the process.

The CHAIRMAN. I am sorry to say to the gentleman I did not see the gentleman.

Mr. DARDEN. I respectfully object. I want to be heard on this matter.

The CHAIRMAN. The vote is final at this point. The gentleman may want to make a statement for the record.

Are there any other amendments to the bill not precluded by clause 2 of rule XXI?

Mr. DARDEN. Mr. Chairman, I was in the Chamber. My card was in the machine. I was attempting to cast my vote in this matter and I respectfully object to the vote in that the Chair failed to recognize me. A number of times I specified I was trying to vote. I was present and I respectfully object to the fact that the Chair would not allow my vote to be recorded. It would make no objection to the outcome.

The CHAIRMAN. The Chair can only say to the gentleman that he was obviously where the Chair did not see the gentleman. The Chair does not know when a Member's card goes into the machine, as the gentleman knows. Unless the gentleman was in the well, the Chair would have no way of knowing the gentleman had his card in the machine.

Mr. DARDEN. Mr. Chairman, I ask unanimous consent I be recorded as voting on this issue and that my vote in this matter was "aye."

The CHAIRMAN. The Chair does not have the authority to correct a vote once it has been cast.

Mr. DARDEN. I submit there is no correction because I know what I did and I was here.

The CHAIRMAN. The gentleman may make a statement for the RECORD.

#### **§ 14.3 The Chair announced the circumstances of a malfunction in the electronic voting system, and under such unique circumstances, the House by unanimous consent permitted the correction of an electronic vote in the Journal.**

14. 133 CONG. REC. 18088, 100th Cong. 1st Sess.

15. William Hughes (NJ).

On June 26, 2000,<sup>(16)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). As stated by the Chairman of the Committee on House Administration on Friday, June 23, 2000, the Clerk has informed the Committee on House Administration of a recent anomaly on a recorded vote. Representative ROYBAL-ALLARD was absent on rollcall number 305 on June 21, 2000 and was in possession of her voting card. The Clerk was made aware of the fact that she was recorded on that rollcall, but on no others on that day, but due to the lateness of the hour, could not get confirmation from her by the time the vote was made public that she was absent and in possession of her voting card. Since then, the Clerk has received that confirmation. For that reason and the statistical improbability of the recurrence of that anomaly, the Chair and the Chairman of the Committee on House Administration believe that it is proper to immediately correct the RECORD and the Journal.

As stated in Volume 14, Section 32 of Deschler-Brown Precedents:

Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after announcement of a vote. This policy is based upon the presumptive reliability of electronic device and upon the responsibility of each Member to correctly cast and verify his or her vote.

Based upon the explanation received from the Chairman of the Committee on House Administration and from the Clerk, the Chair will continue to presume the reliability of the electronic device, so long as the Clerk is able to give that level of assurance which justifies a continuing presumption of its integrity. Without objection, the Chair will permit the immediate correction of the RECORD and Journal under the unique circumstances certified by the Clerk.

There was no objection.

**§ 14.4 By unanimous consent, a committee report was reprinted and the *Congressional Record* and Journal corrected to indicate that the report had been filed by a different member of the committee.**

On March 23, 1982,<sup>(17)</sup> due to clerical error leading to another committee member's name being placed on the report, the following correction was made:

CORRECTION OF CONGRESSIONAL RECORD OF MARCH 3, 1982, AND HOUSE  
REPORT 97-445

Mr. SAM B. HALL, JR. [of Texas]. Mr. Speaker, I ask unanimous consent that the CONGRESSIONAL RECORD and Journal of March 8, 1982, and House Report 97-445 filed on that date be corrected to indicate that the report was filed by Mr. DANIELSON, and that the report be reprinted as corrected.

16. 146 CONG. REC. 12371, 106th Cong. 2d Sess. For a similar instance where the Journal was corrected by unanimous consent to show that a Member voted present, see 119 CONG. REC. 30610, 93d Cong. 1st Sess. (Sept. 20, 1973). See also Deschler's Precedents Ch. 5 §§ 13.4-13.7

17. 128 CONG. REC. H1053 [Daily Ed.], 97th Cong. 2d Sess.

The SPEAKER pro tempore.<sup>(18)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

### C. Congressional Record

#### § 15. In General; Purpose and Status

The *Congressional Record* is defined by the rules of the House as a “substantially verbatim account of remarks made during the proceedings of the House.”<sup>(1)</sup> It is to be contrasted with the House Journal, which constitutes the official “minutes” of the House<sup>(2)</sup> and thus only contains descriptions of official actions of the House. It is the *Record* that provides a full depiction of debate in the House.

The *Congressional Record* was first printed in the 43d Congress but was predated by several other publications containing transcripts of House proceedings, such as the *Annals of Congress*, the *Register of Debates*, and the *Congressional Globe*.<sup>(3)</sup> None of these publications, however, claimed to be a verbatim account of all proceedings. Rather, they were often merely sketches or summaries of debates, with many speeches omitted. Furthermore, none of these publications were under direct control of the House, but rather were produced by various newspaper publishers, with the House merely providing access to the Chamber for authorized stenographers and sometimes contracting with such private entities for publication services.<sup>(4)</sup> In 1873, the House brought the publication of House debates directly under its control by creating “Official Reporters of Debate” as employees of the House and arranging for publication by the Government Printing Office (now the Government Publishing Office).<sup>(5)</sup>

---

18. Druie Barnard (GA).

1. Rule XVII, clause 8(a), *House Rules and Manual* § 967 (2019).

2. See Division B, *supra*.

3. For a history of the evolution of early publication of congressional debates, see 5 Hinds’ Precedents § 6959.

4. *Id.*

5. For histories of the Government Publishing Office, see R.W. KERR, HISTORY OF THE GOVERNMENT PRINTING OFFICE (1881), and JAMES L. HARRISON, 100 GPO YEARS 1861–1961: A HISTORY OF UNITED STATES PUBLIC PRINTING (2010 ed.).

## § 16. Authority Over the *Congressional Record*

The format and content of the *Congressional Record* is governed by statutory provisions<sup>(1)</sup> as well as House rules.<sup>(2)</sup> The Joint Committee on Printing, established by statute,<sup>(3)</sup> is given authority over the “arrangement and style” of the *Record*, with the requirement that it be “substantially a verbatim report” of the proceedings.<sup>(4)</sup> Distribution of the *Record* is also governed by statute.<sup>(5)</sup> The *Record* is published in both a daily edition (printed the day after a legislative session of Congress) and a permanent edition (compiled some years later).<sup>(6)</sup> The Joint Committee on Printing issues rules and regulations regarding the publication of the *Record*, and such rules are published in each daily edition of the *Record*.<sup>(7)</sup>

By House rule, the Official Reporters of Debate are appointed by the Clerk, subject to the direction and control of the Speaker.<sup>(8)</sup> When the printing of the daily *Congressional Record* has been delayed, the Speaker has responded to parliamentary inquiries to indicate that the Government Publishing Office had been notified to expedite the printing.<sup>(9)</sup> As the *Record* is intended to be a verbatim transcript of the proceedings, the Speaker will not entertain a unanimous-consent request to deliver a speech “off the record.”<sup>(10)</sup> The Committee on House Administration has jurisdiction over the “printing and correction” of the *Record*, pursuant to clause 1(k)(8) of rule X.<sup>(11)</sup> The Committee of the Whole does not exercise any authority over the *Record*, and requests to insert extraneous material to the *Record* must be made in the full House.<sup>(12)</sup>

1. 44 U.S.C. §§ 901 *et seq.* See § 17, *infra*.
2. The two primary House rules relating to the *Congressional Record* are clause 1 of rule VI (*House Rules and Manual* §§ 685–692 (2019)) and clause 8 of rule XVII (*House Rules and Manual* §§ 967, 968 (2019)).
3. 44 U.S.C. §§ 101 *et seq.*
4. 44 U.S.C. § 901.
5. 44 U.S.C. § 906.
6. The permanent edition of the *Record* is informally known as the “redbound,” based on the color of the book binding. A biweekly edition in green binding (“greenbound”) was printed for many decades, but was discontinued in 1985.
7. There are currently thirteen rules, with separate Senate and House supplements governing specific printing requirements for each body. See also S. Print 111–30, PUBLIC PRINTING AND DOCUMENTS AND MISCELLANEOUS STATUTES IDENTIFYING THE AUTHORITY OF THE JOINT COMMITTEE ON PRINTING (Comm. Print 2010).
8. Rule V, clause 1, *House Rules and Manual* § 685 (2019). Prior to 1978, the Official Reporters of Debate were under the jurisdiction of the Speaker alone. See § 16.3, *infra*. See also *Precedents (Wickham)* Ch. 6 §§ 2, 14.
9. See § 16.4, *infra*. See also 136 CONG. REC. 35162, 101st Cong. 2d Sess. (Oct. 26, 1990).
10. See § 16.5, *infra*.
11. *House Rules and Manual* §§ 724, 728 (2019).
12. See § 16.6, *infra*.

The Senate exercises control over its portion of the *Congressional Record*<sup>(13)</sup> pursuant to Senate rules and precedents.<sup>(14)</sup>

### ***The Joint Committee on Printing***

**§ 16.1 The “Laws and Rules for Publication of the *Congressional Record*” were amended pursuant to the Chair’s directive<sup>(15)</sup> that the Committee on House Oversight (now the Committee on House Administration) promulgate rules for printing the *Record* that would conform to clause 9(a) of rule XIV (now clause 8 of rule XVII)<sup>(16)</sup> (limiting the types of revisions Members may make to remarks uttered on the floor under leave to revise and extend).**

On July 12, 1996,<sup>(17)</sup> an amended version of the “Laws and Rules for Publication of the *Congressional Record*” was inserted into the *Record*:

7. Pursuant to clause 9 of Rule XIV of the Rules of the House, 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. Unparliamentary remarks may be deleted only by permission or order of the House. Consistent with Rule 9 of the Joint Committee on Printing Rules, any revision shall consist only of technical, grammatical or typographical corrections of the original copy and shall not include deletions of correct material, substitutions for correct material or additions of new subject matter. By obtaining unanimous consent to revise and extend, a Member will be able to relax the otherwise strict prohibition contained in clause 9 of Rule XIV only in two respects: (1) to revise by technical, grammatical and typographical corrections; and (2) to extend remarks in a distinctive type style to follow the remarks actually uttered. In no event would the actually uttered remarks be removable.

**§ 16.2 The Joint Committee on Printing issued a notice to Members regarding deadlines and other requirements for submissions to the final issue of the *Congressional Record* of the 105th Congress.**

On October 21, 1998,<sup>(18)</sup> the following notice was printed in the *Record*:

---

13. *Parliamentarian’s Note*: Presidential inauguration ceremonies have a unique relationship to the *Congressional Record*. Although the House remains in session throughout such ceremonies (Deschler’s Precedents Ch. 36 § 25.7), the proceedings are not carried in the House portion of the *Record*. The Senate, by contrast, is not in session during inauguration ceremonies, but traditionally agrees to have the proceedings carried in the Senate portion of the *Record*. See, e.g., 159 CONG. REC. 462–65, 113th Cong. 1st Sess. (Jan. 22, 2013).

14. ALAN FRUMIN, RIDDICK’S SENATE PROCEDURE 643–654 (1992).

15. See 141 CONG. REC. 541, 104th Cong. 1st Sess. (Jan. 4, 1995).

16. *House Rules and Manual* § 967 (2019).

17. 142 CONG. REC. Daily Digest, 104th Cong. 2d Sess.

18. 144 CONG. REC. 27403, 105th Cong. 2d Sess.



## NOTICE

When the 105th Congress adjourns sine die on or before October 22, 1998, a final issue of the Congressional Record for the 105th Congress will be published on November 12, 1998, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 10. The final issue will be dated November 12, 1998, and will be delivered on Friday, November 13.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Reporters".

Members of the House of Representatives' statements may also be submitted electronically on a disk to accompany the signed statement and delivered to the Official Reporter's office in room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman*.

***The Speaker, Clerk, and the Committee on House Administration***

**§ 16.3 In the 95th Congress, the House amended the standing rules of the House to transfer jurisdiction over the appointment, removal, and functions of the Official Reporters of Debate from the Speaker to the Clerk (subject to ultimate control by the Speaker).**

On January 23, 1978,<sup>(19)</sup> a resolution amending the rules of the House regarding authority over the *Congressional Record* was adopted as follows:

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I offer a privileged resolution (H. Res. 959) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follow:

H. RES. 959

*Resolved*, That effective March 1, 1978, clause 1 of Rule XXXIV of the Rules of the House of Representatives is amended to read as follows:

19. 124 CONG. REC. 431-32, 95th Cong. 2d Sess.; *House Rules and Manual* § 685 (2019).

“1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties shall be vested in the Clerk, subject to the direction and control of the Speaker.”

The SPEAKER pro tempore.<sup>(20)</sup> Is there objection to the request of the gentleman from Texas?

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, reserving the right to object, it is my understanding that the only change this effects is the transfer of the oversight authority from the Speaker's office to the Clerk of the House. Is that correct?

Mr. WRIGHT. The gentleman from Maryland is correct. The Speaker understandably has been loath to exercise or presume to exercise direction of jurisdictional authority over all of the Reporters of Debates and deliberations in committees and feels that the Clerk of the House, having broad administrative jurisdiction over the personnel and the legislative support functions of the House, is the proper person to exercise this control and to make the determinations as to whom we should employ, when, and to what extent those persons are adequately fulfilling their duties, and so forth.

Mr. BAUMAN. And further than that, I believe it also permits, without the use of a special resolution, the Reports of Debates to come under the ordinary cost-of-living increases that the other employees on the Hill receive?

Mr. WRIGHT. The gentleman is exactly correct. By placing them in the same category with other employees of the Members and the committees of the House, it places them in the same category with respect to pay, and, as the gentleman knows, in the past the Reporters of Debates have not been automatically subject to those increases that come from time to time. Now they would be, as well as the other employees of the House.

Mr. BAUMAN. Further reserving the right to object, I would only say to the distinguished majority leader that it probably is an appropriate occasion at this point to observe the fact that of all the employees of the House of Representatives who make our life easier and assist us in many ways, the Reporters of Debates and their transcribers and their staff certainly have one of the most difficult jobs of any employees of the House, not only in compiling the CONGRESSIONAL RECORD and in providing in a timely fashion what is said, but also in having to sit here and listen to us hour after hour and day after day and year after year; and for that alone I think they deserve some commendation.

Mr. WRIGHT. I thank the gentleman. Really they deserve our sympathy as well as our appreciation, and I trust that the Reporters today have adequately and sufficiently transcribed the remarks the gentleman has just made.

Mr. BAUMAN. I have no doubt they have done so. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 16.4 Where there had been a two-day delay in the printing of the *Congressional Record* containing the text of a bill as passed by the House, the Chair indicated in response to a parliamentary inquiry that the Clerk had instructed the Government Printing Office (now the Government Publishing Office) to print that *Record***

20. Anthony Moffett (CT).

**as a top priority and to make it simultaneously available to both cloakrooms.**

On October 18, 1990,<sup>(21)</sup> the Chair responded to parliamentary inquiries regarding the availability of legislative text as follows:

## PARLIAMENTARY INQUIRIES

Mr. [Paul] HENRY [of Michigan]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(22)</sup> The gentleman will state his parliamentary inquiry.

Mr. HENRY. Mr. Speaker, a number of us are getting calls and inquiries from constituents, but also perhaps more troublesome, from the media wanting particulars relative to the budget resolution voted on Tuesday, October 16.

The CONGRESSIONAL RECORD is yet to appear and be published. The first volume came on the 17th. Today, on the 18th, we have the CONGRESSIONAL RECORD published in its entirety for the 17th, but we do not yet have a complete CONGRESSIONAL RECORD for Tuesday, the 16th.

We made a call in my office to the Government Printing Office and were advised that they did not have the materials to print. The problem was no one has the materials to print the resolution.

I think there is a concern in terms of having the ability to express either a defense for our votes, whether we voted in the affirmative or in the negative, given the seriousness of the situation, but also some concerns that the integrity of the amendment may be affected during the delay, which is now over 48 hours since the time the vote took place and lack of any publication of the amendment.

Can the Chair get some assurance to us or information as to when the amendment will be printed in the RECORD for the Members to see?

The SPEAKER pro tempore (Mr. MOAKLEY). The Clerk is making available to the Cloakrooms the full report and has notified the Government Printing Office that this is their top priority to have printed as soon as possible the bill in the CONGRESSIONAL RECORD.

Mr. HENRY. A copy of the amendment is in their office? The printer presently has a copy of the amendment?

The SPEAKER pro tempore. A copy of the report will be in the Cloakrooms.

Mr. HENRY. So copies are in the Cloakrooms for our perusal?

The SPEAKER pro tempore. That is the Chair's information.

Mr. HENRY. Does the Chair have any estimate as to when the Printing Office will finish with the RECORD?

The SPEAKER pro tempore. Well, as the Chair has said, the Clerk has notified the Printing Office that it is the top priority, as soon as possible.

Mr. HENRY. I thank the Chair.

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Just to note, the Republican Cloakroom just reports to us that they do not have a copy at the present time, so if such copies are available, we would hope they would be made available to the minority as well as the majority.

21. 136 CONG. REC. 31016, 101st Cong. 2d Sess.

22. John Moakley (MA).

The SPEAKER pro tempore. That is the Chair's information, that it would be available to both Cloakrooms at the same time.

Mr. WALKER. When would we expect that availability, Mr. Speaker?

The SPEAKER pro tempore. As the Chair has said, the Clerk has put it as a top priority, so as soon as possible, as soon as humanly possible.

Mr. WALKER. I thank the Chair.

**§ 16.5 Because the *Congressional Record* is, pursuant to law,<sup>(23)</sup> maintained as a substantially verbatim account of remarks actually made during proceedings of the House, the Speaker will not entertain a unanimous-consent request to give a special-order speech "off the record."**

On June 24, 1992,<sup>(24)</sup> the following occurred:

**CUT FOREIGN AID ASSISTANCE COMPLETELY**

The SPEAKER pro tempore (Mr. [Robert] WISE [of West Virginia]). Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. [Gene] TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent that in order to save a few dollars for the taxpayers, that my remarks not be included in the RECORD.

The SPEAKER pro tempore. The Chair declines to entertain that.

Mr. [Newt] GINGRICH [of Georgia]. I do not think you can ask that.

Mr. TAYLOR of Mississippi. Sure you can. You can ask unanimous consent for anything.

The SPEAKER pro tempore. The Chair declines to entertain the request.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would also like to ask unanimous consent, in an effort to save a few dollars for the taxpayers, I would like to dismiss the staff.

The SPEAKER pro tempore. The Chair also declines to entertain that request. The gentleman may proceed for 5 minutes.

***Relationship to the Committee of the Whole***

**§ 16.6 The House, and not the Committee of the Whole, controls the insertion of extraneous matter in the *Congressional Record*.**

On April 26, 1988,<sup>(25)</sup> the following occurred:

Mr. [Leslie] ASPIN [of Wisconsin]. The question I have for the Chair, is my understanding of the rules correct, that we cannot insert something in the RECORD in the Committee of the Whole. We can only do that when we are in the full House.

The CHAIRMAN pro tempore.<sup>(26)</sup> The gentleman can extend his own remarks in the Committee of the Whole. The gentleman cannot insert a colloquy in the Committee of the Whole.

23. 44 U.S.C. § 901.

24. 138 CONG. REC. 16131, 102d Cong. 2d Sess.

25. 134 CONG. REC. 8808, 8815, 100th Cong. 2d Sess.

26. Martin Russo (IL).

Mr. ASPIN. No. We were going to insert this document which we had typed up and sent to the Speaker, and the Speaker has agreed to this as the agreement pertaining to the unauthorized appropriations. Is that appropriate to put into the RECORD?

The CHAIRMAN pro tempore. It can go in at this particular point, if the request is made when the Committee rises.

Mr. ASPIN. We will make the request when the Committee rises, but I would like when we request it in the Whole House for it to go into the RECORD at this point.

The agreement is in outline what the gentleman from Alabama said about the three points. What I would just like to do is insert this one-page verbal text, the actual text of the agreement, so that it will be on record.

Mr. Chairman, the memorandum of agreement is as follows:

MEMORANDUM FOR THE RECORD—AGREEMENT WITH  
RESPECT TO UNAUTHORIZED APPROPRIATIONS, APRIL 20, 1988

As a result of today's meeting with the Speaker, the Majority Leader, the Chairman of the Appropriations Committee, the Defense Subcommittee, and the Chairman of the Armed Services Committee, the following agreement was reached with respect to section 902 in the reported Defense Authorization bill.

The Armed Services Committee will agree to drop section 902 from the bill. The Appropriations Committee will agree not to appropriate more than is authorized unless the amount so appropriated is explicitly made subject to authorization. If appropriations are provided in excess of authorization and they are not made subject to authorization or if legislation is included in the appropriation bill, the Speaker will not support waiving points of order on such matters.

In conference, the Chairman and Ranking Member of the Armed Services Committee and the Defense Subcommittee shall be non-voting participants in the others conference. They will be treated as conferees except that they will not be formally appointed as conferees and have the right to vote, but will be entitled to speak in the conference meetings. These members so designated as non-voting informal conferees shall be entitled to designate one staff representative to attend all conference activities related to defense matters with that Member.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. [Ronald] DELLUMS [of California]. Mr. Chairman, I chair the Subcommittee on Military Installations and Facilities, charged with the responsibility of family housing, military construction and the civil defense portion of the military authorization bill for 1989.

Mr. Chairman, I ask unanimous consent to insert the report on those portions of the bill pertaining to military construction, family housing and civil defense in the RECORD.

The CHAIRMAN pro tempore. Without objection, it is so ordered, but that permission must be renewed again in the full House. . . .

---

PERMISSION TO INCLUDE IN RECORD MEMORANDUM OF AGREEMENT REGARDING SECTION 902 OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that the memorandum that was discussed in the colloquy with the gentleman from Alabama [Mr. DICKINSON] be included in the RECORD at the appropriate point in the debate, and referring to the debate that occurred earlier in the Committee of the Whole House. . . .

I just wanted to make that clear, because that was a verbal understanding, and the statement here is not quite clear on that point, but it was very clear in discussion with

the Speaker that that is the intention of this last sentence, and with that, I would just like to ask unanimous consent that this appear at the appropriate point in the colloquy with the gentleman from Alabama [Mr. DICKINSON] during general debate.

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

There was no objection.

## § 17. Format

The style and formatting of the *Congressional Record*, as noted earlier, is under the control and direction of Joint Committee on Printing, and has remained relatively static over the years.<sup>(1)</sup> The *Record* was originally published in two-column format, but this was changed to three-column format at the outset of the 77th Congress and has remained so to the present day.<sup>(2)</sup> Significant changes to the typeface used were made in 1930 and 1941 to improve readability.<sup>(3)</sup> Beginning in the 80th Congress, the daily edition of the *Record* has included a “Daily Digest,” which summarizes House and Senate floor and committee activities.<sup>(4)</sup>

Other minor formatting changes to the *Congressional Record* have occurred from time to time. In the 79th Congress, Speaker Rayburn instructed the Official Reporters of Debate not to include words like “applause” in the *Record* (a common notation prior to this time) as such demonstrations are not considered part of the proceedings of the House.<sup>(5)</sup> In the 96th Congress, the Joint Committee on Printing authorized the use of time stamps throughout the *Congressional Record* to indicate approximately when events occurred.<sup>(6)</sup> In the unusual event that two legislative days of the House are

---

27. Eligio de la Garza (TX).

1. *Parliamentarian’s Note*: Unanimous-consent requests to change the formatting of the *Congressional Record* are not entertained. See Deschler’s Precedents Ch. 5 §§ 15.1, 15.2.
2. See JAMES L. HARRISON, 100 GPO YEARS 1861–1961: A HISTORY OF UNITED STATES PUBLIC PRINTING (2010 ed.).
3. For parliamentary inquiries regarding font sizes for bills and conference reports printed in the *Record*, see § 17.4, *infra*. For a unanimous-consent request (not entertained by the Chair) to change the font size for a particular document to be inserted into the *Record*, see Deschler’s Precedents Ch. 5 § 15.2.
4. See JAMES L. HARRISON, 100 GPO YEARS 1861–1961: A HISTORY OF UNITED STATES PUBLIC PRINTING (2010 ed.).
5. See Deschler’s Precedents Ch. 5 § 15.3.
6. See § 17.2, *infra*. The intervals for such time stamps have varied over time, from 5 minutes to 15 minutes, and currently appear at 10-minute intervals.

conducted on the same calendar day, the *Congressional Record* will be formatted to include separate headings for each legislative day.<sup>(7)</sup> When a single legislative day spans multiple calendar days, a notation to that effect is carried in the *Record*.<sup>(8)</sup>

Although the *Congressional Record* is intended to be a verbatim transcript of words spoken on the floor of the House, Congress has (for many decades) accepted for inclusion in the *Record* speeches not actually delivered and other “extraneous” material. The House routinely grants Members’ unanimous-consent requests to “revise and extend” remarks for the *Record*, and such permission allows a Member to submit to the Official Reporters of Debate text of a speech not actually given on the floor. For many years, such extensions of remarks appeared in an Appendix to the *Record*. In 1967, this Appendix was replaced with a separate section of the *Record* entitled “Extensions of Remarks.”

When Members receive permission to revise and extend their remarks, they may submit text of speeches not actually delivered on the floor of the House for inclusion in the *Record*.<sup>(9)</sup> The depiction of such remarks in the *Record* has varied over time. In 1978, the Joint Committee on Printing promulgated a new rule providing that remarks not actually delivered would be preceded by a “bullet” symbol to differentiate such remarks from those spoken on the floor.<sup>(10)</sup> However, in 1985, the Committee on House Administration offered a privileged resolution requesting that the Joint Committee on Printing adopt a rule requiring that remarks not delivered on the floor appear in a distinct typeface.<sup>(11)</sup> This system was put into effect on September 4, 1985,<sup>(12)</sup> and the policy extended into the second session of the 99th Congress.<sup>(13)</sup> A further resolution from the Committee on House Administration in 1986 requested that the Joint Committee on Printing make the change permanent, and the House supplement to the Joint Committee’s rules for publication of the *Congressional Record* was amended in response to this request.<sup>(14)</sup>

While Members normally deliver their remarks in English, there is no rule of the House that prevents them from speaking in another language.<sup>(15)</sup>

7. See § 17.3, *infra*.

8. See, e.g., 160 CONG. REC. H1251 [Daily Ed.], 113th Cong. 2d Sess. (Jan. 23, 2014) [legislative day of Jan. 21, 2014].

9. For more on revising and extending remarks in the *Record*, see § 20, *infra*. For insertions into the *Record* of extraneous material, see § 21, *infra*.

10. See § 17.8, *infra*.

11. See § 17.9, *infra*.

12. See § 17.10, *infra*.

13. See § 17.11, *infra*.

14. See § 17.11, *infra*.

15. In prior years, notations in the *Record* indicated when Members spoke in a foreign language, but the foreign text was not generally printed. See § 17.2, *infra* and 144 CONG. REC. 2534–35, 105th Cong. 2d Sess. (Mar. 4, 1998).

However, when doing so, Members must provide an English translation of their remarks to the Official Reporters of Debate, which is also carried in the *Congressional Record*.<sup>(16)</sup> When Members (or others called upon to participate, such as the Chaplain) deliver remarks in a language that does not use the Latin alphabet, the Government Publishing Office may not be able to reproduce the characters correctly for the *Record*. In such cases, a notation indicates that the individual spoke in another language.<sup>(17)</sup>

### *In General*

**§ 17.1 Pursuant to regulations promulgated by the Joint Committee on Printing, remarks delivered or inserted under leave to revise and extend in connection with a one-minute speech made before legislative business are printed after all legislative business if exceeding 300 words.**

On April 5, 1978,<sup>(18)</sup> the Chair responded to parliamentary inquiries as follows:

#### PARLIAMENTARY INQUIRY

Mr. [John] DENT [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER.<sup>(19)</sup> The gentleman will state his parliamentary inquiry.

Mr. DENT. Mr. Speaker, I would like to ask unanimous consent to speak for 1 minute and to revise and extend my remarks, but before doing so, I would like to ask the Chair a question as a matter of information.

Mr. Speaker, I would like to ask unanimous consent to exceed the 300-word limit in order to convey to the House today the message which I have on a very important incident which just occurred this morning and yesterday.

The SPEAKER. The Chair would like to ask the gentleman whether he has an estimate from the Government Printing Office.

Mr. DENT. No, Mr. Speaker, I have no estimate because we are permitted 300 words in a 1-minute speech. This is just a few words over the 300-word limit.

The SPEAKER. The Chair will state that the gentleman's remarks will appear in the RECORD, but not prior to the legislative business.

Mr. DENT. Yes, Mr. Speaker, I will not read it all.

The SPEAKER. Does the gentleman understand that his remarks will appear in the RECORD, but not during the 1-minute portion of the RECORD?

Mr. DENT. They will appear in the RECORD?

The SPEAKER. They will appear in the RECORD.

16. See 149 CONG. REC. 4401–402, 108th Cong. 1st Sess. (Feb. 25, 2003) and § 17.13, *infra*.

17. See § 17.4, *infra*. Cf. 146 CONG. REC. 23047, 106th Cong. 2d Sess. (Oct. 17, 2000) (remarks in Samoan were capable of transcription).

18. 124 CONG. REC. 8846, 95th Cong. 2d Sess.; *House Rules and Manual* § 692 (2019).

19. Thomas O'Neill (MA).



Mr. DENT. All right. I thank the Chair.

**§ 17.2 The Joint Committee on Printing announced in the *Congressional Record* a new format indicating the time of day House proceedings occurred.**

On January 15, 1979,<sup>(20)</sup> the following notice was printed in the *Congressional Record*:

---

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

• This “bullet” symbol identifies statements or insertions which are not spoken by the Member on the floor.

---

On January 29, 1979,<sup>(21)</sup> the chair of the Joint Committee on Printing announced that the Joint Committee had authorized the insertion of time–sequence notations at five–minute intervals in the House portion of the *Congressional Record*:

TIME SEQUENCES IN HOUSE PORTION OF CONGRESSIONAL RECORD

The SPEAKER.<sup>(22)</sup> Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. [Frank] THOMPSON [of New Jersey]. Mr. Speaker, Members may have noticed that the House portion of the CONGRESSIONAL RECORD now carries time sequence notations at roughly 5-minute intervals during House proceedings. The time is shown following a box symbol utilizing the 24-hour clock system. For example, □ 1315 indicates 1:15 p.m. and □ 1945 would be 7:45 p.m.

The purpose of this new system, authorized by the Joint Committee on Printing, is to provide easier cross reference to audio and video taped versions of House proceedings with the printed proceedings in the RECORD. A byproduct of the time sequence notations will be the easier location of Member’s remarks in the printed RECORD than has often been possible in the past.

**§ 17.3 When the House convenes for two legislative days on a single calendar day, the *Congressional Record* will carry separate headings to distinguish each legislative day.**

On November 17, 1981,<sup>(23)</sup> the following notations regarding sessions of the House appeared in the *Record*:

(FIRST LEGISLATIVE DAY)

The House met at 12 o’clock noon and was called to order by the Speaker pro tempore (Mr. [James] WRIGHT [of Texas]). . . .

---

20. 125 CONG. REC. 3, 96th Cong. 1st Sess.

21. 125 CONG. REC. 1351, 96th Cong. 1st Sess.

22. Thomas O’Neill (MA).

23. 127 CONG. REC. 27768, 27770–72, 97th Cong. 1st Sess.; *House Rules and Manual* §§ 897, 913, and 914 (2019).

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore.<sup>(24)</sup> The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that when the House adjourns today it adjourn to meet at 4 p.m. today.

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. Under the last sentence of clause 4, rule XVI, that motion to adjourn is not debatable and therefore cannot be laid on the table.

The question is on the motion.

Mr. [Frank] SENSENBRENNER [of Wisconsin]. 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 191, nays 172, not voting 70, as follows:

[Roll No. 306] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

#### ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

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

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

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 172, not voting 73, as follows:

[Roll No. 307] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 1 o'clock and 19 minutes p.m.) the House adjourned until 4 o'clock p.m.

#### (SECOND LEGISLATIVE DAY)

The House met at 4 p.m. The Chaplain, Rev. James David Ford, D.D., offered the following prayer: . . .

### **§ 17.4 In response to a parliamentary inquiry, the Chair stated that the House rules do not require the Government Printing Office**

24. James Wright (TX).

**(now the Government Publishing Office) to use specific type sizes when printing conference reports and bills.**

On November 22, 1991,<sup>(25)</sup> the following occurred:

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND  
EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. [William] NATCHER [of Kentucky]. Mr. Speaker, pursuant to the order of the House on Thursday, November 21, 1991, I call up the bill (H.R. 3839) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill. . . .

The text of H.R. 3839 is as follows:

H.R. 3839

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION . . .

PARLIAMENTARY INQUIRY

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. [Michael] McNULTY [of New York]). The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, do the rules of the House say what size type these conference reports are supposed to be printed in?

The SPEAKER pro tempore. No; they do not.

Mr. DANNEMEYER. Mr. Speaker, I have been advised this one is size 6. You almost need a magnifying glass to read it.

The SPEAKER pro tempore. The Chair would announce this measure was printed and is being considered as a regular bill (H.R. 3839).

Mr. [Carl] PURSELL [of Michigan]. Mr. Speaker, this is 6-point type. As a former printer, I would say it is half the size of a regular typewriter.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

**§ 17.5 When the House is at the stage of amending a Senate bill, insisting on its amendments, and requesting a conference, the *Congressional Record* will not reprint the texts of a Senate-passed bill or a House-passed bill if those texts appeared in a previous edition of the *Record*, but rather will refer to the previous printing by *Record* page number.**

25. 137 CONG. REC. 33991, 34017, 34035, 102d Cong. 1st Sess.

On December 14, 2011,<sup>(26)</sup> the following occurred:

Mr. [Buck] MCKEON [of Texas]. Mr. Speaker, pursuant to House Resolution 493, I call up the conference report on the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. [Frank] LUCAS [of Oklahoma]). Pursuant to House Resolution 493, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 12, 2011, at page 19369.)

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes. . . .

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.

**§ 17.6 In the case where a Member misses a vote, but makes a statement for the *Congressional Record* immediately after such vote indicating on which side of the question the Member would have voted, the *Record* will carry the caption “Stated For” or “Stated Against” to describe the intent of the Member.**

On January 6, 1999,<sup>(27)</sup> the following notation regarding how a Member would have voted had he been present appeared in the *Record*:

[Roll No. 6] . . .

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider is laid on the table.

Stated against:

Mr. [William] PASCRELL [of New Jersey]. Mr. Speaker, during rollcall vote No. 6, House Resolution 10, I was unavoidably detained. Had I been present, I would have voted “no.”

**§ 17.7 While the captions “Stated For” and “Stated Against” are used in the *Congressional Record* to indicate which side of a question a Member would have vote on (had such Member been present for the vote), the caption “Personal Explanation” is used if the Member seeks to indicate a voting preference at any time other than immediately following the vote(s) at issue.**

26. 157 CONG. REC. 20047, 112th Cong. 1st Sess.

27. 145 CONG. REC. 245, 106th Cong. 1st Sess.

On March 3, 2004,<sup>(28)</sup> the following notations appeared in the *Record*:

A motion to reconsider was laid on the table.

Stated for:

Mr. [Bob] FILNER [of California]. Mr. Speaker, on rollcall No. 37, due to urgent constituent support commitments in my Congressional District, I missed the vote. Had I been present, I would have voted “yea.”

#### PERSONAL EXPLANATION

Mr. [Joe] BACA [of California]. Mr. Speaker, on rollcall Nos. 34, 35, 36, and 37, for personal reasons, I was unable to be in the chamber when the time elapsed on the vote.

Had I been able to vote, I would have voted “aye” for all four votes.

#### *Words Not Spoken on the Floor*

§ 17.8 The Joint Committee on Printing amended the rules for publication of the *Congressional Record*, effective March 1, 1978, to require the identification in the *Record* (by “bullet” symbols) of statements or insertions in the *Record* not actually spoken on the floor.<sup>(29)</sup>

On February 20, 1978,<sup>(30)</sup> the following notice appeared in the *Record* regarding remarks not delivered on the floor:

#### NOTICE

Effective Wednesday, March 1, 1978, the Laws and Rules for Publication of the **Congressional Record** will be amended to identify statements or insertions in the **Record** where **no part of them was spoken**. Unspoken material will be preceded and followed by a “bullet” symbol, i.e., •.

Since procedures in the House and Senate differ, variations of the Laws and Rules for Publication for each body are as follows:

##### 1. HOUSE AND SENATE FLOOR PROCEEDINGS

(a) When, upon unanimous consent or by motion, a prepared statement is ordered to be printed in the **Record** and **no part** of its spoken, the entire statement will be “bulleted.”

28. 150 CONG. REC. 3325, 108th Cong. 2d Sess.

29. *Parliamentarian’s Note*: As noted earlier in this section, the Joint Committee on Printing replaced the use of “bullet” symbols with a distinct typeface to differentiate matter spoken on the floor from material revised or submitted at a later time. See § 17.9, *infra*.

30. 124 CONG. REC. 3676, 95th Cong. 2d Sess.; *House Rules and Manual* § 692 (2019).

(b) If a Member verbally delivers the **first portion** of the statement (such as the first sentence or paragraph), then the entire statement will appear **without** the “bullet” symbol.

(c) Extemporaneous speeches supplemented by prepared statements **will not** be “bulleted.”

## 2. SENATE ONLY

(a) **Additional Statements.** All **unspoken** prepared statements submitted for printing in the **Record** will be “bulleted”; and

(b) If the statement is **not germane** to the pending or unfinished business before the Senate, it will be printed in the **Record** under the heading of “Additional Statements”;

(c) If, however, the unspoken prepared statement **is germane** to the pending or unfinished business, it will be printed in the **Record** as part of the debate on the matter being considered.

(d) **Routine Morning Business. Unspoken** prepared statements submitted with the introduction of legislation, notices of hearings, or any other “first person” statement **not spoken** will be printed in the **Record** with the “bullet” symbol and will appear in the **Record** at the appropriate place during Routine Morning Business.

## 3. HOUSE ONLY

(a) **One-Minute Speeches and Special Orders.** If **no portion** of such statements is spoken by the Member, the entire statement **will** be “bulleted.”

(b) **Extensions of Remarks.** All statements **not spoken** by the Member will be “bulleted.” If, however, a portion of a statement **is delivered verbally** by the Member, revised, but **not** received by Government Printing Office in time to appear in the **Record** for that day, it will be printed **without** the “bullet” symbol in a subsequent issue of the **Record** under “Extensions of Remarks.”

By order of the Joint Committee on Printing.

FRANK THOMPSON, JR., *Acting Chairman.*

§ 17.9 In the 99th Congress, the House adopted a privileged resolution reported from Committee on House Administration requesting that the Joint Committee on Printing adopt temporary rules for printing the *Congressional Record* to require substantially verbatim account of remarks actually spoken during debate in the House (by distinctive typeface rather than “bulleting”), and requesting a report by the end of the first session.

On July 31, 1985,<sup>(31)</sup> the following resolution was adopted:

ACCURACY IN HOUSE PROCEEDINGS RESOLUTION

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

*Resolved*, That this resolution may be cited as the “Accuracy in House Proceedings Resolution”.

SEC. 2. The Joint Committee on Printing is hereby requested to adopt the following rule as part of the House Supplement to Laws and Rules for Publication of the Congressional Record:

“7. Notwithstanding any other rule or joint rule relating to the publication of the Congressional Record, for the remainder of the first session of the Ninety-ninth Congress, the Congressional Record shall contain a substantially verbatim account of remarks actually spoken during the proceedings of the House, subject to such technical, grammatical, and typographical corrections as may be authorized by the Member delivering the remarks involved. The substantially verbatim account shall be clearly distinguishable by different typeface from any remarks not actually spoken but inserted under permission to extend remarks.”.

SEC. 3. The Joint Committee on Printing is requested to monitor the operation of the special rule provided for by section 2 of this resolution and report its findings to the Committee on House Administration no later than December 31, 1985. The Committee on House Administration should report to the House as soon as practicable thereafter its findings and recommendation as to whether such rule should be continued.

The SPEAKER pro tempore (Mr. [George (Buddy)] DARDEN [of Georgia]). The gentleman from Washington [Mr. FOLEY] is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I yield one-half hour to the gentleman from Minnesota [Mr. FRENZEL], pending which I yield myself such time as I may consume.

Mr. Speaker, pursuant to rule III of the laws and rules for the publication of the CONGRESSIONAL RECORD promulgated by the Joint Committee on Printing, a bullet symbol is presently used to distinguish between words spoken on the floor by Members and words submitted, but not actually spoken. According to the rule, the so called bullet, a large black dot, is placed at the beginning and the end of speeches, remarks, and other materials which are submitted by Members for printing in the CONGRESSIONAL RECORD, but no part of which was spoken on the floor.

Although this rule was designed to aid in distinguishing between spoken and non-spoken words, under the rule a member may rise and speak as little as one sentence of a prepared statement. When the remainder of the text is submitted to the official reporter under leave to revise and, extend remarks, the bullet symbol is not used because rule III requires the bullet only when no part of the statement is spoken on the floor.

In response to this practice, the gentleman from Mississippi [Mr. LOTT] introduced House Resolution 163 calling for a review of the bulleting procedure. Of specific concern was a debate printed in the CONGRESSIONAL RECORD on May 1, 1985, wherein the bullet symbol did not set off a Member's remarks which appeared not to have been spoken on the floor, while in the same colloquy in other remarks had a bullet symbol directly applied.

---

31. 131 CONG. REC. 21783, 21786, 99th Cong. 1st Sess.; *House Rules and Manual* §§ 687, 692 (2019).

After extensive review by the Subcommittee on Procurement and Printing . . .

Members shall continue to have the right to revise original copy without having the alternative typeface applied to their revisions, but they should continue to confine their revisions to technical, grammatical, and typographical changes, as is now the practice. . . .

Mr. FOLEY. Mr. Speaker, I have no further requests for 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.

**§ 17.10 The Vice Chair of the Joint Committee on Printing inserted in the *Congressional Record* a notice to Members concerning the implementation of a test period of a new rule, governing publication of House proceedings in the *Record*, whereby a different typeface (rather than a “bullet” symbol) would be used to distinguish between spoken and non-spoken matter in the *Record*.**

On September 4, 1985,<sup>(32)</sup> the following notice appeared in the *Record*:

**NOTICE TO HOUSE MEMBERS**

Beginning with the September 4, 1985 edition of the Congressional Record, and continuing through the end of the 1st session of the 99th Congress, a new rule will be implemented for the publication of the House proceedings. The new rule is being tested by the Joint Committee on Printing in response to the will of the House as expressed in the passage of H. Res. 230. That resolution, the “Accuracy in House Proceedings Resolution”, recommended the elimination of the use of the “bullet” symbol that has heretofore indicated statements or insertions which were not spoken on the House floor. In place of the “bullet”, such non-spoken matter will appear in a different typeface from spoken matter.

Members are urged to familiarize themselves with the Policy Guidelines that have been developed to implement the new rule. Copies of the Policy Guidelines and information regarding the intent of the change are available to Members from the Joint Committee on Printing, upon request.

By order of the Joint Committee on Printing.

FRANK ANNUNZIO, *Vice Chairman*.

**§ 17.11 The Majority Whip took the floor to advise the House that he and the Minority Whip had requested that the Joint Committee on Printing extend into the second session of that Congress a rule requiring a substantially verbatim account of House proceedings**

32. 131 CONG. REC. 22835, 99th Cong. 1st Sess. For the first occasion where this new system was utilized, see 131 CONG. REC. 22857, 99th Cong. 1st Sess. (Sept. 4, 1985).



**in the *Congressional Record*, as required for the first session by a resolution adopted by the House.**

On December 12, 1985,<sup>(33)</sup> the Majority Whip announced that he and the Minority Whip would request that the new typeface system of distinguishing words spoken on the floor from material submitted at a later time continue for the remainder of the Congress:

#### ACCURACY IN HOUSE PROCEEDINGS RESOLUTION

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

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I wish to focus the attention of the Members, briefly, on House Resolution 230, previously agreed to by the House, providing that, for the remainder of the first session of the 99th Congress, there should be a substantially verbatim account of House proceedings in the CONGRESSIONAL RECORD which should be clearly distinguishable by a different typeface from remarks not spoken, but inserted under leave to extend.

Mr. Speaker, it is most important to note that House Resolution 230 provided for this change only for the remainder of the first session of the 99th Congress.

Since the beginning of September 1985, the CONGRESSIONAL RECORD has reflected the change authorized by House Resolution 230; and alternate . . .

In this regard, Mr. LOTT and I intend to submit a letter to Chairman ANNUNZIO, of the Committee on House Administration, requesting his approval of such an extension; with an ensuing letter from the Committee on House Administration to Senator MATIAS, the chairman of the Joint Committee on Printing, for the approval of the Joint Committee on Printing.

On August 12, 1986,<sup>(34)</sup> the House adopted a resolution requesting that the Joint Committee on Printing amend the rules for the composition of the *Congressional Record* to make permanent the requirement to depict a “substantially verbatim” account of the proceedings, with matter not spoken on the floor to appear in a distinctive typeface:

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged for further consideration of the resolution (H. Res. 514) providing that the substantially verbatim account of remarks in House proceedings in the CONGRESSIONAL RECORD should be clearly distinguishable by different typeface from material inserted under permission to extend remarks, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. [Newt] GINGRICH [of Georgia]. Reserving the right to object, Mr. Speaker, I do so to give the gentleman from Washington [Mr. FOLEY] an opportunity to explain the resolution.

33. 131 CONG. REC. 36184, 99th Cong. 1st Sess.

34. 132 CONG. REC. 20980–81, 99th Cong. 2d Sess.; *House Rules and Manual* § 692 (2019).

35. Thomas O'Neill (MA).

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

Mr. GINGRICH. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, this concurrent resolution provides that the substantially verbatim account of remarks in House proceedings in the CONGRESSIONAL RECORD should be clearly distinguishable by different typeface from material inserted under permission to extend remarks.

House Resolution 514 is the result of a trial period pursuant to House Resolution 230, wherein the CONGRESSIONAL RECORD “bullet” symbol designating words not spoken but submitted under leave to extend was replaced with an alternate typeface, in order to distinguish more clearly between words actually spoken on the floor and those submitted under leave to extend. The resolution requests the Joint Committee on Printing to amend rule VII of the House supplement to laws and rules for publication of the CONGRESSIONAL RECORD to replace the “bullet” symbol with the alternate typeface permanently.

This rule change will incur no additional cost to the House of Representatives. . . .

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 514

*Resolved*, That the Joint Committee on Printing is requested to amend rule 7 of the House Supplement to Laws and Rules for Publication of the Congressional Record to read as follows:

“7. The Congressional Record shall contain a substantially verbatim account of remarks actually made during proceedings of the House, subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. The substantially verbatim account shall be clearly distinguishable, by different typeface, from material inserted under permission to extend remarks.”.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Depiction of Foreign Languages in the Record***

**§ 17.12 No rule of the House requires that Members deliver their remarks in English, and under former practice,<sup>(36)</sup> when Members spoke in foreign languages, the *Congressional Record* would note that fact and carry the English translation only.**

On October 5, 1981,<sup>(37)</sup> the following occurred:

Mr. [George] LELAND [of Texas]. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

(The following is a translation of remarks which were delivered in Spanish:)

Mr. LELAND. My colleagues, I want to begin speaking Spanish. I want to begin speaking the language of millions of citizens of this country. Many of you cannot understand

36. For the current rules regarding carrying foreign language speeches in the *Record*, see 149 CONG. REC. 4401–402, 108th Cong. 1st Sess. (Feb. 25, 2003) and § 17.13, *infra*.

37. 127 CONG. REC. 23187, 97th Cong. 1st Sess. For a similar announcement by the Chair regarding the carrying of English translations only, see 144 CONG. REC. 2534–35, 105th Cong. 2d Sess. (Mar. 4, 1998).

me. And if you cannot understand me, nor can you understand 21 percent of the adult citizens of El Paso, Tex.; and nor can you understand 17 percent of all adult workers of the Southwest. These citizens of the United States speak only Spanish. You perhaps cannot understand them nor participate in their culture—but these are citizens of the United States, with the rights of citizens; their culture is an American culture, and an intimate part of our culture which makes it more rich and more strong.

And even though you cannot understand me when I speak Spanish maybe you can begin to understand the hypocrisy of our political system which excludes the participation of Hispanic-Americans only for having a different culture and speaking a different language. Ya Basta!!

Mrs. [Millicent] FENWICK [of New Jersey]. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK (In Spanish). “Si, my colleague, I beg you have pity on us.”

(In Italian) “I speak for our Italian citizens. They, too, have a great culture.”

**§ 17.13 The Chair advised a Member speaking in a foreign language to provide the English translation of the remarks for inclusion in the *Congressional Record*.**

On August 1, 2014,<sup>(38)</sup> the following occurred:

Mr. [Xavier] BECERRA [of California]. Mr. Speaker, I thank the ranking member for yielding.

The corrosive effects of shutdown do-nothing politics is on full display here tonight in the House of Representatives. Stripping the rights and protections of children is never a good solution in any legislation, whether it is the children huddled at the border alone and afraid or now including the young DREAMers of America who believe in this country. They have now become the targets of this legislation. They are the ones who are being told, it is because of you that we must change the law and treat human beings so harshly.

Mr. Speaker, if I could speak to those frightened children and our DREAMers of America and those working for a fair solution on their behalf, this is what I would say:

(English translation of the statement made in Spanish is as follows:)

Is there any doubt what Republicans’ intentions are for the migrant children at the border?

Is there any doubt what Republicans’ intentions are for young DREAMers and their families?

Is there any doubt why immigration reform remains shackled?

Is there any doubt what we must do with our vote, our voice, to defend the rights and dreams of our children?

Queda duda de las intenciones republicanas hacia los niños migrantes en la frontera?

Queda duda de las intenciones republicanas hacia los muchachos soñadores y sus familias?

Queda duda de porqué la reforma migratoria queda encadenada?

38. 160 CONG. REC. 14007–4008, 113th Cong. 2d Sess. For a similar announcement, see 149 CONG. REC. 4402, 108th Cong. 1st Sess. (Feb. 25, 2003) (remarks delivered in French).

Queda duda de lo que tenemos que hacer con nuestro voto, nuestra voz, para defender los derechos y los sueños de nuestros hijos?

Mr. BECERRA. Tonight, with this bill, we see what happens when, for more than 390 days, our Republican colleagues refused to allow a vote on the Senate's bipartisan solution to a broken immigration system. But for the shutdown do-nothing politics in this House, we could have tackled the humanitarian issues we face down on the border a year ago, but we haven't been able to get a vote to do this the right way.

It is time to have that vote to fix the broken immigration system, not blame children and punish them by changing the law to strip them of their rights and of their protections.

We can do better. This bill will not become law, and we will have a chance to do better for those children, for those DREAMers, and, quite honestly, for America.

The SPEAKER pro tempore.<sup>(39)</sup> The gentleman from California will provide a translation of his statement for the RECORD.

The Chair provided similar advice on January 10, 2007,<sup>(40)</sup> as follows:

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. [Grace] NAPOLITANO [of California]. Mr. Speaker, a minimum wage increase is crucial for all Americans, more so for women and minorities.

Es de maxima importancia que este Congreso eleve el salario minimo, especialmente para las mujeres y menorias.

Ten years of neglect, plus inflation, have left workers living below poverty.

Diez años de olvido, mas la inflacion, han dejado a nuestros trabajadores en pobreza.

1.4 million working women will be main beneficiaries for an increase from \$5.15 to eventually \$7.25 per hour in 2 years, of which 33 percent are African American and Hispanic female workers.

Mas de uno punto cuarto millon de mujeres trabajan -seran las beneficiaries el cual son Hispanas y AfroAmericanas del salario de 5.15 a 7.25 pro hora.

It helps economic social conditions, reduces pay gaps. It helps the economy. More money spent will create more career opportunities through affordability of education.

Ayuda a la economia nacional ya que se gastara mas dinero.

Mujeres encabezadas de su familia podran tener mas dinero para mantener su familia.

Women breadwinners can increase economic and financial independence.

Enough talk. Take action. Have a conscience. Help America. Vote for the minimum wage increase.

The SPEAKER pro tempore.<sup>(41)</sup> The Chair requests that the gentlewoman from California (Mrs. NAPOLITANO) provide a translation, of her remarks.

#### **§ 17.14 Where words spoken on the House floor are incapable of transcription by the Government Publishing Office (due to the**

39. Randy Hultgren (IL).

40. 153 CONG. REC. 768, 110th Cong. 1st Sess. See also 146 CONG. REC. 23047, 106th Cong. 2d Sess. (Oct. 17, 2000) (example of an extension of remarks made in another language with an English translation).

41. Alcee Hastings (WA).

**types of characters used), the *Congressional Record* will carry only the English translation.**

On June 20, 2001,<sup>(42)</sup> the guest chaplain delivered remarks in Hebrew (a language whose characters could not be reproduced by the Government Publishing Office):

#### PRAYER

The Rabbi Rafael G. Grossman, Senior Rabbi, Baron Hirsch Synagogue, Memphis, Tennessee, offered the following prayer:

O merciful God, in this august Chamber, Thy servants represent a nation blessed to live in freedom. Grant wisdom and courage so the path they pave can be traversed by all.

You chose us, the American people, from among all people, to be the “light unto the nations” and the voice for the silenced and the suffering. Thy children everywhere look to this hall of democracy for hope and strength, as old and young continue to face the evil hand of terror and exploitation. Give us determination to bring joy and life to victims of terror and might against those who perpetrate it. Your voice resonates in our hearts, and this is the vision of America’s destiny.

Isaiah, in the language of the Bible: (Here the cited verse was read in Hebrew.) He “has sent me to bind up the broken hearted, to proclaim liberty to the captives, and opening of the eyes of those who are bound.” The old Prophet’s words beckon the hearts of Americans to bring the freedom of our blessings to humankind’s downtrodden, to those shackled by chains of exploitation and demagoguery. The free, dear God, are only free when all of God’s children are free.

Would you join me in saying, Amen.

### § 18. Matters Printed in the *Congressional Record*

The rules and practices of the House, in addition to certain statutory requirements, determine the content of the House portion of the *Congressional Record*.<sup>(1)</sup> In addition to the remarks of Members in debate, the *Record* also carries the text of legislative measures that are considered by the House.<sup>(2)</sup> When Members introduce bills and resolutions, the titles and references of such measures are printed in the *Record*.<sup>(3)</sup> When a measure is introduced

42. 147 CONG. REC. 11167, 107th Cong. 1st Sess.

1. For an earlier treatment of matters printed in the *Congressional Record*, see Deschler’s Precedents Ch. 5 § 16.
2. See, e.g., Deschler’s Precedents Ch. 5 §§ 16.1–16.4.
3. Rule XII, clause 7(a), *House Rules and Manual* § 825 (2019). A “reference” in this context means the committee(s) to which the measures were referred. For introduction and referral of bills and resolutions generally, see Deschler’s Precedents Ch. 16 and Precedents (Wickham) Ch. 16.

“by request,” those words are also printed in the *Record*.<sup>(4)</sup> In recent years, the House has occasionally agreed to adjournment resolutions that provide for a series of pro forma sessions rather than a continuous period of recess.<sup>(5)</sup> In order to facilitate the introduction of bills and resolutions, such adjournment resolutions would sometimes (under former practice) authorize the introduction and printing (by title) of measures in the *Record*,<sup>(6)</sup> but with referrals delayed until the House returned for normal legislative business.<sup>(7)</sup> However, under current practice, introduction and referral of measures at such pro forma sessions occurs without delay.

House rules also require printing in the *Congressional Record* of the titles and references of petitions, memorials, and private bills submitted by Members.<sup>(8)</sup> When measures are reported by committees of the House for reference to one of the Calendars of the House,<sup>(9)</sup> the title and subject of the report are printed in the *Record*, but the report is not printed there in full.<sup>(10)</sup> Where a measure is introduced, but the printing of its title and reference inadvertently omitted from the *Record*, a subsequent *Record* will contain the omitted material with a notation indicating the actual date of introduction.<sup>(11)</sup>

When legislative measures are brought up for consideration in the House, the text of the bill or resolution to be considered is generally printed at the very outset of consideration, before debate begins. If an amended version of the measure is made in order by a special order of business, it is only the amended version that appears in the *Congressional Record*.<sup>(12)</sup> Measures considered in the Committee of the Whole are typically printed in full following general debate, and the version that appears is the one made in order as original text for purposes of further amendment. However, when

4. Rule XII, clause 7(b)(5), *House Rules and Manual* § 826 (2019).

5. Rule XII, clause 7(a), *House Rules and Manual* § 825 (2019).

6. For adjournment generally, see Deschler's Precedents Ch. 40 and Precedents (Wickham) Ch. 40.

7. See 138 CONG. REC. 148–49, 102d Cong. 2d Sess. (Jan. 22, 1992). For similar authorities providing for introduction, dating, and printing of measures (but with referral delayed until the House convened for regular legislative business), see 158 CONG. REC. 15310, 15312, 112th Cong. 2d Sess. (Nov. 15, 2012).

8. Rule XII, clause 3, *House Rules and Manual* § 818 (2019). See also Deschler's Precedents Ch. 5 § 16.5.

9. For the House's system of Calendars, see Deschler's Precedents Ch. 22 and Precedents (Wickham) Ch. 22.

10. Rule XIII, clause 2(a)(1), *House Rules and Manual* § 831 (2019). See also Deschler's Precedents Ch. 5 §§ 16.6, 16.7.

11. See, e.g., 137 CONG. REC. 17330, 102d Cong. 1st Sess. (July 9, 1991).

12. See § 18.2, *infra*.

the reading of a measure proceeds by title or section (or other subdivision, that portion of the bill is printed at the point at which the Clerk reads or designates that portion.<sup>(13)</sup> Amendments are typically printed in full at the place where the amendment is called up, even in cases where the amendment is considered as read and the Clerk merely designates the amendment.<sup>(14)</sup> The text of measures considered under suspension of the rules appears in the *Record* where the motion to suspend is offered.<sup>(15)</sup>

Special orders of business reported from the Committee on Rules may sometimes “self-execute” amendment(s) to the underlying text, which results in the text being automatically amended upon adoption of the resolution proposing the special order.<sup>(16)</sup> In such cases, the measure is generally printed in two forms: first, the original text (printed at the place in the *Congressional Record* where the measure is called up); and second, the amended text (printed after the Chair’s declaration that the amendment(s) are adopted).<sup>(17)</sup> If the special order provides for consideration in the Committee of the Whole rather than the House, the printing of the amended version will appear after general debate.<sup>(18)</sup>

In addition to measures brought up for initial consideration, House rules also provide for the printing of legislative text at other stages in the legislative process. The amendment process in the Committee of the Whole is governed by a variety of House rules, some of which provide for special consideration of amendments that are printed in the *Congressional Record*. For example, under clause 8(b) of rule XVIII,<sup>(19)</sup> when debate has been closed or limited by motion, amendments that have been printed in the *Record* are entitled to ten minutes of debate (five in support, five in opposition), notwithstanding the limitation. Under clause 7 of rule XVIII, a nondebatable

13. See § 18.1, *infra*. For the process of reading bills for amendment, see Deschler’s Precedents Ch. 24 § 11; Deschler’s Precedents Ch. 27 §§ 7–14; Precedents (Wickham) Ch. 24; and Precedents (Wickham) Ch. 27.

14. *Parliamentarian’s Note*: As a matter of course, the printing in the *Congressional Record* follows the reading of the measure by the Clerk.

15. For suspension of the rules, see Deschler’s Precedents Ch. 21 §§ 9–15 and Precedents (Wickham) Ch. 21.

16. For more on special orders of business generally, see Deschler’s Precedents Ch. 21 §§ 16–27 and Precedents (Wickham) Ch. 21.

17. See 147 CONG. REC. 24153, 24159, 24218, 107th Cong. 1st Sess. (Dec. 6, 2001).

18. See 131 CONG. REC. 29841, 99th Cong. 1st Sess. (Oct. 31, 1985). For anomalous instances where the original text was printed in full, followed by the amendments that had been considered as adopted pursuant to the special order of business, see 132 CONG. REC. 25927–28, 99th Cong. 2d Sess. (Sept. 24, 1986) and 133 CONG. REC. 29966, 30225–26, 100th Cong. 1st Sess. (Oct. 29, 1987).

19. *House Rules and Manual* § 987 (2019). See also § 24, *infra*.

motion to waive the reading of an amendment may be made with regard to any amendment that has been previously printed in the *Record*.<sup>(20)</sup>

Motions to recommit frequently contain instructions to amend the underlying legislation in some specified way and the text of the proposed amendment(s) is printed in the *Congressional Record* when the motion is offered. If the motion is ruled out of order before the entire text is read into the *Record*, a Member may request unanimous consent to have the full text printed in the *Record*.<sup>(21)</sup> Where a motion to recommit is ruled out of order and a nearly-identical second motion to recommit is subsequently offered, the *Record* may show a truncated version of the second motion to avoid duplicative printings.<sup>(22)</sup>

Conference reports may not be considered until the text has been available (via printing in the *Congressional Record* or electronic availability)<sup>(23)</sup> for three calendar days.<sup>(24)</sup> A similar requirement applies to amendments reported from conference in disagreement, pursuant to clause 8(b) of rule XXII.<sup>(25)</sup> If the full text of a measure has already been printed in the Senate portion of the *Record* (as is often the case with conference reports), the House portion will usually simply contain a notation directing the reader to the pages where such text appears.<sup>(26)</sup> A similar notation has appeared where amendments between the Houses were nearly identical to the text of a previously printed (and subsequently vetoed) conference report.<sup>(27)</sup> Notations in the *Record* regarding the form of legislative text may also appear where there are printing errors or delays in submitting the pertinent legislation for printing.<sup>(28)</sup>

Votes and quorum calls are also carried in the *Congressional Record*. Clause 2(a) of rule XX provides that votes and quorum calls by electronic device be recorded in the Journal and the *Record*, with Members listed in alphabetical order by category (i.e., voting in the affirmative, negative, or present but not voting).<sup>(29)</sup> Clause 4(a) of that rule provides a similar publication requirement for votes or quorum calls conducted by tellers.<sup>(30)</sup> When

20. *House Rules and Manual* § 986 (2019).

21. See § 18.6, *infra*.

22. See § 18.5, *infra*.

23. Rule XXIX, clause 3, *House Rules and Manual* § 1105b (2019).

24. Rule XXII, clause 8(a), *House Rules and Manual* § 1082 (2019). For earlier treatment of printing and layover requirements for conference reports, see Deschler's Precedents Ch. 5 §§ 16.8–16.12. For conference reports generally, see Deschler's Precedents Ch. 33 §§ 15–32 and Precedents (Wickham) Ch. 33.

25. *House Rules and Manual* § 1083 (2019).

26. See 137 CONG. REC. 34206, 102d Cong. 1st Sess. (Nov. 23, 1991).

27. See 142 CONG. REC. 381–82, 445, 449, 104th Cong. 2d Sess. (Jan. 5, 1996).

28. See, e.g., 138 CONG. REC. 15486, 15524–25, 102d Cong. 2d Sess. (June 18, 1992). See also § 18.4, *infra*.

29. *House Rules and Manual* § 1014 (2019).

30. *House Rules and Manual* § 1019 (2019).



Members change their votes by submitting vote cards, their names and nature of the change are announced on the floor and printed in the *Record* immediately following the vote totals.<sup>(31)</sup> When Members miss votes, they often submit a statement to the *Record* indicating which side of the question they would have voted for had they been present.<sup>(32)</sup> When the Committee of the Whole conducts a “notice” quorum call under clause 6 of rule XVIII,<sup>(33)</sup> the Chair may dispense with the call at the appearance of a quorum, and in such cases the names of absentees are not recorded in the *Record*.<sup>(34)</sup> When recorded votes are vacated in the Committee of the Whole, the vote is not carried in the *Record* and the roll call vote number is not reused for subsequent votes.<sup>(35)</sup>

A variety of other messages and documents are also required by House rules to be printed in the *Congressional Record*. These include Senate and presidential messages,<sup>(36)</sup> additions or deletions of cosponsors of bills and

---

31. For an early example of having vote changes depicted in the *Record*, see Deschler Ch. 5 § 16.14. For voting generally, see Deschler’s *Precedents* Ch. 30 and *Precedents* (Wickham) Ch. 30.

32. When Members submit such statements relating to a single vote, the statement appears directly after the vote totals, under the captions “Stated for” or “Stated against,” as appropriate. If Members submit statements relating to multiple votes, the statement appears under the caption “Personal Explanation.” See, e.g., § 17.7, *supra*.

33. *House Rules and Manual* § 982 (2019).

34. See 120 CONG. REC. 14990, 93d Cong. 2d Sess. (May 16, 1974).

35. See § 18.7, *infra*.

36. Rule XII, clause 1, *House Rules and Manual* § 815 (2019). See also Deschler’s *Precedents* Ch. 5 § 16.13, and § 18.8, *infra*.

resolutions,<sup>(37)</sup> and signatories<sup>(38)</sup> of discharge petitions.<sup>(39)</sup> In the 93d Congress, the House amended the standing rules to require committees to publish their rules of proceeding in the *Record* by a date certain,<sup>(40)</sup> though committees have often been delayed in making such submissions.<sup>(41)</sup> The Office of Compliance (now the Office of Congressional Workplace Rights), originally established in the 104th Congress,<sup>(42)</sup> promulgates certain regulations regarding employment in the House and Senate, and, by statute,<sup>(43)</sup> such

37. Rule XII, clause 7(b)(3), *House Rules and Manual* § 825 (2019). See §§ 18.17–18.21, *infra*. See also 131 CONG. REC. 1141, 99th Cong. 1st Sess. (Jan. 28, 1985), and 131 CONG. REC. 37765, 99th Cong. 1st Sess. (Dec. 18, 1985).
38. *Parliamentarian's Note*: In the 112th Congress, clause 2 of rule XV was clarified to provide that only the names of those signing the discharge would appear in the *Congressional Record* (rather than the signatures themselves). At no time did the actual signatures of Members appear in the *Record* pursuant to this rule. *House Rules and Manual* § 892 (2019).
39. Rule XV, clause 2(c), *House Rules and Manual* § 892 (2019). For the origins of this rule, see 139 CONG. REC. 22698–704, 103d Cong. 1st Sess. (Sept. 28, 1993). For the first instance of the *Congressional Record* printing the names of Members who had signed discharge petitions, see 139 CONG. REC. 24125, 103d Cong. 1st Sess. (Oct. 7, 1993). When a discharge petition garners the requisite 218 signatures, the motion to discharge is printed in the *Record* along with the complete list of those Members who had signed it. See, e.g., 161 CONG. REC. H6972, H6973 [Daily Ed.], 114th Cong. 1st Sess. (Oct. 9, 2015). For an example of the printing of withdrawals of signatures from a discharge petition, see 144 CONG. REC. 6590–91, 105th Cong. 2d Sess. (Apr. 23, 1998). For a similar discharge process provided by statute, see 127 CONG. REC. 30765, 97th Cong. 1st Sess. (Dec. 10, 1981). For a unanimous-consent request to discharge from committee (and pass) multiple measures, see § 18.22, *infra*.
40. Rule XI, clause 2(a)(2), *House Rules and Manual* § 791 (2019). In the 102d Congress, this requirement was adjusted to provide more time for committees to submit their rules for printing (*i.e.*, 30 days after the membership of the committee is established, as opposed to 30 days from the beginning of the Congress). See H. Res. 5, 137 CONG. REC. 39–42, 102d Cong. 1st Sess. (Jan. 3, 1991). In the 112th Congress, the deadline for submitting rules was again changed to 30 days after the chair of the committee is elected, and the rule also amended to require electronic availability as well. See H. Res. 5, 157 CONG. REC. 80–83, 112th Cong. 1st Sess. (Jan. 5, 2011). In the 116th Congress, this requirement was changed again to 60 days after the chair of the committee is elected. See H. Res. 6, sec. 102(n), 165 CONG. REC. H18 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).
41. See §§ 18.3, 18.14, *infra*. For examples of select committees publishing their rules in the *Congressional Record*, see 153 CONG. REC. 25793, 110th Cong. 1st Sess. (Sept. 27, 2007), and 144 CONG. REC. 14014, 105th Cong. 2d Sess. (June 25, 1998). For an example of a committee submitting revised rules for printing in the *Record*, see 155 CONG. REC. 14423–24, 111th Cong. 1st Sess. (June 9, 2009).
42. For more on the evolution of the Office of Congressional Workplace Rights, see Precedents (Wickham) Ch. 6 § 28.
43. 2 U.S.C. § 1384.

regulations are required to be printed in the *Record*.<sup>(44)</sup> Various types of correspondence are routinely printed in the *Record* for the information of Members, including letters of resignation,<sup>(45)</sup> and (as required by rule) subpoenas received by Members or officers of the House.<sup>(46)</sup>

In the 112th Congress, clause 7(c) of rule XII was added to prohibit the introduction of measures when the sponsor has failed to have printed in the *Congressional Record* a statement on the constitutional authority of Congress to enact the measure.<sup>(47)</sup> Another prohibition exists on the consideration of bills or joint resolutions amending the Internal Revenue Code when such legislation is not accompanied by a tax complexity analysis (prepared by the Joint Committee on Taxation) which the chair of the Committee on Ways and Means has had printed in the *Record*.<sup>(48)</sup> Finally, clause 9 of rule XXI provides a point of order against the consideration of certain legislation containing congressional “earmarks.”<sup>(49)</sup> Publication of an appropriate earmark statement<sup>(50)</sup> in the *Record* prior to consideration of the measure is the required action to avoid such a point of order.<sup>(51)</sup>

44. See 154 CONG. REC. 8127, 110th Cong. 2d Sess. (May 8, 2008) and § 18.24, *infra*.

45. See §§ 18.10, 18.11, and 19.3, *infra*. See also 143 CONG. REC. 188–89, 105th Cong. 1st Sess. (Jan. 9, 1997) and 149 CONG. REC. 32411, 108th Cong. 1st Sess. (Dec. 15, 2003). For resignations generally, see Deschler’s Precedents Ch. 37 and Precedents (Wickham) Ch. 37.

46. Clause 2 of rule VIII requires Members, officers, and employees of the House to notify the Speaker promptly upon receipt of a properly served judicial or administrative subpoena or other judicial order. The Speaker, in turn, is required to promptly lay such communication before the House. *House Rules and Manual* § 697 (2019). See H. Res. 10, 123 CONG. REC. 73, 95th Cong. 1st Sess. (Jan. 4, 1977) (ad hoc resolution containing similar requirements prior to the advent of current rule VIII), H. Res. 722, 126 CONG. REC. 25777–78, 25785, 25787–90, 96th Cong. 2d Sess. (Sept. 17, 1980) (resolution codified as rule L (now rule VIII) in the following Congress), and § 18.16, *infra*. For an example of a civil complaint against an officer of the House being printed in full in the *Record*, see 122 CONG. REC. 14926–28, 94th Cong. 2d Sess. (May 20, 1976). Where a subpoena *duces tecum* requires the production of documents in a secret grand jury proceeding, such subpoenas are not printed in the *Record* (due to the secrecy of the investigation). See, e.g., 126 CONG. REC. 4306, 96th Cong. 2d Sess. (Feb. 28, 1980). For more on service of process on officers, officials, and employees of the House, see Deschler’s Precedents Ch. 6 § 23 and Precedents (Wickham) Ch. 6 §§ 26, 27. For more on service of process on Members of the House, see Deschler’s Precedents Ch. 7 §§ 15–18 and Precedents (Wickham) Ch. 7.

47. *House Rules and Manual* § 826a (2019). For the first printing of constitutional authority statements in the *Record*, see 157 CONG. REC. 117–18, 112th Cong. 1st Sess. (Jan. 5, 2011).

48. Rule XIII, clause 3(h), *House Rules and Manual* § 849 (2019). A similar requirement exists in clause 11 of rule XXII for conference reports amending the Internal Revenue Code. *House Rules and Manual* § 1092 (2019).

49. For more on earmarks in the context of the congressional budget process, see Deschler’s Precedents Ch. 41 § 31 and Precedents (Wickham) Ch. 41.

50. *Parliamentarian’s Note*: The form of such earmark statements is not provided by rule and may contain additional details regarding the nature of the earmarks at issue. See, e.g., 154 CONG. REC. 10902, 10936, 110th Cong. 2d Sess. (May 22, 2008).

51. Rule XXI, clause 9, *House Rules and Manual* § 1068d (2019). See §§ 18.26–18.28, *infra*.

On occasion, the House receives messages or House officers are authorized to take certain actions after *sine die* adjournment of a session of Congress. In such cases, formal notification of these events does not occur until the House convenes again at the beginning of the next session or Congress. Business of the prior session is typically printed in the first daily *Congressional Record* of the next session, with a special caption indicating the session or Congress in which such business occurred.<sup>(52)</sup>

When the House and Senate are involved in impeachment proceedings,<sup>(53)</sup> it is often the case that unanimous consent will be granted to have various pleadings and documents entered into the *Congressional Record*.<sup>(54)</sup> When the House conducts a secret session pursuant to clause 10 of rule XVII,<sup>(55)</sup> such proceedings are not carried in the *Record* unless the House agrees to provide for such publication (sometimes in redacted form, and often only upon review by the Permanent Select Committee on Intelligence).<sup>(56)</sup> In the 107th Congress, the House adopted a rule requiring the publication in the *Record* of the list of Members who had signed the oath to receive classified information (a requirement for Members who wish to attend secret sessions or security briefings at which classified material will be discussed).<sup>(57)</sup>

### ***Legislative Measures***

**§ 18.1 Where a special order of business provides that a legislative measure be considered in parts, with each part merely designated by the Clerk (not read in full), the full text of each part will nevertheless appear in the *Congressional Record* at the point at which it is designated.**

52. See § 18.29, *infra*. See also 144 CONG. REC. 91, 105th Cong. 2d Sess. (Jan. 27, 1998).

53. For impeachment powers generally, see Deschler's Precedents Ch. 14 and Precedents (Wickham) Ch. 14.

54. See 132 CONG. REC. 22035, 99th Cong. 2d Sess. (Aug. 15, 1986); *House Rules and Manual* § 614 (2019). For similar authorities provided in an impeachment proceeding in the 101st Congress, see 135 CONG. REC. 9120–21, 101st Cong. 1st Sess. (May 15, 1989) and 135 CONG. REC. 11412–17, 101st Cong. 1st Sess. (June 9, 1989).

55. *House Rules and Manual* § 969 (2019). For more on secret sessions generally, see Deschler's Precedents Ch. 29 § 85, Precedents (Wickham) Ch. 1, and Precedents (Wickham) Ch. 29. For issues related to the preparation of the Chamber for conducting closed security briefings or secret sessions, see Precedents (Wickham) Ch. 4 § 1.

56. See 154 CONG. REC. 4145–54, 110th Cong. 2d Sess. (Mar. 13, 2008) and § 18.31, *infra*. A similar prohibition exists on releasing executive session material of committees. *House Rules and Manual* § 319 (2019). For an example of publication in the *Record* of a staff summary of committee executive session material, see 123 CONG. REC. 38470–73, 39038, 95th Cong. 1st Sess. (Dec. 6, 1977) and § 18.30, *infra*.

57. Rule XXIII, clause 13, *House Rules and Manual* § 1095 (2019). See § 18.25, *infra*.

The proceedings of August 2, 1977,<sup>(58)</sup> typify the depiction in the *Record* of amendments merely designated by the Clerk:

Mr. [Thomas] ASHLEY [of Ohio]. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8444) to establish a comprehensive national energy policy.

The SPEAKER pro tempore.<sup>(59)</sup> The question is on the motion offered by the gentleman from Ohio (Mr. ASHLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8444, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN.<sup>(60)</sup> When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727.

Mr. ASHLEY. Mr. Chairman, I ask unanimous consent that the Committee amendments to the table of contents and the table of contents be passed over and considered after all other amendments have been considered, in order that they can be correctly disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will designate the part of the bill now pending for consideration.

The Clerk read as follows:

Page 9, line 1, section 2. (Section 2 reads as follows:)  
SEC. 2. FINDINGS AND STATEMENT OF PURPOSES. . . .

The CHAIRMAN. The Clerk will designate the page and line number of the first ad hoc committee amendment.

The Clerk read as follows:

Ad hoc committee amendment: Page 12, strike line 9, and insert the matter printed on lines 11 through 14. (The ad hoc committee amendment reads as follows:)  
and

(9) to provide incentives to increase the amount of domestically produced energy in the United States for the benefit and security of present and future generations.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word. . . .

58. 123 CONG. REC. 26124–25, 26134, 26137, 95th Cong. 1st Sess.

59. Jerome Traxler (MI).

60. Edward Boland (MA).

The CHAIRMAN. The Clerk will designate the next part of the bill for consideration. The Clerk read as follows:

Page 13, line 6, section 4, (section 4 reads as follows:)  
SEC. 4. REFERENCES TO FEDERAL POWER COMMISSION AND FEDERAL ENERGY ADMINISTRATION.

If the Federal Power Commission or the Federal Energy Administration is terminated, any reference in this Act (or any amendment made thereby) to the Federal Power Commission or the Federal Energy Administration shall be deemed to be a reference to the officer, department, agency, or commission in which the principal functions of such Commission or Administration (as the case may be) are vested, transferred, or delegated pursuant to law.

#### PARLIAMENTARY INQUIRY

Mr. [John] ANDERSON of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ANDERSON of Illinois. Mr. Chairman, I am uncertain as to why we have just had the Clerk read another section of the bill.

Are we not still dealing with the second committee amendment that was offered by the chairman of the committee, the gentleman from Ohio (Mr. ASHLEY) ?

The CHAIRMAN. The Chair will inform the gentleman that the part now pending is section 4 on page 13 of the bill.

Does the gentleman wish to debate that part at this time?

Mr. ANDERSON of Illinois. Mr. Chairman, I merely want to protect my right to rise in opposition to this particular committee amendment, and I am concerned that in the reading of the next part I may not be accorded that right.

The CHAIRMAN. The Chair will inform the gentleman there is no amendment now pending.

Mr. ANDERSON of Illinois. I am sorry but I did not hear the Chair's statement.

The CHAIRMAN. The Chair will inform the gentleman that there is not now pending a committee amendment.

#### PARLIAMENTARY INQUIRY

Mr. [Harold] VOLKMER [of Missouri]. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Chairman, so I will know how we are going to proceed, are we going to go through the bill section by section, with the reading of each section?

The CHAIRMAN. The Chair will inform the gentleman that the bill will be considered part by part with each part considered as read. The bill will not be read section by section.

Mr. VOLKMER. So we will continue, Mr. Chairman, with the reading of each section or part, then, and the title of the section?

The CHAIRMAN. The Chair will further inform the gentleman that section 4 precedes part I, and after that section has been disposed of, we will move to part I of the bill. We have been considering the preliminary four sections as separate parts.

Mr. VOLKMER. I thank the Chair.

The CHAIRMAN. The Clerk will designate the next part of the bill for consideration. The Clerk read as follows:

Page 13, line 16, Title I, Part 1 (Title I, Part 1 reads as follows):

TITLE I—PRICING, REGULATORY, AND OTHER NONTAX PROVISIONS  
PART I—ENERGY CONSERVATION PROGRAMS FOR EXISTING RESIDENTIAL BUILDINGS . . .

The CHAIRMAN. The Clerk will designate the page and line number of the ad hoc committee amendment to title 1, part 1, of the bill.

The Clerk read a follows:

Ad hoc committee amendment: Page 13, line 20, strike out the matter beginning on page 13, line 20, through page 58, line 18, and insert the matter beginning on page 58, line 19, through page 88, line 9 (the ad hoc committee amendment reads as follows:

SUBPART A—UTILITY PROGRAM . . .

Mr. [Garry] BROWN of Michigan. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROWN of Michigan. Mr. Chairman, I do not have the rule in front of me, but does the rule waive the reading of amendments? I understand that each part is considered as having been read for amendment.

The CHAIRMAN. The Chair will state that the rule waives the reading of ad hoc committee amendments.

**§ 18.2 Where a special order of business provides that an amendment in the nature of a substitute be considered as read, the *Congressional Record* nevertheless carries the full text of the amendment at the point at which it is designated by the Clerk.**

The proceedings of June 26, 1981,<sup>(61)</sup> typify the depiction in the *Record* of an amendment in the nature of a substitute considered as read pursuant to a special order of business:

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3982, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN.<sup>(62)</sup> When the Committee of the Whole rose on Thursday, June 25, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except an amendment in the nature of a substitute (the text of H.R. 3964), which shall be considered as an original bill for the purpose of amendment, and shall be considered as having been read, and the following amendments to said substitute:

(1) A substitute amendment to title VI by Representative Broyhill, if offered, and said amendment shall be considered as having been read and shall not be subject to amendment or to a division of the question; and

(2) The amendments of Representative Latta of Ohio, which shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question.

61. 127 CONG. REC. 14357, 97th Cong. 1st Sess.

62. Edward Boland (MA).

The Clerk will designate the amendment in the nature of a substitute.  
 The Clerk designated the amendment in the nature of a substitute.  
 The amendment in the nature of a substitute reads as follows:

H.R. 3964

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

SHORT TITLE

SECTION 1. This Act may be cited as the “Omnibus Budget Reconciliation Act of 1981.”

**§ 18.3 Where there are discrepancies between legislative text printed in the *Congressional Record* and prior actions of the House regarding that text, the Chair may make an announcement regarding such discrepancies for the information of Members.<sup>(63)</sup>**

On August 11, 1986,<sup>(64)</sup> the Chair made the following announcement:

The CHAIRMAN pro tempore.<sup>(65)</sup> When the Committee of the Whole rose on Friday, August 8, 1986, amendments made in order pursuant to paragraph 2 of House Resolution 531 had been completed. The committee amendment in the nature of a substitute, as modified, made in order as original text for the purpose of amendment by House Resolution 523 is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 4428, as modified, is printed herewith, said text including certain modifications agreed to on Tuesday, August 5, 1986, and pursuant to provisions of House Resolution 523 but not including amendments adopted by the Committee of the Whole on Tuesday, August 5, 1986, and August 8, 1986:

H.R. 4428

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “National Defense Authorization Act for Fiscal Year 1987”.*

**SEC. 2. ORGANIZATION.**

*This Act is divided into four divisions as follows:*

- (1) Division A—Department of Defense Authorization.*
- (2) Division B—Military Construction Authorization.*
- (3) Division C—Other National Defense Authorizations.*

**§ 18.4 Where a committee report has been printed and found to contain errors, a Member of the relevant committee may, by unanimous consent, submit a statement for the *Congressional Record* indicating the nature of the errors, in order to avoid a costly reprint of the report.**

On June 20, 2000,<sup>(66)</sup> the following statement correcting an error in a committee report appeared in the *Record*:

**63.** *Parliamentarian’s Note:* Due to delays in assembling the amended text of the bill for printing, the version printed in the *Record* did not reflect the adoption of certain amendments in the Committee of the Whole.

**64.** 132 CONG. REC. 20633, 99th Cong. 2d Sess.

**65.** Samuel Gejdenson (CT).

**66.** 146 CONG. REC. 11512–13, 106th Cong. 2d Sess.



## CORRECTION OF PRINTING ERRORS IN HOUSE REPORT 106-645 ACCOMPANYING H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. [Charles (Bill)] YOUNG of Florida. Mr. Speaker, I rise to make the following statement to correct a printing error in the RECORD.

Mr. Speaker, the report to accompany the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2001, House Report 106-645, includes a printing error. On page 204, roll-call vote number 4, the amendment dealing with ergonomics, under the column for Members voting “nay,” there is a name “Mr. Lextra.”

That name should not be in that column. There is no such person on the Committee on Appropriations or in the House of Representatives.

Under the column for Members voting “present,” the name of the gentleman from California (Mr. DIXON) appears. The report the committee filed with the House shows that the gentleman from California (Mr. DIXON) voted “nay,” not “present.” His name should not have been printed in the “present” column but in the “nay” column.

Mr. Speaker, I ask unanimous consent that this statement reflecting the accurate vote of the gentleman from California (Mr. DIXON) on the ergonomics issue appear not only in today’s RECORD but in the permanent RECORD for the day that this legislation was initially considered, June 8, 2000.

The SPEAKER pro tempore (Mr. [John] SHIMKUS [of Illinois]). Is there objection to the request of the gentleman from Florida?

Mr. [David] OBEY [of Wisconsin]. Mr. Speaker, reserving the right to object, I would just like to inquire of the gentleman from Florida how many other times has Mr. Lextra voted in this or any other committee, even though he is not a member of the committee and, to my knowledge, is not a Member of the House?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, as the gentleman is well aware, he and I read every word and every comma of each report. I have not seen the name Mr. Lextra ever, and I doubt the gentleman from Wisconsin has.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

**§ 18.5 Where one motion to recommit is ruled out of order, and a second motion to recommit, nearly identical to the first, is offered, the *Congressional Record* may carry a truncated version of the second motion to avoid duplicative printings.**

On February 29, 1996,<sup>(67)</sup> the following occurred:

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. [Charles] STENHOLM [of Texas]. Mr. Speaker, I offer a motion to recommit.

67. 142 CONG. REC. 3257-58, 3281-83, 104th Cong. 2d Sess.

The SPEAKER pro tempore.<sup>(68)</sup> Is the gentleman opposed to the bill?  
 Mr. STENHOLM. I am, in its current form, Mr. Speaker.  
 The SPEAKER pro tempore. The Clerk will report the motion to recommit.  
 The Clerk read as follows:

## MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. STENHOLM moves to recommit the bill H.R. 2854 to the Committee on Agriculture with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Agricultural Reform and Improvement Act of 1996”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

**Sec. 1. Short title; table of contents.**

## TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

**Sec. 101. Short title.**

**Sec. 102. Definitions.**

**Sec. 103. Production flexibility contracts.**

**Sec. 104. Nonrecourse marketing assistance loans and loan deficiency payments. . . .**

## TITLE IV—NUTRITION ASSISTANCE

**Sec. 401. Food stamp program.**

**Sec. 402. Commodity distribution program; commodity supplemental food program.**

**Sec. 403. Emergency food assistance program.**

**Sec. 404. Soup kitchens program.**

**Sec. 405. National commodity processing. . . .**

## TITLE IV—NUTRITION ASSISTANCE

**SEC. 401. FOOD STAMP PROGRAM.**

(a) **DISQUALIFICATION OF A STORE OR CONCERN.**—Section 12 of the Food Stamp Act of 1977 (7 U.S.C. § 2021) is amended—

(1) by striking the section heading;

(2) by striking “SEC. 12. (a) Any” and inserting the following:

**“SEC. 12. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**

**“(a) DISQUALIFICATION.—**

**“(1) IN GENERAL.—An”;**

**(3) by adding at the end of subsection (a) the following:**

**“(2) EMPLOYING CERTAIN PERSONS.—**A retail food store or wholesale food concern shall be disqualified from participation in the food stamp program if the store or concern knowingly employs a person who has been found by the Secretary, or a Federal, State, or local court, to have, within the preceding 3-year period—

**“(A) engaged in the trading of a firearm, ammunition, an explosive, or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)) for a coupon; or**

**“(B) committed any act that constitutes a violation of this Act or a State law relating to using, presenting, transferring, acquiring, receiving, or possessing a coupon, authorization card, or access device.”; and**

**(4) in subsection (b)(3)(B), by striking “neither the ownership nor management of the store or food concern was aware” and inserting “the ownership of the store or food concern was not aware”.**

**(b) EMPLOYMENT AND TRAINING.—**Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. § 2025(h)(1)) is amended by striking “1995” each place it appears and inserting “2002”.

**(c) AUTHORIZATION OF PILOT PROJECTS.—**The last sentence of section 17(b)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. § 2026(b)(1)(A)) is amended by striking “1995” and inserting “2002”.

68. Richard Hastings (WA).

(d) OUTREACH DEMONSTRATION PROJECTS.—The first sentence of section 17(j)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. § 2026(j)(1)(A)) is amended by striking “1995” and inserting “2002”.

(e) AUTHORIZATION FOR APPROPRIATIONS.—The first sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. § 2027(a)(1)) is amended by striking “1995” and inserting “2002”.

(f) REAUTHORIZATION OF PUERTO RICO NUTRITION ASSISTANCE PROGRAM.—The first sentence of section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. § 2028(a)(1)(A)) is amended by striking “\$974,000,000” and all that follows through “fiscal year 1995” and inserting “\$1,143,000,000 for fiscal year 1996, \$1,174,000,000 for fiscal year 1997, \$1,204,000,000 for fiscal year 1998, \$1,236,000,000 for fiscal year 1999, \$1,268,000,000 for fiscal year 2000, \$1,301,000,000 for fiscal year 2001, and \$1,335,000,000 for fiscal year 2002”.

(g) AMERICAN SAMOA.—The Food Stamp Act of 1977 (7 U.S.C. § 2011 *et seq.*) is amended by adding at the end the following:

**“SEC. 24. TERRITORY OF AMERICAN SAMOA.**

“From amounts made available to carry out this Act, the Secretary may pay to the Territory of American Samoa not more than \$5,300,000 for each of fiscal years 1996 through 2002 to finance 100 percent of the expenditures for the fiscal year for a nutrition assistance program extended under section 601(c) of Public Law 96-597 (48 U.S.C. § 1469d(c)).”.

**SEC. 402. COMMODITY DISTRIBUTION PROGRAM; COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

(a) REAUTHORIZATION.—The first sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. § 612c note) is amended by striking “1995” and inserting “2002”.

(b) FUNDING.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. § 612c note) is amended—

(1) in subsection (a)(2), by striking “1995” and inserting “2002”; and

(2) in subsection (d)(2), by striking “1995” and inserting “2002”.

(c) CARRIED-OVER FUNDS.—20 percent of any commodity supplemental food program funds carried over under section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. § 612c note) shall be available for administrative expenses of the program.

**SEC. 403. EMERGENCY FOOD ASSISTANCE PROGRAM.**

(a) REAUTHORIZATION.—The first sentence of section 204(a)(1) of the Emergency Food Assistance Act of 1983 (Public Law 98-8; 7 U.S.C. § 612c note) is amended by striking “1995” and inserting “2002”.

(b) PROGRAM TERMINATION.—Section 212 of the Emergency Food Assistance Act of 1983 (Public Law 98-8; 7 U.S.C. § 612c note) is amended by striking “1995” and inserting “2002”.

(c) REQUIRED PURCHASES OF COMMODITIES.—Section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98-8; 7 U.S.C. § 612c note) is amended—

(1) in the first sentence of subsection (a), by striking “1995” and inserting “2002”; and

(2) in subsection (e), by striking “1995” each place it appears and inserting “2002”.

**SEC. 404. SOUP KITCHENS PROGRAM.**

Section 110 of the Hunger Prevention Act of 1988 (Public Law 100-435; 7 U.S.C. § 612c note) is amended—

(1) in the first sentence of subsection (a), by striking “1995” and inserting “2002”; and

(2) in subsection (c)(2)—

(A) in the paragraph heading, by striking “1995” and inserting “2002”; and

(B) by striking “1995” each place it appears and inserting “2002”.

**SEC. 405. NATIONAL COMMODITY PROCESSING.**

The first sentence of section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. § 1431e(2)(A)) is amended by striking “1995” and inserting “2002”. . . .

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. [Charles (Pat)] ROBERTS [of Kansas]. Reserving the right to object, Mr. Speaker, I would like to inquire of the Chair, in terms of the requirement of reading what is contained in the motion to recommit, it is my understanding there are 229 pages of the proposal. We have not seen these 229 pages. Could the Chair inform me if, in fact, there are 229 pages and was the Clerk going to read all 229?

The SPEAKER pro tempore. Unless the reading is dispensed with, the Clerk will read the full 229 pages. . . .

## POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from Kansas [Mr. ROBERTS] insist on his point of order?

Mr. ROBERTS. I do, Mr. Speaker, I insist on my point of order.

It is my understanding there is a nutrition program extension; that is, the Food Stamp Program included. This is not included in H.R. 2854. It is an entitlement program that amounts to about 50 percent of the ag appropriations each year. This is a 7-year extension, not germane to the rest of the bill. I insist on my point of order.

The SPEAKER pro tempore Does the gentleman from Texas [Mr. STENHOLM] wish to be heard on the point of order?

Mr. STENHOLM. I do, Mr. Speaker.

If the gentleman from Kansas insists that the nutrition programs dealing with the feeding of the people with the food that is produced by our farmers should be stricken from this farm bill, I will extract that from our recommittal so that no longer is an issue because I understand the point of order.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

The amendment proposed in the motion to recommit, among other things, amends the Food Stamp Act. The bill as amended does not amend that act, nor does it otherwise address nutrition assistance programs.

The bill, as perfected, addresses production and distribution of agricultural products and not the food programs.

Therefore, the point of order is sustained.

Does the gentleman from Texas [Mr. STENHOLM] have another motion?

## MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the recommittal be re-submitted with the point of order that has just been sustained, that portion dealing with nutrition programs be extracted from the consideration, everything else shall remain as previously explained.

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

The SPEAKER pro tempore. Without objection, the second motion to recommit is considered read.

There was no objection.

(For text of motion to recommit see prior motion to recommit, minus title IV, and redesignate title V as title IV.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

**§ 18.6 Where a motion to recommit is ruled out of order before the entire motion has been read, a Member may ask unanimous consent to have the full motion printed in the *Congressional Record*.**

On May 6, 2004,<sup>(69)</sup> the following occurred:

69. 150 CONG. REC. 8590–91, 108th Cong. 2d Sess.

The SPEAKER pro tempore (Mr. [Michael] SIMPSON [of Idaho]). All time for debate has expired.

Pursuant to House Resolution 628, the resolution is considered read for amendment, and the previous question is ordered.

## MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am in its present form.

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

The Clerk read as follows:

Mr. HOYER moves to recommit the resolution H. Res. 627 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

## POINT OF ORDER

Mr. [Duncan] HUNTER [of California] (during the reading). Mr. Speaker, I make a point of order that the motion contains instructions not allowed under H. Res. 628.

The SPEAKER pro tempore. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. HOYER. I do.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, is it the contention that the rule, as presented and as passed by the majority, prevents the minority from offering a substantive substitute under the rule so that the alternative felt to be preferable by the minority may not be heard? Is that the condition under which the rule places the minority?

The SPEAKER pro tempore. The point of order is that the motion includes instructions.

Mr. HOYER. I understand that, Mr. Speaker. My question is, does that preclude us, therefore, from offering an alternative that gives an alternative proposal to have that proposal be considered on the floor?

The SPEAKER pro tempore. Under House Resolution 628, the motion may not contain instructions.

Mr. HOYER. I thank the Speaker. He has answered my question.

I withdraw my reservation because, under the rule, we have been gagged.

The SPEAKER pro tempore. The Chair is prepared to rule.

Although the Chair ordinarily would await the reading in full before broaching a question of order, the Chair is uniquely responsible to intervene in the present circumstances.

The Chair finds that the motion includes instructions, in unambiguous contravention of House Resolution 628. Therefore, the motion is not in order as a matter of form and without regard to its content.

The point of order is sustained.

## PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. That means not only can it not be considered on the floor, but it cannot even be disclosed to the Members?

The SPEAKER pro tempore. The gentleman may enter the motion into the RECORD by unanimous consent.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to enter the motion into the RECORD.

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

There was no objection.

The text of the motion is as follows:

Strike the preamble and insert the following:

Whereas the American people and the world abhor the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not adequately informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of terrorist attacks and other attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing with courage and skill a mission to rebuild and rehabilitate Iraq and return the Government of Iraq to the Iraqi people; and

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) strenuously deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) reaffirms the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(3) urges the Secretary of Defense to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(4) urges the Secretary of Defense to ensure that corrective actions are taken to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(5) urges the Secretary of Defense to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions do not further impugn the integrity of the United States Armed Forces or further undermine the United States mission in Iraq;

(6) urges the Attorney General to bring to swift justice any United States civilian contractor or other United States civilian whose conduct in connection with the treatment of detainees in Iraq is in violation of law so to ensure that their actions do not further undermine the United States mission in Iraq;

(7) affirms the need for bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including allegations of abuse by United States civilian contractor personnel or other United States civilians, and into the chain of command and other systemic deficiencies, including the command atmosphere that contributed to such abuse;

(8) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(9) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(10) declares that the alleged crimes of some individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(11) expresses the support and thanks of the Nation to the families and friends of the soldiers, marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(12) expresses the continuing solidarity and support of the House of Representatives and the American people for the efforts of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

Mr. HOYER. Mr. Speaker, I appeal the ruling of the Chair.

Mr. Speaker, I withdraw the appeal.

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.

### ***Vacating Votes***

**§ 18.7 When a recorded vote in the Committee of the Whole is vacated by unanimous consent, the vote is not carried in the *Record*, the roll call vote number is not reused for subsequent votes, and a notation may appear describing the disposition of the question at issue.**

On June 4, 2015,<sup>(70)</sup> a recorded vote was conducted on an amendment in the Committee of the Whole, following which unanimous consent was granted to vacate those proceedings and recapitulate the vote. The *Congressional Record* depiction of the events are as follows:

#### AMENDMENT OFFERED BY MS. ESTY

The Acting CHAIR.<sup>(71)</sup> The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. Members are reminded that the 2-minute voting limit will be strictly enforced. This is a 2-minute vote.

The vote was taken by electronic device, and a result was announced. The vote was subsequently vacated by order of the Committee, and the amendment was disposed of by rollcall No. 308.

**70.** 161 CONG. REC. 8650–51, 8654–56, 114th Cong. 1st Sess.

**71.** Ted Poe (TX).

## VACATING PROCEEDINGS ON AMENDMENT OFFERED BY MS. ESTY

Mr. [Mario] DIAZ-BALART [of Florida]. Mr. Chairman, I ask unanimous consent that proceedings on rollcall No. 300 be vacated to the end that the Chair resume proceedings on the request for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY) at the end of the current series of postponed proceedings.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida? There was no objection.

## AMENDMENT OFFERED BY MS. LEE

The Acting CHAIR. Without objection, 2-minute voting will continue. There was no objection. . . .

## AMENDMENT OFFERED BY MS. ESTY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 230, not voting 18, as follows:

[Roll No. 308] . . .

***Messages and Petitions***

**§ 18.8 Referrals of executive communications are normally printed in the *Congressional Record* on the same day that the referral is made, but a malfunction of the House Information System computer may delay such publication, in which case the discrepancy is noted in the *Record*.**

On January 6, 1993,<sup>(72)</sup> the following notation appeared in the *Record*:

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

(NOTE: Due to a malfunction in the House Information System computer, the referrals which the Speaker has made on January 5, 1993, of all executive communications received

72. 139 CONG. REC. 324, 103d Cong. 1st Sess.



since the adjournment sine die of the 102d Congress, 2d Session will be indicated in the Congressional Record of January 21, 1993.)

### *Oath of Office*

§ 18.9 Pursuant to law,<sup>(73)</sup> the Clerk submitted for printing in the Journal and in the *Congressional Record* the list of Members, Delegates, and the Resident Commissioner who had taken the oath of office required by the U.S. Constitution, in the form prescribed by statute.<sup>(74)</sup>

On March 25, 1999,<sup>(75)</sup> the following was published in the *Record*:

#### OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. § 3331:

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

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 106th Congress, pursuant to the provisions of 2 U.S.C. § 25:

Attachment . . .

### *Letters of Resignation*

§ 18.10 When a Member resigns from the House, such Member transmits a letter of resignation to the required state official, forwards a copy of said letter (under separate cover) to the Speaker, and both are laid before the House and printed in the *Congressional Record* when received.<sup>(76)</sup>

73. 2 U.S.C. § 25.

74. 5 U.S.C. § 3331.

75. 145 CONG. REC. 5771–73, 106th Cong. 1st Sess. See also Division B, *supra*. For more on the oath of office generally, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2.

76. For an early precedent indicating that a letter stating that the appropriate resignation letter has been forwarded to the required state official is sufficient evidence of the resignation, see 1 Hinds' Precedents § 567.

The proceedings of September 3, 1975,<sup>(77)</sup> typify the depiction of letters of resignation in the *Record*:

RESIGNATION AS REPRESENTATIVE IN HOUSE OF REPRESENTATIVES FROM  
TENNESSEE'S FIFTH CONGRESSIONAL DISTRICT

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, DC, *August 14, 1975.*

Hon. RAY BLANTON,  
*Governor, State of Tennessee,*  
*Nashville, Tenn.*

DEAR GOVERNOR BLANTON: This is to respectfully inform you that I am hereby resigning my seat as Tennessee's Fifth District Representative to the United States House of Representatives effective this date.

Sincerely,

RICHARD H. FULTON.

SEPTEMBER 3, 1975.

Hon. CARL ALBERT,  
*Speaker, U.S. House of Representatives*  
*2205 Rayburn Building*  
*Washington, DC 20515*

DEAR MR. SPEAKER: On August 14, 1975, I transmitted my letter of resignation from the U.S. House of Representatives, Fifth Congressional District of Tennessee to Honorable Ray Blanton, Governor, State of Tennessee.

Respectfully,

RICHARD H. FULTON

**§ 18.11 A Member may request that a letter of resignation from the House, addressed to the Governor of such Member's state, be read in full to the House.<sup>(78)</sup>**

On May 4, 1977,<sup>(79)</sup> the following occurred:

RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communications, which were read:

*Washington, DC, May 4, 1977.*

77. 121 CONG. REC. 27201, 94th Cong. 1st Sess. See also Division B, *supra*. For an instance where the *Record* noted a correction to reflect the inadvertent omission of the letter to the state official, see 148 CONG. REC. 16621, 107th Cong. 2d Sess. (Sept. 11, 2002). For more on resignations generally, see Deschler's Precedents Ch. 37 and Precedents (Wickham) Ch. 37.

78. *Parliamentarian's Note*: The normal protocol is that the Member's letter to the Speaker is read before the House, and the Member's letter to the required state official is merely printed in the *Record* for the information of Members. In this case, the Member in question requested that both letters be read in full.

79. 123 CONG. REC. 13391, 95th Cong. 1st Sess. For more on resignations generally, see Deschler's Precedents Ch. 37 and Precedents (Wickham) Ch. 37.

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker of the House, Washington, DC*

DEAR MR. SPEAKER: Enclosed please find my letter of resignation addressed this day to the Honorable Edwin W. Edwards, the Governor of the State of Louisiana.

My short stay in the House has been the most rewarding experience of my life. I am tremendously impressed by the integrity and industry of its members. I have made friends whom I will never forget.

Keep my seat warm and tell my colleagues not to forget me because I am running again and will win again.

With kindest personal regards, I am,

Sincerely,

RICHARD A. TONRY.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 4, 1977.*

Hon. EDWIN W. EDWARDS,  
*Governor, State Capitol,  
 Baton Rouge, La.*

DEAR GOVERNOR EDWARDS: This is perhaps the hardest letter I have ever had to write. I am sure you are familiar with the continuing controversy that has surrounded my election to Congress. My own personal investigation and that of the House Committee has convinced me that there were fraudulent and illegal votes cast in my favor and in favor of my opponent. I sincerely believe and have always felt that if all the fraudulent and illegal votes were subtracted from the total I would still be declared the winner.

However, what I believe is not important. What must be protected is our beloved Louisiana and this Nation. That fraudulent votes were cast at all is deplorable. This democracy must be protected and the people of the First Congressional District must rest with the assurance that their Congressman has been elected by a majority of the people.

I have enjoyed nothing as much as serving my people in Congress. I know I have been a good Congressman.

But the divisiveness must be cured and the will of the people in the First Congressional District must be definitively recognized.

For these reasons, I hereby tender my resignation as the United States Representative for the First Congressional District.

I respectfully request that you call a new election as soon as possible so that the people of my district will not be without representation for any significant length of time.

Sincerely,

RICHARD A. TONRY.

**§ 18.12 When letters of resignation are received during *sine die* adjournment of a Congress, such matters are printed in the first *Congressional Record* of the new Congress, but under a separate heading to indicate that it was business of the preceding Congress.**

On January 7, 1997,<sup>(80)</sup> the following was printed in the *Record*:

<sup>80</sup>. 143 CONG. REC. 188–89, 105th Cong. 1st Sess. For an example of a resignation occurring between sessions of the same Congress, see 149 CONG. REC. 32411, 108th Cong. 1st Sess. (Dec. 15, 2003).

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE  
ADJOURNMENT

Mr. BROWNBACK submitted the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 26, 1996.*

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives,  
The Capitol, Washington, DC.*

DEAR NEWT: Attached please find a copy of the letter I have sent to Kansas Governor Bill Graves informing him that I am resigning from the House of Representatives effective at 12:00 p.m. central time on Wednesday, November 27, 1996.

It has been an honor and a privilege to serve with you in the House of Representatives. We enacted reforms during the 104th Congress that has moved this country in the right direction. I look forward to continuing to work with you to balance the federal budget, reduce the size, scope, and intrusiveness of the federal government, and restore the American Dream.

Sincerely,

SAM BROWNBACK,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 25, 1996.*

Gov. BILL GRAVES,  
*State Capitol, Topeka, KS.*

DEAR GOVERNOR GRAVES: For the past two years, it has been my privilege to serve the people of Kansas' Second District as their elected Representative in the U.S. Congress. It has been an eventful tenure.

These are remarkable times, and public servants have a tremendous opportunity and responsibility for making America a better place.

There is much work to be done, and the people rightly expect that we will begin it in earnest. Toward that end, I am scheduled to be sworn in as a U.S. Senator for Kansas at 2:00 p.m. central time, Wednesday, November 27, 1996. Accordingly, I am resigning my seat in the U.S. House of Representatives effective at 12:00 p.m. central time, Wednesday, November 27, 1996.

The work of renewing America is unfinished. I see cause for great hope as I believe we are now clearly focused on those very problems which most confound us. There has never been a challenge which the American nation recognized clearly and approached resolutely which we did not overcome. We have cause for great Thanksgiving.

Sincerely,

SAM BROWNBACK.

***Committee Rules***

**§ 18.13 The House by unanimous consent provided for publication in the *Congressional Record* of the rules of the standing committees**

**(effectively waiving the deadline contemplated by clause 2 of rule XI).**<sup>(81)</sup>

On February 8, 2011,<sup>(82)</sup> the following unanimous-consent request was made regarding the publication of committee rules:

PERMISSION TO SUBMIT COMMITTEE RULES AND BUDGET MATERIAL FOR PUBLICATION

Mr. [David] DREIER [of California]. I ask unanimous consent that, one, the chair of each committee be permitted to submit their respective committee rules for publication in the CONGRESSIONAL RECORD; and, two, that the chair of the Committee on the Budget be permitted to submit material related to the budget process for publication in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore.<sup>(83)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

**§ 18.14 The House, by unanimous consent, extended the date by which each committee must submit its rules to be printed in the *Congressional Record* pursuant to clause 2(a) of rule XI.**<sup>(84)</sup>

On January 27, 1989,<sup>(85)</sup> the following unanimous-consent request was made regarding the publication of committee rules:

PERMISSION FOR COMMITTEES TO HAVE UNTIL TUESDAY, FEBRUARY 21, 1989, TO PUBLISH COMMITTEE RULES IN THE CONGRESSIONAL RECORD

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that each committee of the House may have until Tuesday, February 21, 1989, to publish committee rules in the CONGRESSIONAL RECORD in compliance with clause 2(a) of rule XI.

The SPEAKER.<sup>(86)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

**§ 18.15 When committees adopt amendments to their committee rules, such amendments may be printed in the *Congressional Record* (although there is no specific requirement to do so).**

On June 18, 2013,<sup>(87)</sup> the following was submitted for publication in the *Congressional Record*:

81. *House Rules and Manual* § 791 (2019).

82. 157 CONG. REC. 1326, 112th Cong. 1st Sess. For a similar example, see 145 CONG. REC. 9932, 106th Cong. 1st Sess. (May 18, 1999) (Committee on Standards of Official Conduct (now the Committee on Ethics) permitted by unanimous consent to publish committee rules in the *Record* after the required deadline).

83. Jo Ann Emerson (MO).

84. *House Rules and Manual* § 791 (2019).

85. 135 CONG. REC. 1124, 101st Cong. 1st Sess.

86. James Wright (TX).

87. 159 CONG. REC. 9460, 113th Cong. 1st Sess.

## PUBLICATION OF COMMITTEE RULES

## AMENDMENT TO THE RULES OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY FOR THE 113TH CONGRESS

Mr. [Lamar] SMITH of Texas. Mr. Speaker, on June 18, 2013, the Committee on Science, Space, and Technology adopted the attached amendment to its Committee Rules:

Rule VI (b) of the Rules of the Committee on Science, Space, and Technology is amended to read as follows:

(b) SUBCOMMITTEES AND JURISDICTION. There shall be five standing Subcommittees of the Committee on Science, Space; and Technology, with jurisdictions as follows: . . .

**§ 18.16 While under rule L (now rule VIII)<sup>(88)</sup> subpoenas served on Members or officers of the House are not printed in full in the *Congressional Record*, the House has adopted a resolution raised as a question of the privileges of the House requiring the production of certain court orders, and such orders were printed in full in the *Record* pursuant to said resolution.**

On May 14, 1992,<sup>(89)</sup> the following occurred:

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.<sup>(90)</sup> 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

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

89. 138 CONG. REC. 11310, 11315–17, 102d Cong. 2d Sess. See also *Precedents* (Wickham) Ch. 6 § 26.2.

90. Thomas Foley (WA).

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. . . .

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.

[U.S. District Court for the District of Columbia]

#### SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Joe Kolter, House of Representatives, Room 212—CHOB.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91–3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

#### ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to your office account, or signed by Representative Kolter, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of your office voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from your office voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for your congressional office applicable during the time period from January 1, 1986, to April 15, 1992.

## NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,  
*U.S. Attorney.*

---

[U.S. District Court for the District of Columbia]

## SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Donnal K. Anderson, Clerk of the House, House of Representatives, Room H-105.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91-3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

## ATTACHMENT FOR SUBPOENA

1. For the period January 1, 1986, through April 15, 1992, any and all House of Representatives vouchers, whether originals, carbons, or copies, received from or reflecting goods or services charged to the office accounts of The Honorable Dan Rostenkowski, The Honorable Austin J. Murphy, The Honorable Joe Kolter, or The Honorable Jack Russ, former Sergeant at Arms, or signed by any of the listed individuals, including but not limited to vouchers for postal stamps.

2. For the period January 1, 1986, through April 15, 1992, all documents or records regarding the status of the office voucher accounts of The Honorable Dan Rostenkowski, The Honorable Austin J. Murphy, The Honorable Joe Kolter, or The Honorable Jack Russ, former Sergeant at Arms.

3. For the period January 1, 1986 through April 15, 1992, any and all documents or records relating to overdrafts on the office voucher accounts of The Honorable Dan Rostenkowski, The Honorable Austin J. Murphy, The Honorable Joe Kolter, or The Honorable Jack Russ, former Sergeant at Arms.

4. All documents including pamphlets, manuals, books, papers, or other instructions or guidelines regarding the proper use of stamp allotments for congressional offices applicable during the time period from January 1, 1986, to April 15, 1992.



## NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,  
*U.S. Attorney.*

---

[U.S. District Court for the District of Columbia]

## SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Werner Brandt, Sergeant at Arms, House of Representatives, Room H-124, U.S. Capitol.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91-3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

## ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to the account of the Sergeant at Arms, or signed by the Sergeant at Arms, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of the Office of the Sergeant at Arms voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from the Office of the Sergeant at Arms voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for the Office of the Sergeant at Arms applicable during the time period from January 1, 1986, to April 15, 1992.

## NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,  
*U.S. Attorney.*

---

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Dan Rostenkowski, House of Representatives, Room 2111–RHOB.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91–3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to your office account, or signed by Representative Rostenkowski, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of your office voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from your office voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for your congressional office applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,  
*U.S. Attorney.*

[U.S. District Court for the District of Columbia]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: Custodian of Records, Office of the Honorable Austin J. Murphy, House of Representatives, Room 2210–RHOB.

Subpoena for person and document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the U.S. District Court at the place, date, and time specified below.

Place: U.S. District Court for the District of Columbia, U.S. Courthouse, Third & Constitution Avenue, N.W., Washington, D.C.

Courtroom: Grand Jury 91–3, Third Floor.

Date and time: Thursday, May 7, 1992, at 2:00 p.m.

You are also commanded to bring with you the following document(s) or object(s):

Personal appearance is required.

ATTACHMENT TO SUBPOENA

1. Any and all House of Representatives vouchers, whether originals, carbons, or copies, reflecting goods or services charged to your office account, or signed by Representative Murphy, from January 1, 1986, to April 15, 1992.

2. Any and all documents or records regarding the status of your office voucher account from January 1, 1986, to April 15, 1992.

3. Any and all documents or records relating to overdrafts from your office voucher account from January 1, 1986, to April 15, 1992.

4. Any and all documents, including pamphlets, manuals, books, papers, or other instructions or guidelines, regarding the proper use of stamp allotments for your congressional office applicable during the time period from January 1, 1986, to April 15, 1992.

NOTICE

The attached subpoena requires you to produce certain documents and records to a federal grand jury. The grand jury has determined that it needs these documents and records in order to perform its duty to investigate possible violations of federal criminal law.

The materials covered by this subpoena must be collected and preserved without alteration or tampering. Since the documents called for in the subpoena may be submitted for forensic tests, such as fingerprint and handwriting analysis, they must be carefully collected in a manner that minimizes unnecessary handling and preserves their physical integrity.

JAY B. STEPHENS,  
*U.S. Attorney.*

***Cosponsors***

**§ 18.17 In the 95th Congress, the House amended the standing rules to provide, *inter alia*, that requests to add or delete cosponsors of legislative measures be published in the *Congressional Record* on the day of the request.**

On October 10, 1978,<sup>(91)</sup> the House adopted the following resolution:

Mr. [Gillis] LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

*Resolved*, That (a) the last sentence of clause 4 of rule XXII of the Rules of the House of Representatives is amended by striking out “but not more than twenty-five”.

(b) Clause 4 of such rule is further amended by adding at the end thereof the following: “The name of any Member may be added (or deleted) as a sponsor of a bill, memorial, or resolution which has been introduced and to which this paragraph applies, if a request on behalf of such Member is made by a Member to the Speaker (prior to the enactment or adoption of such bill, memorial, or resolution by the House), and such name shall be added (or deleted, as the case may be,) as a sponsor of such bill, memorial, or resolution when such bill, memorial, or resolution is next printed or reported. Such request shall be printed in the Record. The Public Printer shall not reprint any bill, memorial, or resolution for the purpose of adding (or deleting) the name of an additional sponsor.”.

With the following committee amendment:

Strike out all after the resolving clause and insert:

That clause 4 of rule XXII of the Rules of the House of Representatives is amended by inserting “(a)” immediately after “4.”, by striking out “but not more than twenty-five” and “memorial” in the last sentence thereof, and by adding at the end thereof the following new paragraph:

“(b) (1) The name of any Member shall be added as a sponsor of any bill or resolution to which paragraph (a) applies, and shall appear as a sponsor in the next printing of that bill or resolution: Provided, That a request signed by such Member is submitted by the first sponsor to the Speaker (in the same manner as provided in paragraph (a) ) no later than the day on which the last committee authorized to consider and report such bill or resolution reports it to the House.

“(2) The name of any Member listed as a sponsor of any such bill or resolution may be deleted by unanimous consent, but only at the request of such Member, and such deletion shall be indicated in the next printing of the bill or resolution (together with the date on which such name was deleted). Such consent may be granted no later than the day on which the last committee authorized to consider and report such bill or resolution reports it to the House: Provided, however, That the Speaker shall not entertain a request to delete the name of the first sponsor of any bill or resolution.

“(3) The addition of the name of any Member, or the deletion of any name by unanimous consent, as a sponsor of any such bill or resolution shall be entered on the Journal and printed in the Record of that day.

“(4) Any such bill or resolution shall be printed, and (B) if twenty or more Members listed as the first sponsor submits to the Speaker a written request that it be reprinted, and (B) if twenty or more Members have been added as sponsors of that bill or resolution since it was last printed.”.

SEC. 2. The provisions of this resolution shall become effective immediately prior to noon on January 3, 1979.

**§ 18.18 Where unanimous consent is granted for a Member to be removed as a cosponsor of a measure, such deletion is entered in that portion of the *Congressional Record* relating to bills or resolutions on the day the request is granted, pursuant to clause 4(b)(3) of rule XXII (now clause 7 of rule XII).<sup>(92)</sup>**

On February 26, 1979,<sup>(93)</sup> the following unanimous-consent request was made:

91. 124 CONG. REC. 34929, 95th Cong. 2d Sess.; *House Rules and Manual* § 825 (2019).

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

93. 125 CONG. REC. 3261, 3322, 96th Cong. 1st Sess.

## PERMISSION TO STRIKE NAME FROM LIST OF COSPONSORS OF H.R. 1520

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

Mr. [William] WAMPLER [of Virginia]. Mr. Speaker, I ask unanimous consent that my name be stricken from the list of cosponsors of H.R. 1520.

H.R. 1520 was introduced in the House of Representatives on January 25, 1979. Apparently, a clerical error was made at that time which resulted in my name being added to the list of cosponsors instead of the name of the gentleman from Guam. Because of the similarity of pronunciation of our names it is understandable that such an error could be made, and I am pleased that passage of House Resolution 86 in the 95th Congress amended the Rules of the House of Representatives to provide the means for correction of such errors. . . .

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1520: Mr. WAMPLER.

**§ 18.19 While clause 7 of rule XII<sup>(94)</sup> precludes adding cosponsors to a bill after it has been engrossed, Members may insert statements to the *Congressional Record* indicating that certain cosponsors would have been added had the submission been timely.**

On June 20, 2014,<sup>(95)</sup> the following was printed in the *Congressional Record*:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION  
ACT OF 2014

*speech of*

**HON. STEVEN M. PALAZZO**

*of mississippi*

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 9, 2014*

Mr. PALAZZO. Mr. Speaker, while I originally intended that the Hon. DONNA EDWARDS and the Hon. EDDIE BERNICE JOHNSON be added as cosponsors to my bill, H.R. 4412, the NASA Reauthorization Act of 2014, due to an error they were not added prior to

<sup>94</sup>. *House Rules and Manual* § 825 (2019).

<sup>95</sup>. 160 CONG. REC. 9631, 113th Cong. 2d Sess. For similar proceedings, see 130 CONG. REC. 4949, 5065–66, 98th Cong. 2d Sess. (Mar. 8, 1984).

the engrossment of the bill. This statement is intended to demonstrate their position as cosponsors of this measure.

**§ 18.20 Pursuant to clause 4(b)(2) of rule XXII (now clause 7 of rule XII),<sup>(96)</sup> unanimous consent to delete the name of a cosponsor of a bill may not be granted after the bill has been finally reported to the House, but a Member's statement of intent to withdraw as a cosponsor may be placed in the *Congressional Record* by unanimous consent.**

On February 8, 1994,<sup>(97)</sup> the following unanimous-consent request was agreed to:

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 51

Ms. [Lynn] SCHENK [of California]. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 51.

The SPEAKER pro tempore.<sup>(98)</sup> Without objection, the gentlewoman's remarks will appear in the RECORD.

There was no objection.

**§ 18.21 Where two Members-elect participated in various House and committee business before taking the oath of office, the House adopted a resolution, *inter alia*, ratifying their introduction and sponsorship of legislative measures and validating any submissions made to the *Congressional Record*.**

On January 7, 2011,<sup>(99)</sup> the following resolution was adopted by the House:

RELATING TO THE STATUS OF CERTAIN ACTIONS TAKEN BY MEMBERS-ELECT

Mr. [David] DREIER [of California]. Madam Speaker, pursuant to House Resolution 26, I send to the desk as the designee of the majority leader a resolution and ask for its immediate consideration.

Mr. [Anthony] WEINER [of New York]. I reserve a point of order, Madam Speaker. The SPEAKER pro tempore.<sup>(100)</sup> A point of order is reserved.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 27

Whereas, Representative-elect Sessions and Representative-elect Fitzpatrick were not administered the oath of office pursuant to the third clause in article VI of the Constitution until after the completion of legislative business on January 6, 2011; and

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

**97.** 140 CONG. REC. 1575, 103d Cong. 2d Sess.

**98.** Sonny Montgomery (MS).

**99.** 157 CONG. REC. 227–29, 112th Cong. 1st Sess.

**100.** Candice Miller (MI).

Whereas, the votes cast by Representative-elect Sessions and Representative-elect Fitzpatrick on rollcalls 3 through 8 therefore were nullities: Now, therefore, be it

*Resolved, That—*

(1) the votes recorded for Representative-elect Sessions and Representative-elect Fitzpatrick on rollcalls 3 through 8 be deleted and the vote-totals for each of those rollcalls be adjusted accordingly, both in the Journal and in the Congressional Record;

(2) the election of Representative-elect Sessions to a standing committee and his participation in its proceedings be ratified;

(3) the measures delivered to the Speaker for referral by Representative-elect Sessions be considered as introduced and retain the numbers assigned;

(4) any submissions to the Congressional Record by Representative-elect Sessions or Representative-elect Fitzpatrick be considered as valid;

(5) any cosponsor lists naming Representative-elect Sessions or Representative-elect Fitzpatrick be considered as valid; and

(6) any non-voting participation by Representative-elect Sessions or Representative-elect Fitzpatrick in proceedings on the floor be ratified.

#### POINT OF ORDER

Mr. WEINER. Madam Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WEINER. Madam Speaker, I make a point of order that the consideration of this resolution is in violation of the House rules that we just passed in which a new section was created to rule XXI that required at least 3 days' notice to consider legislation, that it be posted on the Internet and we have a chance to review it. It is particularly important in this case since we're dealing with a constitutional issue, one that is without precedent, and I insist on the point of order.

The SPEAKER pro tempore. The Chair must observe that the rule cited applies to bills and joint resolutions; and pursuant to House Resolution 26, all points of order are waived. . . .

#### PARLIAMENTARY INQUIRY

Mr. WEINER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEINER. Madam Speaker, under the rules of the House, are the Members of Congress who are not duly sworn entitled to be paid for the days of service in which they were here and were not sworn in?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Pursuant to section 3 of House Resolution 26, the previous question is ordered on the resolution.

The question is on the resolution.

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 159, answered “present” 3, not voting 15, as follows:

[Roll No. 11] . . .

***Discharging Matters from Committee***

**§ 18.22 The House agreed to an “omnibus” unanimous-consent request that, *inter alia*, discharged (and passed) various measures from committees and further provided that the names of the committees being discharged be printed in the *Congressional Record*.**

On October 10, 2002,<sup>(101)</sup> the following occurred:

**DISPOSING OF VARIOUS LEGISLATIVE MEASURES**

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I send a unanimous consent request to the desk.

The SPEAKER pro tempore (Mr. [Michael] SIMPSON [of Idaho]). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. ARMEY asks unanimous consent that the House

(1) Be considered to have *discharged* from the committee *and passed* H.R. 5316, H.R. 5574, H.R. 5361, H.R. 5439, Senate 2558, H.R. 5349, H.R. 5598, H.R. 5601, H.R. 670, H.R. 669, and H.R. 5205;

(2) Be considered to have *discharged* from committee and agreed to House Concurrent Resolution 406, House Resolution 542, House Resolution 572, House Concurrent Resolution 504, House Resolution 532, House Resolution 571, and House Concurrent Resolution 467;

(3) Be considered to have discharged from committee, amended, and agreed to House Resolution 410, House Concurrent Resolution 486, House Concurrent Resolution 487 in the respective forms placed at the desk;

(4) Be considered to have amended and passed H.R. 5400 by the committee amendment placed at the desk; and

(5) That the committees being discharged be printed in the RECORD, the texts of each measure and any amendment thereto be considered as read and printed in the RECORD, and that motions to reconsider each of these actions be laid upon the table.

The SPEAKER pro tempore. The Chair will entertain this combined request under the Speaker’s guidelines as recorded on page 712 of the Manual with assurances that it has been cleared by the bipartisan floor and all committee leaderships.

The Clerk will report the titles of the various bills and the resolutions.

The Clerk read as follows: . . .

***Congressional Review Act Requirements***

**§ 18.23 The Congressional Review Act<sup>(102)</sup> requires that applicable regulations submitted to Congress after a certain date in one session of Congress be resubmitted in the next session and treated as**

**101.** 148 CONG. REC. 20339, 20365–67, 107th Cong. 2d Sess. For similar instances of “omnibus” unanimous-consent requests to discharge and pass multiple measures, see 148 CONG. REC. 20765, 107th Cong. 2d Sess. (Oct. 16, 2002) and 148 CONG. REC. 22513, 107th Cong. 2d Sess. (Nov. 14, 2002).

**102.** 5 U.S.C. §§ 801–808.



**received on the date of resubmission for possible congressional disapproval, and a notice of such “grandfathered” regulations appears in the *Congressional Record*.**

On February 11, 2011,<sup>(103)</sup> the following note appeared in the *Congressional Record*:

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL  
REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of May 28, 2010, through January 5, 2011, shall be treated as though received on February 11, 2011. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

***Office of Congressional Workplace Rights Regulations***

**§ 18.24 The Congressional Accountability Act<sup>(104)</sup> requires that notice of regulations adopted by the Board of Directors of the Office of Compliance (now Office of Congressional Workplace Rights) be published simultaneously in both the House and Senate portions of the *Congressional Record*.<sup>(105)</sup>**

On September 4, 1996,<sup>(106)</sup> the following was printed in the *Congressional Record*:

NOTICE OF PROPOSED RULEMAKING

OFFICE OF COMPLIANCE,  
*Washington, DC, August 19, 1996.*

Hon. NEWT GINGRICH,  
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. § 1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of regulations, together with a copy of the regulations for publication in the Congressional Record. The adopted regulations are being issued pursuant to Section 220(e).

**103.** 157 CONG. REC. 1604, 112th Cong. 1st Sess.

**104.** P.L. 104–1; 109 Stat. 3. See also Precedents (Wickham) Ch. 6 § 28.

**105.** *Parliamentarian’s Note*: The law requires simultaneous printing in both the House and Senate portions of the *Record* on the first legislative day on which both Houses are in session following receipt of the regulations. For an example of mis-timed printings that required a subsequent notice in the Senate portion (to match the date of House printing), see 154 CONG. REC. 8127, 110th Cong. 2d Sess. (May 8, 2008).

**106.** 142 CONG. REC. 22000–2001, 104th Cong. 2d Sess.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,  
*Chair of the Board.*

---

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights, Protections and Responsibilities Under Chapter 71 of Title 5, United States Code, Relating to Federal Service Labor-Management Relations (Regulations under section 220(e) of the Congressional Accountability Act)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to both the Advance Notice of Proposed Rulemaking published on March 16, 1996 in the Congressional Record and the Notice of Proposed Rulemaking published on May 23, 1996 in the Congressional Record, has adopted, and is submitting for approval by Congress, final regulations implementing section 220(e) of the Congressional Accountability Act of 1995, Pub. L. 104-1, 109 Stat. 3.

For Further Information Contact: Executive Director, Office of Compliance, 110 2d Street, S.E., Room LA 200, John Adams Building, Washington, D.C. 20540-1999, (202) 724-9250.

Supplementary Information:

*I. Statutory Background*

The Congressional Accountability Act of 1995 (“CAA” or “Act”) was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices.

Section 220 of the CAA addresses the application of chapter 71 of title 5, United States Code (“chapter 71”), relating to Federal Service Labor-Management Relations. Section 220(a) of the CAA applies the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of chapter 71 to employing offices, covered employees, and representatives of covered employees.

Section 220(d) of the Act requires the Board of Directors of the Office of Compliance (“Board”) to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations “shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority (‘FLRA’) to implement the statutory provisions referred to in subsection (a) except—

“(A) to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

“(B) as the Board deems necessary to avoid a conflict of interest or appearance of conflict of interest.”

The Board adopted final regulations under section 220(d), and submitted them to Congress for approval on July 9, 1996.

Section 220(e)(1) of the CAA requires that the Board issue regulations “on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply to covered employees who are employed in the offices listed in” section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and,

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the “section 220(e)(2) offices.”

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices “shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of [the CAA] . . .” To this end, section 220(e)(1) mandates that such regulations “shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter,” with two separate and distinct provisos:

*First*, section 220(e)(1)(A) authorizes the Board to modify the FLRA’s regulations “to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.”

*Second*, section 220(e)(1)(B) directs the Board to issue regulations that “exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] if the Board determines that such exclusion is required because of—

- (i) a conflict of interest or appearance of a conflict of interest; or
- (ii) Congress’ constitutional responsibilities.”

The provisions of section 220 are effective October 1, 1996, except that, “[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e).”

### ***Oath for Classified Information***

**§ 18.25 Pursuant to clause 13 of rule XXIII,<sup>(107)</sup> the Clerk submits for printing in the *Congressional Record* a list of Members who have signed the oath required for access to classified information (to be updated on a weekly basis).**

On February 8, 2001,<sup>(108)</sup> the following was printed in the *Record* pursuant to House rule:

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Robert B. Aderholt, W. Todd Akin, Robert E. Andrews, Richard K. Armey, Spencer Bachus, Richard H. Baker, Cass Ballenger, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Leonard L. Boswell, Rick Boucher, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Dave Camp, Eric Cantor, Shelley Moore Capito, Benjamin L. Cardin, Brad Carson, Saxby Chambliss, Wm. Lacy Clay, Jr., Eva M. Clayton, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, Christopher Cox, William J. Coyne, Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Randy “Duke” Cunningham, Danny K. Davis, Jo Ann Davis, Thomas M. Davis, Nathan Deal, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Lane Evans, Terry Everett, Sam Farr, Mike Ferguson, Jeff Flake, Ernie Fletcher, Mark Foley, Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon,

<sup>107</sup>. *House Rules and Manual* § 1095 (2019).

<sup>108</sup>. 147 CONG. REC. 1653, 107th Cong. 1st Sess. For a recent example of the same type of submission, see 159 CONG. REC. 1003–1004, 113th Cong. 1st Sess. (Feb. 6, 2013).

Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Mark Green, Felix J. Grucci, Jr., Gil Gutknecht, Tony P. Hall, James V. Hansen, J. Dennis Hastert, Alcee L. Hastings, Robin Hayes, J.D. Hayworth, Wally Herger, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Rush D. Holt, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Ric Keller, Sue W. Kelly, Brian D. Kerns, Dale E. Kildee, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, Ray LaHood, Nick Lampson, James R. Langevin, John B. Larson, Tom Latham, Barbara Lee, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Carolyn McCarthy, John McHugh, Michael R. McNulty, Carrie P. Meek, Gregory W. Meeks, John L. Mica, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Robert W. Ney, Charlie Norwood, Jim Nussle, John W. Olver, Doug Ose, C.L. Otter, Michael G. Oxley, Bill Pascrell, Jr., Ed Pastor, Mike Pence, John E. Peterson, Thomas E. Petri, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Rob Portman, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Mike Rogers, Ileana Ros-Lehtinen, Steven R. Rothman, Margaret Roukema, Edward R. Royce, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, F. James Sensenbrenner, Jr., José E. Serrano, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Michael K. Simpson, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Mac Thornberry, John R. Thune, Patrick J. Tiberi, James A. Traficant, Jr., Mark Udall, Robert A. Underwood, Fred Upton, Peter J. Visclosky, David Vitter, James T. Walsh, Maxine Waters, Wes Watkins, J.C. Watts, Jr., Henry A. Waxman, Curt Weldon, Dave Weldon, Jerry Weller, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, C.W. Bill Young, Don Young.

### ***Earmark Statements***

**§ 18.26 A point of order does not lie under clause 9 of rule XXI<sup>(109)</sup> against an unreported bill where the chair of the committee of initial referral has caused to be printed in the *Congressional Record* a statement that the bill contains no congressional earmarks, limited tax benefits, or limited tariff benefits.**

On January 31, 2007,<sup>(110)</sup> a point of order was raised (and overruled) as followed:

<sup>109.</sup> *House Rules and Manual* § 1068d (2019).

<sup>110.</sup> 153 CONG. REC. 2737–38, 110th Cong. 1st Sess.

## POINT OF ORDER

Mr. [Patrick] MCHENRY [North Carolina]. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore (Mr. [Peter] DEFAZIO [of Oregon]). The gentleman will state his point of order.

Mr. MCHENRY. Under the new House rules, there is an anti-earmark rule that governs the House, which the rule governing this bill does not waive that rule of the House; and sections of this legislation actually go forward and violate that anti-earmark legislation. Therefore, I rise to make a point of order against H.J. Res. 20, as title I, section 101(a)(2), violates rule XXI, clause 9, of the House rules, stating, "There shall be no Member-directed earmarks," which this legislation does possess.

The SPEAKER pro tempore. Does any Member wish to be heard?

The Chair recognizes the gentleman from Wisconsin.

Mr. [David] OBEY [of Wisconsin]. Mr. Speaker, I would simply note that on page H988 of the CONGRESSIONAL RECORD there is listed the following statement:

Under clause 9(a) of rule XXI, lists or statements on congressional earmarks, limited tax benefits or limited tariff benefits are submitted as follows offered by myself: H.J. Res. 20 making further continuing appropriations for fiscal year 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Mr. MCHENRY. Will the gentleman yield?

Mr. OBEY. No.

Mr. MCHENRY. The gentleman will not yield for the question.

The SPEAKER pro tempore. On a point of order there is no yielding. The chair will hear each Member in turn. Does the gentleman from North Carolina wish to be heard on his point of order?

Mr. MCHENRY. Yes. I wish to speak further.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. MCHENRY. Mr. Speaker, the gentleman is stating, simply because legislation states that there are no earmarks, that you can contain thousands of earmarks after that statement. It defies logic and defies reason.

And, furthermore, your section explaining that there shall be no congressional earmarks is further on in the legislation. Therefore, it is not operational over the violation that I am stating in section 101. Therefore, under the legislation here, it is not operational. Therefore, it is a very crafty way, and I have got to compliment the gentleman for putting together a very crafty piece of legislation to try to slip this by. But under these House rules, this is a clear violation of the anti-earmarking provision that is very important to the rules of debate, even when the minority is not able to offer any amendments, even when the minority has no other means of removing congressional earmarks.

The SPEAKER pro tempore. The gentleman will restrict himself to the point of order.

Mr. OBEY. Mr. Speaker, I ask for a ruling from the Chair.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, it is not in order to consider an unreported bill or joint resolution unless the chairman of each committee of initial referral has caused to be printed in the CONGRESSIONAL RECORD a list of congressional earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

Under clause 9(c) of rule XXI, a point of order under clause 9(a) of rule XXI may be based only on the failure of the submission to the CONGRESSIONAL RECORD to include such a list or statement.

The Chair has examined the CONGRESSIONAL RECORD and finds that it contains the statement contemplated by clause 9(a) of rule XXI.

Accordingly, the point of order is overruled.

Mr. MCHENRY. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the appeal.

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

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

Mr. MCHENRY. Division. I ask for a division vote, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I ask for the yeas and nays.

Mr. MCHENRY. Wait a second, Mr. Speaker. I asked for a division vote.

The SPEAKER pro tempore. Under the Constitution, the yeas and nays have precedence over a request for a division.

The yeas and nays are requested. Those favoring a vote by the yeas and nays will rise. A sufficient number having risen, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 184, not voting 25, as follows:

[Roll No. 70] . . .

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.

**§ 18.27 A point of order under clause 9 of rule XXI<sup>(111)</sup> will not lie against an amendment if the offeror has caused to be printed in the *Congressional Record* a statement disclaiming the presence of congressional earmarks, limited tax benefits, and limited tariff benefits.**

On March 7, 2007,<sup>(112)</sup> the offeror of an amendment had printed in the *Record* the following:

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF  
BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBERSTAR

The amendment No. 1 to be offered by Mr. OBERSTAR, or a designee, to H.R. 720, the Water Quality Financing Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI of the Rules of the House of Representatives. . . .

**111.** *House Rules and Manual* § 1068d (2019).

**112.** 153 CONG. REC. 5662–63, 110th Cong. 1st Sess.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 720

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 1: Page 4, line 7, strike “wastewater infrastructure assistance” and insert “eligible projects described in section 603(c)”.

Page 5, after line 9, insert the following:

(C) SMALL FLOWS CLEARINGHOUSE.—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking “\$1,000,000” and inserting “\$3,000,000”; and

(2) in the second sentence by striking “1986” and inserting “2009”.

Page 5, line 10, strike “(c)” and insert “(d)”.

Page 6, strike lines 14 through 16 and insert the following:

(B) in paragraph (2) by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies”; and

Page 11, lines 9 and 10, strike “has considered” and all that follows through “alternative management” and insert the following: “has considered, to the maximum extent practical and as determined appropriate by the recipient, the costs and effectiveness of other design, management,”.

Page 14, strike lines 1 and 2 and insert the following:

“(6) for measures to manage, reduce, treat, or reuse municipal stormwater;”.

Page 18, line 3, insert “low-impact technologies,” before “nonstructural”.

Page 18, line 5, insert “nutrient” before “pollutant trading”.

**§ 18.28 The Chair refused to respond to a parliamentary inquiry concerning the existence of a statement disclaiming the presence in a bill of congressional earmarks, limited tax benefits, and limited tariff benefits printed in the *Congressional Record* pursuant to clause 9 of rule XXI,<sup>(113)</sup> where not pertinent to the pending proceedings.**

On May 10, 2007,<sup>(114)</sup> the following occurred:

PARLIAMENTARY INQUIRY

Mr. [Jeff] FLAKE [of Arizona]. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore.<sup>(115)</sup> The gentleman from Arizona is recognized for a parliamentary inquiry.

Mr. FLAKE. Mr. Speaker, is it true that, on page H4754, there is a statement that this bill contains no congressional earmarks, tariff benefits or tax benefits?

The SPEAKER pro tempore. Members may examine the RECORD and make that determination for themselves.

Mr. FLAKE. I thank the Chair, and I will examine the RECORD.

***Business of a Prior Congress or Session***

**§ 18.29 Business of the preceding Congress transacted during *sine die* adjournment (including such matters as appointments and**

113. *House Rules and Manual* § 1068d (2019).

114. 153 CONG. REC. 12170, 110th Cong. 1st Sess.

115. Stephen Lynch (MA).



**communications of resignations and subpoenas) is reflected in the *Congressional Record* of the opening day of the new Congress under separate headings to show that it is not business of the new Congress.**

On January 6, 1999,<sup>(116)</sup> the following notations regarding the timing of certain actions of the House were printed in the *Record*:

#### 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:

*[The following action occurred on December 29, 1998]*

Mr. STUMP: Committee on Veterans' Affairs. Activities Report of the Committee on Veterans' Affairs, 105th Congress (Rept. 105-833). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Report on Legislative and Oversight Activities of the Committee on Resources, 105th Congress (Rept. 105-834). Referred to the Committee of the Whole House on the State of the Union.

*[The following action occurred on December 30, 1998]*

Mr. LIVINGSTON: Committee on Appropriations. Report on Activities of the Committee on Appropriations 105th Congress (Rept. 105-835). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. Report on the Activities of the Committee on Education and the Workforce. 105th Congress (Rept. 105-836). Referred to the Committee of the Whole House on the State of the Union.

*[The following action occurred on December 31, 1998]*

Mr. LEACH: Committee on Banking and Financial Services. Report on the Summary of Activities of the Committee on Banking and Financial Services, 105th Congress (Rept. 105-837). Referred to the Committee of the Whole House on the State of the Union.

*[The following reports were filed on January 2, 1999]*

Mr. GILMAN: Committee on International Relations. Legislative Review Activities of the Committee on International Relations During the 105th Congress (Rept. 105-838). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Permanent Select Committee on Intelligence. Survey of Activities of the Permanent Select Committee on Intelligence During the 105th Congress (Rept. 105-839). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. Survey of Activities of the House Committee on Rules, 105th Congress (Rept. 105-840). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. Report of the Activities of the Committee on National Security for the 105th Congress (Rept. 105-841). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. Report on the Activities of the Committee on Agriculture During the 105th Congress (Rept. 105-842). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Report on the Activities of the House Committee on Government Reform and Oversight During the 105th Congress (Rept. 105-843). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASICH: Committee on the Budget. Activities and Summary Report of the Committee on the Budget During the 105th Congress (Rept. 105-844). Referred to the Committee of the Whole House on the State of the Union.

**116.** 145 CONG. REC. 253, 257, 106th Cong. 1st Sess. For a similar occurrence with regard to committee activity reports filed during *sine die* adjournment, see 145 CONG. REC. 295, 106th Cong. 1st Sess. (Jan. 7, 1999).

Mr. BLILEY: Committee on Commerce. Report on the Activity of the Committee on Commerce for the One Hundred Fifth Congress (Rept. 105-846). Referred to the Committee of the Whole House on the State of the Union. . . .

**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.*

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 THE 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 the Speaker, if you have any questions.

Sincerely,

NEWT GINGRICH,  
*Speaker.*

---

### ***Secret Sessions and Executive Sessions***

**§ 18.30 A Member inserted into the *Congressional Record* a committee staff memorandum on the issue of the propriety of releasing particular materials obtained by the committee in executive session (but not publishing those executive session materials).**

On December 15, 1977,<sup>(117)</sup> the following memorandum was printed in the *Record*:

#### MEMORANDUM

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON INTERSTATE  
AND FOREIGN COMMERCE,

*Washington, DC*

Date: December 12, 1977.

To: Chairman John E. Moss.

From: Tom Greene, Counsel to the Chairman, John Atkisson, Counsel to the Subcommittee Jim Nelligan, Operations Director, John Galloway, Energy Task Force Director.

Subject: Recommendation of the staff with respect to the release of a memorandum dated May 4, 1976 from John Galloway, Special Assistant, to Michael R. Lemov, Chief Counsel.

#### I. INTRODUCTION

This responds to your request for a review of the legality of releasing to the public a memorandum dated May 4, 1976 from John Galloway, the Special Assistant to Michael R. Lemov, then Chief Counsel, concerning the Subcommittee's natural gas reserve study. As you may be aware, the staff has been troubled by the characterization of this document as one that vindicates the oil and gas industry with respect to charges of reserves

---

117. 123 CONG. REC. 39038, 95th Cong. 1st Sess.

underreporting (Washington Star, December 6, 1977; Washington Post, December 7, 1977, p. A-7). In fact, the principal conclusion of this interim staff analysis was that the comparison of American Gas Association reserve estimates with those of company proved reserve ledgers is a “mostly pointless exercise.” This conclusion was based upon definitional and other problems which militated against an accurate comparison of the two data series.

The staff understands your request for a review of the legality of releasing Subcommittee records to extend only to the Galloway memorandum. In the recent past, the requests of Mr. Collins have been substantially broader and would certainly involve the release of executive session materials. Additionally, the change in the House rules proposed by Mr. Collins on December 6, 1977 (Congressional Record, H12727) addressed all non-classified materials within the custody of every committee and subcommittee of the House. While the press has characterized the recent controversy as relating solely to the Galloway memorandum, it was only in his Congressional Record statement of December 6, 1977 (H12729) that Mr. Collins clearly confined his request to the May 4, 1976 memorandum.

Here we review the legal standard which is applicable to the release of documents such as the Galloway memorandum. It then turns to an application of this standard to the Galloway document. Our analysis concludes that you may employ the authorities delegated to you by the Subcommittee to release this document to the public.

## II. THE STANDARD

The Rules of the House provide two principal limitations on the release of committee or subcommittee documents to the public. The first of these is contained in clause 2(e)(2) of Rule XI. This rule provides that committee records shall be “the property of the House and all Members of the House shall have access thereto”. The precedents are clear that while a Member may have access to committee files, he may not make copies of such files (Speaker Rayburn, August 14, 1957, pp. 14737-39). Neither may a Member release such records to the public absent authorization by the affected committee or subcommittee (Speaker Rayburn, June 3, 1960, p. 11820). These limitations apply to all committee or subcommittee documents and records.

The second limitation on public release of committee or subcommittee documents applies only to a special category of documents or records, those received in executive session or as if in executive session. Clause (2)(k)(7) of Rule XI provides that “No evidence or testimony taken in executive session may be released or used in public session without the consent of the committee.” Traditionally, the consent of the committee or subcommittee for the release of executive session materials is obtained through the vote of the affected committee or subcommittee.

In summary you may release the Galloway memorandum without a vote of the Subcommittee if it is determined that (i) the document does not contain material taken in executive session or as if in executive session and (ii) you have been authorized, as Chairman of the Subcommittee on Oversight and Investigations, to regulate on behalf of the Subcommittee the release of subcommittee records, other than executive session records.

## III. APPLICATION OF THE STANDARD

A. Does the Galloway memorandum contain evidence or testimony taken in executive session?

After a careful review of the materials obtained by the Subcommittee pursuant to subpoenas voted in executive session on June 16, 1975, we conclude that the Galloway

memorandum of May 4, 1976 does not contain information covered by clause 2.(k)(7) of Rule XI. The staff gave particular attention in its review of the Galloway memorandum to (i) the table which appears at page 1, and (ii) quotes from internal industry documents stating the benefits of reserve manipulation. With respect to the numbers which appear at page 1, the staff concluded that while based upon information obtained by subpoenas issued in executive session, specific information about particular energy companies is not newly presented. Use of aggregate figures assures that the House policies which animate the protection of executive session materials are not violated. Release of aggregate data would not “endanger the national security,” Rule XI 2.(g)(2). Neither would release of aggregate numbers “tend to defame, degrade, or incriminate any person,” Rule XI 2.(k)(5). It would not even offend the sensitivities of the oil companies involved, since no interested party can be identified within the four corners of the memorandum.

The staff was particularly concerned about quotes from two Union Oil Company memoranda which reflect the rationale and reality of industry manipulation of reserve figures. It has been determined that both of these memoranda were incorporated by the Subcommittee into the public record on June 9, 1975 during the Subcommittee’s hearing on natural gas supply in the United States. Since these materials are already public, re-release of them in the Galloway memorandum does not trigger the executive session rule.

B. If it is determined that the Galloway memorandum does not contain executive session information, are you as Chairman authorized by the Subcommittee to release ordinary Subcommittee records to the public?

Clause 2(e)(2) of Rule XI limits public release of subcommittee records absent the authorization of the subcommittee (Speaker Rayburn, June 3, 1960, p. 11820). The rule is silent as to a specific authorization procedure, or even how authorization is defined.

The consistent rule in this Subcommittee has been that you have the authority to release-ordinary subcommittee records. This is essential to the orderly management of the Subcommittee on a day-to-day basis.

This issue was considered under similar circumstances on September 29, 1975. On that occasion, Mr. Collins of Texas objected that you had released to the public a Getty Oil Company document which was a committee record but not one subject to the executive session rule. With a quorum present, the release by you of a document, not received in executive session or as if in executive session, was fully debated and not disapproved.

Based upon these authorities and precedents, the staff concludes that you have the authority to release a committee record not covered by the executive session rule.

#### IV. CONCLUSION

Because (i) you have the authority to release the Galloway memorandum and (ii) it in no way prejudices the competitive position of the oil companies involved, we recommend release to the public.

**§ 18.31 When the House resolves itself into a secret session pursuant to rule XXIX (now clause 10 of rule XVII),<sup>(118)</sup> the proceedings of the secret session are not carried in the *Congressional Record* unless the House votes to remove the injunction of secrecy, and, in one instance, the Chair reminded Members following a secret**

118. *House Rules and Manual* § 969 (2019).

**session that the House had not so voted and that no proceedings conducted in secret session would be made public until further order of the House.**

On June 20, 1979,<sup>(119)</sup> the following occurred:

MOTION OFFERED BY MR. BAUMAN

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I offer a motion.  
The Clerk read as follows:

Mr. BAUMAN moves that, pursuant to rule XXIX, the house resolve itself into secret session. That the galleries of the House Chamber be cleared of all persons and that the House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

The SPEAKER pro tempore.<sup>(120)</sup> The Chair will state that the motion is not debatable. Absent unanimous consent to debate the motion, the question will be put upon the motion.

The question is on the motion offered by the gentleman from Maryland (Mr. BAUMAN). The motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will make a statement.

The Chair desires to read to the Members the contents of rule XXIX of the rules of the House of Representatives.

Rule XXIX reads as follows:

RULE XXIX  
SECRET SESSION

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

This rule has been successfully invoked by the vote of the House for the first time, the Chair believes, since the year 1830. This was a rule commonly invoked in the early days of the Republic, but not recently invoked.

According to the rule of the House, the Chair is now going to order that the galleries of the House Chamber shall be cleared of all persons and the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House. All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.

**119.** 125 CONG. REC. 15711–13, 96th Cong. 1st Sess.; *House Rules and Manual* §939 (2019). For similar proceedings involving another secret session of the House, see 154 CONG. REC. 4145–54, 110th Cong. 2d Sess. (Mar. 13, 2008).

**120.** James Wright (TX).

The Chair is going to declare a recess long enough for this order to be carried out. . . .

---

RECESS

The SPEAKER pro tempore. The Chair declares a recess.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

At 12 o'clock and 38 minutes the House proceeded to meet in secret session.

(House proceedings held in secret session.)

At 2 o'clock and 11 minutes the House dissolved its proceeding being held in secret session.

---

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

---

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(121)</sup> The Chair will make the following statement:

The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House.

To enable the House to evaluate the transcript of the secret session, the Chair will refer the transcript to the Permanent Select Committee on Intelligence and to the Committee on Merchant Marines and Fisheries for their report thereon as soon as possible. The committees' report will remain executive session record of those committees for examination by the Members and ultimate disposition by the House.

The Chair further would state that he would believe that the item could go to the Committee on Rules and the House could go back into a secret session for a time allotted before making the transcript public record.

On July 17, 1979,<sup>(122)</sup> the House granted a unanimous-consent request to release an edited transcript of the proceedings of the earlier secret session:

PRINTING OF SECRET SESSION OF PANAMA CANAL DEBATE

Mr. [Edward] BOLAND [of Massachusetts]. Mr. Speaker, I ask unanimous consent that the transcript of the proceedings of the House and the secret session held on June 20, 1979, be printed in today's edition of the CONGRESSIONAL RECORD, with the revisions and deletions made in that transcript by Members who participated in that debate, and which are mutually agreeable to the chairmen of the Committee on Merchant Marines and Fisheries and the Permanent Select Committee on Intelligence.

---

**121.** Thomas O'Neill (MA).

**122.** 125 CONG. REC. 19049, 96th Cong. 1st Sess.; *House Rules and Manual* § 939 (2019).

The SPEAKER pro tempore.<sup>(123)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## § 19. Correction of Errors

The *Congressional Record* is intended to be a substantially verbatim account of the proceedings of the House, and as such is subject only to technical, grammatical, or typographical corrections authorized by the Member whose remarks are at issue.<sup>(1)</sup> Unparliamentary language may not be unilaterally removed by the Member making the remarks, but the House may order such language stricken from the *Record*.<sup>(2)</sup> These restrictions on the ability of Members to alter the *Record* establish a standard of conduct that may be a matter of review for the Committee on Ethics.<sup>(3)</sup>

As noted earlier, the daily edition of the *Congressional Record* is published following each legislative day, and the Official Reporters of Debate and Government Publishing Office employees often work through the night in order to have the *Record* distributed to congressional offices the following morning. Thus, the daily edition may contain printing errors, omissions, and other inaccuracies that need to be corrected before the permanent edition is composed and published.<sup>(4)</sup> When material is inadvertently omitted, the permanent *Record* will usually carry the omitted text on a subsequent legislative day with a notation indicating its proper placement.<sup>(5)</sup> When the incorrect version of a measure is printed in the *Record*, the permanent edition will contain the corrected text and a notation on the discrepancy.<sup>(6)</sup> Referrals of executive communications may be corrected to show the proper committee of referral<sup>(7)</sup> or the correct date of receipt.<sup>(8)</sup> The permanent *Record* may also contain notes on typographical and other errors that were present in the daily edition.<sup>(9)</sup>

123. James Wright (TX).

1. Rule XVII, clause 8(a), *House Rules and Manual* § 967 (2019). For the ability of Members to revise and extend their remarks, see § 20, *infra*.
2. Rule XVII, clause 8(b), *House Rules and Manual* § 967 (2019). For removing unparliamentary language from the *Record*, see § 22, *infra*.
3. Rule XVII, clause 8(c), *House Rules and Manual* § 968 (2019).
4. For earlier treatment of the procedures involved in making corrections to the *Congressional Record*, see Deschler's Precedents Ch. 5 § 18.
5. See, e.g., 148 CONG. REC. 16621, 107th Cong. 2d Sess. (Sept. 11, 2002).
6. See § 19.1, *infra*.
7. See 149 CONG. REC. 1236, 108th Cong. 1st Sess. (Jan. 16, 2003).
8. See, e.g., 148 CONG. REC. 4177, 107th Cong. 2d Sess. (Apr. 10, 2002) and 151 CONG. REC. 2353, 109th Cong. 1st Sess. (Feb. 15, 2005).
9. See § 19.2, *infra*.



The *Congressional Record* may also be corrected by order of the House, often granted by unanimous consent. Where remarks are alleged to have been inaccurately transcribed, the House has granted unanimous consent to correct the depiction in the *Record*.<sup>(10)</sup> Members have obtained unanimous consent to remove material that was unintentionally submitted for inclusion in the *Record*.<sup>(11)</sup> By unanimous consent, the *Record* has been corrected to show the correct name of the Member filing a report.<sup>(12)</sup> Where fiscal allocations were printed in the *Record* with inaccurate numbers, unanimous consent was granted to the chair of the Committee on the Budget to insert into the *Record* corrected allocations.<sup>(13)</sup> The correction of the text of conference reports by unanimous consent in the House is typically not permitted,<sup>(14)</sup> due to the fact that the final text represents an agreement by both Houses of Congress and a correction by one House may result in differences between the versions submitted to each body. However, a conference report has been reprinted (by order of the House) due to printing errors to bring the version printed in the *Record* into conformity with the version filed in the Senate.<sup>(15)</sup>

In general, the depiction of votes in the *Congressional Record* will not be altered by the House, and unanimous-consent requests to correct votes are typically not entertained.<sup>(16)</sup> This policy derives from the presumed infallibility of the electronic voting system and the responsibility of Members to ensure that their votes are properly cast.<sup>(17)</sup> In exceptional circumstances, the House has entertained unanimous-consent requests to correct the depiction of a vote, where the Members at issue offer evidence that they were not present on the day in question and could not have voted.<sup>(18)</sup> Where there is alleged to be an inaccurate depiction of a vote change announcement, the House has granted unanimous consent to correct the permanent *Record*.<sup>(19)</sup>

10. See 138 CONG. REC. 14223, 102d Cong. 2d Sess. (June 10, 1992).

11. See § 19.4, *infra*.

12. See 128 CONG. REC. H1053 [Daily Ed.], 97th Cong. 2d Sess. (Mar. 23, 1982).

13. See § 19.5, *infra*.

14. See § 19.7, *infra*.

15. See § 19.6, *infra*.

16. For vote corrections generally, see Deschler's Precedents Ch. 30 §§ 32, 37–40 and Precedents (Wickham) Ch. 30. For the operation of the electronic voting system generally, see Precedents (Wickham) Ch. 4 § 4.

17. See §§ 19.8, 19.11, *infra*.

18. See §§ 19.10, 19.12, *infra*. The House has also permitted a Member to be recorded as “present” on a vote where the computer system showed that the Member had inserted a voting card but did not vote on the question. See 119 CONG. REC. 30610, 93d Cong. 1st Sess. (Sept. 20, 1973).

19. See § 19.9, *infra*.

Parliamentary rulings by the Chair are a vital part of the proceedings of the House and the proper enforcement of the rules of the House depend upon their accuracy. As a result, the Parliamentarian typically reviews all parliamentary rulings issued by the Chair and may make technical corrections to such language in the *Congressional Record* so that it accurately reflects the parliamentary situation.<sup>(20)</sup> In the 104th Congress, the Chair made an announcement as to the scope of the changes that the Parliamentarian was authorized to make to bring it into conformity with the “substantially verbatim” standard for the depiction of House proceedings in the *Record*.<sup>(21)</sup>

The accuracy of the *Congressional Record* has long been recognized as affecting the integrity of House proceedings, and thus may form the basis for raising a question of the privileges of the House.<sup>(22)</sup> As a result, an accusation that the *Record* did not accurately reflect the proceedings has been held to give rise to a valid question of privilege.<sup>(23)</sup> The alleged inaccuracy may be the omission of remarks or proceedings that should have been carried,<sup>(24)</sup> the unauthorized alteration of remarks,<sup>(25)</sup> or any other improper depiction of proceedings.<sup>(26)</sup>

With the advent of television broadcasting of House proceedings,<sup>(27)</sup> the accuracy of words spoken on the floor of the House could be verified against recordings of the proceedings, and the House has adopted a resolution (raised as a question of privilege) directing the Committee on House Administration to make recommendations to address potential discrepancies.<sup>(28)</sup>

A resolution directing that mere typographical or grammatical errors be corrected in the *Congressional Record* does not give rise to a question of the privileges of the House, as Members may make such minor corrections without leave of the House.<sup>(29)</sup> An allegation that an address by the President

20. See § 19.3, *infra*.

21. See § 19.15, *infra*.

22. *House Rules and Manual* § 704 (2019); 5 Hinds' Precedents §§ 7005–7023; 8 Cannon's Precedents §§ 3461, 3463, and 3464; Deschler's Precedents Ch. 5 §§ 17.1, 17.3, 17.4, 17.19, 17.20, 18.1, 18.2, 19.2, 19.9, 20.2, 20.19, and 20.26; Deschler's Precedents Ch. 11 § 11.

23. See § 19.16, *infra*.

24. See §§ 19.17, 19.23, *infra*.

25. See § 19.18, *infra*.

26. See § 19.20, *infra*.

27. For audio-visual broadcasting of House proceedings, see Precedents (Wickham) Ch. 4 § 3.

28. See § 19.21, *infra*. For the formation of a task force to address the issue, see 136 CONG. REC. 1874, 101st Cong. 2d Sess. (Feb. 20, 1990). For the task force's final report, see 136 CONG. REC. 37124–27, 101st Cong. 2d Sess. (Oct. 27, 1990).

29. See § 19.19, *infra*.

contained factual errors (but not alleging errors in transcription) and directing that the *Record* be notated to indicate the alleged errors, does not give rise to a question of privilege.<sup>(30)</sup> A question of privilege may not be raised to direct that unparliamentary language be removed from the *Record*, as the proper method for eliminating such language is a demand that words be taken down.<sup>(31)</sup>

### ***Omissions and Technical Corrections***

**§ 19.1 Where the incorrect text of a measure passed by suspension is printed in the *Congressional Record*, the corrected text will appear in a subsequent edition with a note on the error.**

On October 5, 2000,<sup>(32)</sup> the following correction was noted in the *Record*:

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 3,  
2000 AT PAGE 20610

The following bill was inadvertently printed in the wrong version and appears below in the correct version as passed by the House.

---

#### AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. [Christopher] CANNON [of Utah]. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

The Clerk read as follows:

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

#### TITLE I—AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY

##### SEC. 101. SHORT TITLE.

This title may be cited as the “American Competitiveness in the Twenty-first Century Act of 2000”.

**§ 19.2 Where the *Congressional Record* contains errors regarding the electoral count for President and Vice President, as well as typographical errors in a memorandum of understanding between committees, a subsequent edition of the *Record* printed the corrected text.**

On January 30, 2001,<sup>(33)</sup> the following corrections appeared in the *Record*:

30. See § 19.22, *infra*.

31. See § 22, *infra*.

32. 146 CONG. REC. 21209, 106th Cong. 2d Sess.

33. 147 CONG. REC. 995–96, 107th Cong. 1st Sess.

## Ch. 5 § 19

## PRECEDENTS OF THE HOUSE

### CORRECTED PROCEEDINGS OF THE JOINT SESSION OF SATURDAY, JANUARY 6, 2001 AT PAGE H44

*A notation concerning the District of Columbia was inadvertently omitted from the Congressional Record of Saturday, January 6, 2001.*

The VICE PRESIDENT.<sup>(34)</sup> Gentlemen and gentlewomen of the Congress, the certificates of all the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the President of the Senate.

The tellers delivered to the President of the Senate the following statement of results:

#### JOINT SESSION OF CONGRESS FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES: OFFICIAL TALLY, JANUARY 6, 2001

The undersigned, CHRISTOPHER J. DODD and MITCH MCCONNELL, tellers on the part of the Senate, WILLIAM M. THOMAS and CHAKA FATTAH, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the twentieth day of January, two thousand and one.

Electoral Votes of Each State	For President		For Vice President	
	George W. Bush	Al Gore	Dick Cheney	Joe Lieberman
Alabama—9 .....	9	.....	9	.....
Alaska—3 .....	3	.....	3	.....
Arizona—8 .....	8	.....	8	.....
Arkansas—6 .....	6	.....	6	.....
California—54 .....	.....	54	.....	54
Colorado—8 .....	8	.....	8	.....
Connecticut—8 .....	.....	8	.....	8
Delaware—3 .....	.....	3	.....	3
District of Columbia—3 .....	.....	2	.....	2
Florida—25 .....	25	.....	25	.....
Georgia—13 .....	13	.....	13	.....
Hawaii—4 .....	.....	4	.....	4
Idaho—4 .....	4	.....	4	.....
Illinois—22 .....	.....	22	.....	22
Indiana—12 .....	12	.....	12	.....
Iowa—7 .....	.....	7	.....	7
Kansas—6 .....	6	.....	6	.....
Kentucky—8 .....	8	.....	8	.....
Louisiana—9 .....	9	.....	9	.....
Maine—4 .....	.....	4	.....	4
Maryland—10 .....	.....	10	.....	10
Massachusetts—12 .....	.....	12	.....	12
Michigan—18 .....	.....	18	.....	18
Minnesota—10 .....	.....	10	.....	10
Mississippi—7 .....	7	.....	7	.....
Missouri—11 .....	11	.....	11	.....
Montana—3 .....	3	.....	3	.....
Nebraska—5 .....	5	.....	5	.....
Nevada—4 .....	4	.....	4	.....
New Hampshire—4 .....	4	.....	4	.....
New Jersey—15 .....	.....	15	.....	15
New Mexico—5 .....	.....	5	.....	5
New York—33 .....	.....	33	.....	33
North Carolina—14 .....	14	.....	14	.....
North Dakota—3 .....	3	.....	3	.....
Ohio—21 .....	21	.....	21	.....
Oklahoma—8 .....	8	.....	8	.....
Oregon—7 .....	.....	7	.....	7
Pennsylvania—23 .....	.....	23	.....	23
Rhode Island—4 .....	.....	4	.....	4

34. Richard Cheney (WY).

Electoral Votes of Each State	For President		For Vice President	
	George W. Bush	Al Gore	Dick Cheney	Joe Lieberman
South Carolina—8 .....	8	.....	8	.....
South Dakota—3 .....	3	.....	3	.....
Tennessee—11 .....	11	.....	11	.....
Texas—32 .....	32	.....	32	.....
Utah—5 .....	5	.....	5	.....
Vermont—3 .....	.....	3	.....	3
Virginia—13 .....	13	.....	13	.....
Washington—11 .....	.....	11	.....	11
West Virginia—5 .....	5	.....	5	.....
Wisconsin—11 .....	.....	11	.....	11
Wyoming—3 .....	3	.....	3	.....
Total—538 .....	271	266	271	266

Note: One elector from the District of Columbia cast a blank ballot.

CHRISTOPHER J. DODD,  
MITCH MCCONNELL,  
*Tellers on the part*  
*of the Senate.*  
WILLIAM M. THOMAS,  
CHAKA FATTAH,  
*Tellers on the part of the*  
*House of Representatives.*

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for President of the United States is 538, of which a majority is 270.

George W. Bush, of the State of Texas, has received for President of the United States 271 votes.

AL GORE, of the State of Tennessee, has received 266 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

DICK CHENEY, of the State of Wyoming, has received for Vice President of the United States 271 votes.

JOE LIEBERMAN, of the State of Connecticut, has received 266 votes.

This announcement on the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th of January 2001, and shall be entered, together with a list of the votes, on the Journals of the Senate and the House of Representatives.

---

CORRECTION TO THE CONGRESSIONAL RECORD OF SATURDAY, JANUARY 20,  
2001 AT PAGE H67

---

MEMORANDUM OF UNDERSTANDING BETWEEN ENERGY AND COMMERCE  
COMMITTEE AND FINANCIAL SERVICES COMMITTEE

Mr. [Dennis] HASTERT [of Illinois]. Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD the following memorandum of understanding:

JANUARY 20, 2001.

On January 3, 2001, the House agreed to H. Res. 5, establishing the rules of the House for the 107th Congress. Section 2(d) of H. Res. 5 contained a provision renaming the Banking Committee as the Financial Services Committee and transferring jurisdiction over securities and exchanges and insurance from the Commerce Committee to the Financial Services Committee. The Commerce Committee was also renamed the Energy and Commerce Committee.

The Committee on Energy and Commerce and the Committee on Financial Services jointly acknowledge as the authoritative source of legislative history concerning section 2(d) of H. Res. 5 the following statement of Rules Committee Chairman David Dreier during floor consideration of the resolution:

“In what is obviously one of our most significant changes, Mr. Speaker, section 2(d) of the resolution establishes a new Committee on Financial Services, which will have jurisdiction over the following matters:

- (1) banks and banking, including deposit insurance and Federal monetary policy;
- (2) economic stabilization, defense production, renegotiation, and control of the price of commodities, rents, and services;
- (3) financial aid to commerce and industry (other than transportation);
- (4) insurance generally;
- (5) international finance;
- (6) international financial and monetary organizations;
- (7) money and credit, including currency and the issuance of notes and redemption thereof; gold and silver, including the coinage thereof; valuation and revaluation of the dollar;
- (8) public and private housing;
- (9) securities and exchanges; and
- (10) urban development.

“Mr. Speaker, jurisdiction over matters relating to securities and exchanges is transferred in its entirety from the Committee on Commerce, which will be redesignated under this rules change to the Committee on Energy and Commerce, and it will now be transferred from the new Committee on Energy and Commerce to this new Committee on Financial Services. This transfer is not intended to convey to the Committee on Financial Services jurisdiction currently in the Committee on Agriculture regarding commodity exchanges.

“Furthermore, this change is not intended to convey to the Committee on Financial Services jurisdiction over matters relating to regulation and SEC oversight of multi-state public utility holding companies and their subsidiaries, which remain essentially matters of energy policy.

“Mr. Speaker, as a result of the transfer of jurisdiction over matters relating to securities and exchanges, redundant jurisdiction over matters relating to bank capital markets activities generally and depository institutions securities activities, which were formerly matters in the jurisdiction of the Committee on Banking and Financial Services, have been removed from clause 1 of rule X.

“Matters relating to insurance generally, formerly within the jurisdiction of the redesignated Committee on Energy and Commerce, are transferred to the jurisdiction of the Committee on Financial Services.

“The transfer of any jurisdiction to the Committee on Financial Services is not intended to limit the Committee on Energy and Commerce’s jurisdiction over consumer affairs and consumer protection matters.

“Likewise, existing health insurance jurisdiction is not transferred as a result of this change.

“Furthermore, the existing jurisdictions of other committees with respect to matters relating to crop insurance, Workers’ Compensation, insurance anti-trust matters, disaster insurance, veterans’ life and health insurance, and national social security policy are not affected by this change.

“Finally, Mr. Speaker, the changes and legislative history involving the Committee on Financial Services and the Committee on Energy and Commerce do not preclude future memorandum of understanding between the chairmen of these respective committees.”

By this memorandum the two committees undertake to record their further mutual understandings in this matter, which will supplement the statement quoted above.

It is agreed that the Committee on Energy and Commerce will retain jurisdiction over bills dealing broadly with electronic commerce, including electronic communications networks (ECNs). However, a bill amending the securities laws to address the specific type of electronic securities transaction currently governed by a special SEC regulation as an Alternative Trading System (ATS) would be referred to the Committee on Financial Services.

While it is agreed that the jurisdiction of the Committee on Financial Services over securities and exchanges includes anti-fraud authorities under the securities laws, the

Committee on Energy and Commerce will retain jurisdiction only over the issue of setting of accounting standards by the Financial Accounting Standards Board.

W.J. "BILLY" TAUZIN,  
*Chairman, Committee on  
Energy and Commerce.*

MICHAEL G. OXLEY,  
*Chairman, Committee on  
Financial Services.*

**§ 19.3 The *Congressional Record* has been corrected to depict not only the letter from a Member to the Speaker regarding his resignation from the House but also a copy of the actual letter of resignation from the Member to the state official concerned.**

On September 11, 2002,<sup>(35)</sup> the following omissions were noted in the *Record*:

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 9,  
2002 AT PAGE 16339

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 5, 2002.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House,  
Washington, DC.*

DEAR MR. SPEAKER. I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I have submitted my resignation as a Member of the House of Representatives, effective close of business, September 9, 2002. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

I am grateful for the opportunity to serve with the distinguished men and women of the House of Representatives for the past twenty-four years. I look forward to working with the Members of the House as I continue service to the Nation in my new position.

Sincerely,

TONY P. HALL,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 5, 2002.*

Hon. BOB TAFT,  
*Governor, State of Ohio,  
Columbus, OH.*

DEAR GOVERNOR TAFT: I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I hereby resign as a Member of the House of Representatives, effective close of business, September 9, 2002.

It has been a privilege and high honor to serve the people of the Third Congressional District of Ohio as their Representative for the past twenty-four years and I am grateful

35. 148 CONG. REC. 16621, 107th Cong. 2d Sess.

for the trust they have placed in me. I look forward to continuing service to the people of Ohio and the Nation in my new position.

Sincerely,

TONY P. HALL,  
*Member of Congress.*

### ***Correction by Unanimous Consent***

**§ 19.4 By unanimous consent, remarks inserted in the *Congressional Record* and attributed to a Member without his permission were deleted from the *Record* at the request of that Member.**

On July 31, 1974,<sup>(36)</sup> the following occurred:

Mr. [Otto] PASSMAN [of Louisiana]. Mr. Speaker, appearing on page E5098 of the CONGRESSIONAL RECORD for Monday, July 29, there is an extension of remarks attributed to me.

I did not request or authorize this extension, nor did I have any knowledge of it. Therefore, I ask unanimous consent that it be withdrawn from the greenbound RECORD, and for the permanent RECORD to be corrected accordingly.

The SPEAKER.<sup>(37)</sup> Is there objection to the request of the gentleman from Louisiana? There was no objection.

**§ 19.5 Where there were technical errors in the estimated allocation of appropriate levels of budget outlays and total new budget authority contained in the joint statement accompanying the conference report on a concurrent resolution on the budget, the chair of the Committee on the Budget, by unanimous consent, inserted a corrected estimated allocation in the *Congressional Record*.**

On May 13, 1976,<sup>(38)</sup> the following unanimous-consent request was made:

Mr. [Brock] ADAMS [of Washington]. . . .

The statement of managers includes, as required by section 302 of the Budget Act, an allocation of the appropriate levels of new budget authority and outlays among the committees of the House and Senate. This allocation is a complex undertaking, as it involves not only the identification of proper spending responsibilities for all new programs, but also for the original funding provided for all ongoing programs. Over the next few weeks, the Budget Committee will be working with other committees to clarify these allocations and the way that they will be used as the base for congressional budget scorekeeping in the future. Unfortunately, there were several technical errors not involving matters of policy in the allocations presented in the statement of managers. Therefore, I ask unanimous consent that the allocation tables pursuant to section 302 of the Congressional Budget Act, contained in the joint explanatory statement of the managers on Senate Concurrent Resolution 109 which was printed in the RECORD of May 7, at pages 13026 and 13027, be corrected and printed in the RECORD in full at this point.

36. 120 CONG. REC. H7371 [Daily Ed.], 93d Cong. 2d Sess.

37. Carl Albert (OK).

38. 122 CONG. REC. 13758, 94th Cong. 2d Sess.



The SPEAKER.<sup>(39)</sup> Is there objection to the request of the gentleman from Washington?  
There was no objection.

**§ 19.6 The House by unanimous consent reprinted in the *Congressional Record* a conference report and joint explanatory statement to rectify the earlier omission of one page from the joint statement from the papers filed in the House (though included in the papers filed in the Senate).<sup>(40)</sup>**

On October 13, 1998,<sup>(41)</sup> the following occurred:

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM  
STANDARDS ACT OF 1998

Mr. [Thomas] BLILEY [of Virginia]. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement, see Proceedings of the House of Friday, October 9, 1998, at page 24971.)

The SPEAKER pro tempore.<sup>(42)</sup> Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes. . . .

Mr. Speaker, I ask unanimous consent to include for the RECORD a complete copy of the conference report on S. 1260.

When the conference report was filed in the House, a page from the statement of managers was inadvertently omitted. That page was included in the copy filed in the Senate, reflecting the agreement of the managers. We are considering today the entire report and statement of managers as agreed to by conferees and inserted in the RECORD.

The SPEAKER pro tempore. Since the Chair is aware that the papers filed in the Senate contain that matter as part of the joint statement, its omission from the joint statement filed in the House can be corrected by a unanimous consent request.

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

There was no objection.

39. Thomas O'Neill (MA).

40. *Parliamentarian's Note*: Because a conference report represents an agreement between the two Houses of Congress, the House will not normally entertain a request to correct the depiction of a conference report in the *Record*. However, in this case, the version of the conference report printed by the House contained an omission of one page that was not present in the Senate version. This unanimous-consent request therefore brought the two versions into conformity with one another. For an example of the Chair not entertaining a request to alter a conference report that had already been filed, see § 19.7, *infra*.

41. 144 CONG. REC. 26007, 105th Cong. 2d Sess.

42. John Shimkus (IL).

The text of the Conference Report on S. 1260 is as follows:

CONFERENCE REPORT (H. REPT. 105-803) . . .

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in *Ernst and Ernst v. Hochfelder*, the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b-5 in a subsequent case, *Herman & Maclean v. Huddleston*, where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at <http://securities.stanford.edu>. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

TOM BLILEY,  
M.G. OXLEY,  
BILLY TAUZIN,  
CHRIS COX,  
RICK WHITE,  
ANNA G. ESHOO,

*Managers on the Part of the House.*

ALFONSE D'AMATO,  
PHIL GRAMM,  
CHRIS DODD,

*Managers on the Part of the Senate.*

**§ 19.7 In response to a unanimous-consent request ostensibly proposing to effect technical corrections in a conference report or its accompanying joint explanatory statement, the Chair advised that, although the points of correction could be inserted in the *Congressional Record*, neither the report nor the joint explanatory statement could be altered.**<sup>(43)</sup>

On October 3, 2000,<sup>(44)</sup> the following occurred:

Mr. [Ralph] REGULA [of Ohio]. . . .

Finally, Mr. Speaker, I have two technical changes to the conference report that I ask unanimous consent be printed in the RECORD at this time.

First on page 177, the increase of \$4 million for heavy vehicle propulsion is an error. The \$4 million increase is for advanced power electronics.

43. For an example of the *Congressional Record* being corrected with respect to the use of certain typefaces in a conference report (in order to distinguish between inserted remarks and text of the joint explanatory statement of managers), see 144 CONG. REC. 26537-39, 105th Cong. 2d Sess. (Oct. 15, 1998) and 144 CONG. REC. 27384, 105th Cong. 2d Sess. (Oct. 20, 1998).

44. 146 CONG. REC. 20560, 106th Cong. 2d Sess.

Secondly, page 135, the Lincoln Pond/Colonial Theater should be Lincoln Road Colony Theater.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). Let the Chair just clarify for the gentleman from Ohio. Those corrections, the gentleman needs to make those in the RECORD. The gentleman cannot correct the conference report or joint statement by asking unanimous consent.

So the gentleman knows, they will show up in the RECORD; the RECORD will reflect congressional intent. But the Chair does not want the gentleman to be left with the impression that it was done by asking unanimous consent, to correct the joint statement that cannot be done.

### ***Correction of Votes***

**§ 19.8 During an early period of use of the electronic voting system, certain Members, having unsuccessfully attempted to cast their votes using the new system, requested unanimous consent to have their votes in the *Congressional Record* corrected, to which the Speaker pro tempore responded by requesting such Members withhold their unanimous-consent requests until the Speaker could be consulted.**

On February 5, 1973,<sup>(45)</sup> the following occurred:

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I would like to ask unanimous consent that I may correct the RECORD. During the last rollcall I used my card right in this machine here, and I thought I looked up at the voting register. I understand now from the assistant tally clerk that I am not recorded.

Mr. Speaker, I voted "yea."

Mr. Speaker, I also understand that the gentleman from New York (Mr. RANGEL) also voted, and he has been notified that his vote did not register.

Therefore, Mr. Speaker, I ask unanimous consent that the RECORD may be corrected to show that I voted "yea."

The SPEAKER pro tempore (Mr. [William] HUNGATE [of Missouri]). The gentleman's statement will appear in the RECORD.

Mr. [Harold] GROSS [of Iowa]. Mr. Speaker, reserving the right to object, this is not a correction of the rollcall?

The SPEAKER pro tempore. The Chair will advise the gentleman from Iowa that this is not a correction, this is a statement, and the gentleman's statement will appear in the RECORD.

Mr. O'NEILL. Mr. Speaker, did the Chair state that my statement will appear in the RECORD? I had asked unanimous consent for the RECORD to show that I had voted "yea." I voted during the last rollcall, and the gentleman from New York also voted during the last rollcall, and we ask unanimous consent to correct the RECORD to show that we voted. And the gentleman from New York (Mr. RANGEL) has told me that he voted on one other occasion, and that the machine did not record his vote at that time.

---

45. 119 CONG. REC. 3219–20, 93d Cong. 1st Sess.

The SPEAKER pro tempore. Would the gentleman from Massachusetts withhold his unanimous-consent request, and the Chair would ask that the gentleman discuss the matter with the Speaker.

Mr. O'NEILL. I will. . . .

Mr. [Charles] RANGEL [of New York]. Mr. Speaker, I too would like to make the same sort of a request, specifically as it relates to rollcall No. 10 in the question of the establishment of a select committee to study the operation and implementation of rules 10 and 11 of the Rules of the House of Representatives, taken on January 31, 1973, I was incorrectly recorded as not having voted.

I actually cast my vote "yea" on the question.

I ask unanimous consent that the RECORD and the Journal be corrected to indicate my vote "yea" in this matter.

Further, Mr. Speaker, concerning the last rollcall vote, I also would like to discuss that matter with the Chair for the purpose of having my vote recorded.

The SPEAKER pro tempore. The Chair will state to the gentleman from New York that the gentleman's statement will appear in the RECORD, and the Chair would appreciate it if the gentleman will also discuss this matter with the Speaker, since this is a matter of first impression.

Mr. RANGEL. I thank the Speaker.

On February 6, 1973,<sup>(46)</sup> the Speaker made an announcement regarding the use of the electronic voting system:

The SPEAKER.<sup>(47)</sup> The Chair would like to make a brief statement about the use of the electronic voting system.

Members now have been using this new voting system for several days. A sufficient number of Members have spoken to the Chair about its use to demonstrate that there is some general misunderstanding, or lack of understanding, about the safeguards which have been built into this system. The Chair would like to stress two points:

First, when a Member inserts his card in a voting station, he should carefully note whether the blue light—that is the light on the far right of the voting station—goes off momentarily and then illuminates. When this light comes on, and only then, is the mechanism ready to receive the Member's vote. The Member then depresses the appropriate button—yea, nay, or present—before removing his card. When he depresses the button of his choice, that button will also light. It may take a second or two for this voting light to come on. The Member should continue to depress the button until it does illuminate.

Second, having voted in this fashion, a Member can very quickly and simply verify whether or not he is correctly recorded, or is recorded at all, on the rollcall or quorum call then in progress, simply by reinserting his card in the same or any other voting station and observing which button lights. If he has previously voted in the affirmative, for example, the yea button will light to indicate that the computer already has registered his vote.

A Member also can verify his vote by watching the master panel on the wall of the Chamber above the Press Gallery. However, a Member can more accurately check his vote by the procedure just explained.

46. 119 CONG. REC. 3558, 93d Cong. 1st Sess.; *House Rules and Manual* § 689 (2019).

47. Carl Albert (OK).

If a Member has any difficulty with the system, he should of course check with the employees of the House who are positioned at the majority and minority tables next to the monitoring screens.

**§ 19.9 Although the Speaker will not entertain unanimous-consent requests to correct the *Congressional Record* on a vote taken by electronic device or where a vote was changed by submission of a vote card to the Tally Clerk, the incorrect transcription by the Official Reporters of Debate of an announced vote change in the well may be corrected in the *Record* by unanimous consent.**

On September 24, 1975,<sup>(48)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(49)</sup> It has been called to the Chair's attention that the RECORD of yesterday incorrectly indicates changes of votes made by two Members, one of whom being the gentleman from Maryland (Mr. BAUMAN).

The Chair will point out, however, that the errors in the RECORD were errors in transcription of the notes taken by the reporters, and that the proper votes by each Member were accurately recorded in the electronic system and can be verified by the voting cards themselves.

The Chair has taken precautions to assure that in the future any changes of votes recorded by the Official Reporters of Debates will be checked against the voting cards submitted to the tally clerk before they are noted in the CONGRESSIONAL RECORD.

**§ 19.10 The *Congressional Record* was corrected by unanimous consent to depict as not voting a Member who had been incorrectly recorded as voting "aye" on eight rollcall votes taken by electronic device on the preceding day.**

On September 20, 1978,<sup>(50)</sup> where it was documented by a Member that he had been absent from Washington, D.C. (attending functions in his home district), the following correction to the *Record* was permitted:

PERSONAL EXPLANATION

Mr. [James] BURKE of Massachusetts. Mr. Speaker, yesterday I was incorrectly recorded on the votes which were taken. I was necessarily absent from the Chamber and was unable to record my votes. Rollcall votes Nos. 793, 794, 795, 796, 797, 798, 799, and 800 incorrectly show "aye" votes.

I had asked that I be paired on rollcall vote No. 795, which is on H.R. 21460, the Health Centers Amendments of 1978 and wish that the RECORD be corrected to reflect these changes.

48. 121 CONG. REC. 30059, 94th Cong. 1st Sess.

49. Carl Albert (OK).

50. 124 CONG. REC. H10245 [Daily Ed.], 95th Cong. 2d Sess.

**§ 19.11 The Speaker declined to entertain unanimous-consent requests to correct the *Congressional Record* on votes taken by electronic device, as it is each Member's responsibility to assure that a vote has been properly cast and verified prior to the announcement of the result by the Chair.**

On June 29, 1987,<sup>(51)</sup> the following occurred:

The result of the vote was announced as above recorded.

The CHAIRMAN.<sup>(52)</sup> Are there any other amendments to the bill not precluded by clause 2 of rule XXI?

Mr. [George (Buddy)] DARDEN [of Georgia]. Mr. Chairman, I was in the Chamber and I respectfully object to the proceedings. I was in the Chamber and it was my intention to vote. I was on my feet while the Chairman was in the process.

The CHAIRMAN. I am sorry to say to the gentleman I did not see the gentleman.

Mr. DARDEN. I respectfully object. I want to be heard on this matter.

The CHAIRMAN. The vote is final at this point. The gentleman may want to make a statement for the record.

Are there any other amendments to the bill not precluded by clause 2 of rule XXI?

Mr. DARDEN. Mr. Chairman, I was in the Chamber. My card was in the machine. I was attempting to cast my vote in this matter and I respectfully object to the vote in that the Chair failed to recognize me. A number of times I specified I was trying to vote. I was present and I respectfully object to the fact that the Chair would not allow my vote to be recorded. It would make no objection to the outcome.

The CHAIRMAN. The Chair can only say to the gentleman that he was obviously where the Chair did not see the gentleman. The Chair does not know when a Member's card goes into the machine, as the gentleman knows. Unless the gentleman was in the well, the Chair would have no way of knowing the gentleman had his card in the machine.

Mr. DARDEN. Mr. Chairman, I ask unanimous consent I be recorded as voting on this issue and that my vote in this matter was "aye."

The CHAIRMAN. The Chair does not have the authority to correct a vote once it has been cast.

Mr. DARDEN. I submit there is no correction because I know what I did and I was here.

The CHAIRMAN. The gentleman may make a statement for the RECORD.

**§ 19.12 The Chair announced the unique circumstances of a malfunction in the electronic voting system, and the House by unanimous consent permitted the correction of an electronic vote in the *Congressional Record*.**

On June 26, 2000,<sup>(53)</sup> the following occurred:

51. 133 CONG. REC. 18088, 100th Cong. 1st Sess.

52. William Hughes (NJ).

53. 146 CONG. REC. 12371, 106th Cong. 2d Sess. For a statement by the chair of the Committee on House Administration concerning this malfunction in the electronic voting system, see 146 CONG. REC. 12141–42, 106th Cong. 2d Sess. (June 23, 2000).

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). As stated by the Chairman of the Committee on House Administration on Friday, June 23, 2000, the Clerk has informed the Committee on House Administration of a recent anomaly on a recorded vote. Representative ROYBAL-ALLARD was absent on rollcall number 305 on June 21, 2000 and was in possession of her voting card. The Clerk was made aware of the fact that she was recorded on that rollcall, but on no others on that day, but due to the lateness of the hour, could not get confirmation from her by the time the vote was made public that she was absent and in possession of her voting card. Since then, the Clerk has received that confirmation. For that reason and the statistical improbability of the recurrence of that anomaly, the Chair and the Chairman of the Committee on House Administration believe that it is proper to immediately correct the RECORD and the Journal.

As stated in Volume 14, Section 32 of Deschler-Brown Precedents:

Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after announcement of a vote. This policy is based upon the presumptive reliability of electronic device and upon the responsibility of each Member to correctly cast and verify his or her vote.

Based upon the explanation received from the Chairman of the Committee on House Administration and from the Clerk, the Chair will continue to presume the reliability of the electronic device, so long as the Clerk is able to give that level of assurance which justifies a continuing presumption of its integrity. Without objection, the Chair will permit the immediate correction of the RECORD and Journal under the unique circumstances certified by the Clerk.

There was no objection.

***Correction of Parliamentary Rulings***

**§ 19.13 The Chair has the right under the precedents and applicable standards to refine rulings on points of order in the *Congressional Record* in order to clarify, but not change the substance of, the rulings of the Chair.**

On February 19, 1992,<sup>(54)</sup> the Chair responded to parliamentary inquiries as follows:

## PARLIAMENTARY INQUIRY

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore.<sup>(55)</sup> The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, if a Member has reason to believe that the Chair has made an inaccurate ruling, and if, further, that Member has reason to believe that that inaccurate ruling was further made problematic by the addition of words to the RECORD spoken by the Chair or the deletion of words in the RECORD spoken by the Chair, what is the recourse of action available to the Member to bring about the appropriate correction?

54. 138 CONG. REC. 2461, 102d Cong. 2d Sess.

55. Michael McNulty (NY).

The SPEAKER pro tempore. Would the Member discuss the nature of the concern with the Chair so that he can further understand the concern?

Mr. WALKER. I will be glad to, Mr. Speaker. On Wednesday, February 5, the Chair was asked to rule on the matter of the rule on the task force concerning the holding of hostages by Iran in 1980.

At that time, this Member suggested that the Chair had ruled inaccurately by suggesting that this matter did not apply, because we were dealing with a subunit of the Committee on Foreign Affairs.

When I go back and find the RECORD, I discover that that is precisely what the Chair ruled. I at that point challenged the ruling of the Chair. We had a vote. The Chair was upheld despite the fact that the ruling is inaccurate.

Later on, in raising questions about that, the Chair then made a number of statements to clarify its position. When I put the RECORD of the House, the written RECORD of the House, against the tapes of that day, I find that words were added to the Chair's message. I also find that things were deleted from what the Chair actually said in the course of clarifying its decision.

My question is: Given the nature of the fact that there was a ruling that I believe may have substantial precedents to it, as far as I know it was the first ruling of its kind, I believe that it was done inaccurately, I would now like to figure out how it is we can go about correcting both the ruling of the Chair and the fact that the RECORD has been changed with regard to the words of the Chair.

The SPEAKER pro tempore. The Chair would remind the gentleman from Pennsylvania that the ruling of the Chair that day was sustained by a vote, and that the Chair subsequently has the right to clarify his ruling.

Mr. WALKER. I have a further parliamentary inquiry.

The SPEAKER pro tempore. And it did not change the thrust of the ruling.

Mr. WALKER. In clarifying its ruling, does not the Chair have an obligation to the House to accurately reflect his ruling in the presentation to the House and not then modify that statement later on by both adding words and deleting words from the Chair's statement as the official RECORD appears?

The SPEAKER pro tempore. The Chair believes that the gentleman who was occupying the Chair that day accurately reflected his views when he responded to the statement of the gentleman.

Mr. WALKER. Well, Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Well, if that is the case, then why does the permanent RECORD of the House as reflected on the videotape differ with the RECORD reflected in the printed RECORD of the House?

The SPEAKER pro tempore. Because the gentleman was attempting to clarify his ruling as a result of the inquiry from the gentleman from Pennsylvania.

Mr. WALKER. So a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Even in matters then where precedent is being set, we can have the person who occupies the Chair modify their words in the RECORD and thereby change, in my opinion, the intent of the ruling.

The SPEAKER pro tempore. Without changing the ruling, the Chair may do that.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.



The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Is it not true that Members are not granted that right, so therefore that is a special right that has now been created for the Chair.

The SPEAKER pro tempore. Members have the right to revise and extend their remarks continuously.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Under recent rulings, Members have been admonished very clearly that they are not to change in any way the substantive value of what they say in those revisions and extensions. In my opinion, the Chair has done that here.

The SPEAKER pro tempore. To the best of the knowledge of the Chair, the person who was in the Chair on that day did not change the substance of his ruling.

Mr. WALKER. Well, by eliminating certain words, I would say to the Chair that he has, because he refers to an entity which would in fact then clarify the fact that his original ruling was wrong.

The SPEAKER pro tempore. The gentleman from Pennsylvania is entitled to his opinion.

Mr. WALKER. Well, I thank the Chair for that. At least that has not been taken away from me.

**§ 19.14 In response to a point of order grounded in clause 9(a) of rule XIV (now clause 8 of rule XVII)<sup>(56)</sup> (requiring the *Congressional Record* to be a substantially verbatim transcript of House proceedings) that a ruling of the Chair on the previous day appeared in the *Record* with substantive changes, the Chair stated that the modifications in the *Record* of the prior day did not change the intent or substance of the ruling.**

On January 19, 1995,<sup>(57)</sup> the following occurred:

#### POINT OF ORDER

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

The SPEAKER pro tempore.<sup>(58)</sup> 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.

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.

56. *House Rules and Manual* § 967 (2019).

57. 141 CONG. REC. 1599–1602, 104th Cong. 1st Sess.

58. David Dreier (CA).

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. 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. The interpretation of the Chair is that the modifications that were made based on the precedents that the Chair has just outlined have not changed the intent.

Mr. FRANK of Massachusetts. Does modification mean change?

Mr. [Melvin] WATT of North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, in the Judiciary Committee a couple of weeks ago, we adopted a set of rules which provide that a hearing can be called only by the committee on 7 days' notice. We conducted a hearing that was not so called, and the chairman of that committee advised the committee that the word "committee" does not mean committee, it means chair instead and invited us to seek an opinion from the Parliamentarian which we did, and the Parliamentarian's opinion indicated that the word "committee" means, in fact, "committee."

My parliamentary inquiry is: Should we take this as an indication, in conjunction with yesterday, that we are going to make up the rules as we go along and make technical changes to suit the whims of the chairs of the committees and whoever is presiding over the House, or can we rely now on the rules as they are written?

The SPEAKER pro tempore. The Chair can rely on the rules that have been written, and we will proceed under the adopted rules of the House.

The gentleman from Michigan.

Mr. [John] DINGELL [of Michigan]. I appreciate the Chair recognizing me. I would like to continue with my parliamentary inquiry.

I hope the Chair will have the goodness to let me complete my inquiry before I am ruled out of order and required again to take my seat.

My question is: What is now the status of the original ruling by the previous occupant of the chair in connection with the matter of the 1-minutes yesterday and the remarks of the gentlewoman from Florida?

The SPEAKER pro tempore. It is not changed at all.

Mr. DINGELL. Have they been changed?

The SPEAKER pro tempore. If the Chair might respond to the gentleman's parliamentary inquiry—

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. The gentleman has asked a question, the Chair wishes to respond to the gentleman's parliamentary inquiry.

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. In response to the gentleman's parliamentary inquiry, the Chair has interpreted there will not be a change based on the precedents that have been established. The statement that appeared in the RECORD was not different than that that had been provided.

Mr. DINGELL. If there is no change, Mr. Speaker, then why were the words changed, and what is the impact of the change of the words?

The SPEAKER pro tempore. If the Chair might respond to the parliamentary inquiry, the revisions that were made were technical and not substantive. That is the ruling of the Chair.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am very puzzled when you tell me they are technical and not substantive.

Would you instruct your Members that you would recognize me and I am proceeding in regular order?

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

The House will be in order.

Mr. FRANK of Massachusetts. The question is this, and it is a very serious one: When you say that "personal" and "critical" are the same thing, we were talking about references to the Speaker. Is it the Chair's ruling that given the circumstances any personal reference to the Speaker will inevitably be critical?

The SPEAKER pro tempore. Based on the precedents that have been provided especially during the 1-minute session, which is what came up under Speaker Reed, it is very clear that these kinds of references are not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, I am talking now that there are two separate questions here, the ruling which my friend from Michigan was pursuing, and the new rule which the Republicans brought to this House as part of the Contract that said you do not change the Congressional Record; that is subsequent to all of the precedents you are talking about. There are two questions: One, your right to change the ruling; but, two, separate, the one I am focusing on, your right to change words in the CONGRESSIONAL RECORD in ways that are neither typographical, grammatical or technical, and I submit that changing "personal" to "critical," one more sentence, "personal" to "critical," and "higher" to "proper" are none of those. My question is: Why are you ignoring your new rule and changing the words in the CONGRESSIONAL RECORD, because they look better?

The SPEAKER pro tempore. The Chair will announce that it is obvious that these kinds of modifications have been raised as a question, and in the future the Chair will continue to be extraordinarily sensitive in dealing with these matters.

**§ 19.15 The Speaker announced that consistent with clause 9 of rule XIV (now clause 8 of rule XVII),<sup>(59)</sup> statements and rulings of the Chair appearing in the *Congressional Record* would be a substantially verbatim account of those words as spoken during the proceedings of the House, subject only to technical, grammatical, and typographical corrections.<sup>(60)</sup>**

On January 20, 1995,<sup>(61)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(62)</sup> The Chair announces that consistent with clause 9 of rule XIV, statements and rulings of the Chair appearing in the RECORD will be a substantially verbatim account of those words as spoken during the proceedings of the House, subject only to technical, grammatical, and typographical corrections.

Without objection, the permanent RECORD of January 18 at pages 301 and 303 will reflect this policy.

There was no objection.

***Questions of Privilege***

**§ 19.16 A resolution asserting that a colloquy between Members carried in the *Congressional Record* of a preceding day is not a true and accurate record of the proceedings that took place, and directing that the *Record* be corrected to carry a true and accurate record of the proceedings, presents a question of the privileges of the House under rule IX.<sup>(63)</sup>**

On May 7, 1979,<sup>(64)</sup> the following resolution was raised as question of the privileges of the House:

PRIVILEGES OF THE HOUSE—PROCEEDINGS IN THE CONGRESSIONAL  
RECORD OF MAY 3, 1979

Mr. [Andrew] JACOBS [of Indiana]. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 260) and ask for its immediate consideration.

59. *House Rules and Manual* § 967 (2019).

60. *Parliamentarian's Note*: This policy does not prohibit the Chair from revising a procedural ruling to accurately depict the parliamentary situation, so long as the substance of the Chair's statement is not changed.

61. 141 CONG. REC. 1866, 104th Cong. 1st Sess.

62. Newt Gingrich (GA).

63. *House Rules and Manual* § 698 (2019).

64. 125 CONG. REC. 10099–100, 96th Cong. 1st Sess.; *House Rules and Manual* § 704 (2019).

The Clerk read the resolution, as follows:

H. RES. 260

Whereas the CONGRESSIONAL RECORD of May 3, 1979, on page 9667, is not a true and accurate record of the proceedings that took place on the floor of the House on May 3, 1979, in that an exchange between Mr. DANNEMEYER, of California, and Mr. JACOBS, in fact was as follows:

“Mr. JACOBS. I offered an amendment a few moments ago to cut \$400 million in pork barrel spending and I asked for a rollcall vote, and less than 20 people stood. Will the gentleman say whether he stood for a rollcall vote?”

“Mr. DANNEMEYER. I think that there were many of us who stood on that issue.

“Mr. JACOBS. Did the gentleman stand?”

“Mr. DANNEMEYER. I have been supporting budget cuts almost without exception.” and the CONGRESSIONAL RECORD for May 3, 1979, erroneously reports the exchange as follows:

“Mr. JACOBS. Mr. Chairman. I offered an amendment to cut \$400 million in spending and I asked for a rollcall vote, and less than 20 people stood. Would the gentleman say whether he stood for the rollcall vote?”

“Mr. DANNEMEYER. I think there were many of us who stood on that issue. I supported the proposal by a voice vote but did not stand to require a rollcall because there seemed so little support for the issue.

“Mr. JACOBS. Did the gentleman stand?”

“Mr. DANNEMEYER. I have been supporting budget cuts almost without exception.”

Now, therefore, be it

*Resolved*, That the RECORD of the House be corrected and that the accurate account of the exchange be printed therein.

The SPEAKER pro tempore.<sup>(65)</sup> Under the precedents of the House, the gentleman from Indiana (Mr. JACOBS) is recognized for 1 hour.

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. Mr. Speaker, not only will I yield, but I yield 30 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I think it would be fair to say that this Member intended, at the beginning of the proceedings today, to strike from the RECORD the sentence, “I supported the proposal by a voice vote but did not stand to require a rollcall because there seemed so little support for the issue.” That sentence I think should be stricken.

Mr. JACOBS. I thank the gentleman for his contribution.

Mr. [Peter] KOSTMAYER [of Pennsylvania]. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, is the gentleman from Indiana aware that I was part of the colloquy that day?

Mr. JACOBS. Yes, I am aware of that fact.

Mr. KOSTMAYER. I want to commend the gentleman from Indiana. I think he has characterized the situation accurately and that indeed the meaning of the words of the gentleman from Indiana, as well as the meaning of my own words, were altered by a change in the RECORD, and I support the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I might say to the gentleman from California that the only quarrel I think that either the gentleman from Pennsylvania or I might have is not any confusion that the gentleman might have had a few moments after his own statement about what his own statement had been in response to inquiries by the gentleman from Pennsylvania, but that when the RECORD was altered subsequently it was altered without notice to the gentleman from Pennsylvania or myself in order that we might be asked

65. John Murtha (PA).

to agree to change our own language to conform with the change that the gentleman wished to make. It seems to me that that is the most dangerous part of this kind of proceedings. For example, if it were not opposed to the precedents of the House to do just that, it would be possible for me to ask a Member of this body, "Are you a loyal American?" and receive the answer, "Yes," and then subsequently being entrusted with the RECORD for alteration of my own words, ask just the opposite, "Is the gentleman disloyal to his country?" And if he had not known the altered part of the colloquy, the answer would remain, "Yes." I believe that is the precedent and the reason for the general House rule that, while remarks can be revised and extended, the meaning of the remarks should not be altered.

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

Mr. JACOBS. I yield further to the gentleman from California.

Mr. DANNEMEYER. I think the gentleman's point is well taken, and I do not want to put any Member in a position of having his responses be embarrassing to that Member. Hindsight would indicate, probably, that when this Member revised and extended his remarks within the prerogative of that privilege as I saw the light, perhaps I should have given copies of the proposed revision to the Member in the well and the gentleman from Pennsylvania (Mr. KOSTMAYER), as well, for an opportunity to revise what they thought the revision should be and what the response should be.

I think the suggestion which has been made, that we strike that second sentence, would be consistent with what I think should be done in terms of correcting the RECORD, and it would be fair, and it is a good indication as to what the office is of revising and extending remarks and when they should be, and how they should be treated.

Mr. JACOBS. I thank the gentleman, and I think we need take no more time of the House. . . .

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Indiana (Mr. JACOBS).

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 19.17 A Member whose remarks during debate were omitted from printing in the *Congressional Record* may rise to a question of the privileges of the House under rule IX to offer a resolution requiring correction of the *Record* and a report by the Clerk as to the circumstances surrounding the omission.**

On July 29, 1983,<sup>(66)</sup> the following resolution was raised as a question of the privileges of the House:

PRIVILEGES OF THE HOUSE—RECORD OF PROCEEDINGS

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

The SPEAKER.<sup>(67)</sup> The gentleman will state his privilege.

Mr. WALKER. Mr. Speaker, I offer a privileged resolution.

66. 129 CONG. REC. 21685, 98th Cong. 1st Sess. For the filing of the Clerk's report on this issue, see 129 CONG. REC. 22080, 98th Cong. 1st Sess. (Aug. 1, 1983).

67. Thomas O'Neill (MA).

The SPEAKER. The Clerk will report the resolution.  
The Clerk read the resolution, as follows:

H. RES. 289

Whereas the Clerk of the House is making an electronic recording of the official proceedings of the House of Representatives to produce a verbatim account of the proceedings of the House;

Whereas the remarks of Representative Walker of Pennsylvania were not printed in the Record of July 28, 1983, and instead a statement appears on page H5856 stating: "Mr. Walker addressed the Committee. His remarks will appear hereafter in the Extension of Remarks.";

Whereas said remarks of Representative Walker of Pennsylvania were discussed and debated at a point in the Record on pages H5866 to H5867 of the Record of July 28, 1983;

Whereas the Record does not accurately reflect the proceedings and statements of the House of Representatives for the date of July 28, 1983: Therefore be it

*Resolved*, That the Congressional Record of July 28, 1983, should be corrected to include the remarks of Representative Walker, and be it further

*Resolved*, That the Clerk of the House of Representatives report to the House not later than the close of business today, July 29, 1983, as to the circumstances surrounding this instance and report what actions will be taken in the future to prevent Member's remarks from being omitted from the Record.

The SPEAKER. The Chair has examined the resolution. The gentleman from Pennsylvania (Mr. WALKER) is correct; it does raise a question of the privileges of the House.

The Chair recognizes the gentleman (Mr. WALKER) on the resolution.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, I realize that this resolution does interfere with today's House schedule. For that reason, I intend to make my case for it very succinctly and hopefully it will not take very much time of the Members.

Mr. Speaker, last night there was a rather acrimonious and unnecessary exchange that took place on the floor in which the gentleman from Wisconsin (Mr. OBEY) charged several Members with impugning the motives of the Members of this body.

He named me specifically and I objected strenuously to his characterization of my remarks.

In the course of that exchange the point was made that my speech earlier in the day would speak for itself. In fact, I regard that speech as my best defense against the emotion-laden, groundless charge that was made, and I did not revise one word of those remarks.

Lo and behold, when the RECORD was published this morning, my best defense did not appear.

An entire exchange involving the remarks of several Members was missing in its entirety.

I was concerned deeply by their deletion and I sought to find out how such a thing could have happened.

What I discovered is that another Member was given the transcripts in order to revise and extend his remarks and, inadvertently, failed to rush them to the Clerk for printing in today's RECORD.

That Member has apologized and I am assured that no harm was meant.

But some harm was done.

I publicly pointed to my remarks as my defense and yet those remarks are unavailable when one goes to the RECORD.

The RECORD ends up being an incomplete and inaccurate representation of yesterday's proceedings.

I certainly do not want any interpretation that I purposefully withheld the materials which, given the context of last night's debate, could be inferred by some.

In my opinion, we cannot afford to go on having incidents which call our documents into question and that is the reason for this resolution. . . .

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 19.18 A resolution directing the Committee on Rules to investigate and report to the House within a time certain on alleged alterations of the *Congressional Record* was held to give rise to a question of the privileges of the House under rule IX.<sup>(68)</sup>**

On January 24, 1984,<sup>(69)</sup> the following resolution was raised as a question of the privileges of the House:

The SPEAKER pro tempore.<sup>(70)</sup> Does the gentleman have a resolution?

Mr. [Robert] WALKER [of Pennsylvania]. I have a resolution at the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 393

*Resolved*, That the House Committee on Rules shall:

(1) undertake an investigation concerning the matter of accuracy of the Congressional Record;

(2) determine whether procedures including, but not limited to, requiring absolute verbatim transcripts of all House proceedings should be implemented; and

(3) report back to the House within 45 legislative days with recommendations on how to protect and ensure the accuracy of the Congressional Record, as well as how to safeguard the individual rights and privileges of individual Members of the House in that document.

The SPEAKER pro tempore. The Clerk will read the preamble.

The Clerk read as follows:

H. RES. 393

Whereas, several instances have occurred in which official House documents and records, including the Congressional Record, have either been intentionally or mistakenly altered;

Whereas, such instances have produced a Congressional Record which has differed materially from its original intent and verbatim transcripts of the actual statements made on the floor;

Whereas, the protection and accuracy of official House records and documents is one of the rights and privileges of Members of Congress;

Whereas, such falsifications and misstatements distort the legislative history and intent of legislation considered by the House of Representatives;

Whereas, such occurrences reflect adversely on individual Members of Congress and on their capacity to accurately carry out their responsibilities and duties in accurately reflecting the views of their constituents, as well as the integrity and sanctity of the legislative process and general proceedings of the House of Representatives; and

Whereas, the American people have a right to know exactly what is said and what occurs on the floor of the House of Representatives; Now, therefore, be it,

68. *House Rules and Manual* § 698 (2019).

69. 130 CONG. REC. 250–51, 98th Cong. 2d Sess.

70. Donald Pease (OH).



The SPEAKER pro tempore. The gentleman's resolution raises a question of privilege of the House under rule IX.

PRIVILEGED MOTION OFFERED BY MR. FROST

Mr. [Jonas] FROST [of Texas]. Mr. Speaker, I offer a privileged motion.

Mr. Speaker, I move to table the resolution offered by the gentleman from Pennsylvania (Mr. WALKER).

The SPEAKER pro tempore. The question is on the motion to table the resolution offered by the gentleman from Texas (Mr. FROST). . . .

The vote was taken by electronic device, and there were—yeas 213, nays 144, not voting 76, as follows:

[Roll No. 3] . . .

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.

**§ 19.19 Mere typographical errors in the *Congressional Record* or ordinary revisions of a Member's remarks do not give rise to a question of privilege for the correction of the *Record*, as such changes may be made without the permission of the House.**

On April 25, 1985,<sup>(71)</sup> the following occurred:

MOTION TO CORRECT THE CONGRESSIONAL RECORD

Mr. [Vincent] WEBER [of Minnesota]. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Motion offered by Mr. WEBER: Mr. WEBER moves to correct the CONGRESSIONAL RECORD by striking out on page 2281 the remarks beginning with the words "We" down to and including the word "confederation" and inserting the word "are" before "a".

The SPEAKER pro tempore.<sup>(72)</sup> The Chair does not believe the motion as offered by the gentleman states a question of privilege.

Mr. WEBER. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. FOLEY

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from Washington [Mr. FOLEY].

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

71. 131 CONG. REC. 9419, 99th Cong. 1st Sess.; *House Rules and Manual* §§ 689, 704 (2019).

72. Tommy Robinson (AR).

Mr. WEBER. 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 200, nays 156, answered “present” 1, not voting 76, as follows:

[Roll No. 74] . . .

**§ 19.20 A resolution alleging that the *Congressional Record* is not a “substantially verbatim report” of House debates as required by law and House rule, and directing the Committee on Rules to investigate specified instances of misleading accounts of debates, was held to constitute a question of the privileges of the House involving the integrity of House proceedings, and (following debate) was referred to the Committee on House Administration.**

On May 8, 1985,<sup>(73)</sup> the following resolution was raised as a question of the privileges of the House:

PRIVILEGES OF THE HOUSE—RESOLUTION ASKING FOR INVESTIGATION  
CONCERNING CONGRESSIONAL RECORD

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 163) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 163

Whereas, public law provides that the Congressional Record “shall be substantially a verbatim report of proceedings” in the House and Senate (44 U.S.C. § 901); and

Whereas, pursuant to such public law the Joint Committee on Printing has promulgated a rule which reads as follows: “Only as an aid in distinguishing the manner of delivery in order to contribute to the historical accuracy of the Record, statements or insertions in the Record where no part of them was spoken will be preceded and followed by a “bullet” symbol, i.e., •.”; and

Whereas, during the consideration of a resolution involving the constitutional prerogatives of the House to punish its own Members for disorderly behavior the Speaker announced that “it is essential that the Congressional Record contain as true and accurate a record of the proceedings as possible,” advised that all insertions and extensions would “appear at the end of the proceedings with a bullet symbol,” and asked Members “to refrain from making any changes in the substance of debate” (H. Res. 558, 98th Congress, Congressional Record, July 31, 1984, p. H8051 [daily edition]); and

Whereas, a resolution relating to the election of a Member also involves an important constitutional prerogative of the House, namely the right of the House to Judge “the elections, returns and qualifications of its Members;” and

Whereas, it is just as essential in debates on such election resolutions that the Congressional Record contain as true and accurate a record of the proceedings as possible,” and that “all insertions and extensions not delivered in debate” be clearly distinguishable in the Record from those words actually spoken; and

Whereas, the Congressional Record of May 1, 1985, carrying the debate on H. Res. 146, “relating to election of a Representative from the Eighth Congressional District of Indiana,” contains two instances in which remarks of Members appear as if they were delivered during debate, i.e., without a “bullet,” when in fact not one word of either statement was actually spoken, to wit, the remarks of one Member at pages 10003–10009, and the remarks of another Member at page 10014; and

**73.** 131 CONG. REC. 11072–75, 11077–79, 99th Cong. 1st Sess.; *House Rules and Manual* §§ 704, 999 (2019).

Whereas, an insertion made by an Identical consent request by yet another Member at page 10011 does contain the distinguishing "bullet" as required of such statements "where no part of them was spoken," and

Whereas, the proceedings of the House relating to the election contest in the Eighth Congressional District of Indiana may be considered as relevant evidence in ongoing judicial proceedings and must therefore be preserved as an accurate record, and

Whereas, the accuracy of the Congressional Record is a matter touching on the integrity of the proceedings of the House and therefore raises a question of the privileges of the House; Now, therefore, be it

*Resolved*, That the Committee on Rules is hereby authorized and directed to:

(1) undertake an Immediate investigation into the circumstances surrounding the inaccurate, distorted, and misleading Congressional Record account of the proceedings of the House during debate on H. Res. 146, "relating to election of a Representative from the Eighth Congressional District of Indiana" on May 1, 1985; and

(2) report back to the House, within 60 calendar days, its findings with respect to such account, together with its recommendations both for (a) remedying the specific inaccuracies cited in the preamble of this resolution, and (b) preventing the recurrence of such incidents in the future, including its recommendation as to whether the Record should contain a verbatim account of words actually spoken, clearly distinguishable and set apart from any remarks or words not actually uttered in debate and instead simply inserted in the Congressional Record under leave to revise and extend remarks.

The SPEAKER pro tempore (Mr. [Donald] PEASE [of Ohio]). The Chair will state that the gentleman's resolution does state a question of privilege.

For what purpose does the gentleman from Washington rise?

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I think the gentleman from Mississippi has undoubtedly expressed a concern shared on his side of the aisle and perhaps one that should be investigated by the House as a whole.

I, personally, believe that the appropriate committee to undertake such an investigation would be the Committee on House Administration.

The SPEAKER pro tempore. Does the gentleman have a motion?

Mr. FOLEY. I move, Mr. Speaker, that the resolution be referred to the Committee on House Administration.

The SPEAKER pro tempore. Does the gentleman wish debate time on his motion?

#### PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LOTT. Mr. Speaker, my impression is that that motion would be debatable for 1 hour, is that correct?

The SPEAKER pro tempore. The gentleman from Washington will have 1 hour to debate the motion. A motion to refer the resolution is in order and is debatable.

Does the gentleman from Washington wish to debate?

Mr. LOTT. Mr. Speaker, does the gentleman intend to designate the time that he would share in this debate?

Mr. FOLEY. Well, Mr. Speaker, I would yield 5 minutes to the gentleman from Mississippi for purposes of debate only.

The SPEAKER pro tempore. The gentleman from Washington is entitled to 1 hour and he yields 5 minutes to the gentleman from Mississippi.

Mr. LOTT. Again a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LOTT. Mr. Speaker, I would like to inquire, are we going to have the full hour of debate or have I been yielded Just 5 minutes of that 1 hour, or what is the procedure at this point?

The SPEAKER pro tempore. The gentleman from Washington is entitled to 1 hour of debate and It is in his control how much of that time he uses and how much time he yields to other Members.

Mr. LOTT. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

Mr. LOTT. Mr. Speaker, I demand 40 minutes under the rule.

The SPEAKER pro tempore. The gentleman is entitled to 40 minutes under the rule. The time will be divided equally between the gentleman from Mississippi [Mr. LOTT] and the gentleman from Washington [Mr. FOLEY].

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume. . . .

I appreciate the gentleman from Mississippi [Mr. LOTT] offering the privileged resolution. The issue ought to be enjoined. . . .

#### PARLIAMENTARY INQUIRY

Mr. FOLEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. [John] MURTHA [of Pennsylvania]). The gentleman will state his parliamentary inquiry.

Mr. FOLEY. Mr. Speaker, because of the adoption of the motion of the gentleman from Mississippi [Mr. LOTT] there is 40 minutes of debate, is that correct?

The SPEAKER pro tempore. That is correct.

Mr. FOLEY. Is that equally divided between the sides?

The SPEAKER pro tempore. It is equally divided.

Mr. FOLEY. Mr. Speaker, on my own time I will take 5 minutes. . . .

It is my understanding that only last week a prominent Member on the other side made a speech in the RECORD which was not given but was not bulleted. Under those circumstances it seems there has been no favoritism in the failure to bullet. . . .

Mr. FOLEY. Mr. Speaker, if I may reclaim my time, I appreciate the fairness of the gentleman's comment about there being no particular suggestion of bad faith or deliberate misconduct here. I share that view, that if there is any problem, it is one with the administration of the rules.

I do not think there is any need to reconstruct the rule. The rule is not really under question here. The question that has been raised by the resolution is whether in fact an appropriate following or administration of the rule has occurred and that is why I insist that the proper committee is the committee that has administrative responsibility over the CONGRESSIONAL RECORD. That is the Committee on House Administration. . . .

Mr. [Robert] DORNAN of California. The press, other than Jack Anderson and a few others, is not going to be much interested in this. I found multiple occasions where my predecessor eradicated the black dot bullet and wrote in franked privileged documents into the district in 1984 that he made such and such a speech on the House floor. We went and got the RECORD, saw that he had not, and saw the black dot.

So there is a lot of dishonor involved here. Even if this is just perceived as a point of honor, let us not bury it in House Administration. Let us do something about it. . . .

Mr. [Frank] ANNUNZIO [of Illinois]. There is a Joint Committee on Printing. In this Congress there was a change of chairman. Senator MAC MATHIAS of Maryland, a Republican, this year is chairman of the Joint Committee on Printing, and I am vice chairman

of the Joint Committee on Printing, because we alternate chairmanships of these two joint committees.

Mr. [Charles] PASHAYAN [of California]. Mr. Speaker, will the distinguished chairman yield?

Mr. ANNUNZIO. I would like to finish my statement.

We alternate chairmen. There are three Democratic Members of this House on the Joint Committee on Printing, as well as two Republican Members, and the committee is evenly divided between Republicans and Democrats, between the Senate and the House. So a matter pertaining to the printing of the CONGRESSIONAL RECORD, or any other printing matter, should be referred to our Subcommittee on Procurement and Printing or to our Joint Committee on Printing. I just want to make the record clear. . . .

Mr. FOLEY. Mr. Speaker, under rule XVII, I move to commit the resolution to the Committee on House Administration.

The SPEAKER pro tempore. The question IS on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I 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 245, nays 184, not voting 5, as follows:

[Roll No. 100] . . .

So the motion to commit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 19.21 A resolution alleging that the omission of certain remarks from the *Congressional Record* threatened the integrity of the proceedings of the House, and directing the Committee on House Administration to report recommendations for reconciling the custom of permitting Members to revise and extend their remarks for the *Record* with the requirement in clause 9 of rule I (now clause 2 of rule V)<sup>(74)</sup> of “complete and unedited audio and visual broadcasting and recording” of the proceedings of the House, gave rise to a question of the privileges of the House.**

On February 7, 1990,<sup>(75)</sup> the following resolution was raised as a question of the privileges of the House:

<sup>74</sup> *House Rules and Manual* § 684 (2019).

<sup>75</sup> 136 CONG. REC. 1515–16, 101st Cong. 2d Sess. For the announcement that a task force had been formed to investigate the matter at issue, see 136 CONG. REC. 1874, 101st Cong. 2d Sess. (Feb. 20, 1990). For the report of the task force, see 136 CONG. REC. 37124–27, 101st Cong. 2d Sess. (Oct. 27, 1990).

PRIVILEGES OF THE HOUSE—RELATING TO THE INTEGRITY OF THE  
PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I offer a privileged resolution (H. Res. 330) and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Whereas the gentleman from Illinois, Mr. Savage, addressed the House on February 1, 1990, in the period known as Special Orders;

Whereas certain of his remarks did not appear in the body of the Congressional Record of February 1, 1990;

Whereas numerous other examples of deletions from the Congressional Record of remarks actually uttered on the floor have been mentioned in the press;

Whereas these omissions seriously threaten the integrity of the proceedings of the House;

*Resolved*, That the Committee on House Administration report to the House as soon as practicable its recommendations with respect to deletions from the Congressional Record pursuant to permission granted by the House to revise and extend remarks, in light of the adoption by the House of clause 9, Rule I which directs the Speaker to implement a system of complete and unedited audio and visual broadcasting and recording of the proceedings of the House of Representatives.

The SPEAKER pro tempore (Mr. [James] McDERMOTT [of Washington]). The Chair will rule that the resolution offered by the gentleman from Pennsylvania [Mr. WALKER] constitutes a question of the privileges of the House under rule IX since it addresses the question of the integrity of the CONGRESSIONAL RECORD in a generic way. The Chair would note that the remarks mentioned in the resolution were removed from the RECORD pursuant to permission of the House to revise and extend and consistent with precedent and the Parliamentarian's suggestion.

The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 hour.

Mr. WALKER. Mr. Speaker, as the Chair has just noted, the particular remarks that were removed from the CONGRESSIONAL RECORD that this resolution refers to were, in fact, done at the request of the Parliamentarians. Nevertheless, I think we have an issue before Members which is, clearly, one that has to be addressed at some point by this body.

We have a situation here where remarks were made that were unparliamentary in nature and where there are real questions about whether or not they should have been said on the floor. In this gentleman's opinion, they should not have been.

However, the question before Members is this: We now have two records of the proceedings of the House of Representatives. One of them is printed in the CONGRESSIONAL RECORD. The other is on videotape for all Members to see. One record is, in fact, the accurate presentation of what goes on in the House of Representatives. The other is a record of what we wish we would have said, if only we had said it right. The problem is that those two do not match.

It is this gentleman's contention that we ought to have a printed record which reflects what the actual proceedings of the House said and did during any legislative day. In this particular case, we have a situation where the words that were uttered were, in fact, words that are substantially changed when a person removes the offending language. In this gentleman's opinion, rather than having a situation where we substantially change the speech, what a person should have said is a situation where the Chair, in noting offensive speech, orders the Member to order, rather than have a situation where later on, offensive words are removed.

I think that we are now in a position where the House of Representatives, because of electronic media, has become a bully pulpit for all Members. All 435 Members elected to this body have an ability to come to the floor of the House of Representatives and speak to the country. Today, the only penalty that exists if a Member which does something which is just outrageous, is that someone will come along and suggest we remove the word from the CONGRESSIONAL RECORD. For most Members, as politicians, our reaction to that is "So what?" It has already had its impact. In this case, the words that were offensive, in fact, got reported in every newspaper, or in many newspapers across the country. The purpose was achieved. Yet, they do not appear at any point in the CONGRESSIONAL RECORD.

All this resolution is attempting to do is have the Committee on House Administration focus on the fact that we have two different CONGRESSIONAL RECORDS in existence, and try to come to some resolution as to how we match those and maintain the integrity of the proceedings of this body.

I would ask the adoption of the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Mr. Speaker, I rise in support of this resolution. The gentleman from Pennsylvania has been very articulate in pointing out that in the case of the remarks of the gentleman from Illinois [Mr. SAVAGE] on the floor of the House of Representatives on February 1, which were widely reported in the press around the country, did not appear in the official transcript of proceedings published in the CONGRESSIONAL RECORD the next day.

When a controversial statement is uttered on the floor of the House, that becomes a part of the House, whether the person who made that mistake wants it a part of that RECORD or not. The time has come, given the fact that we have a contemporaneous video record kept of the proceedings of this House, that we address the problem of the accuracy of the CONGRESSIONAL RECORD in a meaningful way.

This resolution sets the wheels in motion by having the Committee on House Administration do just that.

Second, I would like to express my concern, and place it on the record that whomever happens to be occupying the chair at the time of the offensive words are stated on the floor of the House of Representatives has a duty under the rules of the House to call the Member to order who has uttered those offensive words, and to have a ruling on whether the words are, indeed, in violation of the rules of the House in parliamentary procedure in the precedents of the House.

It should not happen that in the dead of night offensive words get x-ed out of the RECORD or, as it happens, that another Member should have to jump up and demand that the speaker's words be taken down for a formal ruling of the Chair. The rules place that duty in the hands of the Member who happens to be occupying the Chair.

I have read the allegedly unparliamentary words uttered by the gentleman from Illinois [Mr. SAVAGE], and I agree with the Parliamentarian and with the gentleman from Pennsylvania that at least insofar as they related to the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Massachusetts [Mr. FRANK], they were unparliamentary and should have been stricken from the RECORD.

But there are procedures contained in the Rules of the House of Representatives that allow that to be done and set a precedent as to what type of debate is in order and what type of debate is not in order. It is one of the duties of the Chair to enforce those rules.

So, Mr. Speaker, I thank the gentleman from Pennsylvania for giving me this time, and I hope this sets the House on the road to having a more accurate RECORD, as well as reminding whoever happens to be occupying the chair that one of the duties is to make sure that unparliamentary language is not put in the RECORD.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his remarks, because it does seem to me that that is one of the crucial issues here, that the Chair has tremendous power, and I for one never minimize the tremendous power the Chair wields over this body.

The Chair also has responsibilities, and one of those responsibilities is to maintain the decorum of the House. In this particular instance it would have been well for the Chair to have instructed the gentleman from Illinois that he was out of order at the point that the out-of-order remarks took place.

Mr. [Richard] DURBIN [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am very happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding.

Does the gentleman think there is any hypocrisy involved in any Member who has ever asked to revise and extend his remarks to vote in favor of the gentleman's motion?

Mr. WALKER. Mr. Speaker, I would say to the gentleman that as far as I am personally concerned, I do not revise and extend my remarks. I do not ask for permission to revise and extend.

Mr. DURBIN. God bless you.

Mr. WALKER. I do not revise and extend my remarks because I believe my remarks should remain in the RECORD the way they were spoken on the floor. I would wish that other Members would follow the same procedure. I realize that under the rules of the House right now that is not something that is typically done, and many Members revise and extend their remarks.

Mr. DURBIN. The gentleman sees no inconsistency in Members rising for 1 minute and asked permission to revise and extend their remarks and yet supporting the gentleman in his motion?

Mr. WALKER. I would say to the gentleman that this gentleman personally does not do that. If the gentleman from Illinois will listen to this gentleman when I get up for 1 minute speeches, I always ask unanimous consent to address the House for 1 minute, and I do not ask to revise and extend.

Mr. DURBIN. Mr. Speaker, I thank the gentleman.

Mr. WALKER. Mr. Speaker, if there are no other Members who wish to speak, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes 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.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 30, answered “present” 16, not voting 12, as follows:

[Roll No. 13] . . .

## § 19.22 A resolution alleging factual inaccuracies (but not transcription errors) in a state of the Union message of the President



**and directing the placement of asterisks in the *Congressional Record* to denote such inaccuracies was held not to give rise to a question of the privileges of the House under rule IX.<sup>(76)</sup>**

On October 20, 2003,<sup>(77)</sup> the following occurred:

#### QUESTION OF PRIVILEGES OF THE HOUSE

Mr. [James] McDERMOTT [of Washington]. Mr. Speaker, pursuant to rule IX, I rise to a question of privileges of the House, offer a resolution, and ask for its immediate consideration.

The SPEAKER pro tempore.<sup>(78)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

#### RESOLUTION

Correcting the Record of Tuesday, January, 28, 2003.

*Resolved*, That an asterisk be placed in the permanent Record of Tuesday, January 28, 2003, noting that the following statements contained in the State of the Union Address by the President of the United States are inaccurate:

(1) “The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”

(2) “Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.”

(3) “From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspections sites, and monitoring the inspectors themselves.”

(4) “Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda.”.

The SPEAKER pro tempore. The Chair will hear argument on the question of whether the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Washington (Mr. McDERMOTT) is recognized.

Mr. McDERMOTT. Mr. Speaker, on Thursday, October 16, I gave notice of my intention to raise a question of privileges of the House.

Mr. Speaker, the first definition of rule IX(1) is “affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.” Rule IX is designed to give Members of the House the means to protect the dignity and integrity of this body, and that is what my resolution seeks to do.

I believe that our rights, our dignity, and our integrity are affected and are harmed when inaccurate statements are made in our Chamber and recorded in our official proceedings without note being taken that they are inaccurate. I believe that the integrity of the CONGRESSIONAL RECORD is harmed and the dignity of the body issuing the RECORD is harmed.

I am aware that it is conceivable that Members of this body may, at least in theory, at times make statements on the floor that might be shown to be inaccurate. When this occurs, however, other Members have the opportunity and the responsibility to engage in debate to identify the offending statements. Readers of the CONGRESSIONAL RECORD,

<sup>76</sup> *House Rules and Manual* § 698 (2019).

<sup>77</sup> 149 CONG. REC. 25255–56, 108th Cong. 1st Sess.

<sup>78</sup> John Duncan (TN).

citizens, future historians, have the opportunity to learn from our debate what is and is not accurate.

When the four statements I have identified were made in this Chamber on January 28, there was no such opportunity to engage the person making these statements in debate in order to identify the statements as inaccurate as there is normally in the House. Unless we act today, when future historians go back to examine our proceedings, they will find these four statements presented in the RECORD unchallenged.

Normally, dubious statements in the RECORD are not unchallenged. Normally, we collectively take responsibility for the accuracy of the statements made in the RECORD through our debate and discussion. The statements of January 28 were made outside the normal process Congress uses to identify inaccurate statements. Therefore, the only opportunity Congress has to protect the integrity of its proceedings is to identify in the RECORD the statements that are inaccurate.

I believe that the integrity of our proceedings, as protected under rule IX, requires the House to consider my resolution. To fail to consider this resolution would leave the implication that these statements were of no consequence, or that this body did not care to identify them as inaccurate. I do not think we can afford to leave that impression in a journal that will be examined in the future as a basis for writing the history of our entrance into the war.

Mr. Speaker, for that reason, I ask that we consider this resolution at this time.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution alleges certain inaccuracies in the address of the President of the United States before a joint session of the two Houses earlier in this Congress and resolves that those precise statements be d by asterisks in the permanent CONGRESSIONAL RECORD.

The Chair has examined precedents permitting questions of the privileges of the House to address the accuracy and propriety of the CONGRESSIONAL RECORD. In each of these occasions where questions of privilege have been permitted, it was alleged that a Member had been proceeding out of order, that remarks were improperly transcribed, or that unauthorized matter was inserted in the RECORD.

On several occasions, the Chair ruled that where remarks that were made in order were printed in the RECORD, collateral challenges under the guise of questions of privilege were not in order. (See *Hinds V*, 6974; Cannon's VIII, 3469, 3498). While the Chair is not aware of any precedent with regard to the accuracy of an address by the President of the United States in a joint session, the Chair rules that allegations of factual inaccuracy in the contents of a speech, as opposed to the fidelity of its transcription, whether by the President or by a Member, are matters for subsequent proper debate and do not give rise to a question of the privileges of the House. To rule otherwise would be to permit collateral challenges under the guise of a question of privilege to the factual correctness of every word uttered, whether or not alleging the unauthorized inclusion of those remarks on the RECORD.

The Chair, therefore, rules that the resolution does not constitute a question of the privileges of the House under rule IX.

#### PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. McDERMOTT. Is the effect of your ruling that whatever the President says must be considered correct since we have no chance to debate him, we have no chance to question him?

The SPEAKER pro tempore. The Chair has ruled that debate over the next weeks or months in the House can go to the question of the factual accuracy of the previous statements of the President; but it would not be proper to do so in this type of resolution or in this form.

Mr. McDERMOTT. So the body does not have a way to deal with the statements made in the State of the Union message? We must accept it, and there it is?

The SPEAKER pro tempore. The House has the right and the responsibility to respond to the President's address during subsequent debate.

**§ 19.23 A resolution alleging impropriety by a presiding officer and improper alteration of the *Congressional Record*, and directing that a previously-formed select committee investigate the matter and that the *Record* be corrected, presents a question of the privileges of the House under rule IX.<sup>(79)</sup>**

On August 4, 2007,<sup>(80)</sup> the following resolution was raised as a question of the privileges of the House:

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore.<sup>(81)</sup> The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 623

Whereas clause one of House rule XXIII (Code of Official Conduct) states, "A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House,";

Whereas the House Ethics Manual states that, "The public has a right to expect Members, officers and employees to exercise impartial judgment in performing their duties" and "this Committee has cautioned all Members 'to avoid situations in which even an inference might be drawn suggesting improper action' ";

Whereas clause eight of House rule XVII states, "The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to the technical, grammatical, and typographical corrections authorized by the Member, Delegate, or Resident Commissioner making the remarks";

Whereas during proceedings of the House on August 3, 2007, the gentleman from Ohio, Mr. Boehner, the Republican Leader, offered a privileged resolution, H. Res. 612;

Whereas after the clerk completed reading the resolution, the gentlewoman from California, Ms. Tauscher, who was in the chair, recognized the gentleman from Maryland, stating, "For what purpose does the gentleman from Maryland rise?";

Whereas the gentleman from Maryland, Mr. Hoyer, the Majority Leader, then proceeded to debate Representative Boehner's motion, stating, "Madam Speaker, enough is enough";

Whereas in response to the chair's query, "Does the gentleman have an amendment?" Majority Leader Hoyer stated, "I move to table the resolution";

79. *House Rules and Manual* § 698 (2019).

80. 153 CONG. REC. 23194–95, 110th Cong. 1st Sess.

81. John Hastings (FL).

Whereas the chair then recognized the Republican Leader who raised a point of order that the chair failed to acknowledge, which the chair declined to entertain;

Whereas as the chair was putting the question to the House, Republican Leader Boehner stated, “isn’t it correct that the gentleman from Maryland engaged in debate, which allows the House to then proceed with up to one hour of debate on this resolution?”;

Whereas the chair stated, “The chair did not yet rule that the question constitutes a question of privilege”;

Whereas a video recording produced by the Office of the Chief Administrative Officer confirms that the chair, in fact, never ruled on whether the resolution offered by the Republican Leader constituted a question of privilege;

Whereas the Speaker, as the presiding officer, has a duty to be a fair and impartial arbiter of the proceedings of the House, held to the highest ethical standards in deciding the various questions as they arise with impartiality and courtesy toward all Members, regardless of party affiliation;

Whereas the Republican Leader, and any other Member of the House raising a point of order, is entitled to state a point of order and to receive a ruling on it from the chair;

Whereas statements made on the floor of the House during the aforementioned proceedings of August 3, 2007 do not appear in the Congressional Record for that day, and the same Congressional Record reports as having been spoken statements that were not made;

Whereas the House adopted H. Res. 611, establishing a Select Committee to investigate voting irregularities occurring in the House on August 2, 2007; and

Whereas H. Res. 612 was offered in response to the events stemming from the incident of August 2, 2007: Now, therefore, be it

*Resolved, That—*

(1) the Select Committee to Investigate the Voting Irregularities of August 2, 2007 is directed to investigate and include in the initial report its findings and resulting recommendations concerning the actions of the gentlewoman from California (Ms. Tauscher) while presiding over the House on August 3, 2007 at the time the Republican Leader offered H. Res. 612 and the actions which led to the differences between the statements in the Congressional Record and those actually spoken on that day; and,

(2) the Congressional Record for the legislative day of August 3, 2007 be corrected to reflect verbatim the words actually spoken during consideration of H. Res. 612.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. CLYBURN

Mr. [James] CLYBURN [of South Carolina]. Mr. Speaker, I move that the resolution be laid on the table.

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

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

Mr. BOEHNER. 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 216, nays 182, not voting 34, as follows:

[Roll No. 833] . . .

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.

## § 20. Revising and Extending Remarks

Members may ask unanimous consent to revise and extend their remarks in order to include matter in the *Congressional Record* that was not actually

spoken on the floor.<sup>(1)</sup> This long-standing practice represents an exception to the general principle that the *Record* be a substantially verbatim transcript of the proceedings of the House. A unanimous-consent request to revise and extend may be granted to all Members, or it may be specific to an individual Member. Because this authority is conditioned on the consent of all Members, any Member may object to a request to revise and extend.<sup>(2)</sup>

When such a unanimous-consent request is objected to, a motion to the same effect is not in order.<sup>(3)</sup> A unanimous-consent request to allow all Members to revise and extend may be initiated by the Chair *sua sponte*.<sup>(4)</sup> If general leave for all Members to revise and extend their remarks is objected to, individual requests for specific Members to revise and extend may still be granted,<sup>(5)</sup> but if general leave is granted, then such individual requests are unnecessary.<sup>(6)</sup> General leave to revise and extend may be later vacated by unanimous consent.<sup>(7)</sup> While individual requests to revise and extend are typically granted to allow a Member to include a single extension in the *Congressional Record*, multiple extensions on the same legislative day are permissible and there is no limit to the number of extensions that may be granted.<sup>(8)</sup>

Requests for general leave for all Members to revise and extend their remarks on a particular measure usually allow Members five days to submit their remarks for inclusion in the *Congressional Record*.<sup>(9)</sup> General leave may be granted for specific measures (including measures not yet brought up for consideration),<sup>(10)</sup> specific subjects,<sup>(11)</sup> or on any topic. General leave to revise and extend remarks on the subject of a particular special-order speech may be granted even if the special-order speech is not actually delivered due to an adjournment of the House.<sup>(12)</sup> Members have debated to what extent remarks not delivered on the floor, but inserted into the *Record*

---

1. For prior treatment of revising and extending remarks for the *Record*, see Deschler's Precedents Ch. 5 §§ 19, 20.

2. See, e.g., 139 CONG. REC. 6669, 103d Cong. 1st Sess. (Mar. 29, 1993).

3. See § 20.3, *infra*.

4. See § 20.7, *infra*.

5. See § 20.1, *infra*.

6. See 132 CONG. REC. 19371, 19374, 99th Cong. 2d Sess. (Aug. 6, 1986).

7. See, e.g., 129 CONG. REC. 32719, 32746, 98th Cong. 1st Sess. (Nov. 15, 1983).

8. See § 20.6, *infra*.

9. For an example of a request that specified one day only, see § 20.10, *infra*.

10. See § 20.8, *infra*. For an example of general leave being granted for multiple measures via a single unanimous-consent request, see 164 CONG. REC. H8249 [Daily Ed.], 115th Cong. 2d Sess. (Sept. 13, 2018).

11. See § 20.9, *infra*.

12. See § 20.4, *infra*.

under authority to revise and extend remarks, should constitute part of the legislative history of the measure under consideration.<sup>(13)</sup>

Prior to the 106th Congress, unanimous-consent requests permitting all Members to revise and extend their remarks were made on a daily basis, usually at the end of the legislative day. In the 106th Congress, however, a single such request was made on opening day to cover the entire first session of the Congress, obviating the need for daily requests.<sup>(14)</sup> In the 112th Congress, this blanket authority to revise and extend was expanded to include the entire Congress.<sup>(15)</sup>

Prior to the 112th Congress, the House generally granted unanimous consent for all Members to revise their remarks on any subject occurring prior to *sine die* adjournment (until publication of the final edition of the *Congressional Record* for that session or Congress).<sup>(16)</sup> However, such requests have been considered unnecessary as duplicative of the blanket authority granted on opening day and are no longer made. At the end of a session or Congress, committee and subcommittee chairs of House committees will be granted unanimous consent to insert summaries of the work of such committees or subcommittees in the *Record*.<sup>(17)</sup>

It is the long-standing custom of the House (dating from at least 1980) to permit only minor, technical revisions to remarks made on the subject of disciplinary measures before the House, in order to compose the most accurate record of how the disciplinary matter was resolved.<sup>(18)</sup> Similarly, Members may not revise and extend remarks regarding a point of order, in order to maintain an accurate record of what arguments were heard by the Chair before issuing a ruling on the point of order.<sup>(19)</sup> However, Members may include material for the *Congressional Record* after disposition of the point of order.<sup>(20)</sup>

13. See § 20.5, *infra*.

14. See § 20.11, *infra*. For an example of an earlier type of request covering an extended period of adjournment (August recess), see § 20.2, *infra*.

15. See § 20.12, *infra*.

16. See § 20.13, *infra*.

17. See § 20.14, *infra*.

18. See § 20.15, *infra*. See also 133 CONG. REC. 36265–71, 36274–76, 100th Cong. 1st Sess. (Dec. 18, 1987) and 130 CONG. REC. 21650–52, 21663, 98th Cong. 2d Sess. (July 31, 1984). For an exception to this general practice, see 148 CONG. REC. 14299–305, 14307–14, 14316–19, 107th Cong. 2d Sess. (July 24, 2002) (permission granted to revise and extend remarks on expulsion proceedings). For the House's authority to discipline Members, see Deschler's Precedents Ch. 12 and Precedents (Wickham) Ch. 12.

19. See 122 CONG. REC. 31873–74, 94th Cong. 2d Sess. (Sept. 22, 1976); *House Rules and Manual* § 628 (2019); and § 20.16, *infra*. For points of order generally, see Deschler's Precedents Ch. 31 §§ 1–13 and Precedents (Wickham) Ch. 31.

20. See §§ 20.17, 20.18, *infra*. See also 148 CONG. REC. 9492–98, 107th Cong. 2d Sess. (June 6, 2002).

When making an individual unanimous-consent request to revise and extend remarks, a Member may not embellish the request with additional oratory in the nature of debate. While normally the time taken to make such a request is not deducted from the time of the Member yielding for the request, if the requesting Member does engage in additional debate, the Chair will deduct time.<sup>(21)</sup>

### ***Colloquies***

Colloquies between Members, in which two or more Members yield to one another in serial fashion to clarify mutual understanding of the matter at issue, occur frequently in House debates and are carried in the *Congressional Record*.<sup>(22)</sup> However, it is improper for Members to insert colloquies not actually spoken on the floor, and requests to insert colloquies will not be entertained in either the House or the Committee of the Whole.<sup>(23)</sup> Revising colloquies may be permitted, but Members are advised to address only their portion of the colloquy, and not to change the overall substance of the discussion.<sup>(24)</sup> Allegations that a revision to a colloquy materially altered the thrust of the discussion, and directing that the *Record* be corrected to accurately reflect remarks of Members, gives rise to a question of the privileges of the House.<sup>(25)</sup> Apart from blanket requests to allow all Members of the House to revise and extend their remarks, it is a general rule that one Member may not ask unanimous consent to permit another Member to revise or extend remarks.<sup>(26)</sup> Members have been permitted to insert into the *Record* a colloquy engaged in by Senators.<sup>(27)</sup> In one instance, the Majority Leader was granted unanimous consent to revise and extend remarks on the subject of the weekly schedule colloquy between party leaders.<sup>(28)</sup>

21. See §§ 20.27, 20.29–20.31, *infra*. For similar proceedings regarding unanimous-consent requests to insert extraneous materials into the *Congressional Record*, see § 21.13, *infra*.

22. See § 20.22, *infra*.

23. See § 20.20, *infra*. For an example of the Chair initially entertaining a unanimous-consent request to insert a colloquy (before correcting himself), see § 20.21, *infra*.

24. See §§ 20.23, 20.24, *infra*.

25. See § 20.25, *infra*. For questions of privilege generally, see Deschler's Precedents Ch. 11 and Precedents (Wickham) Ch. 11.

26. See §§ 20.32, 20.33, and 21.14, *infra*.

27. See 152 CONG. REC. 2791, 109th Cong. 2d Sess. (Mar. 7, 2006). Under an earlier form of clause 1 of rule XVII, many references in debate to the Senate were prohibited, but "quotations from Senate proceedings" were permissible. In the 109th Congress, this rule was simplified to permit references in the Senate that do not engage in personalities. *House Rules and Manual* § 945 (2019).

28. See § 20.26, *infra*. See also Precedents (Wickham) Ch. 3 § 6.17.

*In General*

**§ 20.1 After a Member had objected to a unanimous-consent request that all Members be permitted to extend their remarks in the *Congressional Record* on a resolution adopted without debate (accepting the report of the Committee on the Judiciary on the proposed impeachment of President Nixon), that Member and several others obtained separate permission to extend their own remarks on the resolution.**

On August 20, 1974,<sup>(29)</sup> the following occurred:

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I move to suspend the rules and agree to the House resolution (H. Res. 1333) taking notice of the actions of the House of Representatives and the Committee on the Judiciary on the investigation of impeachment grounds and the resignation of Richard M. Nixon, accepting the report of the committee, and commending the chairman and members of the committee.

The Clerk read as follows:

H. RES. 1333

*Resolved*, That the House of Representatives

(1) takes notice that

(a) the House of Representatives, by House Resolution 803, approved February 6, 1974, authorized and directed the Committee on the Judiciary to investigate fully and completely whether sufficient grounds existed for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America; and

(b) the Committee on the Judiciary, after conducting a full and complete investigation pursuant to House Resolution 803, voted on July 27, 29, and 30, 1974 to recommend Articles of impeachment against Richard M. Nixon, President of the United States of America; and

(c) Richard M. Nixon on August 9, 1974 resigned the Office of President of the United States of America;

(2) accepts the report submitted by the Committee on the Judiciary pursuant to House Resolution 803 (H. Rept. 93-1305) and authorizes and directs that the said report, together with supplemental, additional, separate, dissenting, minority, individual and concurring views, be printed in full in the Congressional Record and as a House Document; and

(3) commends the chairman and other members of the Committee on the Judiciary for their conscientious and capable efforts in carrying out the Committee's responsibilities under House Resolution 803.

The SPEAKER.<sup>(30)</sup> Is a second demanded?

Mr. [John] RHODES [of Arizona]. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL) that the House suspend the rules and agree to the resolution, House Resolution 1333.

Mr. O'NEILL. Mr. Speaker, on that I demand the yeas and nays.

**29.** 120 CONG. REC. 29361-62, 93d Cong. 2d Sess.; *House Rules and Manual* §§ 176, 806 (2019).

**30.** Carl Albert (OK).



The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 19, 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. . . .

#### REQUEST FOR GENERAL LEAVE ON HOUSE RESOLUTION 1333

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

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

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, reserving the right to object, I would just like to observe that not one word was spoken in debate on the resolution just passed, no explanation was given of its terms, and not one word actually spoken will appear in the RECORD, and after this resolution will have been agreed to not one word will have been spoken in explanation of what is probably the last vote we will have on the issue of the impeachment of the former President. We were therefore supposed to vote blindly on a 500-page report that nobody has seen but the members of the Committee on the Judiciary.

This is a highly unusual procedure, and this Member objects to this procedure.

Mr. O'NEILL. If the gentleman will yield, I would suggest that the gentleman take it up with the leadership on his side of the aisle.

Mr. BAUMAN. I think my protest applies to the leadership on both sides of the aisle.

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

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

#### **§ 20.2 By unanimous consent, Members were permitted to extend their remarks in the *Congressional Record* during a period of adjournment to a day certain on subjects occurring prior to the adjournment.**

On August 22, 1974,<sup>(31)</sup> the following unanimous-consent request was made:

#### PERMISSION TO REVISE AND EXTEND REMARKS NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. [Thomas] O'NEILL [of Massachusetts]. I ask unanimous consent that notwithstanding any adjournment of the House until September 11, 1974. all Members of the

31. 120 CONG. REC. 30078–79, 93d Cong. 2d Sess.

House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

Members are reminded that remarks must be signed, and will be accepted only in room H132 of the Capitol from 10 a.m. to 4 p.m.

The SPEAKER.<sup>(32)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**§ 20.3 Unanimous consent is required to insert statements in the *Congressional Record* which are not actually made on the floor, and a motion to insert material in the *Record* is not in order.**

On June 29, 1976,<sup>(33)</sup> the following occurred:

REQUEST TO INSERT MATERIAL IN RECORD

Mr. [Frank] THOMPSON [of New Jersey]. Mr. Speaker, I ask unanimous consent that I may be permitted to insert some statements at this point in the RECORD.

The SPEAKER.<sup>(34)</sup> Is there objection to the request of the gentleman from New Jersey?

Mr. [Robert] BAUMAN [of Maryland]. Reserving the right to object, Mr. Speaker, will the gentleman from New Jersey tell us whether these are the orders of the Committee on House Administration that were adopted Monday?

Mr. THOMPSON. If the gentleman will yield, they are.

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. THOMPSON. Mr. Speaker, may I move to insert some statements at this point in the RECORD?

The SPEAKER. The Chair will inform the gentleman from New Jersey that he cannot make a motion on that point. However, the gentleman can ask unanimous consent for a special order to address the House at the conclusion of legislative business.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that following the close of business today, I may have a special order of 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

**§ 20.4 In response to parliamentary inquiries, the Chair stated that if the House adjourned in the absence of a quorum, special-order speeches could not be delivered, but that permission had already been granted for all Members to revise and extend their remarks on the specific subject of retiring Members.**

32. Carl Albert (OK).

33. 122 CONG. REC. 21146, 94th Cong. 2d Sess.

34. Carl Albert (OK).

On October 14, 1978,<sup>(35)</sup> the following parliamentary inquiries were entertained:

## PARLIAMENTARY INQUIRY

Mr. DANIELSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(36)</sup> The gentleman will state his parliamentary inquiry.

Mr. [George] DANIELSON [of California]. Mr. Speaker, my parliamentary inquiry is this: In the event that there should not appear a quorum, I know that the House would have the right and the power to adjourn, but could the House also observe the special orders that have heretofore been ordered?

The SPEAKER pro tempore. The Chair is distressed but he will have to advise the gentleman from California that the answer to that question is no.

The Chair would further add that general leave has been granted to all Members to revise and extend their remarks.

Mr. DANIELSON. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANIELSON. Mr. Speaker, my parliamentary inquiry is this: On a special order which may not have been requested, in the event a special order had already been requested, the usual one to honor one of our colleagues who are retiring from the House, could those proceedings still continue in the event we do not realize 218 Members?

The SPEAKER pro tempore. The Chair will advise the gentleman from California (Mr. DANIELSON) that all Members have permission to insert their remarks in the RECORD on the subject of retiring Members but it is not possible to engage in colloquy on special orders.

Mr. DANIELSON. I thank the Chair.

---

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will further advise the Members of the House that special leave has already been granted with respect to retiring Members of the House.

**§ 20.5 Pending a request for general leave to permit all Members to revise and extend their remarks on a particular measure, Members discussed to what extent words not spoken on the floor of the House should form part of the legislative history of a measure, and the Speaker responded to parliamentary inquiries regarding, *inter alia*, the format of the *Congressional Record*.**

On March 2, 1988,<sup>(37)</sup> the following occurred:

35. 124 CONG. REC. 38712–13, 95th Cong. 2d Sess.

36. John Brademas (IN).

37. 134 CONG. REC. 2962–64, 100th Cong. 2d Sess. For a similar debate on documenting the legislative history of a measure in the *Congressional Record*, see 139 CONG. REC. 1977–80, 103d Cong. 1st Sess. (Feb. 3, 1993).

## REQUEST FOR GENERAL LEAVE

Mr. [Augustus (Gus)] HAWKINS [of California]. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 557, the Senate bill just passed.

The SPEAKER.<sup>(38)</sup> Is there objection to the request of the gentleman from California?

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, I do so simply to inquire of the gentleman whether or not we might be able to just have a statement at this point to indicate that no one is to use Extensions of Remarks on this bill in order to make legislative history.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I hesitate because I am very doubtful if I can limit the Members' right to make such a request.

The SPEAKER. May the Chair comment: In the opinion of the Chair, it would be impossible for anyone to establish by unanimous consent whether or not a court at some future undisclosed date might construe something placed in the RECORD as legislative history or legislative intent. But I think the Chair would indicate to the gentleman from Pennsylvania that courts sometimes are inclined to make a distinction in their evaluations between those things that were said actually in debate and other things that may have been inserted following the passage of the bill and it would be clear to a court in the future the distinction between the two. Those things inserted pursuant to the gentleman's request within the next five legislative days obviously would appear as additions to the CONGRESSIONAL RECORD which would make it clear to any future court that they had been inserted rather than spoken during the debate.

Mr. WALKER. Further reserving the right to object, I appreciate the Chair's explanation. But do we have some assurance that the extensions that we are talking about here all will appear in the Extensions of Remarks and none of those will find their way into the body of the RECORD as a part of the debate of this bill?

The SPEAKER. If they should, they would be in a different type style, the Chair is advised.

Mr. WALKER. Further reserving the right to object, even if they are extensions where the Member spoke, say, briefly on the floor, did a 1-minute speech on the floor, could that not end up being a speech that is added on to and, therefore, could, in fact, govern legislative history?

The SPEAKER. Well, yes, the gentleman is theoretically correct in that Members are given the privilege of revising and extending remarks they have made on the floor. It is conceivable that a change could be made in the manner in which the remark might have been transcribed earlier. . . .

Mr. WALKER. Mr. Speaker, the gentleman is correct insofar as those cases which come up in 6 months are concerned, but those video tapes are destroyed after 6 months, so, therefore, there is not a permanent record, and the actual permanent record is that which appears in the RECORD. All this gentleman is seeking is some assurance that that which appears in the RECORD will be that which is the true legislative history on the floor. I will simply take a statement from the chairman of the committee that that is the intention that the committee would have with regard to establishing legislative history.

The SPEAKER. The Chair will instruct that the Official Reporters of Debates shall adhere strictly to the official rules of the Joint Committee on Printing in which the precise formula for distinguishing between that which was part of the debate on the floor

---

38. James Wright (TX).

and that which is inserted subsequently, not part of the debate on the floor, shall be made clear.

Mr. WALKER. Mr. Speaker, further reserving the right to object, do I understand the Chair is saying that if some Member adds material to the body of the RECORD, even though he spoke on the floor, that material will be italicized so it can be distinguished, and so it, therefore, would not necessarily constitute legislative history? Is that what I understand the Chair is telling me?

The SPEAKER. The rules of the Joint Committee on Printing, if the Chair fully understands them, do not require a revision, if within the parameters of the speech, to be so distinguished; they do require, if the Chair is correctly informed, that anything extraneously added and not a part of a speech officially made, nor a revision, presumably a correction made by a Member who had addressed the House, shall be so distinguished.

Mr. WALKER. Mr. Speaker, further reserving the right to object, this gentleman has no problem with that. This gentleman is concerned about a possible extension of remarks. If I understand what the Chair is saying, with regard to an extension of remarks under that situation; for instance, if a Member decides to add five pages of material, that would not fall under the rule as the Chair has stated it, and, therefore, it would be italicized. This gentleman is satisfied with that if that is the case.

If we are talking about grammatical changes, I do not have a problem with that. If we are talking about making incomplete sentences into complete sentences, I do not have a problem with that. But I do have a problem about adding pages of material that could end up being legislative history.

So do I understand that if some Member attempts to add substantial new material over what he or she spoke on the floor, that at that point that would be distinguished in a way that it would not appear that it was actually spoken on the floor?

The SPEAKER. The Chair would want to be somewhat precise in responding to the gentleman's inquiry. The Official Reporters of Debates have been asked to adhere strictly to the rules of the Joint Committee on Printing. I think the appropriate rule is rule No. 7. The CONGRESSIONAL RECORD shall contain a substantially verbatim account of remarks actually made during proceedings of the House subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. The substantially verbatim account shall be clearly distinguishable by a different typeface from material inserted under permission to extend remarks. . . .

Mr. WALKER. Mr. Speaker, I am seeking just basically a yes or no answer here. Is it the gentleman's intention that none of the material inserted into the RECORD after the debate is over, in other words, pursuant to the gentleman's particular request, should be considered as legislative history, that we will not have legislative history there?

Mr. HAWKINS. No. If the gentleman will yield, not as it conforms to what was previously said in the House and it was based on something factual with respect to that Member. I cannot give the gentleman any such assurance. That is the answer.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

**§ 20.6 In response to a parliamentary inquiry, the Chair stated that there is no limit under the Joint Committee on Printing rules on the number of items a Member may include in the Extension of Remarks portion of the *Congressional Record*.**

On May 25, 1994,<sup>(39)</sup> the Chair responded to parliamentary inquiries as follows:

PARLIAMENTARY INQUIRY

Mr. [Robert] WALKER [of Pennsylvania]. I have a parliamentary inquiry, Mr. Speaker.  
The SPEAKER pro tempore (Mr. [Lewis] PAYNE of Virginia). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I noticed when the names were read, and I did not object to it at the time, that someone was putting 17 different items into extension of remarks. Is that not above the limit that we normally would have in the House?

The SPEAKER pro tempore. The Chair is not aware of any limit under the rules.

Mr. WALKER. There is no limit? I always heard informally that the limit was 10.

The SPEAKER pro tempore. But the Chair will state that is unusual.

Mr. WALKER. I thank the Chair. . . .

**§ 20.7 During a pro forma session of the House, the Chair initiated a unanimous-consent request to allow all Members to revise and extend their remarks in the *Congressional Record*.**

On October 20, 1995,<sup>(40)</sup> the following occurred:

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. UPTON]. . . .

The SPEAKER pro tempore.<sup>(41)</sup> The Pledge of Allegiance will be led by the Chair.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

The SPEAKER pro tempore. The house will now stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 6 o'clock and 35 minutes p.m.

EXTENSION OF REMARKS

The SPEAKER pro tempore.<sup>(42)</sup> Without objection, on this day all Members are permitted to extend their remarks and include extraneous material in that section of the RECORD entitled "Extension of Remarks."

39. 140 CONG. REC. 11942, 103d Cong. 2d Sess.

40. 141 CONG. REC. 28740, 28774, 104th Cong. 1st Sess.

41. Frederick Upton (MI).

42. Thomas Petri (WI).

There was no objection.

---

ADJOURNMENT TO TUESDAY OCTOBER 24, 1995

The SPEAKER pro tempore. Without objection, when the House adjourns today, it will adjourn to meet at 12:30 p.m. on Tuesday, October 24, 1995, for morning hour debates.

There was no objection. . . .

---

ADJOURNMENT

The SPEAKER pro tempore. Without objection, pursuant to the previous order of the House, the House stands adjourned until 12:30 p.m. on Tuesday, October 24, for morning hour debates.

There was no objection.

Accordingly (at 6 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 24, 1995, at 12:30 p.m. for morning hour debates.

**§ 20.8 In response to a parliamentary inquiry the Chair advised that a Member may obtain unanimous consent to revise and extend his remarks in the *Congressional Record* on a bill not yet under consideration.**

On April 18, 2002,<sup>(43)</sup> the following occurred:

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS ON H.R. 586,  
FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. [James] McDERMOTT [of Washington]. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill which is before us.

The SPEAKER pro tempore.<sup>(44)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

---

PARLIAMENTARY INQUIRY

Mr. [William] THOMAS [of California]. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. How can the gentleman from Washington revise and extend his remarks on the bill before us when the bill has not been laid before us?

---

**43.** 148 CONG. REC. 4958, 107th Cong. 2d Sess. For a similar request regarding a measure to be considered the following day, see 144 CONG. REC. 22214, 105th Cong. 2d Sess. (Sept. 25, 1998).

**44.** John Sweeney (NY).

The SPEAKER pro tempore. By unanimous consent, a Member is allowed to revise and extend his remarks on a bill that is yet to be considered.

Mr. THOMAS. As long as it is yet to be considered. The gentleman said “the bill before us.”

The SPEAKER pro tempore. The gentleman’s unanimous consent request is perfectly in order.

**§ 20.9 The House by unanimous consent permitted all Members to insert remarks and extraneous material in the *Congressional Record* on the topic of a later special-order speech.**

On May 20, 2004,<sup>(45)</sup> the following occurred:

MOMENT OF SILENCE IN HONOR OF MEMORIAL DAY AND OUR FALLEN  
HEROES

The SPEAKER pro tempore.<sup>(46)</sup> The Chair would ask the House to observe a moment of silence in honor of Memorial Day and our fallen heroes.

---

GENERAL LEAVE

Mr. [James] WALSH [of New York]. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on a special order speech on the topic of fallen heroes and that all such remarks be printed in the CONGRESSIONAL RECORD of May 20, 2004.

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

Mr. [Charles] RANGEL [of New York]. Mr. Speaker, reserving the right to object and I will not object, I just want to take this opportunity to thank my friend and colleague from New York for affording this House the opportunity to express ourselves on this Memorial Day in honor of these fallen heroes. I appreciate working with him and I thank him very much for this opportunity.

Mr. Speaker, I withdraw my reservation of objection

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

There was no objection.

**§ 20.10 A unanimous-consent request to allow Members to revise and extend their remarks for the *Congressional Record* typically specifies a time limit for submitting such statements (which customarily extends to five legislative days, but which may be as short as one legislative day).**

On April 24, 2012,<sup>(47)</sup> the following occurred:

<sup>45</sup>. 150 CONG. REC. 10639, 108th Cong. 2d Sess.

<sup>46</sup>. Michael Simpson (ID).

<sup>47</sup>. 158 CONG. REC. 5425, 112th Cong. 2d Sess.



## GENERAL LEAVE

Ms. [Sheila] JACKSON LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 1 legislative day to revise and extend their remarks and insert extraneous materials on the subject of my 1-minute regarding Pastor Joel Osteen and Co-Pastor Victoria Osteen of the Lakewood Church in Houston, Texas.

The SPEAKER pro tempore.<sup>(48)</sup> Is there objection to the request of the gentlewoman from Texas?

There was no objection.

***Authority to Revise and Extend Remarks For Entire Session***

**§ 20.11 The House by unanimous consent granted permission for all Members to extend their remarks and to include extraneous material within the established limits in that section of the *Congressional Record* entitled “Extension of Remarks” for the entire first session of the 106th Congress.<sup>(49)</sup>**

On January 6, 1999,<sup>(50)</sup> the following occurred:

GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN CONGRESSIONAL RECORD FOR FIRST SESSION OF 106TH CONGRESS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that for the first session of the 106th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled “Extensions of Remarks.”

The SPEAKER pro tempore.<sup>(51)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

**§ 20.12 The House by unanimous consent granted permission for all Members to extend their remarks and to include extraneous material within the established limits in that section of the *Congressional Record* entitled “Extension of Remarks” for the entire 115th Congress.**

On January 3, 2017,<sup>(52)</sup> the following occurred:

48. John Culberson (TX).

49. *Parliamentarian’s Note*: Beginning in the 112th Congress, such requests have applied to the entire Congress and not merely to one session thereof. See 157 CONG. REC. 103, 112th Cong. 1st Sess. (Jan. 5, 2011).

50. 145 CONG. REC. 247, 106th Cong. 1st Sess.

51. Edward Pease (IN).

52. 163 CONG. REC. H29 [Daily Ed.], 115th Cong. 1st Sess. For similar authority granted in previous Congresses, see: 161 CONG. REC. H32 [Daily Ed.], 114th Cong. 1st Sess.

GRANTING MEMBERS PERMISSION TO EXTEND REMARKS AND INCLUDE EX-  
TRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD DURING THE  
115TH CONGRESS

Mr. [Kevin] McCARTHY [of California]. Madam Speaker, I ask unanimous consent that during the 115th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled “Extensions of Remarks.”

The SPEAKER pro tempore.<sup>(53)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

***Authority to Revise and Extend Remarks After Adjournment***

**§ 20.13 The House by unanimous consent authorized all Members, until the publication of the last edition of the *Congressional Record*, to revise and extend their remarks and include brief extraneous material on any matter occurring before adjournment *sine die*.**

On December 22, 2010,<sup>(54)</sup> the following unanimous-consent request was agreed to:

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND  
REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. [James] McDERMOTT [of Washington]. Madam Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the Second Session of the 111th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session *sine die*.

The SPEAKER pro tempore.<sup>(55)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

***Authority for Committees to Summarize Their Work in the Congressional Record***

**§ 20.14 The House by unanimous consent permitted the chair and ranking minority member of each standing committee and subcommittee to extend their remarks in the *Congressional Record***

---

(Jan. 6, 2015); 159 CONG. REC. 44, 113th Cong. 1st Sess. (Jan. 3, 2013); and 157 CONG. REC. 103, 112th Cong. 1st Sess. (Jan. 5, 2011).

53. Chris Collins (NY).

54. 156 CONG. REC. 23609–10, 111th Cong. 2d Sess.

55. Donna Edwards (MD).

**and to include a summary of the work of their committee or subcommittee.**

On December 22, 2010,<sup>(56)</sup> the following unanimous-consent request was agreed to:

AUTHORIZING CHAIR AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. [James] McDERMOTT [of Washington]. Madam Speaker, I ask unanimous consent that the chair and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the CONGRESSIONAL RECORD, up to and including the Record's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER pro tempore.<sup>(57)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

### ***Revising and Extending Remarks on Disciplinary Matters***

**§ 20.15 The Speaker reminded all Members, following adoption of a resolution censuring a Member, that in order to retain a full and accurate record of the proceedings, all insertions and extensions not actually delivered in the debate would appear at the end of the debate with a bullet symbol, and that any revisions of remarks actually delivered should be confined to technical and grammatical (as opposed to substantive) corrections, consistent with the limited unanimous-consent permission previously obtained by the manager of the resolution.**

On June 10, 1980,<sup>(58)</sup> the following occurred:

CENSURE OF REPRESENTATIVE CHARLES H. WILSON OF CALIFORNIA

The SPEAKER.<sup>(59)</sup> Will the gentleman from California (Mr. CHARLES H. WILSON) kindly appear in the well?

Mr. CHARLES H. WILSON of California presented himself at the bar of the House. The SPEAKER read House Resolution 660, as amended, as follows:

H. RES. 660

*Resolved,*

(1) That Representative Charles H. Wilson be censured.

56. 156 CONG. REC. 23609, 111th Cong. 2d Sess.

57. Donna Edwards (MD).

58. 126 CONG. REC. 13820, 96th Cong. 2d Sess.; *House Rules and Manual* §§ 65, 66, 375, and 915 (2019). For the original unanimous-consent request to revise and extend, see 126 CONG. REC. 12656, 96th Cong. 2d Sess. (May 29, 1980).

59. Thomas O'Neill (MA).

(2) That upon adoption of this resolution, Representative Charles H. Wilson forthwith present himself in the well of the House of Representatives for the public reading of this resolution by the Speaker; and

(3) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

The SPEAKER. The matter is closed.

---

ANNOUNCEMENT BY THE SPEAKER REGARDING RECORD OF PROCEEDINGS  
ON HOUSE RESOLUTION 660

The SPEAKER. The chair desires to make a statement regarding the record of proceedings on House Resolution 660, in the matter of Representative CHARLES H. WILSON.

Although unanimous consent has been obtained for several Members to revise and extend their remarks on this matter, it is essential that the CONGRESSIONAL RECORD contain as true and accurate a record of the proceedings as possible. All insertions and extensions not delivered in debate will appear at the end of the proceedings with a bullet symbol. The Chair trusts that Members will, in revising remarks they actually delivered in debate on this subject, confine their revisions to those which are necessary to correct technical and grammatical errors, and, consistent with the permission obtained by the gentleman from Florida (Mr. BENNETT) on page 12656 of May 29, 1980, refrain from making any changes in the substance of debate.

***Revising and Extending Remarks on Points of Order***

**§ 20.16 In debate on a question of order, remarks may not be revised or extended, and extraneous material may not be inserted in the *Congressional Record*.**

On July 24, 1998,<sup>(60)</sup> the following occurred:

MOTION TO RECOMMIT OFFERED BY MR. BERRY

Mr. [Robert] BERRY [of Arkansas]. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore.<sup>(61)</sup> Is the gentleman from Arkansas opposed to the bill?

Mr. BERRY. Yes, Mr. Speaker, in its current form.

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

The Clerk read as follows:

Mr. Berry moves to recommit the bill H.R. 4250 to the Committee on Ways and Means and to the Committee on Education and the Workforce with instructions to report back the same to the House forthwith with the following amendments to the portions of the same within their respective jurisdiction:

Page 38, beginning on line 9, strike “does not meet the plan’s requirements for medical appropriateness or necessity” and insert “is not medically necessary and appropriate”.

Page 39, beginning on line 16, strike “does not meet the plan’s requirements for medical appropriateness or necessity” and insert “is not medically necessary and appropriate”.

---

60. 144 CONG. REC. 17276–78, 105th Cong. 2d Sess. For a similar instance, see 122 CONG. REC. 31873–74, 94th Cong. 2d Sess. (Sept. 22, 1976).

61. James Kolbe (AZ).

Page 48, beginning on line 17, strike “does not meet the plan’s requirements for medical appropriateness or necessity” and insert “is not medically necessary and appropriate”.

Page 53, beginning on line 17, strike “meets, under the facts and circumstances at the time of the determination, the plan’s requirement for medical appropriateness or necessity” and insert “is, under the facts and circumstances at the time of the determination, medically necessary and appropriate”.

Page 60, line 17, strike all that follows the first period.

Page 60, after line 17, insert the following new subparagraph:

“(V) MEDICAL NECESSITY AND APPROPRIATENESS.—The term ‘medically necessary and appropriate’ means, with respect to an item or service, an item or service determined by the treating physician (who furnishes items and services under a contract or other arrangement with the group health plan or with a health insurance issuer providing health insurance coverage in connection with such a plan), after consultation with a participant or beneficiary, to be required, according to generally accepted principles of good medical practice, for the diagnosis or direct care and treatment of an illness or injury of the participant or beneficiary.”.

Page 227, strike line 1 and all that follows through page 233, line 3, and insert the following (and conform the table of contents accordingly):

**Subtitle C—Deduction for Health Insurance Costs of Self-Employed Individuals**

**SEC. 3201. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.**

(a) IN GENERAL.—The table contained in subparagraph (B) of section 162(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

<b>In the case of taxable years beginning in calendar year:</b>	<b>The applicable percentage is:</b>
1999, 2000, and 2001 .....	60 percent
2002 .....	70 percent
2003 or thereafter .....	100 percent.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

Mr. BERRY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. [Dennis] HASTERT [of Illinois]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued reading the motion to recommit. . . .

**POINT OF ORDER**

The SPEAKER pro tempore (Mr. KOLBE). Does the gentleman from Illinois insist on a point of order?

Mr. HASTERT. Mr. Speaker, I insist on a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HASTERT. I yield to the gentleman from California (Mr. THOMAS).

The SPEAKER pro tempore. The Chair will recognize the gentleman from California (Mr. THOMAS) on the point of order.

Mr. [William] THOMAS [of California]. Mr. Speaker, contained among the numerous provisions in the motion to recommit is striking the medical savings accounts. Notwithstanding the gentleman’s representation that this will save billions of dollars a year, the Congressional Budget Office says that simply is not so. In fact, it will save less than \$1 billion a year. That is the point on which the point of order turns, because the gentleman’s addition of the acceleration of the self-employed deduction in fact scores more than

\$1 billion and therefore is subject to a 303 Congressional Budget Act point of order. It in fact increases the budget before the final budget is adopted in a given fiscal year. It applies clearly in this particular instance. A point of order, therefore, lies against the gentleman and I would urge the Chair to sustain the 303(a) Congressional Budget Act point of order.

The SPEAKER pro tempore. The gentleman from California has made a point of order.

Does the gentleman from Arkansas (Mr. BERRY) wish to be heard on the point of order?

Does the gentleman from Maryland (Mr. CARDIN) wish to be heard on the point of order?

Mr. [Benjamin] CARDIN [of Maryland]. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Maryland is recognized on the point of order.

Mr. CARDIN. If I understand the gentleman from California's point is that the striking of the medical savings account provision would not save as much money as accelerating the self-employed insurance deduction by 4 years.

Mr. Speaker, I would like to include in the RECORD a document that has been received from the Joint Committee on Taxation that shows that striking the medical savings account provision will save \$4.1 billion, the self-employed health insurance deduction would cost \$3.4 billion, for a net revenue savings to the treasury of \$687 million.

The SPEAKER pro tempore. The gentleman from Maryland may insert the documents after the point of order but not during debate on the point of order.

Is there any other Member who wishes to be heard on the point of order?

Mr. CARDIN. Mr. Speaker, on that point, if I am correct, the point of order is being raised as it relates to having—

The SPEAKER pro tempore. That is correct. The Chair must rely on what is being said to the Chair and so insertion into the RECORD during the debate on the point of order is not in order at this time.

**§ 20.17 Where a special order of the House permitted only the managers of a bill to offer pro forma amendments for debate, the Committee of the Whole by unanimous consent allowed another Member to revise and extend his remarks with respect to a point of order (in distinctive typeface) after the ruling on a point of order.<sup>(62)</sup>**

On July 13, 2000,<sup>(63)</sup> the following occurred:

POINT OF ORDER

Mr. [Benjamin] GILMAN [of New York]. Mr. Chairman, I have a point of order.

**62.** *Parliamentarian's Note:* If the special order had permitted any Member to offer pro forma amendments, Rep. Gilman could have offered such an amendment on the prior amendment that was ruled out of order. However, since this authority was confined to the managers of the bill only, Rep. Gilman was permitted, in the alternative, to extend his remarks in the *Record* following disposition of the point of order on the amendment.

**63.** 146 CONG. REC. 14095, 106th Cong. 2d Sess.

The CHAIRMAN.<sup>(64)</sup> The gentleman may state his point of order.

Mr. GILMAN. Mr. Chairman, I make a point of order against the language appearing in the bill beginning with “earmarks” on page 80, line 22, through the end of page 80, line 24 on the ground that it violates clause 2 of Rule XXI.

The rule I have referenced prohibits provisions changing existing law on general appropriations bills.

This language clearly is legislative and would override existing and future legislation of our Committee on International Relations and other committees that have legislative authority over funds appropriated in this Act.

Mr. [Herbert (Sonny)] CALLAHAN [of Alabama]. Mr. Chairman, in the essence of time, I am willing to concede the point of order.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the provision removes earmarks and limitations contained in existing law. Similarly, the provision addresses earmarks and limitations in subsequent acts. As such, the provision constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the provision is stricken from the bill.

Mr. GILMAN. Mr. Chairman, may I proceed for an additional minute?

The CHAIRMAN. Without objection, the gentleman from New York (Mr. GILMAN) is permitted to extend his remarks after the ruling on the point of order.

Mr. GILMAN. Although I am on my feet to object to a particular provision—

The CHAIRMAN. If the gentleman will suspend, the Chair has ruled on the point of order.

Mr. GILMAN. I am not discussing the point of order, Mr. Chairman, just a comment to make about our distinguished chairman.

The CHAIRMAN. The order of the House does not provide for any Member other than the chairman and the ranking member or their designees to strike the requisite number of words for purposes of debate.

**§ 20.18 The Chair clarified that materials purportedly inserted in the *Congressional Record* while under recognition to debate a point of order would appear apart from proceedings on the point of order.**

On June 12, 2008,<sup>(65)</sup> the following occurred:

**EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008**

Mr. [Charles] RANGEL [of New York]. Madam Speaker, pursuant to House Resolution 1265, I call up the bill (H.R. 5749) to provide for a program of emergency unemployment compensation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

<sup>64</sup>. William (Mac) Thornberry (TX).

<sup>65</sup>. 154 CONG. REC. 12316, 12318–19, 110th Cong. 2d Sess.; *House Rules and Manual* § 698 (2019). For similar proceedings, see 148 CONG. REC. 9492–98, 107th Cong. 2d Sess. (June 6, 2002).

H.R. 5749

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Emergency Extended Unemployment Compensation Act of 2008”. . . .

## POINT OF ORDER

Mr. [Gerald (Jerry)] WELLER of Illinois. Madam Speaker, I raise a point of order against consideration of this bill.

The SPEAKER pro tempore.<sup>(66)</sup> The gentleman will state his point of order.

Mr. WELLER of Illinois. Madam Speaker, I raise a point of order against consideration of this bill because the bill violates clause 10 of rule XXI of the Rules of the House of Representatives which provides in pertinent part that “it shall not be in order to consider any bill if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit” over the 5- or 10-year budget scoring window.

This rule is commonly referred to as the pay-as-you-go rule or PAYGO and was enacted by the majority with great fanfare at the beginning of this Congress.

In reviewing the estimate prepared by the Congressional Budget Office, I note that they have scored this bill as increasing the deficit by \$14 billion over the next 5 years, and nearly \$10 billion over the coming decade.

Madam Speaker, I ask unanimous consent that the table prepared by the Congressional Budget Office appear at this point in the RECORD.

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

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, given this overwhelming evidence that this bill does have the net effect of increasing the deficit over both scoring windows, I must respectfully insist on my point of order that the bill violates the PAYGO rule.

The SPEAKER pro tempore. Does any other Member wish to be heard?

Mr. RANGEL. Madam Speaker, I ask that the gentleman’s motion receive the consideration it deserves.

The SPEAKER pro tempore. The gentleman from Illinois makes a point of order against consideration of H.R. 5749 on the ground that the bill includes provisions affecting direct spending or revenues that would have the net effect of increasing the Federal budget deficit. That point of order sounds in clause 10 of rule XXI.

The special order of business prescribed by the adoption of House Resolution 1265 waives any such point of order. The Chair will read the operative sentence of House Resolution 1265: “All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI.”

The Chair finds that the point of order raised by the gentleman from Illinois has been waived.

The Chair therefore holds that the point of order is overruled.

Mr. WELLER of Illinois. Madam Speaker, on that I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

66. Ellen Tauscher (CA).



## MOTION TO TABLE OFFERED BY MR. RANGEL

Mr. RANGEL. I move to table the appeal.

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

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

Mr. WELLER of Illinois. Madam 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 217, nays 185, not voting 31, as follows:

[Roll No. 410] . . .

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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [John] SALAZAR [of Colorado]). The Chair would clarify that the insertion by the gentleman from Illinois will appear separately from the point of order in the RECORD.

***Revising and Extending Colloquies Between Members*****§ 20.19 Neither the House nor the Committee of the Whole permits the insertion of an entire colloquy not actually delivered in debate.**

On December 15, 1995,<sup>(67)</sup> the following occurred:

Mr. [Howard (Buck)] McKEON [of California]. I thank the chairman. In the interest of time, I ask that the remainder of our colloquy be placed in the RECORD.

The SPEAKER pro tempore.<sup>(68)</sup> The Chair would advise the gentleman that colloquies cannot be inserted in the RECORD.

Mr. McKEON. I ask that the remainder of the statement be inserted in the RECORD.

The SPEAKER pro tempore. Without objection, each Member may submit his own statement in the RECORD.

**§ 20.20 A colloquy between Members must be spoken on the floor and may not be inserted in the *Congressional Record* as an extension of remarks.**

On June 26, 2002,<sup>(69)</sup> the following occurred:

Mr. [Thomas] REYNOLDS [of New York]. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. THOMAS).

67. 141 CONG. REC. 37133, 104th Cong. 1st Sess.

68. Jack Kingston (GA).

69. 148 CONG. REC. 11384, 107th Cong. 2d Sess.

Mr. [William] THOMAS [of California]. Mr. Speaker, I ask unanimous consent that a colloquy between the gentleman from Mississippi (Mr. PICKERING) and myself be made a part of the RECORD.

Mr. [Alcee] HASTINGS of Florida. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. [Ray] LAHOOD [of Illinois]). Under the rules, that cannot be done by unanimous consent.

**§ 20.21 The Chair clarified that an earlier unanimous-consent request to insert a colloquy into the *Congressional Record* could not be granted, but that two separate statements may be inserted.**

On July 31, 2012,<sup>(70)</sup> the following occurred:

Mr. [Jefferson] MILLER of Florida. . . .

Finally, Mr. Speaker, I ask unanimous consent to insert a floor colloquy between me and the gentleman from Maine (Mr. MICHAUD).

The SPEAKER pro tempore.<sup>(71)</sup> Is there objection to the request of the gentleman from Florida?

There was no objection. . . .

The SPEAKER pro tempore. With respect to the gentleman's earlier request to enter a colloquy that was granted earlier, the Chair would clarify that a colloquy may not be inserted into the RECORD but that two statements may be inserted independently under general leave. . . .

Mr. [Michael] MICHAUD [of Maine]. Mr. Speaker, I am particularly pleased with this package . . .

Mr. Speaker, I have a question for Mr. MILLER. He had mentioned earlier about a colloquy. If those colloquies are entered separately, will that be made a part of the RECORD?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MILLER of Florida. Mr. Speaker, if we could go ahead and do the colloquy at this time, that way we'll make sure it's in the RECORD.

Mr. MICHAUD. Mr. Speaker, I would like to ask my colleague about section 102 of the bill. That provides medical care for certain medical conditions for veterans and their families who lived at Camp Lejeune from 1957 through 1987.

**§ 20.22 In response to a parliamentary inquiry, the Chair advised that a colloquy between Members actually spoken on the floor would so appear in the *Congressional Record*.**

On June 18, 2002,<sup>(72)</sup> the following occurred:

PARLIAMENTARY INQUIRY

Mr. [Doug] OSE [of California]. Mr. Speaker, I just want to be sure that I am clear in terms of my colloquy with the gentleman from Illinois (Mr. MANZULLO) in the sense

70. 158 CONG. REC. 12835–36, 112th Cong. 2d Sess.

71. Michael Simpson (ID).

72. 148 CONG. REC. 10565, 107th Cong. 2d Sess.

that we did enter it into the RECORD, and it is going to show up in the Journal and what have you, and it will be a part of the legislative record as a part of the recorded record that the transcriptionists and others are taking part in, just to clarify that point.

The SPEAKER pro tempore (Mr. [Henry] BONILLA [of Texas]). The gentleman is correct. All of the exchange as spoken between both gentlemen will be recorded.

**§ 20.23 Where a colloquy between two Members is substantially revised by one Member, the *Congressional Record* may display the revised portions in a distinct typeface to indicate that they were not remarks spoken on the floor.**

On July 11, 1996,<sup>(73)</sup> the following occurred:

Mr. [Christopher] SMITH of New Jersey. . . . Mr. Chairman, this may be in error, but we have from the gentleman's staff a copy of the language of the bill, and it has, from Planned Parenthood, their ID number, which suggests to this Member, and I hope the gentleman will clarify this, that this language was written and then tendered and offered to this Congress, written by Planned Parenthood. Is that the case?

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin [Mr. OBEY], the ranking member on the committee.

I am holding in my hand the amendment that Mr. OBEY offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the real and tangible parental involvement provisions of Istook and makes it essentially a sense of the Congress. In looking at the actual page of text that was given to staff the amendment offered at the top of the page one immediately notices that it is a fax from Planned Parenthood. The question arises as to what role Planned Parenthood had in drafting the language. I hope the gentleman will shed light on this. Again, the top of the page reads as follows: From Planned Parenthood ID 202–293–4349. The Obey language then follows. Title V, section 503 of the labor HHS bill: “No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress.” Mr. Chairman Planned Parenthood gets tens of million of dollars from title X—so its a fair question as to whether or not they are drafting amendments for themselves.

Mr. Chairman, there may be a satisfactory explanation for this but we have from the gentleman's staff a copy of the language of the bill, and it has “From Planned Parenthood,” and their ID number, which suggests to this Member, and I hope the gentleman will clarify whether or not this language was written and offered to this Congress, by and for Planned Parenthood. Is that the case?

Mr. [David] OBEY [of Wisconsin]. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, that is absolute, total nonsense and baloney. I absolutely totally resent the implication. Anyone who knows me knows I have been around here long enough to write my own amendments. I wrote this amendment in the full committee. I discussed it then. If the gentleman has a copy of something from Planned Parenthood, it is because they got a copy of the amendment and faxed it to somebody else, and the gentleman ought to know better than to even ask that question.

73. 142 CONG. REC. 16888, 104th Cong. 2d Sess.

Mr. SMITH of New Jersey. Mr. Chairman, I am asking the question, they had no influence in writing this legislation?

Mr. SMITH of New Jersey. Mr. Chairman let the RECORD show that this page of text with "From Planned Parenthood" came from your staff. It is clearly a fair question as to who wrote this amendment? Did Planned Parenthood influence the text?

Mr. OBEY. You are asking what?

Mr. SMITH of New Jersey. I ask the gentleman, did they write the amendment?

Mr. OBEY. I wrote the legislation, every word of that.

Mr. SMITH of New Jersey. I appreciate that clarification, Mr. Chairman. We know they lobby and they do write legislation that ends up on this floor.

Mr. SMITH of New Jersey. I appreciate that explanation, Mr. OBEY. It's still a mystery as to how the language disseminated by your staff to ours ended up as a fax from Planned Parenthood.

Mr. OBEY. I do not write legislation for any lobbyist.

**§ 20.24 Although neither the House nor the Committee of the Whole permits wholesale revision of a colloquy between two or more Members, each individual participant may, by unanimous consent, revise and extend his or her own remarks without changing the general substance of the whole.**

On July 27, 1989,<sup>(74)</sup> the following occurred:

REQUEST FOR PERMISSION FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS ON A COLLOQUY

Mr. [Leslie] ASPIN [of Wisconsin]. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their comments on the colloquy that we just had.

Mr. [Thomas] FOGLIETTA [of Pennsylvania]. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the colloquy we just had.

The CHAIRMAN pro tempore [Mr. [Richard] DURBIN [of Illinois]]. The Chair would advise the gentleman from Wisconsin that the general thrust of the colloquy cannot be changed, but each Member can seek unanimous consent to revise and extend their own remarks.

Mr. [Wayne (Curt)] WELDON [of Pennsylvania]. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the colloquy just had.

Mr. [John] MURTHA [of Pennsylvania]. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the colloquy just had.

The CHAIRMAN pro tempore. Without objection, the various unanimous-consent requests are granted.

There was no objection.

**§ 20.25 A Member may not, under leave to revise and extend remarks in the *Congressional Record*, alter the nature of a colloquy**

74. 135 CONG. REC. 16536-37, 101st Cong. 1st Sess.

**with another Member, and a resolution asserting that a portion of the debate carried in the *Record* of a preceding day is not a true and accurate record of the proceedings presents a question of the privileges of the House under rule IX.<sup>(75)</sup>**

On May 7, 1979,<sup>(76)</sup> the following resolution was raised as a question of the privileges of the House:

PRIVILEGES OF THE HOUSE—PROCEEDINGS IN THE CONGRESSIONAL  
RECORD OF MAY 3, 1979

Mr. [Andrew] JACOBS [of Indiana]. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 260) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 260

Whereas the CONGRESSIONAL RECORD of May 3, 1979, on page 9667, is not a true and accurate record of the proceedings that took place on the floor of the House on May 3, 1979, in that an exchange between Mr. DANNEMEYER, of California, and Mr. JACOBS, in fact was as follows:

“Mr. JACOBS. I offered an amendment a few moments ago to cut \$400 million in pork barrel spending and I asked for a rollcall vote, and less than 20 people stood. Will the gentleman say whether he stood for a rollcall vote?

“Mr. DANNEMEYER. I think that there were many of us who stood on that issue.

“Mr. JACOBS. Did the gentleman stand?

“Mr. DANNEMEYER. I have been supporting budget cuts almost without exception.” and the CONGRESSIONAL RECORD for May 3, 1979, erroneously reports the exchange as follows:

“Mr. JACOBS. Mr. Chairman. I offered an amendment to cut \$400 million in spending and I asked for a rollcall vote, and less than 20 people stood. Would the gentleman say whether he stood for the rollcall vote?

“Mr. DANNEMEYER. I think there were many of us who stood on that issue. I supported the proposal by a voice vote but did not stand to require a rollcall because there seemed so little support for the issue.

“Mr. JACOBS. Did the gentleman stand?

“Mr. DANNEMEYER. I have been supporting budget cuts almost without exception.”

Now, therefore, be it

*Resolved*, That the RECORD of the House be corrected and that the accurate account of the exchange be printed therein.

The SPEAKER pro tempore.<sup>(77)</sup> Under the precedents of the House, the gentleman from Indiana (Mr. JACOBS) is recognized for 1 hour.

Mr. [William] DANNEMEYER [of California]. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. Mr. Speaker, not only will I yield, but I yield 30 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I think it would be fair to say that this Member intended, at the beginning of the proceedings today, to strike from the RECORD the sentence, “I supported the proposal by a voice vote but did not stand to require a rollcall because there seemed so little support for the issue.” That sentence I think should be stricken.

**75.** *House Rules and Manual* §§ 698, 699 (2019).

**76.** 125 CONG. REC. 10099–100, 96th Cong. 1st Sess.; *House Rules and Manual* § 704 (2019).

**77.** John Murtha (PA).

Mr. JACOBS. I thank the gentleman for his contribution.

Mr. [Peter] KOSTMAYER [of Pennsylvania]. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, is the gentleman from Indiana aware that I was part of the colloquy that day?

Mr. JACOBS. Yes, I am aware of that fact.

Mr. KOSTMAYER. I want to commend the gentleman from Indiana. I think he has characterized the situation accurately and that indeed the meaning of the words of the gentleman from Indiana, as well as the meaning of my own words, were altered by a change in the RECORD, and I support the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I might say to the gentleman from California that the only quarrel I think that either the gentleman from Pennsylvania or I might have is not any confusion that the gentleman might have had a few moments after his own statement about what his own statement had been in response to inquiries by the gentleman from Pennsylvania, but that when the RECORD was altered subsequently it was altered without notice to the gentleman from Pennsylvania or myself in order that we might be asked to agree to change our own language to conform with the change that the gentleman wished to make. It seems to me that that is the most dangerous part of this kind of proceedings. For example, if it were not opposed to the precedents of the House to do just that, it would be possible for me to ask a Member of this body, "Are you a loyal American?" and receive the answer, "Yes," and then subsequently being entrusted with the RECORD for alteration of my own words, ask just the opposite, "Is the gentleman disloyal to his country?" And if he had not known the altered part of the colloquy, the answer would remain, "Yes." I believe that is the precedent and the reason for the general House rule that, while remarks can be revised and extended, the meaning of the remarks should not be altered.

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

Mr. JACOBS. I yield further to the gentleman from California.

Mr. DANNEMEYER. I think the gentleman's point is well taken, and I do not want to put any Member in a position of having his responses be embarrassing to that Member. Hindsight would indicate, probably, that when this Member revised and extended his remarks within the prerogative of that privilege as I saw the light, perhaps I should have given copies of the proposed revision to the Member in the well and the gentleman from Pennsylvania (Mr. KOSTMAYER), as well, for an opportunity to revise what they thought the revision should be and what the response should be.

I think the suggestion which has been made, that we strike that second sentence, would be consistent with what I think should be done in terms of correcting the RECORD, and it would be fair, and it is a good indication as to what the office is of revising and extending remarks and when they should be, and how they should be treated.

Mr. JACOBS. I thank the gentleman, and I think we need take no more time of the House. . . .

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Indiana (Mr. JACOBS).

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 20.26 The Majority Leader has been granted unanimous consent to revise and extend remarks on the subject of the weekly schedule colloquy between party leaders.**

On July 16, 2015,<sup>(78)</sup> the following occurred:

#### LEGISLATIVE PROGRAM

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

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I yield to the majority leader, Mr. MCCARTHY, for the purpose of inquiring about the schedule of the week to come and thereafter.

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

Mr. [Kevin] MCCARTHY [of California]. Mr. Speaker, I thank the gentleman for yielding.

#### *Allocation of Time for Requests to Revise and Extend*

**§ 20.27 A Member controlling time in debate may yield for another Member's request to revise and extend remarks without being charged for the time consumed by the request, provided that the Member securing permission to revise and extend does not also engage in debate.**

On June 27, 2002,<sup>(79)</sup> the following occurred:

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. [Grace] NAPOLITANO [of California]. Mr. Speaker, I express my opposition to this shameful bill that is particularly harmful to our senior women who live longer and have the largest consumption of purchases of drugs.

#### PARLIAMENTARY INQUIRY

Mr. [John] LINDER [of Georgia]. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore.<sup>(80)</sup> The gentleman from Georgia will state his parliamentary inquiry.

Mr. LINDER. Mr. Speaker, at what point does this series of speeches become credited against their time?

The SPEAKER pro tempore. After their request for unanimous consent to revise and extend their remarks in opposition, the Chair will count against the minority's time any speeches that are given. To this point, the Chair has not heard any.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. [Patsy] MINK of Hawaii. Mr. Speaker, I rise on behalf of my constituents to oppose the rule and the passage of this bill as a fatal step towards privatization of Social Security. . . .

78. 161 CONG. REC. 11773, 114th Cong. 1st Sess.

79. 148 CONG. REC. 11849, 11851, 107th Cong. 2d Sess. For similar parliamentary inquiries on this issue, see 141 CONG. REC. 9216, 104th Cong. 1st Sess. (Mar. 24, 1995).

80. Steven LaTourette (OH).

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise the gentlewoman from New York that one came close to debate.

Ms. SLAUGHTER. Mr. Speaker, we will watch it. . . .

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. [Marcy] KAPTUR [of Ohio]. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I express my strong opposition to this pitiful bill that denies senior women across America access to affordable prescription drugs because the Republicans gave all the money away to companies like Enron in tax cuts, and they were not deserved.

Mr. [Randall (Duke)] CUNNINGHAM [of California]. Mr. Speaker, I object.

The SPEAKER pro tempore. An objection is heard to the last request to revise and extend.

**§ 20.28 A unanimous-consent request to revise and extend remarks that contains oratory extending beyond a simple declarative statement of the Member's attitude towards the underlying measure constitutes debate (sustained by tabling of appeal).**

On July 11, 2013,<sup>(81)</sup> the following occurred:

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

Mr. [Cedric] RICHMOND [of Louisiana]. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it's sinful, it increases poverty in America, and it takes the food off the table of American families.

The SPEAKER pro tempore.<sup>(82)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

## POINT OF ORDER

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. Does the gentleman make a point of order?

Mr. HOYER. I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HOYER. The point of order is that, in fact, consistent with your rulings today, that the gentleman's unanimous consent request was not any different, in substance or in length, than the unanimous consent requests that have been made on a number of

81. 159 CONG. REC. 11323–24, 113th Cong. 1st Sess. For similar rulings, see 159 CONG. REC. 11406, 113th Cong. 1st Sess. (July 11, 2013) and 159 CONG. REC. 11410–11, 113th Cong. 1st Sess. (July 11, 2013).

82. Mark Meadows (NC).



occasions, and time was not charged. That is inconsistent. It is a subjective judgment, and I appeal the ruling of the Chair.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The decision on how and when a Member will be charged in debate is a matter confined to the discretion of the Chair. However, the question of whether the form of a unanimous consent request is in order under the rules is a proper subject for a ruling from the Chair.

In the opinion of the Chair, it is not in order to embellish a unanimous consent request with debate. Remarks in the form of debate are charged to the Member yielding.

The request by the gentleman from Louisiana contained remarks in the nature of debate. The point of order is overruled.

Mr. HOYER. I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand in the judgment of the House?

Mr. [Pete] SESSIONS [of Texas]. Mr. Speaker, I move to lay the appeal on the table.

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

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 196, not voting 12, as follows:

[Roll No. 347] . . .

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.

### **§ 20.29 A Member controlling time in debate may yield for another Member's request to revise and extend remarks without being charged for the time thereby consumed, provided that the Member securing permission to revise and extend does not embellish such request with oratory.**

On June 23, 2005,<sup>(83)</sup> the following occurred:

Mr. [David] OBEY [of Wisconsin]. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the Obey amendment and also the 81 percent of the American people who said the Republican-controlled Congress is out of tune with their values and this is a perfect example. . . .

**83.** 151 CONG. REC. 13903, 109th Cong. 1st Sess.

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN.<sup>(84)</sup> Members recognized for unanimous-consent requests should not embellish such requests with oratory.

**§ 20.30 The Chair advised that time for debate would be charged against the Member yielding to other Members who engage in debate under the guise of requests to revise and extend remarks.**

On March 21, 2010,<sup>(85)</sup> the following occurred:

Mr. [David] DREIER [of California]. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Louisiana (Mr. FLEMING).

Mr. [John] FLEMING [of Louisiana]. Mr. Speaker, I rise in opposition to this flawed health care bill.

Mr. DREIER. I yield for the purpose of a unanimous consent request to our soft-spoken colleague from Texas (Mr. CULBERSON).

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

Mr. [John] CULBERSON [of Texas]. Mr. Speaker, I rise in opposition to this flawed 4,700-page health care bill.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore.<sup>(86)</sup> As recorded in section 957 of the House Rules and Manual, although a unanimous consent request to insert remarks in debate may comprise a simple, declarative statement of the Member's attitude towards the pending measure, it is improper for a Member to embellish such a request with oratory, and it can become an imposition on the time of the Member who was yielded for that purpose.

The Chair will entertain as many requests to insert as many as may be necessary to accommodate Members, but the Chair must also ask Members to cooperate by confining such requests to the proper form. Further embellishments will be charged to the time of the gentleman from California.

Mr. DREIER. Thank you very much, Mr. Speaker. We will certainly comply with your directive and appreciate it.

I yield for the purpose of a unanimous consent request to the former mayor of Dayton, Ohio (Mr. TURNER).

Mr. [Michael] TURNER [of Ohio]. Mr. Speaker, I rise in opposition to this flawed health care bill. . . .

Mr. DREIER. I yield for the purpose of a unanimous consent request to the gentleman from New Jersey (Mr. GARRETT).

Mr. [Scott] GARRETT of New Jersey. Mr. Speaker, I rise in opposition to this unconstitutional health care bill. . . .

The SPEAKER pro tempore. The gentleman will be charged. . . .

Mr. DREIER. Mr. Speaker, was there any time consumed?

The SPEAKER pro tempore. You were charged once.

84. Paul Gillmor (OH).

85. 156 CONG. REC. 4113–14, 4117–18, 4121–22, 4148–49, 111th Cong. 2d Sess.

86. Jesse Jackson, Jr. (IL).

Mr. DREIER. For what, half a second?

The SPEAKER pro tempore. The gentleman was charged 5 seconds.

Mr. DREIER. Five seconds. Is there any way we can try and get that back, Mr. Speaker?

I reserve the balance of my time. . . .

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA) for the purpose of a unanimous consent request.

Mr. [Eni] FALEOMAVAEGA [of American Samoa]. Mr. Speaker, I rise in total opposition to all my friends who oppose the legislation on the other side of the aisle, but in full support of this most historical bill. . . .

The SPEAKER pro tempore. The gentleman will be charged. . . .

Mr. [Sander] LEVIN [of Michigan]. I yield for the purpose of a unanimous consent request to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. [Bobby] ETHERIDGE [of North Carolina]. Mr. Speaker, I rise on behalf of a young man by the name of Will Privitt who tonight will be able to get insurance for the first time. He was born with a preexisting condition. . . .

The SPEAKER pro tempore. The gentleman from Michigan will be charged time.

Mr. LEVIN. I yield to the gentleman from Pennsylvania (Mr. FATTAH) for a unanimous consent request.

Mr. [Chaka] FATTAH [of Pennsylvania]. I rise in support of the health care reform bill in honor of a friend of mine, Linda Taylor, who died because of the lack of insurance in a breast cancer illness that she faced. . . .

The SPEAKER pro tempore. The gentleman from Michigan will be charged time consumed.

**§ 20.31 In response to a parliamentary inquiry, the Chair advised that the time consumed by embellished speeches under the guise of requests to revise and extend remarks would be charged against the yielding Member.**

On May 16, 2012,<sup>(87)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(88)</sup> The Chair would advise Members to confine their unanimous-consent requests to a simple, declarative statement of the Member's attitude toward the measure. Further embellishments will result in a deduction of time from the yielding Member.

PARLIAMENTARY INQUIRY

Ms. [Gwen] MOORE [of Wisconsin]. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. MOORE. The declarative statement that you referred to, am I not correct, Mr. Speaker, that that could also include a sentence, a complete sentence?

87. 158 CONG. REC. 6903, 112th Cong. 2d Sess.

88. Jo Ann Emerson (MO).

The SPEAKER pro tempore. The Chair will only deduct time for embellishments.  
Ms. MOORE. I thank the Chair.

### ***Requests for Others to Revise and Extend***

**§ 20.32 A Member may not request unanimous consent for another designated Member to revise and extend remarks in the *Congressional Record*, as that permission must be obtained by the Member personally or by way of general leave for all Members to revise and extend their remarks.**

On May 3, 1977,<sup>(89)</sup> the following occurred:

Mr. [John] HAMMERSCHMIDT [of Arkansas]. Mr. Speaker, I further request that the distinguished ranking member, the gentleman from Ohio (Mr. HARSHA) be allowed to revise and extend his remarks immediately following my own statement.

The SPEAKER pro tempore (Mr. [Abraham] KAZEN [of Texas]). The gentleman from Arkansas will have to make a request for all Members to revise and extend their remarks in order to have that done.

Mr. HAMMERSCHMIDT. Mr. Speaker, that motion will be made later. . . .

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I restate my request that the distinguished ranking minority member, the gentleman from Ohio (Mr. HARSHA), be allowed to revise and extend his remarks.

The SPEAKER pro tempore. General leave has already been granted for all Members to extend their remarks.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman's remarks appear following mine?

The SPEAKER pro tempore. The Chair will advise the gentleman that the remarks of other Members will have to be placed at the end of the debate. The gentleman cannot obtain the permission he requests.

Mr. HAMMERSCHMIDT. Mr. Speaker, a further parliamentary inquiry. I did notice a request that the distinguished chairman's remarks be allowed to be inserted at a particular point in the RECORD.

The SPEAKER pro tempore. The same ruling will have to be applied. The Chair did inadvertently make that ruling but the remarks of the chairman will be placed in the same place following debate in accordance with the request that all Members have permission to revise and extend their remarks.

**§ 20.33 Where a Member asked unanimous consent to insert into the *Congressional Record* the remarks of another Member, the Chair advised that the remarks could be inserted pursuant to an existing order for general leave.**

On March 19, 2012,<sup>(90)</sup> the following occurred:

<sup>89</sup>. 123 CONG. REC. 13249, 95th Cong. 1st Sess.

<sup>90</sup>. 158 CONG. REC. 3615–16, 112th Cong. 2d Sess. See also *House Rules and Manual* § 692 (2019).

## GENERAL LEAVE

Mr. [Lamar] SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3992 currently under consideration. . . .

Mr. [Howard] BERMAN [of California]. Madam Speaker, I rise in support of H.R. 3992. . . .

Madam Speaker, I ask unanimous consent that the remarks of the ranking member of the Immigration Subcommittee, Ms. LOFGREN, be included in the RECORD.

The SPEAKER pro tempore.<sup>(91)</sup> The gentleman's request will be covered by the earlier general leave order.

## PARLIAMENTARY INQUIRY

Mr. BERMAN. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BERMAN. I would like to introduce the entire statement of Ranking Member CONYERS and subcommittee Ranking Member LOFGREN into the RECORD. I am unclear whether I am able to do that at this time.

The SPEAKER pro tempore. Permission for all Members to revise and extend their remarks was previously obtained by unanimous consent.

## § 21. Insertion of Extraneous Material

In addition to revising or extending one's own remarks for the *Congressional Record*, a Member may also be permitted (by unanimous consent) to include extraneous material.<sup>(1)</sup> This material may take any form, but is usually correspondence, newspaper articles, analysis of legislative measures, and similar documents.<sup>(2)</sup> The same standards of decorum apply to such insertions as they do to words spoken on the floor, and unparliamentary insertions will not be permitted.<sup>(3)</sup> Other Members may inspect materials proposed to be inserted,<sup>(4)</sup> but any objection to the insertion of extraneous material must be timely made.<sup>(5)</sup> Questions of personal privilege, normally delivered in person on the floor of the House, may also be included in the *Record* as simply an insertion of material relevant to the question of personal privilege.<sup>(6)</sup>

91. Virginia Foxx (NC).

1. See § 21.3, *infra*.

2. See § 21.1, *infra*.

3. For the rules regarding unparliamentary remarks and their depiction in the *Congressional Record*, see § 22, *infra*. For earlier treatment of insertions of unparliamentary material, see Deschler's Precedents Ch. 5 §§ 20.19–20.22.

4. See § 21.2, *infra*.

5. See § 21.4, *infra*.

6. See §§ 21.11, 21.12, *infra*. For questions of personal privilege generally, see Deschler's Precedents Ch. 11 §§ 20–33 and Precedents (Wickham) Ch. 11.

Pursuant to Joint Committee on Printing rules, no insertion of extraneous material that exceeds two *Congressional Record* pages may be permitted unless the Member: (1) obtains a cost estimate for the insertion from the Public Printer; and (2) announces said cost estimate on the floor in connection with the request.<sup>(7)</sup> This policy allows Members to object to insertions whose printing costs are considered excessive.<sup>(8)</sup> It is the responsibility of the Member making the request to obtain the cost estimate from the Public Printer,<sup>(9)</sup> and requests lacking specific estimates will not be entertained. Insertions that are specifically contemplated by the rules of the House, such as macroeconomic analyses<sup>(10)</sup> or Congressional Budget Office cost estimates, are not subject to this policy.<sup>(11)</sup>

As with unanimous-consent requests to revise and extend remarks,<sup>(12)</sup> a unanimous-consent request to insert extraneous material may not be embellished with additional oratory in the nature of debate. If a Member does embellish the request with debate, the time will be deducted from the Member to whom it had been allocated.<sup>(13)</sup>

### *In General*

#### **§ 21.1 The chair of the Committee on Energy and Commerce obtained unanimous consent to insert into the *Congressional Record* certain correspondence between himself and his Senate counterparts.**

On August 10, 1984,<sup>(14)</sup> the following occurred:

##### PERMISSION FOR INCLUSION OF CORRESPONDENCE RELATIVE TO H.R. 5640, SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

Mr. [John] DINGELL [of Michigan]. Mr. Speaker, the rule on H.R. 5640 provided for the linkage between RCRA and the Superfund legislation. Because of understandings with our good friends and colleagues on the minority side and because of a letter which I received, along with my good friend and colleague, the distinguished gentleman from North Carolina [Mr. BROYHILL], from our colleagues on the Senate side, Senator STAFFORD, Senator RANDOLPH, and Senator CHAFFE, I will not make that request.

I ask unanimous consent, however, Mr. Speaker, that in view of the commitments on the part of the Senate to pass Superfund legislation during this session that I be permitted to insert the correspondence between me and my distinguished colleagues.

---

7. Joint Committee on Printing Rule #13. See § 21.7, *infra*.

8. See § 21.5, *infra*.

9. See §§ 21.6, 21.8, *infra*.

10. See § 21.9, *infra*.

11. See § 21.10, *infra*.

12. See § 20, *supra*.

13. See § 21.13, *infra*.

14. 130 CONG. REC. 24059–60, 98th Cong. 2d Sess.

The SPEAKER pro tempore.<sup>(15)</sup> Is there objection to the request of the gentleman from Michigan?

There was no objection.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington DC, August 7, 1984.*

Hon. CLAUDE PEPPER,  
*Chairman, Committee on Rules, House of Representatives,  
the Capitol, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to request a hearing before the Rules Committee . . .

The Committee on Ways and Means has requested a closed rule for consideration of Title V of H.R. 5640. On behalf of the Committee on Energy and Commerce, I am constrained to oppose this request. Although H.R. 5640 was not divided for reference among the committees of jurisdiction, the Committee on Energy and Commerce, in the spirit of comity, did not consider amendments to those sections of Title V which amend the Internal Revenue Code. Instead, the Committee followed a procedure whereby Members made motions embodying revenue recommendations with respect to H.R. 5640. Those motions agreed to by the Committee were included in the report of the Committee (H. Rept. 98-890, Part I, pp. 76-83) and transmitted to the Committee on Ways and Means as recommendations.

The Committee on Energy and Commerce agreed that those recommendations not incorporated in the version of H.R. 5640 approved by the Committee on Ways and Means would be brought to the attention of the Committee on Rules, with the request that the Rules Committee make in order Floor amendments reflecting such recommendations. The Committee on Rules was advised of the procedure followed by the Energy and Commerce Committee by letter dated July 27, 1984 (copy enclosed).

Accordingly, I respectfully request that the Committee on Rules grant a rule making in order the following amendments to Title V: An amendment allowing the termination of taxes when the balance of unobligated funds in the Superfund trust fund reaches certain levels; an amendment providing for reduced taxation of recycled metals; and an amendment providing for certain import taxes relating to chemical feedstocks.

In addition to these amendments, I also request that two other amendments be made in order to the tax provisions of Title V. These amendments would restore tax provisions in H.R. 5640 which were important to certain Members of the Committee but which the Committee on Ways and Means eliminated entirely in its amendment to Title V. The amendments are: An amendment exempting copper from the list of taxable feedstock chemicals and metals; and an amendment providing for taxation of the disposal of hazardous substances.

I also request that the Rules Committee make in order amendments to the authorizing provisions of Title V of the legislation, which are within the jurisdiction of the Committee on Energy and Commerce.

On November 3, 1983, the House overwhelmingly approved H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. That legislation reauthorizes and strengthens the hazardous waste regulatory program, which requires safe handling of hazardous

---

15. John Murtha (PA).

wastes from the point of generation through final disposal and is designed to prevent a recurrence of the past unsafe disposal practices that created the very problems addressed by the Superfund program and H.R. 5640. The two programs are interdependent and address the prospective and retrospective aspects of the toxic waste problem. Indeed, S.757, the counterpart to H.R. 2867 passed by the Senate only two weeks ago, contains significant amendments to the existing Superfund law and addresses the dangers, also addressed in H.R. 5640, posed by leaking underground gasoline storage tanks.

The Congress now has a unique and compelling window of opportunity within which to address the full spectrum of the interrelated hazardous waste problems by considering together bills amending both organic statutes. It would be unfortunate, indeed, if the Congress were to abandon the opportunity—and the challenge—to forge a comprehensive, integrated national policy on the hazardous waste issue and continue its record of progress in the effort to bring the nation's most dangerous environmental problem under control. Therefore, I request also that the rule provide that following passage of H.R. 5640 by the House, it shall be in order to proceed to the consideration of the Senate amendments to H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983; to amend the Senate amendments with a substitute containing the texts of H.R. 2867 and H.R. 5640 as passed by the House; and to move to request a conference with the Senate.

Mr. Chairman, H.R. 5640 is critically important environmental legislation, and I greatly appreciate the action you have taken in promptly scheduling a hearing before your Committee on this measure. Expeditious action by the Rules Committee will provide the House with the opportunity to consider this vital legislation prior to the August recess and facilitate its enactment into law prior to the adjournment of the 98th Congress.

With warm regards,

Sincerely,

JOHN D. DINGELL,  
*Chairman.*

---

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington DC, August 9, 1984.*

Hon. JOHN D. DINGELL,  
*Chairman;*

Hon. JAMES T. BROYHILL,  
*Ranking Minority Member, Committee on Energy and  
Commerce House of Representatives, Washington DC.*

DEAR JOHN AND JIM: We are writing to urge that you do not link reauthorization of Superfund to reauthorization of the Resource Conservation and Recovery Act (RCRA). A move to connect the two bills will unnecessarily complicate matters and will delay final action on the RCRA bill.

As members of the Senate who are committed to seeing an strong Superfund bill enacted this year, we are in the process of marking up such a bill in the Committee on Environment and Public Works. It is our intention to complete markup in early September.

Bills to reauthorize and strengthen RCRA have already been passed in both chambers and are ready to be dealt with in conference. These bills are important measures in their



own right and enactment of RCRA amendments should not be delayed. In the interest of assuring enactment of both RCRA and Superfund this year in our mutual efforts to protect human health and the environment, we urge you to refrain from attaching Superfund to RCRA.

Good luck with Superfund. We look forward to working with you.

Sincerely yours,

ROBERT T. STAFFORD,  
*Chairman.*

**§ 21.2 In response to a parliamentary inquiry, the Chair advised that extraneous material submitted for inclusion in the *Congressional Record* by unanimous consent should be delivered to the Official Reporters of Debate.**

On July 30, 1998,<sup>(16)</sup> the following occurred:

Mr. [Tony] HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. [Robert] SCOTT [of Virginia]. Madam Speaker, I include for the RECORD a letter from the U.S. Attorney's Office, Southern District of New York, which stated that taking testimony from certain witnesses who had been subpoenaed and scheduled to testify would impede an ongoing criminal investigation.

The letter referred to is as follows:

*Department of Justice,  
SOUTHERN DISTRICT OF NEW YORK,  
April 28, 1998.*

Re Teamsters investigation. . . .

Mr. [Gerald] SOLOMON [of New York]. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Ms. [Jo Ann] EMERSON [of Missouri]). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. [Peter] HOEKSTRA [of Michigan]. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan will state his parliamentary inquiry.

Mr. HOEKSTRA. Madam Speaker, is it a rule of the House that documents that are to be entered in the record should be in the House?

The SPEAKER pro tempore. The House has authority by unanimous consent to admit those documents for printing.

Mr. HOEKSTRA. Madam Speaker, if they have asked for unanimous consent, should I not have access to those documents when they are inserted?

The SPEAKER pro tempore. The documents are available with the Official Reporters of Debate.

Mr. HOEKSTRA. Madam Speaker, if the document has been inserted for the record, should the Clerk or someone have the document?

16. 144 CONG. REC. 18215–16, 105th Cong. 2d Sess.

Mr. [Xavier] BECERRA [of California]. Madam Speaker, regular order.

The SPEAKER pro tempore. The documents should be delivered to the Official Reporters of Debate.

Mr. BECERRA. Madam Speaker, there was no objection raised earlier to any unanimous consent made before.

The SPEAKER pro tempore. The Chair is merely responding to a parliamentary inquiry.

The documents submitted by unanimous consent are delivered to the Official Reporters of Debates.

Mr. HOEKSTRA. Madam Speaker, have they been delivered?

The SPEAKER pro tempore. The gentleman may inquire of the Official Reporters.

Mr. HOEKSTRA. We have inquired, and the documents are not available.

The SPEAKER pro tempore. They should be submitted to the Official Reporters, or they will not appear in the record.

Mr. HOEKSTRA. Madam Speaker, I would just like a copy as soon as they ever get delivered to the House.

**§ 21.3 Extraneous material may be inserted in the *Congressional Record* by unanimous consent.**

On September 13, 2000,<sup>(17)</sup> the following occurred:

PARLIAMENTARY INQUIRY

Mr. [Gary (Gene)] TAYLOR of Mississippi. Mr. Speaker, a preliminary inquiry. Mr. Speaker, my parliamentary inquiry is how would I have this document from the Bureau of Public Debt published on June 30, 2000, how would I have this document that shows the public debt increasing by \$40 billion inserted at the RECORD at this appropriate time?

Mr. [Michael (Mac)] COLLINS [of Georgia]. Mr. Speaker, regular order.

Mr. SAM JOHNSON of Texas. Mr. Speaker, regular order.

The SPEAKER pro tempore.<sup>(18)</sup> The gentleman from Mississippi (Mr. TAYLOR) could ask for unanimous consent to submit the document for the RECORD.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent for a publication of the Treasury Department to be inserted in the RECORD.

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

There was no objection.

**§ 21.4 Extraneous material may be inserted in the *Congressional Record* by unanimous consent, but if any Member makes a timely objection, the material may not be inserted.**

On April 14, 2005,<sup>(19)</sup> the following occurred:

GENERAL LEAVE

Mr. [Phil] GINGREY [of Georgia]. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 211.

17. 146 CONG. REC. 17810, 106th Cong. 2d Sess.

18. Ray LaHood (IL).

19. 151 CONG. REC. 6381, 6389, 6393–94, 109th Cong. 1st Sess.

The SPEAKER pro tempore (Mr. [John] DUNCAN [of Tennessee]). Is there objection to the request of the gentleman from Georgia?

There was no objection. . . .

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

Mr. [Alcee] HASTINGS of Florida. Mr. Speaker, I yield 5 seconds to the gentlewoman from New York (Mrs. MALONEY) for the purpose of making a unanimous consent request.

Mrs. [Carolyn] MALONEY [of New York]. Mr. Speaker, I request permission to place in the RECORD, in response to this statement, statements by Bar Associations across this country, women's organizations, women's legal defense, asserting what I have said that children are put second to credit card companies. . . .

The SPEAKER pro tempore (Mr. [John] SWEENEY [of New York]). Is there objection to the request of the gentlewoman from New York?

Mrs. MALONEY. And this is wrong. Where are the family values in this Congress?

The SPEAKER pro tempore. The gentlewoman is not under recognition.

Mrs. MALONEY. Is it just rhetoric or do you really care about children?

Mr. SAM JOHNSON of Texas. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

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

#### PARLIAMENTARY INQUIRIES

Mr. HASTINGS of Florida. Parliamentary inquiry, Mr. Speaker. What was the objection about?

The SPEAKER pro tempore. The objection was regarding the placement of extraneous material in the RECORD.

Mr. HASTINGS of Florida. Mr. Speaker, further parliamentary inquiry, what is the ruling of the Chair?

The SPEAKER pro tempore. The Chair heard objection.

Mr. HASTINGS of Florida. Further parliamentary inquiry, so the gentlewoman from New York's request to put in the RECORD the material?

The SPEAKER pro tempore. The material will not be placed in the RECORD. Objection was heard.

Mr. HASTINGS of Florida. Mr. Speaker, there is objection to a Member's placing in the RECORD, a Member who had made a statement supporting the things that she asked to be submitted, that is being denied?

The SPEAKER pro tempore. That is correct.

Mr. [Jerrold] NADLER [of New York]. Parliamentary inquiry, Mr. Speaker. What is the basis for the objection to a request for insertion into the RECORD of material?

The SPEAKER pro tempore. It takes unanimous consent to place extraneous material in the RECORD. An objection was heard to such a request; therefore, unanimous consent was not obtained.

Mr. NADLER. Mr. Speaker, is it not customary as a normal matter of comity in this House to allow all material requested to be placed in the RECORD?

The SPEAKER pro tempore. Unanimous consent was sought. It was not obtained because the gentleman from Texas was on his feet and objected; therefore, the material does not get inserted in the RECORD.

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Parliamentary inquiry, Mr. Speaker. Is the material asked to be inserted covered under the General Leave that was requested at the beginning of the debate by the gentleman from Georgia (Mr. GINGREY)?

The SPEAKER pro tempore. The general leave was for extension of remarks and not for insertion of extraneous material.

Mr. NADLER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. There has been no ruling. The Chair merely heard objection.

Ms. [Maxine] WATERS [of California]. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from California is recognized.

Ms. WATERS. Mr. Speaker, does the rule not state that the objection must be asked for prior to the speaking of the Member? This Member spoke, and the objection was asked for after the party spoke. My understanding is it should have been done ahead of time.

What is the correct rule?

The SPEAKER pro tempore. The gentlewoman from New York made a unanimous consent request, which was heard in total. At the conclusion of that request, the Chair queried for objection, and the gentleman from Texas rose and objected. Therefore, unanimous consent was not obtained.

Ms. WATERS. I am sorry, Mr. Speaker. I think what I observed was she asked unanimous consent. There was no objection. She proceeded to speak. She spoke, and the objection was not timely. It was asked for after she had completed speaking. That is what I saw.

The SPEAKER pro tempore. The gentlewoman from New York was yielded for the purpose of a unanimous consent request. At the conclusion of that consent request, objection was made by the gentleman from Texas.

Ms. WATERS. Mr. Speaker, I submit that that was not a timely objection. It was not timely.

The SPEAKER pro tempore. It was a contemporaneous objection; when the Chair queried for objection, the gentleman was on his feet. Therefore, it was timely.

Ms. WATERS. Mr. Speaker, I do not think so. And I would oppose that, and I would support my colleague, who again would ask that we have a vote on the ruling by the Chair.

The SPEAKER pro tempore. Does the gentlewoman from California appeal the ruling of the Chair that the objection was timely?

Ms. WATERS. Yes, Mr. Speaker. Based on my statement, he is now again appealing the ruling of the Chair based on that it was untimely.

I ask the gentleman from New York (Mr. NADLER) if that is right.

Mr. NADLER. Yes, it is.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. Would the gentleman kindly withhold that motion.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw for now the motion to table.

Mr. NADLER. Mr. Speaker, in light of new information, I withdraw the appeal.

The SPEAKER pro tempore. Does the gentlewoman from California withdraw her appeal?

Ms. WATERS. Yes, Mr. Speaker, I withdraw; and I thank the gentleman on the opposite side of the aisle.

Mr. HASTINGS of Florida. Mr. Speaker, with the Speaker's permission, I ask unanimous consent that the extraneous material offered by the gentlewoman from New York (Mrs. MALONEY) be made a part of the RECORD following her remarks.

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

There was no objection.

### ***Limitations on Insertions (The "Two Page Rule")***

**§ 21.5 The Minority Leader announced that he would object to any unanimous-consent request to insert extraneous matter in the *Congressional Record* exceeding two *Record* pages and costing in excess of \$10,000.**

On June 16, 1987,<sup>(20)</sup> the following occurred:

#### STATEMENT OF THE MINORITY LEADER REGARDING EXTENSIONS OF REMARKS

Mr. [Robert] MICHEL [of Illinois]. Mr. Chairman, I have instructed my leadership and House floor staff to have an objection made to any unanimous-consent request made regarding the Extension of Remarks or inclusion of additional or extraneous material if the inclusion of such material will result in a cost estimated by the Public Printer to exceed \$10,000.

I would like to look at such inclusion to make sure that these are moneys well spent. I have noted that we have gotten quite excessive lately and it has just got to stop.

I also will have my floor representatives require that every such request must be made at a microphone so that all can clearly understand exactly what the request was.

I thank the Chair for its indulgence in this matter.

**§ 21.6 In response to a parliamentary inquiry, the Chair stated that it is the Member's responsibility and not that of the Chair to ascertain the cost of printing extraneous material and obtaining consent of the House where necessary, under Rule 13 of the Joint Committee on Printing rules.**

On February 11, 1994,<sup>(21)</sup> the Chair responded to parliamentary inquiries as follows:

#### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore (Mrs. [Jolene] UNSOELD [of Washington]). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

20. 133 CONG. REC. 16239, 100th Cong. 1st Sess.

21. 140 CONG. REC. 2244-45, 103d Cong. 2d Sess.

Mr. [Robert] WALKER [of Pennsylvania]. Madam Speaker, I would like to use my 5 minutes to begin with to propound a parliamentary inquiry relating to the matter of extensions of remarks in the CONGRESSIONAL RECORD.

In yesterday's CONGRESSIONAL RECORD, that would be February 10, on pages H 460 to H 476, material was submitted to the CONGRESSIONAL RECORD costing the taxpayers \$6,132, where there was not an announcement of that cost prior to the material being submitted.

My parliamentary inquiry is this, does the Chair have a responsibility to ascertain the amount of taxpayer expense in Extension of Remarks.

The SPEAKER pro tempore. In response to the inquiry of the gentleman from Pennsylvania, the Chair understands the situation to be as follows: the gentlewoman from Colorado requested permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous material. Due to the length of the matter submitted, the material was moved by the official reporters from the beginning of the day to appear following legislative business. This normally is a signal to the Government Printing Office to return the material to the Member should a printing estimate be required, submissions in excess of two CONGRESSIONAL RECORD pages. That apparently did not occur in this situation, so the submission was printed.

Mr. WALKER. I thank the Chair for that explanation, but it does not really answer the question I propounded.

My question was this, does the Chair have a responsibility to ascertain the length of the material, when Members submit it for the RECORD?

The SPEAKER pro tempore. It is the practice of the Chair to advise the Member that is making this request to go to the appropriate official reporters, if an estimate is required.

Mr. WALKER. So it is the responsibility of the Chair and not of the Member to deal with the questions of cost for long-winded material that goes into the RECORD?

The SPEAKER pro tempore. No, it is the responsibility of the Member.

Mr. WALKER. So the Member has the responsibility, if they have a large amount of material, to present that to the House prior to asking the permission; is that correct?

The SPEAKER pro tempore. To ask permission with the estimate of the cost in hand.

Mr. WALKER. And in this particular case, as I understand it, that procedure was not followed; is that correct?

The SPEAKER pro tempore. The gentlewoman did not have an estimate and, for that reason, the matter was held over until the end of the RECORD.

Mr. WALKER. Is there a procedure for recovering the amount of money spent that was spent and not properly agreed to.

The SPEAKER pro tempore. The Chair would have to take that under advisement.

Mr. WALKER. I would be very happy to have the Chair take it under advisement. As I understand it, the Government Printing Office indicates that the amount of money is \$6,132.

Since the Chair is taking it under advisement, could the Chair tell me when I might get an indication from the Chair as to the answer to my question?

The SPEAKER pro tempore (Mrs. UNSOELD). The Chair has already been advised that in the future, the Government Printing Office will be more diligent in returning such material to the Member, rather than just printing it.

Mr. WALKER. I understand that, but the Chair has taken the question that I asked a few minutes ago under advisement. I am asking when I will be advised as to the Chair's position on the matter.

The SPEAKER pro tempore. As soon as the Chair would get the answer.

Mr. WALKER. And that would be within the next month?

The SPEAKER pro tempore. The Chair will seek to obtain that information as soon as possible, but is not in control of the source of the answer.

Mr. WALKER. May I assume that this is an answer that I might get before the end of the session?

The SPEAKER pro tempore. The Chair sees no reason to presume otherwise.

Mr. WALKER. I thank the Chair.

**§ 21.7 The chair of the Committee on Transportation and Infrastructure by unanimous consent inserted extraneous material in excess of two pages in the *Congressional Record* notwithstanding its printing cost, under the condition initiated and stated by the Chair that the material not be construed as a revised joint explanatory statement of the managers of a previously filed conference report.**

On October 10, 1998,<sup>(22)</sup> the following occurred:

SUBMISSION OF EXTRANEIOUS MATTER EXCEEDING 2 PAGES OF THE  
CONGRESSIONAL RECORD

Mr. [Bud] SHUSTER [of Pennsylvania]. Mr. Speaker, I ask unanimous consent to insert in the RECORD updated explanatory materials relating to the Transportation Equity Act for the 21st Century, commonly known as ISTEA, and to extend my remarks in the RECORD and to include therein extraneous material notwithstanding the fact that it exceeds 2 pages and is estimated by the Public Printer to cost \$9,376. This material will serve as a useful record for interpreting this important legislation.

The SPEAKER pro tempore (Mr. [Ken] CALVERT [of California]). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, and notwithstanding the cost, the gentleman may insert extraneous material in the RECORD, but that material does not constitute a revised joint statement of managers to accompany a conference report previously filed.

There was no objection.

INTRODUCTORY NOTE TO UPDATED EXPLANATORY MATERIALS

The House Conferees from the Committee on Transportation and Infrastructure on the Transportation Equity Act for the 21st Century (TEA 21) are pleased to published the accompanying updated explanatory materials related to TEA 21. These materials reflect what we intended the legislative history of TEA 21 to be, had there been adequate time to develop a complete report.

TEA 21 is comprehensive surface transportation legislation that reauthorized the Federal highway, transit, highway safety grant and surface transportation research programs for Fiscal Years 1998 through 2003. It also contains legislation extending the Highway Trust Fund and its taxes, changes to the Balanced Budget and Emergency Deficit Control Act of 1985 that ensure the trust fund revenues are spent, budgetary offsets to pay for the increased levels of funding authorized, provisions related to ozone and particulate matter standards, the National Highway Traffic Safety Administration Act of 1998,

22. 144 CONG. REC. 25501–503, 105th Cong. 2d Sess.

provisions related to rail programs, comprehensive “one-call” notification programs, and the Sportfishing and Boating Safety Act of 1998.

The Conference Report on TEA 21 (House Report 105-550) passed the House of Representatives and the Senate on May 22, 1998, and was signed into law by the President on June 9, 1998, as Public Law 105-178.

**§ 21.8 The Chair will not respond to parliamentary inquiries regarding the cost of printing matter in the *Congressional Record*.**

On February 27, 2003,<sup>(23)</sup> the following occurred:

Mr. [Wayne (Curt)] WELDON of Florida. . . .

I think the time has arrived for us to do the right thing. This is a moral and ethical decision. We are talking about scientists creating human embryos for the purpose of exploiting them and destroying them, and there is no scientific evidence today that this is justifiable.

Mr. Speaker, I will include for the RECORD the studies I referred to above.

PARLIAMENTARY INQUIRY

Mr. [James] MCGOVERN [of Massachusetts]. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. [John] SWEENEY [of New York]). The gentleman will state his parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, I wonder if the Chair can inform me how much it will cost the American taxpayer to reprint the several months of studies that have just been submitted for the RECORD?

The SPEAKER pro tempore. The Chair would inform the gentleman that that is not a parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time. I very much want to rise and join my colleagues in opposition to this rule and to the underlying bill.

**§ 21.9 Submissions of material to the *Congressional Record* that are specifically contemplated by House rules are not subject to the “two page rule.”<sup>(24)</sup>**

On May 8, 2003,<sup>(25)</sup> the following occurred:

MACROECONOMIC ANALYSIS OF H.R. 2, THE “JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003” PREPARED BY THE STAFF OF THE JOINT COMMITTEE ON TAXATION

The SPEAKER pro tempore.<sup>(26)</sup> Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

23. 149 CONG. REC. 4691, 108th Cong. 1st Sess.

24. *Parliamentarian’s Note*: In this case, the submission of a macroeconomic impact analysis was specifically required by clause 3(h)(2)(A)(iii) of rule XIII (repealed in the 114th Congress). See *House Rules and Manual* § 849a (2019).

25. 149 CONG. REC. 10954, 108th Cong. 1st Sess.

26. John Culberson (TX).



Mr. [William] THOMAS [of California]. Mr. Speaker, pursuant to clause 3(h)(2)(A)(iii) of rule XIII, I submitted the following macroeconomic impact analysis:

In accordance with House Rule XIII.3(h)(2), this document, prepared by the staff of the Joint Committee on Taxation ("Joint Committee staff"), provides a macroeconomic analysis of H.R. 2, the "Jobs and Growth Reconciliation Tax Act of 2003." The analysis presents the results of simulating the changes contained in H.R. 2 under three economic models of the economy. The models employ a variety of assumptions regarding Federal fiscal policy, monetary policy, and behavioral responses to the proposed changes in law.

1. DESCRIPTION OF MODELS AND RESULTS FORMAT  
(A) MODELS . . .

**§ 21.10 A committee chair submitted a Congressional Budget Office cost estimate of a measure in the *Congressional Record*, and (unnecessarily) obtained an estimate from the Public Printer on the cost of printing said material.<sup>(27)</sup>**

On July 14, 2003,<sup>(28)</sup> the following occurred:

PROJECT BIOSHIELD ACT OF 2003

**HON. CHRISTOPHER COX**

STATE OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 14, 2003*

Mr. [Christopher] COX [of California]. Mr. Speaker, I hereby submit for inclusion in the RECORD the cost estimate from the Congressional Budget Office for H.R. 2122, the Project BioShield Act of 2003, reflecting that implementing H.R. 2122 would increase discretionary spending by \$0.3 billion in 2004. The Public Printer estimates that the cost of including the CBO estimate in the RECORD is \$975. Because this estimate dated July 9, 2003, was not received by the Committee in time for inclusion in the Committee Report on the legislation.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 9, 2003.*

Hon. CHRISTOPHER COX,  
*Chairman, Select Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2122, the Project BioShield Act of 2003.

**27.** *Parliamentarian's Note:* The submission of a cost estimate for the printing was unnecessary in this case, as the submission of CBO estimates to accompany legislation is specifically contemplated by clause 3(d) of rule XIII. See *House Rules and Manual* § 841 (2019).

**28.** 149 CONG. REC. 17944, 108th Cong. 1st Sess.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Jeanne De Sa, who can be reached at 226-9010, and Sam Papenfuss, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

### ***Questions of Personal Privilege***

**§ 21.11 A Member rose to a question of personal privilege under rule IX<sup>(29)</sup> to refute press allegations against him in his representative capacity, and did so primarily through an insertion into the *Congressional Record* (rather than addressing Members on the House floor).**

On February 23, 1976,<sup>(30)</sup> the following occurred:

#### A POINT OF PERSONAL PRIVILEGE

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I rise to a point of personal privilege.

Last month I was attacked by Jack Anderson in a column. He subsequently, upon being presented with facts, retracted the charges against me completely. I would like to answer them at this point.

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

Mr. BAUMAN. Mr. Speaker, in the January 15, 1976, issue of the Washington Post and many other newspapers across the Nation the daily column entitled “The Washington Merry-Go-Round,” written by Jack Anderson and Les Whitten contained the following brief paragraph:

Arch-conservative Congressman Robert Bauman (R-Md.) has been raising money for Ronald Reagan. But Bauman pocketed \$2,626.52 of the money, according to a voucher, “for out-of-pocket expenses.”

Mr. Speaker, obviously, on its face, this item implied many things, including the possibility that I had in some manner acted dishonestly. On the same day I sent the following letter to Mr. Anderson:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 15, 1976.*

Mr. JACK ANDERSON,  
Mr. LES WHITTEN,  
*Washington, DC*

DEAR MR. ANDERSON and MR. WHITTEN: In your daily column, “The Washington Merry-Go-Round,” which appeared in the Washington Post and other newspapers today, January 15, 1976, you have written the following item:

**29.** *House Rules and Manual* § 698 (2019).

**30.** 122 CONG. REC. 4062, 94th Cong. 2d Sess.

“Arch-conservative Congressman Robert Bauman (R-Md.) has been raising money for Ronald Reagan. But Bauman pocketed \$2,626.52 of the money, according to a voucher “for out-of-pocket expenses.”

This statement is totally untrue in every detail and could have been proven so had you or your staff contacted me. Quite obviously you have either published this falsehood with the malicious intent of damaging my reputation or you are so grossly negligent in writing your column that your action amounts to malice.

**§ 21.12 A Member recognized for a question of personal privilege under rule IX<sup>(31)</sup> obtained unanimous consent for all Members to revise and extend their remarks and include extraneous material in the *Congressional Record* on the subject.**

On May 10, 2005,<sup>(32)</sup> the following occurred:

PERSONAL PRIVILEGE

Ms. [Sheila] JACKSON-LEE of Texas. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore.<sup>(33)</sup> On the basis of House Report 109–51 and certain media coverage thereof, the gentlewoman may rise to a question of personal privilege under rule IX.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1 hour.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume. . . .

---

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my question of personal privilege today.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

***Allocation of Time***

**§ 21.13 If a Member engages in debate during a unanimous-consent request to insert extraneous material into the *Congressional Record*, the Chair may deduct time from the Member to whom it was allocated.**

On July 31, 2014,<sup>(34)</sup> the following occurred:

---

31. *House Rules and Manual* § 698 (2019).

32. 151 CONG. REC. 9094, 9100, 109th Cong. 1st Sess.

33. John Boozman (AR).

34. 160 CONG. REC. 13734, 13736, 113th Cong. 2d Sess. For similar rulings regarding unanimous-consent requests to revise and extend remarks, see §§ 20.30, 20.31.

Mr. [Jared] POLIS [of Colorado]. Mr. Speaker, I yield to the gentleman from New Mexico (Mr. LUJÁN) for the purpose of a unanimous consent request.

(Mr. BEN RAY LUJÁN of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, I enter into the RECORD the story . . .

The SPEAKER pro tempore.<sup>(35)</sup> The time of the gentleman from Colorado will be charged.

#### PARLIAMENTARY INQUIRY

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, again, if there is discretion that can be shared, that was directly from the article that I asked to be entered into the RECORD. On many occasions I have been on this floor and been part of many debates in the 5 years I have been honored to serve with the Congress and have used the exact same approach and have never been charged. Is there any discretion that the Speaker can give us direction on?

The SPEAKER pro tempore. The Chair is exercising his discretion as the Chair has said previously. The Chair has discretion in this matter.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, with that being said to debate, even though the same practices are used by Members, rulings can change by the Chair on this particular issue?

The SPEAKER pro tempore. The Chair does have discretion. The guidance has been to confine the request to a simple declaratory statement of the Member's attitude toward the pending measure.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, for clarification, that is exactly what I did, which is I read a statement from the article.

I am confused, Mr. Speaker. I am just maybe a junior Member from a small farm in New Mexico, but it seems that if I am reading from the article directly, that I don't appear to be violating any rules to be charged time.

The SPEAKER pro tempore. Embellishments or statements on other matters are debate and will be charged to the manager.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, this was not an embellishment. This was a direct quote from the article. It appears to me that my understanding of an embellishment are my own words being added.

The SPEAKER pro tempore. The Chair has advised that embellishments or statements on other matters are debate and will be charged.

### **§ 21.14 A unanimous-consent request to insert extraneous matter in the *Congressional Record* should be propounded by the Member in possession of the extraneous matter.**

35. Randy Hultgren (IL).

On November 7, 1991,<sup>(36)</sup> the following occurred:

REQUEST FOR INCLUSION OF LETTER IN MEMBER'S STATEMENT

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

The SPEAKER pro tempore (Mr. [Gillespie (Sonny)] MONTGOMERY [of Mississippi]). The gentleman will state it.

Mr. WALKER. Would it be an appropriate parliamentary inquiry to ask unanimous consent that the letter the gentlewoman just referred to be placed in the RECORD at this point?

The SPEAKER pro tempore. The Chair would inform the gentleman that that is really not a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I am asking whether or not it would be appropriate in the procedures of the House at the moment for there to be a unanimous-consent request that the letter to which the gentlewoman just referred be put in the RECORD at this point?

The SPEAKER pro tempore. That is normally the prerogative of the Member possessing the letter. Is the gentleman asking that the letter be put in the RECORD?

Mr. WALKER. Mr. Speaker, I would ask unanimous consent that the letter be included in the RECORD.

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

Mr. [William (Bill)] ALEXANDER [of Arkansas]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. WALKER. The gentleman was not standing when he made the objection.

Mr. ALEXANDER. Mr. Speaker, I object.

Mr. WALKER. It is not timely at the present time.

The SPEAKER pro tempore. Objection is heard.

Mr. WALKER. It was not a timely objection, Mr. Speaker.

The SPEAKER pro tempore. The Chair looked at the gentleman sitting and nothing else had transpired. Then the Chair recognized that the gentleman was standing and the Chair put the question again.

## § 22. Deletion of Unparliamentary Remarks

The rules of decorum prohibit unparliamentary references to other Members and unparliamentary remarks may be stricken from the *Congressional Record*.<sup>(1)</sup> Members have no unilateral authority to remove their remarks (unparliamentary or not) from the *Record*, but must obtain the consent of the House to do so. Where a Member removes language from the *Record*

36. 137 CONG. REC. 30633, 102d Cong. 1st Sess.

1. For prior treatment of deleting or expunging unparliamentary remarks from the *Record*, see Deschler's Precedents Ch. 5 § 17. For decorum issues generally, see Deschler's Precedents Ch. 29 §§ 40–66 and Precedents (Wickham) Ch. 29.

(by submitting an edited version of the remarks to the Official Reporters of Debate), the Member may ask unanimous consent to have the material re-inserted.<sup>(2)</sup>

If one Member demands that another Member's words be "taken down" as unparliamentary, and the Chair rules that the remarks were out of order, the words are stricken from the *Congressional Record*.<sup>(3)</sup> Normally, the Chair initiates a unanimous-consent request to have the unparliamentary remarks removed,<sup>(4)</sup> but Members may also offer a motion to that effect.<sup>(5)</sup> Such motion is not debatable.<sup>(6)</sup> Once the remarks are stricken, the Member may not demand that they remain part of the *Record*.<sup>(7)</sup> When the demand to have words "taken down" is made, the Member whose remarks are at issue may also voluntarily withdraw them by unanimous consent, and in such cases the remarks are removed from the *Record*.<sup>(8)</sup> Similarly, a Member may ask unanimous consent to modify words that have been objected to by another Member, in which case only the words in their modified form appear in the *Record*.<sup>(9)</sup> Requests to withdraw or modify words spoken in debate may be objected to, and Members have done so in order to obtain from the Chair a formal ruling on whether the words were out of order.<sup>(10)</sup>

Where Members use unparliamentary language in referencing the Senate or members of that body, the Chair will call the Member to order on his or her own initiative. The Chair may also, *sua sponte*, offer a unanimous-consent request to have the unparliamentary remarks stricken from the *Congressional Record*,<sup>(11)</sup> though this is rare in modern practice. With respect to unparliamentary references to the President or Vice President (or major-party candidates for those offices), the Chair similarly initiates the

---

2. See § 22.14, *infra*.

3. *Parliamentarian's Note*: The process of taking a Member's words down necessarily involves the Clerk reporting the remarks at issue back to the House so that the Chair may rule as to whether or not they are in order. In the depiction of the events in the *Congressional Record*, the Clerk's reporting of the unparliamentary language will typically remain, even in cases where the words are ruled out of order and stricken from the place where the Member originally spoke them. The same situation obtains when a Member voluntarily withdraws remarks after the Clerk has reported them back to the House. See § 22.8, *infra*.

4. For an instance where the Chair inadvertently failed to make the usual unanimous-consent request to strike the unparliamentary language, see § 22.6, *infra*.

5. See §§ 22.1, 22.13, *infra*.

6. 6 Cannon's Precedents § 617.

7. See § 22.2, *infra*.

8. See § 22.7, *infra*.

9. See § 22.11, *infra*.

10. See § 22.15, *infra*.

11. See § 22.3, *infra*.

call to order but awaits a demand from the floor to have the offending remarks removed from the *Record*.<sup>(12)</sup>

The same decorum standards that apply to Members' remarks on the floor also apply to insertions of extraneous material into the *Congressional Record*.<sup>(13)</sup> Unparliamentary language may not be inserted into the *Record*, and the Official Reporters of Debate may review proposed insertions and consult with Members to ensure compliance with the rule.<sup>(14)</sup> The Joint Committee on Printing has also refused to allow the printing of materials it deemed profane or obscene.<sup>(15)</sup> If a Member does insert matter in violation of the rules of decorum, such matter may not be removed except by order of the House.<sup>(16)</sup> When the House orders that specific materials be placed in the *Record*, this proscription does not apply.<sup>(17)</sup> While it is not in order to reference guests in the gallery during floor speeches, a Member may insert into the *Record* the names of such individuals.<sup>(18)</sup>

Members must seek recognition from the Chair before beginning their remarks, and Members' remarks made while not properly recognized are not transcribed for the *Congressional Record*.<sup>(19)</sup> Members who interject remarks while not under recognition are not entitled to have such remarks printed in the *Record*. Interrupting Members may have their names appear in the *Record* at the point of interruption, but the interjected remarks are not carried.<sup>(20)</sup> When multiple Members begin speaking simultaneously, the Chair may advise Members to be more orderly in yielding and reclaiming time in order to allow the stenographers to properly record the debate.<sup>(21)</sup> Members who refuse to heed the gavel and continue to speak beyond their allotted time are no longer properly recognized, and their remarks will not be carried in the *Record*.<sup>(22)</sup>

12. See § 22.10, *infra*.

13. See §§ 22.1, 22.23, *infra*.

14. The Parliamentarian has also, on occasion, reviewed proposed insertions and advised Members whether certain materials would be unparliamentary. See § 22.22, *infra*.

15. See § 22.17, *infra*. See also Deschler's Precedents Ch. 5 § 17.23.

16. For examples of unanimous-consent requests to remove unparliamentary materials from the *Record*, see §§ 22.16, 22.18, and 22.19, *infra*.

17. See § 22.20, *infra*.

18. See 140 CONG. REC. 25760, 103d Cong. 2d Sess. (Sept. 26, 1994).

19. See § 22.24, *infra*. See also 131 CONG. REC. 2220, 2229, 2231, 99th Cong. 1st Sess. (Feb. 7, 1985).

20. The Official Reporters of Debate may substitute ellipses or asterisks in lieu of the interjected remarks. See, e.g., § 22.25, *infra*. See also 147 CONG. REC. 8305, 107th Cong. 1st Sess. (May 23, 2001) and 158 CONG. REC. 12253, 112th Cong. 2d Sess. (July 25, 2012).

21. See § 22.26, *infra*.

22. See 149 CONG. REC. 13884, 108th Cong. 1st Sess. (June 5, 2003).

*Remarks Spoken on the Floor*

**§ 22.1 When a Member's words are ruled unparliamentary by the Chair, the Chair typically initiates a unanimous-consent request to strike the offending matter from the *Congressional Record*, and if such a request is objected to, a motion to the same effect is in order.**

On August 21, 1974,<sup>(23)</sup> the following occurred:

Mr. [Augustus (Gus)] HAWKINS [of California]. Mr. Speaker, I yield 3 minutes to the distinguished majority leader (Mr. O'NEILL).

(By unanimous consent Mr. O'NEILL was allowed to speak out of order.)

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. BAUMAN).

Yesterday, Mr. Speaker, by mutual consent of the leadership on both sides of the aisle and by the members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. BAUMAN). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the RECORD, with unanimous consent, following the remarks where he had objected.

So, Mr. Speaker, in today's RECORD on page 29362 you will find the remarks of Mr. BAUMAN. You will not find the remarks of Mr. MCCLODY, one of the people who had asked me to do this. You will not find the remarks of other members of the Judiciary Committee, who were prepared at that time to put their remarks in the RECORD; but you will find the remarks of Mr. BAUMAN and Mr. BAUMAN alone.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER.<sup>(24)</sup> The gentleman demands that the words be taken down. The Clerk will report the words objected to.

Mr. O'NEILL. Mr. Speaker, I understand that the gentleman has asked my remarks to be taken down, which is the custom of the House.

I believe my remarks to be true. I know the gentleman is correct in his asking the words be taken down. Consequently, I would have to say that the Chair would have to rule my remarks out of order.

I so await the ruling.

Mr. BAUMAN. Mr. Speaker, does the gentleman ask unanimous consent to withdraw his remarks?

The SPEAKER. The Chair did not understand that.

23. 120 CONG. REC. 29652–53, 93d Cong. 2d Sess.

24. Carl Albert (OK).



Mr. BAUMAN. Does he not have to request that, or does not the Chair have to rule?

The SPEAKER. The Chair will rule when the Clerk reports the words taken down.

Mr. BAUMAN. Then, I demand the regular order.

The SPEAKER. Regular order is underway.

The Clerk will report the words.

The SPEAKER. The Clerk will report the words objected to.

The Clerk read as follows:

Mr. O'NEILL. Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. BAUMAN).

Yesterday, by mutual consent of the leadership on both sides of the aisle and by the Members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. BAUMAN). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected. So, Mr. Speaker, in today's Record on page 29362 you will find the remarks of Mr. BAUMAN. You will not find the remarks of Mr. MCCLORY, one of the people who had asked me to do this. You will not find the remarks of other Members of the Judiciary Committee, who were prepared at that time to put their remarks in the record; but you will find the remarks of Mr. BAUMAN and Mr. BAUMAN alone.

I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

The SPEAKER. The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the RECORD.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would only like to say to the gentleman from Massachusetts and to the House that as for the gentleman from Massachusetts, I can understand his concern about my objection yesterday. It was the only possible way in which I or any other Member could have actually spoken on the resolution pending.

If he will look at the page numbers he cited, he will find subsequent to that, that the gentleman from Ohio (Mr. DEVINE), the gentleman from Indiana (Mr. DENIS), and the gentleman from California (Mr. WIGGINS), all in my presence asked permission and did extend their remarks. And, of course, the gentleman from Massachusetts got 5 legislative days to extend on his special order. I did not object to any of these requests.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield on that point?

The SPEAKER. The gentleman from Massachusetts cannot proceed at this point.

Mr. BAUMAN. And, Mr. Speaker, a number of other Members did extend their remarks, and I did not object.

The SPEAKER. Is there objection?

Mr. [Wayne] HAYS [of Ohio]. Mr. Speaker, reserving the right to object, and I think I will object, because I have some kind of a feeling that when you are right and tell the truth around here, there is no use of having the words stricken out. Nobody else got to put anything in the RECORD, and the gentleman did object.

Mr. BAUMAN. Mr. Speaker, I am going to demand the gentleman's words be taken down, if you are speaking of my telling the truth in the House.

Mr. HAYS. Maybe I will have your words taken down. If you call me a liar, I will have them taken down.

Mr. BAUMAN. Mr. Speaker, I do not yield for any further discussion.

Mr. HAYS. Mr. Speaker, I do object and ask the words be taken down.

The SPEAKER. The regular order is going to be followed. The Chair is going to conclude this matter and will insist that all Members remain in order while this matter is being disposed of.

MOTION OFFERED BY MR. SISK

Mr. [Bernice] SISK [of California]. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SISK moves that the words of the gentleman from Massachusetts, Mr. O'NEILL, be stricken from the RECORD.

Mr. SISK. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

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

The motion was agreed to.

**§ 22.2 When the Speaker has ruled that words used in debate are out of order pursuant to a demand that the words be taken down, the words are stricken from the *Congressional Record* with the consent of the House and the Member using the words may not demand that the words remain in the *Record*.**

On July 24, 1979,<sup>(25)</sup> the following occurred:

Mr. [Peter] RODINO [of New Jersey]. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. MARKS).

Mr. [Marc] MARKS [of Pennsylvania]. Mr. Speaker, let it be known that there are some few Republicans in this Chamber who do appreciate that equal education opportunities for our black children is vital to our Nation's well-being, and who also believe that black children should not suffer the indignities suffered by their parents.

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I demand the gentleman's word be taken down.

The SPEAKER.<sup>(26)</sup> The Clerk will prepare the remarks of the gentleman from Pennsylvania (Mr. MARKS) and the House will hear them.

The Clerk will report the words.

The Clerk read as follows:

Mr. Speaker, may I add that to use, as one of my colleagues used, Lincoln's name to promote the amendment seems to me to be the height of hypocrisy.

The SPEAKER. In the opinion of the Chair, the gentleman from Pennsylvania made specific remarks concerning a specific Member of the House and his quote. The Chair would refer to the use of the word "hypocrisy" as decided by previous rulings in this

25. 125 CONG. REC. 20380, 96th Cong. 1st Sess.; *House Rules and Manual* § 363 (2019).

26. Thomas O'Neill (MA).

House, and the Chair refers to the ruling of Speaker Rayburn, October 25, 1945. The reference in debate was by Representative Cox of Georgia to another Member:

I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself.

Those words were ruled unparliamentary when specifically applied to another Member.

In the opinion of the Chair, the remarks of the gentleman from Pennsylvania are unparliamentary and not in order.

Without objection, the gentleman's remarks will be stricken from the record and the gentleman may proceed in order.

There was no objection.

Mr. MARKS. I do not care to do that. Thank you. I want the remarks to be on the record. Thank you.

The SPEAKER. The House has stricken the remarks from the record. Without objection.

**§ 22.3 In response to a point of order, the Chair called to order a Member for referring to proceedings in the Senate and ordered the remarks stricken from the *Congressional Record* without objection.**

On December 10, 1980,<sup>(27)</sup> the following occurred:

FAIR HOUSING AMENDMENTS OF 1980

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

Mr. [William (Don)] EDWARDS of California. Mr. Speaker, yesterday, in a moment that will long be remembered with bitterness by the minorities, women, and the handicapped of America, the Congress sounded the death knell for the Fair Housing Amendments Act of 1980. . . .

We must also fully recognize why the measure failed. Republican leaders, intimidated by a small minority of their own party, aided and abetted this abdication of responsibility. President-elect Reagan himself, asked to reassure minorities that a Republican administration will not turn its back on their needs, issued meaningless platitudes instead of support for a bill that the House of Representatives adopted by a 3-to-1 margin. . . .

. . . I urge the Republicans who opposed this bill to reevaluate their position. It is in the interest of both parties that the civil rights of all Americans be fully protected.

POINT OF ORDER

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I make a point of order against the gentleman's remarks. They are not in keeping with the rule that requires no mention of the other body.<sup>(28)</sup>

27. 126 CONG. REC. 33204, 96th Cong. 2d Sess.

28. *Parliamentarian's Note*: At the time of these proceedings, it was not in order in the House to characterize proceedings of the Senate. In the 109th Congress, the rule was changed to permit such references, so long as the remarks did not engage in personalities towards members of the Senate. See H. Res. 5, 151 CONG. REC. 43, 109th Cong. 1st Sess. (Jan. 4, 2005).

The SPEAKER pro tempore (Mr. [Herbert] ROBERTS [of Texas]). The gentleman from California (Mr. EDWARDS) is referring to the proceedings of the other body. He will please restrict them. They are out of order and without objection, will be stricken from the RECORD.

Mr. EDWARDS of California. I thank the Speaker.

I feel that this defeat is an ominous portent of things to come. It is also a devastating blow to our best alternative to busing.

**§ 22.4 Where a Member has made an improper reference to the President during debate, the Chair may request that Member to revise his remarks for the *Congressional Record*.**

On June 26, 1985,<sup>(29)</sup> the following occurred:

**ELECTION PROMISES SHOULD BE KEPT**

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

Mr. [James] TRAFICANT [of Ohio]. Mr. Speaker, last election, Mr. Reagan said, “A President should never say never, but I am going to say it: I will never tamper with any portion of Social Security.” Those are the President’s words.

Well, Mr. Speaker, it has become obvious that the President has deceived America’s senior citizens. The President has seen fit to abandon the elderly, and deceive the American people. It is time that he be held accountable for his actions and policies.

The Teflon coating is now wearing off, and what has been revealed is a President that was swept into office on a volley of empty rhetoric and broken promises. He made a contract with the American people, and we cannot let him break it.

Senior citizens supported his candidacy on the strength of misrepresentations. I commend Budget Committee Chairman GRAY for his unbending commitment to this Nation’s elderly and for the fine work he has done in fashioning a fair and humane budget, and I am hoping that our side of the aisle will hold firm in that conference with the Senate, and support the American senior citizens like this President promised on election day. Election promises should be kept in this country.

**POINT OF ORDER**

Mr. [Robert] WALKER [of Pennsylvania]. Point of order, Mr. Speaker.

The SPEAKER pro tempore.<sup>(30)</sup> The gentleman will state his point of order.

Mr. WALKER. Is it not a violation of the rules of the House to question the motives of the President and to refer to him as being someone who lies?

The SPEAKER pro tempore. The gentleman is correct. It is not proper—

Mr. WALKER. So the previous speech was in violation of the rules of the House.

The SPEAKER pro tempore. Let the Chair finish. It is not proper to call the President a liar; the gentleman is correct.

Mr. WALKER. And so therefore the previous speech was in violation of the rules of the House.

29. 131 CONG. REC. 17394–96, 99th Cong. 1st Sess.

30. Gillespie Montgomery (MS).

The SPEAKER pro tempore. If the gentleman will let the Chair comment, the Chair will ask the last 1-minute speaker to revise his remarks, and take those comments out of the RECORD.

Mr. WALKER. I thank the Chair. . . .

Mr. TRAFICANT. Mr. Speaker, as a new Member, perhaps I need some clarification. But if someone can come forward and say that the President on election time did not make the following statement, that “A President should never say never, but I am going to say It, and I will never tamper with Social Security,” then I will stand corrected.

But I object to having my words stricken from the RECORD of the House on the strength—

## POINT OF ORDER

Mr. WALKER. Mr. Speaker, I have a point of order. Under what permission is the gentleman speaking? The gentleman did not ask a parliamentary inquiry. Under what permission is the gentleman speaking?

Mr. TRAFICANT. I did ask for a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Ohio if he makes a parliamentary inquiry.

Mr. WALKER. He did not use the words “parliamentary inquiry.”

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Speaker, the statement that I had made in my 1-minute speech was that the President of the country, on election time, said, “A President should never say never, but I’ll say never, and I’ll never tamper with Social Security.”

I object to the fact that my words were stricken.

Mr. [Daniel] LUNGREN [of California]. Mr. Speaker, this is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will read from Cannon’s Procedure, referencing debate in the House of Representatives:

In referring to the President, a Member shall abstain from language personally offensive to the President.

Mr. TRAFICANT. Mr. Speaker, if the language is true, Mr. Speaker, which it is—and I will stand corrected—I object to having my words stricken from the RECORD.

Mr. LUNGREN. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman stated his parliamentary inquiry. The Chair has ruled.

Mr. TRAFICANT. I accept the ruling.

**§ 22.5 Where a Member has made an improper reference to the President during debate, another Member may request unanimous consent that such remarks be stricken from the *Congressional Record*.**

On August 1, 2014,<sup>(31)</sup> a unanimous-consent request regarding the *Record* was made (and objected to) as follows:

31. 160 CONG. REC. 14016–17, 14023–24, 113th Cong. 2d Sess.

Mr. [Robert] GOODLATTE [of Virginia]. Mr. Speaker, at this time, it is my pleasure to yield 1 minute to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. [Michele] BACHMANN [of Minnesota]. Mr. Speaker, I thank Mr. GOODLATTE and Mrs. BLACKBURN who is responsible for this wonderful bill this evening, which I wholeheartedly support. This is why: last weekend, I think the Nation was stunned when our President said that he would unilaterally use his power—raw power—to effectively grant amnesty to 5 to 6 million foreign nationals here in the United States illegally.

He said that he would do that with his power, and what happened this week is that this body came together and we decided to answer the President's unconstitutional call.

So with this DACA bill, effectively, we will put forward the strongest possible legislative response that this body could put forward. We say in this bill that the President has no power, no authority administratively to grant permits which would effectively grant amnesty to 5 to 6 million foreign nationals illegally in the United States.

In other words, Mr. Speaker, we will put a handcuff on one of the President's hands.

The SPEAKER pro tempore.<sup>(32)</sup> The time of the gentlewoman has expired.

Mr. GOODLATTE. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Mrs. BACHMANN. Now, in the United States Senate, the majority leader, HARRY REID, has left town. He has left town. Not only did he fail to complete an immigration bill, but he knows full well that President Obama may illegally grant amnesty to 5 to 6 million foreign nationals illegally in the United States without doing anything.

What HARRY REID has the opportunity to do is to come back and join us. We will be here any time, any day, anywhere, anyhow. We will join him here in August, September, whenever, and he needs to put the other handcuff on this lawless President's hands, so we constrain this President from granting amnesty.

Mr. Speaker, that is what the American people want us to do. We do that tonight with this bill. We invite HARRY REID to bring the Senate back and put the handcuff on the President's other hand, so that we can have sovereignty again on our southern border.

The SPEAKER pro tempore. The Chair reminds Members to refrain from engaging in personalities toward the President. . . .

#### UNANIMOUS CONSENT REQUEST TO DELETE REMARKS IN DEBATE

Mr. [David] CICILLINE [of Rhode Island]. Mr. Speaker, I ask unanimous consent to strike from the CONGRESSIONAL RECORD the words of the gentlewoman from Minnesota who described placing a handcuff on one hand of the President's—

Mr. [Edward] ROYCE [of California]. Mr. Speaker, I object as the request is not timely.

Mr. CICILLINE. Mr. Speaker, a point of order.

Excuse me. May I finish my unanimous consent request? Thank you.

She in one moment described putting one handcuff on one hand of the President's and a second handcuff on the second hand of the President's and handcuffing the lawless President of the United States.

Those are words which are not appropriate in the CONGRESSIONAL RECORD. I ask unanimous consent that they be stricken. Impugning the character and integrity of the President of the United States is a clear violation of the rules of this House.

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

32. Steve Womack (AR).

Mr. ROYCE. Mr. Speaker, I do object. The request is not timely.

The SPEAKER pro tempore. Objection is heard.

Mr. CICILLINE. A parliamentary inquiry, Mr. Speaker, if the gentleman will yield for a moment.

There is no requirement that a unanimous consent request be timely. The House can consent unanimously to any course of action. I am asking the House to consent unanimously to striking these particular words from the CONGRESSIONAL RECORD. There is no requirement under the House rules that it be done contemporaneously, that is, of taking down the words of today.

The SPEAKER pro tempore. The gentleman has stated a unanimous consent request, and there has been an objection.

Mr. CICILLINE. And I have heard no objection.

Mr. ROYCE. There is an objection to the unanimous consent request, Mr. Speaker.

The SPEAKER pro tempore. There is an objection.

**§ 22.6 Where remarks in debate ruled out of order as unparliamentary on the previous day had inadvertently been permitted to remain in the *Congressional Record*, the Speaker by unanimous consent ordered those remarks stricken from the permanent *Record* when the House convened the following day.**

On May 10, 1990,<sup>(33)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(34)</sup> The Chair wishes to make an announcement.

The Chair has examined the RECORD of yesterday with respect to the proceedings wherein the words of the gentleman from New Jersey [Mr. TORRICELLI] were ruled out of order and wherein on motion Mr. TORRICELLI was thereafter permitted by the House to proceed in order. It is customary under such circumstances consistent with clause 4, rule XIV for words which are ruled unparliamentary to be stricken from the RECORD by order of the House.

Without objection, the objectionable words will be stricken from the RECORD.

There was no objection.

**§ 22.7 By unanimous consent the House may permit a Member to withdraw words spoken in debate pending a demand that they be taken down as unparliamentary (in which case the words are not transcribed for the *Congressional Record*).**

On September 25, 1991,<sup>(35)</sup> the following occurred:

Mr. [Ronald] COLEMAN of Texas. I thank the gentleman for yielding.

33. 136 CONG. REC. 9992, 101st Cong. 2d Sess. For the proceedings of the prior day, see 136 CONG. REC. 9828–30, 101st Cong. 2d Sess. (May 9, 1990).

34. Thomas Foley (WA).

35. 137 CONG. REC. 24029–30, 102d Cong. 1st Sess.

I think for the gentleman from Georgia to come out here and promise a check, promise a check to people that are unemployed, is the height of hypocrisy. The Republican President of the United States——

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I demand the gentleman's words be taken down, Mr. Speaker, I demand the gentleman's words be taken down.

The SPEAKER pro tempore. (Mr. [John] LEWIS of Georgia). The gentleman will suspend. The clerk will report the words objected to.

Mr. [James] TRAFICANT [of Ohio]. Mr. Speaker, regular order, regular order.

Mr. WALKER. Mr. Speaker, this is the regular order.

The SPEAKER pro tempore. The Chair will await the words of the Clerk.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, let me suggest that in fact it was not my intention to suggest that the gentleman from Georgia's promise was the height of hypocrisy, but that in fact the problem is that the Republican position has been consistently to not permit that the declaration of an emergency on behalf—excuse me, I am explaining it——

Mr. WALKER. Mr. Speaker, this is not regular order.

The SPEAKER pro tempore. The gentleman is not recognized for an explanation.

Mr. COLEMAN of Texas. I will be more than happy to withdraw the words, Mr. Speaker.

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

There was no objection.

The SPEAKER pro tempore. The words are withdrawn.

**§ 22.8 By unanimous consent (and by initiative of the Chair) the House may permit a Member to withdraw words allegedly spoken in debate although not yet ruled upon by the Chair following a demand that words be taken down.**

On June 9, 1992,<sup>(36)</sup> the following occurred:

**PRESIDENT DENIES BITTER REALITY OF UNEMPLOYED AMERICANS**

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

Mr. [Peter] DEFAZIO [of Oregon]. Mr. Speaker, twice last year the President vetoed legislation that would have extended unemployment benefits. On the third try, after months of denial, he finally signed a bill that would extend unemployment benefits. Then he had the unmitigated gall to take full credit for extending a helping hand to those in need, but he did not take credit for the thousands who had suffered needlessly during those months, the thousands who lost their dignity, or even their homes, while he denied the bitter reality of unemployed Americans.

Now it is an election year and millions of unemployed are raining on the President's parade. Once again he has threatened to deny the reality of unemployment and veto unemployment benefit extensions for his own petty personal political gain. Last week the Department of Labor reported a record 1-month increase.

36. 138 CONG. REC. 13902, 102d Cong. 2d Sess.



Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. DEFAZIO. I did not use the President's name. I do not think there is any problem.

Mr. WALKER. I demand the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. [Kweisi] MFUME [of Maryland]). The gentleman will suspend.

The Clerk will report the words that were taken down.

The Clerk read as follows:

Once again he has threatened to deny the reality of unemployment and veto the unemployment benefit extension for his own petty political gain.

The SPEAKER pro tempore. The Chair has referred to Webster's Dictionary. The primary definition is: "small, minor, having secondary rank or importance; having little or no importance or significance; marked by or reflective of narrow interests and sympathies."

The Chair rules that in the opinion of the Chair that does not transgress the rules of the House.

---

#### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, what do we do to have the proper words reported, because the gentleman said, "his own petty personal political gains," which describes motivation, and that is the reason for the objection. That was not reported by the Clerk, and it would have been out of order. So therefore, we are dealing with two things. First of all, I think the Chair is arguing the wrong point, because the question is here ascribing motivations, and the Chair did not even speak to that particular point.

Mr. DEFAZIO. Mr. Speaker, could I speak to this?

The SPEAKER pro tempore. The Chair, in response to the gentleman's inquiry, reported the words that were handed to the Chair as recorded. The Chair believes, however, the gentleman from Oregon, for the sake of debate, will find it in order to withdraw the word "personal" if, in fact, it was uttered.

Mr. DEFAZIO. If the Chair would allow.

The SPEAKER pro tempore. Does the gentleman from Oregon make that request?

Mr. DEFAZIO. Mr. Speaker, the gentleman, in the interest of comity with my good friend from the State of Pennsylvania, if he heard the word "personal," I certainly did not mean to imply something that would denigrate the President, other than the use of the word as defined, "petty," regarding the intentions here.

The SPEAKER pro tempore. The gentleman withdraws the word, without objection.

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon may proceed in order.

**§ 22.9 Where the *Congressional Record* improperly carries the revised remarks of a Member not recognized nor yielded to, the remarks may be deleted from the permanent *Record* by unanimous consent.**

On April 19, 1993,<sup>(37)</sup> the following occurred:

#### CORRECTION OF THE RECORD

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

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, on March 24, 1993, during consideration of House Resolution 138, the family planning rule, out of frustration, I uttered some intemperate remarks, for which I subsequently apologized in private to the majority manager of the rule.

After consulting with the Parliamentarian as to proper procedure, I revised my remarks and presented them to the rule's manager for review.

Mr. Speaker, I have recently been informed by the Parliamentarian's office, after their further review of the matter, that I had not been properly recognized or yielded to at the time I made my remarks, and therefore, the remarks should not have appeared in the RECORD in either altered or unaltered form.

Mr. Speaker, I, therefore, ask unanimous consent that the permanent RECORD be corrected to remove all remarks attributed to me which appear in the first column on page H1561 of the March 24 RECORD.

The SPEAKER pro tempore (Mr. [Gillespie (Sonny)] MONTGOMERY [of Mississippi]). Is there objection to the request of the gentleman from New York?

Mr. [Jonas] FROST [of Texas]. Reserving the right to object, Mr. Speaker, I do not intend to object, but I would point out to those watching and remind the gentleman from New York, my friend on the Rules Committee, that this was a most unfortunate incident and that the gentlewoman from New York [Ms. SLAUGHTER], who was managing the rule, was deeply disturbed by the exchange on the floor. And I think it is appropriate for the gentleman to take this action.

But again, the gentlewoman from New York was very disturbed by what did occur on that day.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I think he knows what brought it about, and hopefully with some conversations that we have had with the Democrat leadership we are going to be able to iron out these problems so that we do not have these kinds of frustrations taking place on the floor of the House, which I think should not have happened, and I thank the gentleman for his remarks.

Mr. FROST. I would only point out to the gentleman, if members of the majority are frustrated, there are other ways to express that frustration, and that the exchange that occurred on the floor was not appropriate. And I think it is appropriate now for the gentleman to make this statement.

Mr. SOLOMON. I thank the gentleman for his remarks.

Mr. FROST. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### **§ 22.10 Where words are taken down and ruled out of order by the Chair, the Chair may, *sua sponte*, propound a unanimous-consent request to strike the words from the *Congressional Record*.**

37. 139 CONG. REC. H1896–97, [Daily Ed.], 103d Cong. 1st Sess. For the original proceedings at issue here, see 139 CONG. REC. 6279–80, 103d Cong. 1st Sess. (Mar. 24, 1993).

On January 25, 1995,<sup>(38)</sup> the following occurred:

THE STATE OF THE UNION SPEECH

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

Mr. [Robert] DORNAN [of California]. Mr. Speaker, my good friend, JOHN LEWIS, the only two in either Chamber that were there the day Martin Luther King gave his stirring speech, I hate to disagree with him on anything, but I was offended by Clinton's speech last night on 15 points.

I will do a 5-minute special order tonight I have just signed up for. I can only mention four.

The first one is new covenant. The Ark of the Covenant was the Old Covenant. The New Covenant was the Son of God, Jesus Christ. I was offended when he used that term in New York at the Democratic Convention. He repeated it over and over and over again last night.

No. 2, to put a Medal of Honor winner in the gallery that joined the Marine Corps at 16, fudging his birth certificate, that pulled that second grenade under his stomach, miraculously surviving and saving his four friends, he did that 6 days past his 17th birthday.

Does Clinton think putting a Medal of Honor winner up there is not going to recall for most of us that he avoided the draft three times and put teenagers in his place possibly to go to Vietnam?

No. 3, the line on the cold war, . . .

By the way, Mr. Speaker, the second amendment is not for killing little ducks and leaving Huey and Dewey and Louis without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away.

Thank you, Mr. Speaker.

Mr. [Victor] FAZIO of California. Mr. Speaker, I move the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. [John] DUNCAN [of Tennessee]). For what purpose does the gentleman rise?

Mr. FAZIO of California. You cannot just do that.

The SPEAKER pro tempore. All Members will suspend. The Clerk will report the words spoken by the gentleman.

PARLIAMENTARY INQUIRY

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, a number of Members were not on the floor, including myself, when the gentleman uttered his words. Is it possible to have those words read back so that we can all hear it?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman is correct.

The Clerk will report the words.

38. 141 CONG. REC. 2351-53, 104th Cong. 1st Sess.

The Clerk read as follows:

Even Andrea Mitchell of NBC took note that is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

The SPEAKER pro tempore (Mr. DUNCAN). In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the RECORD.

Mr. FAZIO of California. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. Without objection, the words are stricken from the RECORD.

Mr. FAZIO of California. Mr. Speaker, reserving the right to object, I think the gentleman from California [Mr. DORNAN] owes the entire institution, the Congress, and the President an apology.

Mr. DORNAN. Hell no; hell, no.

Mr. FAZIO of California. We have a Commander in Chief. We have to have a certain decorum here and respect for the body, if not for the individual. We have a respect for the person who is our Commander in Chief.

I would like to know that the gentleman from California [Mr. DORNAN] not only understands that but will apologize to his colleagues and to the President for his behavior.

Mr. DORNAN. Unanimous consent to proceed for 15 seconds?

Mr. [John] LINDER [of Georgia]. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] has the floor at this moment.

Mr. FAZIO of California. I would be happy to yield to my colleague from California, since I have the time, to hear his response.

Mr. DORNAN. Will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. DORNAN. To my distinguished friend and colleague, Maj. Earl Kolbale, Lt. Comdr. J.J. Connell was beaten to death in Hanoi. I have had friends beaten to death in Hanoi, tortured and beaten. You have not.

Mr. FAZIO of California. I have asked the gentleman——

Mr. DORNAN. I will not withdraw my remarks. I will not only not apologize, . . .

I will accept the discipline of the House.

Mr. [Harold] VOLKMER [of Missouri]. I ask that the words of the gentleman from California be taken down.

Mr. DORNAN. Good, I will leave the floor, no apology, and I will not speak the rest of the day. The truth is the truth.

The SPEAKER pro tempore. The House will be in order. The gentleman's words have already been taken down——

Mr. VOLKMER. Those words, those words.

Mr. FAZIO of California. The gentleman is challenging the words that were uttered in response to my question.

The SPEAKER pro tempore. The Chair rules that those words as follows "I believe the President did give aid and comfort to the enemy, Hanoi," were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the RECORD.

Mr. [David] BONIOR [of Michigan]. Mr. Speaker, reserving the right to object, and I will not object unless I do not get a satisfactory answer to my concerns, my concerns were with, frankly, more than just the words that were read. I was particularly concerned with the last sentence or two of the gentleman from California's statement, and I would like those words as well to be read to the House.

The SPEAKER pro tempore. The Chair has just ruled that those words were the same words essentially as those earlier taken down and previously ruled out of order.

The Chair has ruled that those words were also out of order.

Mr. BONIOR. Mr. Speaker, reserving the right to object, I think the Chair misinterprets my comments, and perhaps I was not clear. The words I am referring to were the original 1-minute statement by the gentleman from California [Mr. DORNAN], and I am particularly concerned with the last two lines of it, and I would like them read back to the House.

## PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. DUNCAN). The gentleman will state his parliamentary inquiry.

Mr. BONIOR. The Speaker in previous days has asked that the gentleman in question, upon words being taken down, be seated.

Would that not be a proper request to be made at this point?

The SPEAKER pro tempore. That is correct. The gentleman from California [Mr. DORNAN] should be seated at this point.

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

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

Mr. LINDER. Mr. Speaker, the gentleman from California [Mr. DORNAN] did say that he understood the rules of the House, that he had been censured under the rules of the House for what he said, and he will not speak for the next 24 hours on the floor of the House, and it strikes me that we are operating under the rules.

Mr. BONIOR. Mr. Speaker, I think the request made by the gentleman from California [Mr. FAZIO] is still a valid and much-needed request and, in addition to that, I would certainly like to hear the last two lines of the gentleman's original statement.

Mr. FAZIO of California. I have a parliamentary inquiry of the Speaker at this point.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FAZIO of California. When the Speaker rules that the gentleman should not be allowed to speak for 24 hours, does that encompass remarks that might be placed in the RECORD, participation in special orders, and other activities that might not involve the gentleman speaking on the floor?

The SPEAKER pro tempore. It is the House's determination as to whether or not the Member should be allowed to proceed in order for the remainder of the day. That determination shall not be made by the Chair.

Mr. FAZIO of California. In other words, is the House required to vote on whether or not remarks should be placed in the RECORD.

The SPEAKER pro tempore. Unparliamentary remarks cannot be inserted in the RECORD.

Mr. FAZIO of California. But remarks that are not ruled unparliamentary may be placed in the RECORD if they are not uttered on the floor; is that the ruling of the Speaker?

The SPEAKER pro tempore. Unparliamentary remarks should not be inserted in the RECORD in any manner or form.

Mr. FAZIO of California. They should not be inserted at any time, but there is a particular provision that we are dealing with here which removes the Member from the ability to communicate with his colleagues here.

Is that communication written as well as oral?

The SPEAKER pro tempore. In the RECORD the gentleman is correct.

Mr. FAZIO of California. So in other words, just to confirm the Speaker's ruling, we will not read or hear from the gentleman from California [Mr. DORNAN] for the next 24 hours; is that correct?

The SPEAKER pro tempore. Unless the House permits him to proceed in order, the gentleman is correct.

Mr. FAZIO of California. And for the House to permit that would require a majority vote?

The SPEAKER pro tempore. It would require either unanimous consent or a majority vote of the House to permit the gentleman to proceed in order.

Mr. FAZIO of California. I appreciate the Speaker clarifying the situation.

Mr. BONIOR. Mr. Speaker, the gentleman from California [Mr. DORNAN] is on his feet. Is he not supposed to remain seated until the determination?

The SPEAKER pro tempore. The gentleman can either be seated or leave the Chamber.

Mr. BONIOR. He chose to leave the Chamber; OK.

The SPEAKER pro tempore. Is it the Chair's understanding that the final words in the original 1-minute are included in the gentleman's request?

Mr. BONIOR. The Speaker is correct.

The SPEAKER pro tempore. The Chair is attempting to have them transcribed at this moment.

The Clerk will report the words in the original 1-minute.

The Clerk read as follows:

By the way, Mr. Speaker, the Second Amendment is not for killing little ducks and leaving Huey, Duey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair sees nothing unparliamentary about those words.

Without objection, the words already ruled out of order will be stricken from the RECORD.

There was no objection.

**§ 22.11 By unanimous consent, the Committee of the Whole may permit a Member to modify or withdraw words spoken in debate pending a demand that they be taken down as unparliamentary, and where challenged words are modified before being reported by the Reading Clerk, they are shown in the *Congressional Record* only in their modified form.**

On August 4, 1995,<sup>(39)</sup> the following occurred:

39. 141 CONG. REC. 22031–32, 104th Cong. 1st Sess.

Mr. [John] DINGELL [of Michigan]. Mr. Chairman, I want to reiterate to my colleagues the process under which we are considering this legislation is no different than we have ever done wherever we have had differences between two committees, and the process of working out an amendment between those who supported the bill is an entirely sensible one. Had the gentleman from Texas desired to be a participant in that, he could have, \* \* \* and the result of that is that he did not participate.

Mr. [John] BRYANT of Texas. Mr. Chairman, I ask that the gentleman's words be taken down.

The CHAIRMAN.<sup>(40)</sup> The gentleman from Michigan will suspend.

Does the gentleman ask unanimous consent to withdraw his reference?

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the words referred to.

Mr. BRYANT of Texas. Reserving the right to object, Mr. Chairman, I do not intend to go along with this unanimous-consent request unless there is an apology and an explanation that what he said was inaccurate, totally inaccurate, because I have had absolutely no involvement with the chairman with regard to the development of this amendment whatsoever, and so what he said was inaccurate.

Mr. Chairman, if the gentleman will acknowledge it was inaccurate, at that time I will be happy to go along with his unanimous-consent request.

The CHAIRMAN. Does the gentleman from Texas [Mr. BRYANT] yield under his reservation of objection to the gentleman from Michigan [Mr. DINGELL]?

Mr. BRYANT of Texas. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I am not quite sure what the Chair is telling me.

The CHAIRMAN. The gentleman from Texas reserves the right to object, and under his reservation he has said that he would insist on having the gentleman's words taken down.

Mr. DINGELL. Mr. Chairman, if I said anything which offends the gentleman, I apologize.

The CHAIRMAN. The gentleman from Texas?

Mr. BRYANT of Texas. Further reserving the right to object, Mr. Chairman, I will not go along with the unanimous-consent request after the words that were spoken were so evasive as that. The fact of the matter is the gentleman made a factual allegation with regard to my role in this bill which was totally inaccurate. I want him to apologize, and I want him to state that it was not correct what he said because he knows it was not correct. Otherwise I would insist that the gentleman's words be taken down.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] insists that the words of the gentleman from Michigan [Mr. DINGELL] be taken down.

Mr. DINGELL. Mr. Chairman, I would ask unanimous consent to withdraw the word "sulk."

The CHAIRMAN. Without objection, that word is withdrawn.

Mr. BRYANT of Texas. Further reserving the right to object, Mr. Chairman, I have made it very clear that the gentleman from Michigan [Mr. DINGELL] made an allegation about me that was incorrect, and I want him to state that it was not correct, and he knows it was not correct, and then I want him to apologize for it. Otherwise there is not going to be any withdrawal of my objection.

---

40. James Kolbe (AZ).

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] continues to reserve the right to object.

Mr. BRYANT of Texas. I would just point out once again I have had no dealings with the gentleman on this matter. He has no basis on which to make that statement whatsoever, nor have I had any dealings in any fashion interpretable in the way that the gentleman spoke to the other side, and, if he is going to persist in that allegation, then I am going to insist that his words be taken down.

The CHAIRMAN. Does the gentleman from Michigan care to respond?

Mr. DINGELL. Mr. Chairman, I am not quite sure to what I am supposed to respond.

The CHAIRMAN. A unanimous-consent request has been made to withdraw the words. The gentleman from Texas has reserved the right to object to that unanimous-consent request stating, as he has stated, that he desires an apology and an understanding that it was factually incorrect.

Mr. DINGELL. Mr. Chairman, I have asked unanimous consent to withdraw the words. I have said that if I have said something to which the gentleman is offended, then I apologize. I am not quite sure how much further I can go in this matter.

Mr. BRYANT of Texas. Reserving the right to object, Mr. Chairman, I will tell the gentleman how much further he can go in this matter.

Mr. Chairman, I have had no visits with the gentleman about this manager's amendment except to express my general opposition to the whole process. The gentleman stated that I behaved in a particular way when in fact I have had no opportunity to behave either this way or any other way with the gentleman, and, if what the gentleman said is simply an outburst of temper, I think, I have been guilty of the same thing, and I want the gentleman to make it plain to the House that there has been no opportunity for there to have been any type of behavior whatsoever.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I will be pleased to make the observation that the gentleman chose not to be a participant in moving the bill forward. If I said that he has sulked, that was in error. I apologize to the gentleman.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

Mr. BRYANT of Texas. Mr. Chairman, I withdraw my reservation of objection.

**§ 22.12 By unanimous consent, the House may permit a Member to withdraw words spoken in debate pending a demand that they be taken down as unparliamentary.**

On March 13, 1997,<sup>(41)</sup> the following occurred:

Mr. [Charles] SCARBOROUGH [of Florida]. Mr. Speaker, I thank the gentlewoman for yielding me time, and I certainly hope I have the same timekeeper on my two minutes as the previous speaker had on his one.

Mr. Speaker, I would just like to say to the previous speaker that the question that was asked was what happened while the Democrats had control in 1993 and 1994 and when they had control in the White House in 1993 and 1994.

41. 143 CONG. REC. 3834–35, 105th Cong. 1st Sess.



The previous speaker almost moved me to tears in his very self-righteous indignation, and then blamed George Bush for killing it.

I may be a dumb country lawyer, I may have graduated from the University of Alabama, but my recollection was that George Bush was not President in 1993 or in 1994, that that was in fact William Jefferson Clinton.

I see some people shaking their heads, so maybe, maybe I am incorrect in this. But they can be self-righteous all they want. They had control over this Chamber over the two-year period in 1993 and 1994, they had the President of the United States, and they did not want to do anything on campaign finance reform.

Now they come to this well in self-righteous indignation trying to distract people. . . . And if they want to be self-righteous, if they want to get on the well of the floor and debate this, we will gladly do it for as long as you want to do it, because you do not have the moral high ground. And when you had a chance to change things, you did not do it, and you cannot rewrite history, as much as you would like to try.

So beat your chest in self-righteous indignation, but pray for the children tonight, pray for America and whatever you want to do, but the fact of the matter is, that you are being hypocrites.

Mr. [Willie (Bill)] HEFNER [of North Carolina]. Mr. Speaker, I ask that the gentleman's words be taken down when he said that the White House had sold influence to Communist China and other things. There is no proof of that, and that is absolutely ridiculous, to come into this body and accuse the President of the United States of selling influence to a Communist nation.

I ask that the gentleman's words be taken down.

The SPEAKER pro tempore.<sup>(42)</sup> The gentleman from Florida will suspend.

The Clerk will report the words objected to.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Florida [Mr. SCARBOROUGH] seek recognition?

Mr. SCARBOROUGH. Yes, Mr. Speaker, I do.

Mr. Speaker, I ask unanimous consent to withdraw my words about specifically mentioning the President . . . since while Newsweek has written an article about that those have not been proven yet, so I will specifically withdraw the statement regarding the President . . . .

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

There was no objection.

Mr. HEFNER. Mr. Speaker, I thank the gentleman for making the correction, and that saves us a trip back to Hershey.

**§ 22.13 Where words spoken in debate are taken down and ruled out of order, the Chair customarily initiates a unanimous-consent request that the words be stricken from the *Congressional Record*, but any Member (including the Chair) may offer a motion to the same effect.<sup>(43)</sup>**

42. Ray LaHood (IL).

43. *Parliamentarian's Note*: While the motion to strike the words from the *Record* was agreed to by the House, the daily *Record* inadvertently retained the offending remarks.

On April 17, 1997,<sup>(44)</sup> the following occurred:

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.

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 New York]). 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.

The question before the House is: Shall the gentleman's words be stricken from the RECORD?

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 190, answered “present” 3, not voting 12, as follows:

[Roll No. 82] . . .

So the motion to strike the words was agreed to.

---

For a notice in a subsequent *Record* noting the discrepancy, see 143 CONG. REC. 5943, 105th Cong. 1st Sess. (Apr. 21, 1997).

44. 143 CONG. REC. 5831–32, 105th Cong. 1st Sess.

The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

**§ 22.14 The House by unanimous consent permitted a Member to reinsert in the *Congressional Record* remarks actually spoken in debate that he had previously improperly redacted from the transcript that was given to him for revision.**

On July 27, 2000,<sup>(45)</sup> the following occurred:

PERMISSION TO INSERT OMITTED REMARKS ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. [James] MORAN of Virginia. Mr. Speaker, I understand that in my remarks yesterday, some of those remarks were inadvertently left out of the Journal. I ask unanimous consent to insert those remarks in their entirety.

The SPEAKER pro tempore.<sup>(46)</sup> Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remarks as originally delivered is as follows:

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of frustration and unfairness would not react in the same passionate manner. . . .

Let me also say something, and I can only say this, I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, if I were a gay man, I would feel the same sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council.

That disappointment and the intolerance and, yes, the hypocrisy of the Catholic church as an institution towards homosexuality ought to be addressed. So I do not blame them for saying that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

**§ 22.15 Pending a demand that a Member's words be taken down, unanimous-consent requests to withdraw or modify words spoken in debate may be objected to in order to obtain from the Chair a formal ruling on whether the words were out of order.**

On June 13, 2002,<sup>(47)</sup> the following occurred:

45. 146 CONG. REC. 16606–607, 106th Cong. 2d Sess.

46. Edward Pease (IN).

47. 148 CONG. REC. 10232, 107th Cong. 2d Sess.

Mr. [William] THOMAS [of California]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, golly, if any Members listened to the first hour, they would think our friends on the other side of the aisle were in opposition to what we wanted to do. That it was a sham, a farce.

And then, lo and behold, their substitute takes the majority's bill. Now at this point I am running through my knowledge of quotes that might perhaps put this in perspective, and the only one that comes to mind is the Yogi Berra quote, "When you come to a fork in the road, take it."

Mr. Speaker, what we have here is an hour of debate about how horrible this side of the aisle and those who really do want to eliminate the marriage tax penalty on the other side of the aisle are in trying to offer permanent repeal.

If I understand what the gentleman from California (Mr. MATSUI) is offering is permanent repeal. He is offering the underlying bill. So if the gentleman from California did not understand the context in which I referred to his argument about the fact that the gentleman from Connecticut was not allowed to appear in front of the full committee, in which I said there had been 17 full committee hearings, and only one had Members in front of it, is baloney. I said it was the \* \* \* baloney; and if the gentleman does not understand the use of that phrase, let me explain it. Apparently the argument that the Democrats have been making for the last hour is baloney.

#### PARLIAMENTARY INQUIRY

Mr. [Robert] MATSUI [of California]. Mr. Speaker, parliamentary inquiry. I demand that the words of the gentleman from California (Mr. THOMAS) be taken down. I think the gentleman has used a Member's name in a way that is diminishing to the Member, and is putting the colleague up to contempt and ridicule. If I may have a ruling, Mr. Speaker.

The SPEAKER pro tempore.<sup>(48)</sup> Does the gentleman from California (Mr. MATSUI) in his parliamentary inquiry demand that the gentleman's words be taken down?

Mr. MATSUI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Members will suspend. The Clerk will transcribe and report the words.

Mr. THOMAS. Mr. Speaker, rather than delay the process, since a number of Members really want to go home and rather than trying to get the Parliamentarians to attempt to divine sentence structure, the gentleman from California would ask unanimous consent to remove the statement and put in its place that the argument from the gentleman from California about the way in which the gentleman from Connecticut (Mr. MALONEY) was treated is phony baloney.

#### PARLIAMENTARY INQUIRY

Mr. MATSUI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. MATSUI. Mr. Speaker, I would appreciate a ruling from the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Is there objection to the gentleman's unanimous-consent request?

48. Ray LaHood (IL).

Mr. MATSUI. I object, Mr. Speaker. I would like a ruling from the Chair, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to withdraw the words so that we can go forward.

Mr. MATSUI. I object, Mr. Speaker. I would like a ruling from the Chair, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to transcribe the words.

Mr. THOMAS. Mr. Speaker, in a further attempt to expedite the process, the gentleman from California asks unanimous consent to strike the words.

Mr. MATSUI. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. THOMAS. Mr. Speaker, in a further attempt to expedite the process in which the gentleman from California's comments about the committee's failure to allow a Member to offer testimony at full committee when that is the extreme exception to the rule rather than the general rule and the argument that we denied it because of the gentleman, that that argument that the gentleman was making was in fact not accurate or factual, which is in a colloquial way sometimes referred to as baloney, the gentleman from California is willing to strike that structure which has been presented if it offends the gentleman because I want to move on with the debate. The gentleman's argument, notwithstanding that, is still phony; but if he is so upset with that reference that we continue to delay the proceedings of the floor, the gentleman from California would ask unanimous consent that that be struck.

Mr. MATSUI. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read the gentleman's words.

The Clerk read as follows:

So if the gentleman from California did not understand the context in which I referred to his argument about the fact that the gentleman from Connecticut was not allowed to appear in front of the full committee, in which I said there had been 17 full committee hearings, and only one had members in front of it, is baloney. I said it was the "Maloney Baloney" and if the gentleman does not understand the use of that phrase let me explain it. Apparently the argument that the Democrats have been making for the last hour is baloney.

The SPEAKER pro tempore. The Chair is aware that the gentleman from California was using the word "baloney" to characterize only the rationale offered by his opposition, but the Chair nevertheless finds that the use of another Member's surname as though an adjective for a word of ridicule is not in order.

Without objection, the offending word is stricken.

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. THOMAS) may proceed in order.

There was no objection.

### ***Unparliamentary Insertions or Extensions***

**§ 22.16 Where a Member had on a previous day made an unchallenged reference in debate and in a *Congressional Record* insertion to the actions of a named Senator,<sup>(49)</sup> the Speaker, in response**

<sup>49</sup>. *Parliamentarian's Note*: At the time of these proceedings, it was not in order in the House to characterize proceedings of the Senate. In the 109th Congress, the rule was

**to a parliamentary inquiry, indicated that those remarks were in violation of the rule of comity between the two Houses and by unanimous consent the remarks were stricken from the permanent *Record*.**

On October 7, 1975,<sup>(50)</sup> the following occurred:

PARLIAMENTARY INQUIRY CONCERNING ALLEGED VIOLATIONS OF THE  
RULES OF THE HOUSE AND THE RULES OF COMITY

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

Mr. [James] CLEVELAND [of New Hampshire]. Mr. Speaker, I have asked for this time for the purpose of addressing the Chair so that I may make an inquiry, which will be in the nature of a parliamentary inquiry, of the Chair, in regard to the following matter:

On last April 17, at page 10458 of the RECORD, I was commenting on the manner in which the Senate was handling aspects of the New Hampshire Senate election, remarks were critical of the Senate and the Speaker at that time called me to order, and, quoting from the Speaker's remarks, the Speaker asked me to desist and stated that my remarks were in violation of the rules of the House and the rules of comity.

For this reason, Mr. Speaker, I wish to bring this to the attention of the Chair: I noticed on October 1 that at pages 31104–31105 of the RECORD the gentleman from New York (Mr. KOCH) addressed the House under the 1-minute rule and had been extremely critical of the junior Senator from New York (Mr. BUCKLEY).

Mr. Speaker, I would like to inquire if the remarks of the gentleman from New York (Mr. KOCH), like those of mine earlier in the year, are in violation of the rules of the House and the rules of comity.

The SPEAKER.<sup>(51)</sup> Does the gentleman from New York (Mr. KOCH) desire to be heard?

Mr. [Edward] KOCH [of New York]. I do, Mr. Speaker.

First, I will not object at this time to the use by the gentleman in the well of the name of a Member of the other House.

Instead, Mr. Speaker, I would like to say this.

Mr. CLEVELAND. Just a second. I not only used the name of the gentleman from New York (Mr. KOCH), but I told him I was going to be here today and for what purpose.

Mr. KOCH. No, no. The gentleman from New Hampshire (Mr. CLEVELAND) misunderstood me. My reference was to the other Chamber. The gentleman referred to a Member of the other Chamber by name, something we may not do.

Mr. CLEVELAND. No; I thought I just said "the junior Senator."

Mr. KOCH. I believe the gentleman from New Hampshire mentioned his name. I thought I heard it distinctly.

In any event, Mr. Speaker, I examined the precedents of the House, and I know the gentleman is familiar with Jefferson's Manual, a book that I revere, and, indeed, there

---

changed to permit such references, so long as the remarks did not engage in personalities towards members of the Senate. See H. Res. 5, 151 CONG. REC. 43, 109th Cong. 1st Sess. (Jan. 4, 2005).

50. 121 CONG. REC. 32055–56, 94th Cong. 1st Sess.; *House Rules and Manual* § 961 (2019).

51. Carl Albert (OK).

are only two others that I have a higher regard for. One is the Bible, and the other is Cannon's Precedents.

In Cannon's Precedents, Mr. Speaker, there is a statement that it is not in order in debate to criticize Members of the other body, but such rule does not apply to criticisms of statements made by Members of the other body outside the Chamber.

In my remarks to which the gentleman from New Hampshire (Mr. CLEVELAND) refers, I did discuss the remarks of a Member of the other body, the younger brother of a noted columnist.

Mr. CLEVELAND. Mr. Speaker, I might say that that is being pretty critical right there.

Mr. KOCH. That he is the younger brother of a noted columnist?

In any event, as a result of those remarks, this noted columnist, for whom I have high regard and personal affection—I know him quite well and, thank God, he is not a Member of the other body, so I can even mention his name, Bill Buckley—he took exception to my remarks in his column.

In examining the precedents, I have come to the conclusion that I ought not to have mentioned the exact name of that Member of the other body. Therefore, with the Chair's permission, I would consent to a withdrawal of that unutterable name and have substituted in each and every case where that name was mentioned a reference to the fact that I was referring to the younger brother of a noted columnist.

The SPEAKER. The Chair is ready to rule.

The Chair will state that not only was this matter brought to his attention today, but the Chair noted the remarks of the gentleman from New York when they appeared in the RECORD of October 1, 1975, and anticipated that this question might arise.

The Chair has, accordingly, checked the precedents. The precedents of the House indicate that it is not in order for a Member of this body to refer to the actions or remarks of a Member of the other body occurring either within the other body or elsewhere—Speaker Rayburn, May 5, 1941. The motives of the Member making the remarks are not relevant to a determination of whether they are or are not in order, as even complimentary remarks have been held to violate the rule of comity between the two Houses—Volume VIII, 2509.

Speaker Rayburn succinctly stated the reason for the rule in 1941, subsequent to the citation given by the gentleman from New York, observing that—

If there is a thing in the world that is important, it is that there be comity and good feeling between the two legislative bodies.

To allow references in one body to the actions of Members of the other, he continued:

In all probability would lead to a situation which might make ordered legislative procedure impossible. (May 5, 1941, RECORD, pp. 3566-3567.)

The present and all previous occupants of this Chair have attempted to preserve the comity between the two Houses.

The Chair notes that the remarks in question were in part delivered from the floor of the House and in part inserted for printing in the RECORD. Had the Chair been aware of the content of the remarks when uttered or been informed of the contents of the matter to be inserted, he would have enforced the rule of comity at that time.

The rule of comity has clearly been violated and, without objection, the remarks of the gentleman from New York will be stricken from the RECORD.

There was no objection.

§ 22.17 Where a Member attempted to insert into the *Congressional Record* extraneous materials deemed by the Joint Committee on Printing to be “obscene,” the materials were not printed, and a note by the Joint Committee on Printing on the proper standard for inclusion appeared instead.

On May 7, 1976,<sup>(52)</sup> the following notation appeared in the *Record*:

ISLAND TREES BOOK DISPUTE

---

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 7, 1976*

Mr. [Norman] LENT [of New York]. Mr. Speaker, it is my custom to refrain from comment on or Intervene in local school district disputes except if the Federal Government is somehow involved—which is all too frequently—or if there be unusual circumstances.

Mr. Speaker, I rise today to respond to remarks made by Representative ELIZABETH HOLTZMAN, of New York City, which appeared in the April 2, 1976, issue of the CONGRESSIONAL RECORD. In her remarks, the Representative suggested that the Board of Education of the Island Trees School District, which is situated in my suburban congressional district, was guilty of censorship and attempting to abridge the first amendment right of free speech by removing certain books from its junior and senior high school libraries.

I rise today, not to address the merits of each book removed—my colleagues can peruse the annexed list of excerpts from the disputed books and determine for themselves whether they would want to expose their children to this literature—but to explain to my colleagues the responsibilities of local boards of education in New York State. . . .

[NOTE.—The Joint Committee on Printing, after reviewing the excerpts submitted, has refused to reprint the same. The general rules governing the RECORD prohibit the inclusion therein of “profanity, obscene wording or extreme vulgarisms.”]

§ 22.18 By unanimous consent, a Member deleted from the permanent *Congressional Record* an article he had inserted in a previous day’s *Record*, alleging that named Members of the House were influenced by agents of the Soviet Union, and that evidence of that connection was purposefully kept from the public by a Member.

---

52. 122 CONG. REC. 13046, 94th Cong. 2d Sess.



On September 15, 1983,<sup>(53)</sup> the following unanimous-consent request was agreed to:

PERMISSION TO EXCLUDE AN ARTICLE FROM THE PERMANENT RECORD

Mr. [Robert] LAGOMARSINO [of California]. Mr. Speaker, I ask unanimous consent that an article that I inserted in the CONGRESSIONAL RECORD of September 13, 1983, at page E4229, not appear in the permanent RECORD.

The SPEAKER pro tempore.<sup>(54)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

**§ 22.19 A Member obtained unanimous consent to delete an insertion containing material personally offensive to another Member from the permanent *Congressional Record*.**

On January 27, 1988,<sup>(55)</sup> the following unanimous-consent request was agreed to:

PERMISSION TO DELETE REMARKS FROM PERMANENT RECORD

Mr. [Mervyn] DYMALLY [of California]. Mr. Speaker, I ask unanimous consent that my insertion in the Extensions of Remarks portion of the CONGRESSIONAL RECORD on page E4982 on December 22, 1987, be deleted from the permanent record.

The SPEAKER pro tempore.<sup>(56)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

**§ 22.20 The acting chair of the Committee on Standards of Official Conduct (now the Committee on Ethics), inserted in the *Congressional Record* a disclosure of the names and pertinent account information of those Members and former Members of the House of Representatives found by the committee to have abused the privileges of the House bank.**

On April 1, 1992,<sup>(57)</sup> the following material was printed in the *Congressional Record* pursuant to previously-adopted resolutions<sup>(58)</sup> of the House:

DISCLOSURE OF INFORMATION PURSUANT TO HOUSE RESOLUTION 393

The SPEAKER pro tempore (Mrs. [Elizabeth] PATTERSON [of South Carolina]). Under a previous order of the House, the gentleman from New York [Mr. MCHUGH] is recognized for 5 minutes.

53. 129 CONG. REC. 24325, 23960, 98th Cong. 1st Sess.

54. James McNulty (AZ).

55. 134 CONG. REC. H35 [Daily Ed.], 100th Cong. 2d Sess.

56. Douglas Owens (UT).

57. 138 CONG. REC. 7888, 7896, 102d Cong. 2d Sess.

58. See H. Res. 236, 137 CONG. REC. 25435, 102d Cong. 1st Sess. (Oct. 3, 1991) and H. Res. 393, 138 CONG. REC. 5519, 102d Cong. 2d Sess. (Mar. 12, 1992).

Mr. [Matthew] MCHUGH [of New York]. Madam Speaker, pursuant to House Resolution 236 and 393, I am today disclosing the names and pertinent account information of those current and former Members of the House of Representatives who, between July 1, 1988, and October 3, 1991, were found to have abused their banking privileges at the so-called House bank.

House Resolution 236 directed the Committee on Standards of Official Conduct to investigate the use and operations of the House bank and to determine, among other things, whether any Members or former Members abused their banking privileges. As defined by that resolution, individuals abused banking privileges by “routinely and repeatedly writing checks for which their accounts did not have, by a significant amount, sufficient funds on deposit to cover.” . . .

Mr. [Joseph] EARLY [of Massachusetts]. Madam Speaker, will the gentleman yield? Mr. [Charles] HAYES of Illinois. I yield to the gentleman from Massachusetts.

Mr. EARLY. Madam Speaker, I want to thank the gentleman for yielding to me.

My colleagues, in my 18 years in this body, I stand here today a little more ashamed than I have ever been, not for myself but for this House.

My colleagues, I cannot believe, after the House has gone into special orders, when every Member is aware there will be no more votes, when the membership has gone home, the chairman of the Committee on Standards of Official Conduct, the gentleman from New York [Mr. MCHUGH], the gentleman from Maryland [Mr. CARDIN], all the members of that specific committee linger around.

I am of the impression they were going to try to slide it in, just make the report, give no one who is on that list a chance.

**§ 22.21 That certain words may already have been published elsewhere does not make them admissible in debate, and words not admissible in debate may not be inserted into the *Congressional Record*.**

On October 2, 1992,<sup>(59)</sup> the following occurred:

PATRIOTISM AND AMERICAN POLITICS

The SPEAKER pro tempore.<sup>(60)</sup> Under a previous order of the House, the gentleman from Texas [Mr. JOHNSON] is recognized for 60 minutes.

Mr. [Sam] JOHNSON of Texas. Mr. Speaker, I think we need to just make a couple of more statements here. I think 1970 may seem a lifetime ago to some, but it will never be long enough to erase the shameful act of the two Americans that played politics with their own countrymen, and that is what we are talking about.

Mr. Clinton, BOB, said, and he is talking about Russia in 1970, “Relations between our two countries were pretty good then. It was a time of détente.” . . .

Mr. [Robert] DORNAN of California. Let me read a press release from today, not a press release, a press statement, out of Little Rock, today, dated October 2.

“An Arkansas newspaper editor asked if Clinton went to Moscow while a college student.” While a college student? He was not going to class. He was ditching his whole

59. 138 CONG. REC. 30708–709, 102d Cong. 2d Sess.

60. Peter Visclosky (IN).

last year at Oxford. He was taking the money and not doing the work. I have said that every night for a week, and not one of them has contradicted what I have said here. All they just say is “DORNAN is not telling the truth.” But they will not come up with one fact, and they will not tell us exactly how long he was in Moscow, whether he went in by a train or plane, who greeted him there, how did he get his visa? Was it at 10 Kensington Palace Gardens, at the Russian Embassy? Is that where he got it? Let me finish this. . . .

William Bennett raises a nice point when he writes in the current issue of *National Review* that a distinction should be made between the public and the private character of Bill Clinton. The private character has to do with whether or not he has lived scrupulously by his wedding vows. The public character has to do with whether he has deceived the American people. As a wag might put it, it is one thing to fornicate Gennifer Flowers; quite another to do so with the American public.

Here is the paragraph which former Secretary of Education and drug czar William Bennett makes his point.

The SPEAKER pro tempore. (Mr. VISCLOSKY). The Chair would remind the gentleman from California about the decorum of the House. The Chair will not diminish current protections against references to the President, Vice President, and Senators. The Chair acknowledges that under the precedence and practices of the House a greater degree of latitude does not exist with respect to references to nominated candidates for President and Vice President who are not incumbents or Members of Congress.

However, the Chair believes that in order to maintain decorum in the House, certain minimal standards of propriety in debate should apply to all nominated candidates for President and Vice President.

Thus, the record and character of such candidates may be properly debated without references which constitute a breach of decorum.

Mr. DORNAN of California. Mr. Speaker, that ruling came down last week. Could I ask a question? Was anyone in this House consulted? Did we ever vote on that rule, or was it just arbitrarily handed down by the Speaker?

The SPEAKER pro tempore. (Mr. VISCLOSKY). The Chair has an obligation to maintain the dignity and decorum of the House. Words such as “liar” and “fornication” have been used in the debate, and the Chair has determined that that is a breach of the decorum of the House.

Mr. DORNAN of California. I was quoting from a distinguished columnist and national figure. Has been on television since I was in my early twenty's.

The SPEAKER pro tempore. The Chair cannot read, but the Chair can hear the words.

Mr. DORNAN of California. I will not continue.

Would it be, could I ask unanimous consent that Mr. Buckley's column be put in the RECORD, would that uphold the decorum of the House?

The SPEAKER pro tempore. That would not be proper to insert in the RECORD something that it would be improper to say on the floor.

Mr. DORNAN of California. Mr. Speaker, I agree. I will not put Mr. William F. Buckley, Jr.'s column in, a columnist for United Press Syndicate, in hundreds of American newspapers, but I will talk to Bill about it and tell him to not be so blatant in his writing so I can get it in the RECORD.

**§ 22.22 In a one-minute speech, a Member referenced advice given by the Parliamentarian that it would be “inappropriate” to insert**

**in the *Congressional Record* sexually explicit material, allegedly distributed to school-aged children.**

On March 23, 1994,<sup>(61)</sup> the following occurred:

GRAPHIC BROCHURES RULED UNFIT FOR PRINTING IN CONGRESSIONAL  
RECORD

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

Mr. [Melton (Mel)] HANCOCK [of Missouri]. Mr. Speaker, yesterday, during my 1-minute speech, I asked unanimous consent that materials be placed in the CONGRESSIONAL RECORD. I was informed by the Parliamentarian that they were inappropriate for insertion into the RECORD. Given their near-pornographic nature, I cannot blame the Parliamentarian for his decision.

What are these items? They are graphic brochures designed to instruct and entice young people in homosexual sex acts. These same brochures—masquerading as AIDS education—were made available at a New York City youth AIDS conference to students as young as 12. This conference was sponsored by the New York State Department of Education.

This is exactly the type of prohomosexual propaganda the Hancock amendment to H.R. 6 is targeting.

If this is not fit for the CONGRESSIONAL RECORD, it is certainly not fit for grade-school, junior high, and high school students. I urge Members to support my amendment upon our return from Easter break, and oppose any attempts to weaken it.

**§ 22.23 In response to a parliamentary inquiry, the Chair advised that the prohibition against references to personal accusations against the President extends to extraneous material read into the *Congressional Record*.**

On March 17, 1998,<sup>(62)</sup> the following occurred:

THE PRESIDENT SHOULD ANSWER QUESTIONS FULLY

The SPEAKER pro tempore.<sup>(63)</sup> Under the Speaker's announced policy of January 21, 1997, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. [John] HAYWORTH [of Arizona]. Mr. Speaker, my colleagues, and those citizens who join us here in this chamber, and those citizens, Mr. Speaker, who join us electronically from coast to coast and beyond, I would commend to everyone's attention today the lead editorial in the Washington Post entitled, Ms. Willey's Story. Mr. Speaker, because this editorial is so important, I would like to read into the RECORD portions of the editorial, because I believe they make for compelling reading and offer a serious case to the American people.

61. 140 CONG. REC. 6057, 103d Cong. 2d Sess. For the original unanimous-consent request to insert the materials, see 140 CONG. REC. 6004, 103d Cong. 2d Sess. (Mar. 22, 1994).

62. 144 CONG. REC. 3799, 105th Cong. 2d Sess.

63. David Hobson (OH).

When Newsweek magazine first reported allegations that President Clinton had groped Kathleen Willey in the White House, the President's lawyer, Robert Bennett, said his client had "no specific recollection of meeting Willey in the Oval Office."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will suspend. The Chair would remind the gentleman that he should not refer to personal accusations against the President.

## PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Speaker, a point of parliamentary inquiry. Is it then against the rules to also read verbatim from an editorial in a widely circulated newspaper?

The SPEAKER pro tempore. Under the precedents, the fact that it may be in the public domain elsewhere does not mitigate the statement.

Mr. HAYWORTH. Well, I thank the Chair for the information, and I find it somewhat illuminating.

Be that as it may, that is an interesting point. For I am not here to call into question or impugn anyone's integrity, Mr. Speaker. However, there are compelling questions that confront the American people, and if duly constitutional elected Members of Congress, then, are asked to abridge or silence what is part of the public record, I would suggest perhaps that we need to review those rules even as I respect and adhere to the rules of the House.

Let me then simply read the conclusion of the editorial, which I hope will be found in concurrence with the rules of the House. I would commend to other sources the videotape that appeared on CBS on 60 Minutes, and I would commend to everyone in this Nation, Mr. Speaker, the words in this morning's Washington Post editorial. For the Post, which agrees with President Clinton on many policy decisions, today makes a very forthright point in concluding its editorial, and I will quote from the conclusion.

Ms. Willey's story adds to the critical mass of allegations the President now faces. They need to be answered not by drips and drabs of "recovered memory" or fancy legal word-play or a public presentation of all Ms. Willey's failings. They just need to be answered."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind the gentleman that those discussions are not appropriate at this time on the floor, pursuant to the rules of the House.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I appreciate the rule of the Chair, but I believe it is important, Mr. Speaker, that the American people take a look at the serious situation confronting the executive branch and confronting us all. In that spirit, Mr. Speaker, I would simply refer to some comments made in history by a distinguished member of the other party and its one-time Presidential nominee, Senator Hubert Humphrey of Minnesota, who nearly a quarter of a century ago on the NBC telecast Meet The Press, when discussing another President confronting another difficult time, offered the advice that the President should answer the questions fully and completely, because the American people are forgiving people. It is in that spirit that I offer the same advice today, not for purposes of partisan tomfoolery, but because these questions cut to the very core of our constitutional Republic. Indeed, Mr. Speaker, it is difficult to rule or exercise moral leadership when there appears to be little moral authority.

So I offer these observations not to stand and offer contentions for the rules of the House, not to be provocative, but because the questions need answers. Mr. Speaker, in that vein, for the public good, not for partisan political points, I would simply ask this President, Mr. Speaker, to follow the advice that Hubert Humphrey offered nearly a quarter century ago. Because these issues transcend partisan politics, these issues need to be answered.

Mr. Speaker, I gladly yield my remaining time to my colleague the gentleman from Iowa (Mr. LATHAM).

### ***Interruptions***

**§ 22.24 The Chair will take the initiative in preserving order when a Member declining to yield in debate continues to be interrupted by another Member, and may order that the interrupting Member's remarks not appear in the *Congressional Record*.**

On July 26, 1984,<sup>(64)</sup> the following occurred:

(Mr. MILLER of California proceeded to read.)

The CHAIRMAN pro tempore.<sup>(65)</sup> The gentleman will suspend. The gentleman from California will suspend. The gentleman is out of order.

Mr. [George] MILLER of California. Mr. Chairman, I would just like to raise the point—

The CHAIRMAN pro tempore. The gentleman is out of order.

Mr. [Robert] WALKER [Pennsylvania]. Mr. Chairman, I have not yielded to the gentleman.

The CHAIRMAN pro tempore. The gentleman has not yielded.

The gentleman's words when he spoke in the well without getting the permission of the Member who had the floor will not appear in the RECORD.

The gentleman from Pennsylvania may proceed. . . .

Mr. WALKER. I will yield to the gentleman in just a moment.

I must say that the gentleman reading from the Holy Bible in the course of the discussion here I think is somewhat inappropriate. It was far more appropriate in the course of political debate; it was far more appropriate than the so-called prayer uttered earlier by the gentleman from New York.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. I think the point is this: That suggesting that this is an absolute right and that in fact to try to prescribe it, whether It is audible, whether it is oral, whether it is loud, whether it is soft, whether It is silent, is a point of real contention, because it is not an absolute right, as the gentleman suggests.

We Just saw the rules of the House work against that right. The gentleman raised the point earlier about a teacher—

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

64. 130 CONG. REC. 21247, 98th Cong. 2d Sess.

65. Abraham Kazen (TX).

**§ 22.25 Where a Member interrupts debate without being yielded to by the Member under recognition and without rising to a point of order, such interrupting remarks do not appear in the *Congressional Record* (though the Member's name may appear at the point of interruption).**

On July 21, 1993,<sup>(66)</sup> the following occurred:

HOUSE POST OFFICE SCANDAL

The SPEAKER pro tempore.<sup>(67)</sup> Under the previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

NOMINATION OF DR. JOYCELYN ELDERS FOR SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. [Danny] BURTON of Indiana. Mr. Speaker, we have a number of Members that want to speak tonight on the problems we have with the House Post Office. But before we get into that, I thought it would be very enlightening for my colleagues and for anybody else who is paying attention to find out what the nominee for Secretary of Health and Human Services has to say about a lot of issues. I hope everybody in America has an opportunity, Mr. Speaker, to find out her views on a number of these issues. . . .

Mr. BURTON of Indiana. Reclaiming my time, Mr. Speaker, I just wanted to say to the gentleman that the Members of this body would not be nearly as concerned had this not been swept under the rug 1 year ago, and time goes on and on. It is the same, and it is very analogous to the check scandal which they tried to sweep under the rug, and we go back to our districts, and we listen to our constituents. They say, "What in the world is going on? Is there anybody up there that is honest?"

And so I think we have an obligation.

Mr. [David] OBEY [of Wisconsin].

Mr. BURTON of Indiana. I did not yield; I did not yield. I do not yield.

The SPEAKER pro tempore (Mr. FINGERHUT). The gentleman from Indiana [Mr. BURTON] has the floor.

Mr. BURTON of Indiana. Nobody that I have heard tonight has assassinated anybody's character. They said there were some alleged things that went on, and they have been alleged for over a year now. All I say to my colleagues is: Let us make a clean breast of it. Let us bring the facts before the House and not impede justice. Help the district attorney or the U.S. district attorney that is involved in this case get all the facts he can so he can expedite this case as quickly as possible. . . .

Mr. [John] DOOLITTLE [of California]. If the gentleman will yield, there is a specific point I want to respond to.

The firing of those U.S. attorneys was not routine. It had never been done before in such a fashion. And to stand here on the floor and to represent that was routine is a misstatement. It was completely out of the ordinary.

Mr. OBEY.

Mr. [Randall (Duke)] CUNNINGHAM [of California]. Mr. Speaker, I ask for regular order or to have the gentleman removed.

66. 139 CONG. REC. 16541-43, 16545, 103d Cong. 1st Sess.

67. Eric Fingerhut (OH).

Mr. BURTON of Indiana. This gentleman keeps interfering. I yielded to him once. I have control of the time, as I understand it.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] has control of the time. . . .

Mr. OBEY. Mr. Speaker, has the gentleman asked the U.S. attorney?

Mr. BURTON of Indiana. Mr. Speaker, I have the time. I am not yielding to the gentleman.

Mr. [Robert] WALKER [of Pennsylvania]. I think there are questions about whether or not this letter is an attempt to prevent an investigation.

Mr. OBEY.

The SPEAKER pro tempore (Mr. FINGERHUT). The gentleman from Indiana has the time.

Mr. WALKER. The gentleman knows the rules of the House.

Mr. OBEY. Yes, I do.

Mr. WALKER. If the gentleman from Indiana will yield to the gentleman, the gentleman is not obeying the rules of the House.

Mr. OBEY.

The SPEAKER pro tempore. The gentleman from Indiana controls the time and has yielded to the gentleman from Pennsylvania.

Mr. BURTON of Indiana. Mr. Speaker, may I make an inquiry? We have been interrupted several times. This is taking away from our time. I hope that the Chair will be fair in allocating the time, because we have had to endure this now for about the last 10 minutes.

The SPEAKER pro tempore. The Chair will endeavor to be fair.

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

So what we know is that we have a Democratic administration which is evidently attempting to cooperate with the Democrats in the House to attempt to see to it that Members do not receive this information.

Mr. OBEY.

The SPEAKER pro tempore. The gentleman from Indiana has yielded to the gentleman from Pennsylvania, who controls the floor.

Mr. WALKER. The gentleman from Wisconsin [Mr. OBEY] of course does not want to listen to the points being made here because the gentleman from Wisconsin was one of those who voted last year to table the resolution attempting to make—

Mr. OBEY.

The SPEAKER pro tempore (Mr. FINGERHUT). The gentleman from Wisconsin [Mr. OBEY] has not been yielded time, has not been recognized.

**§ 22.26 The Chair reminded Members that: (1) it is not in order for a Member not under recognition to interrupt a Member who is under recognition by interjecting remarks in debate; (2) the Official Reporters of Debate are unable to transcribe two Members speaking simultaneously; and (3) remarks uttered while not under recognition are not transcribed for the *Congressional Record*.**

On May 10, 2006,<sup>(68)</sup> the following occurred:

68. 152 CONG. REC. 7816, 7821, 109th Cong. 2d Sess.



## 30 SOMETHING WORKING GROUP

The SPEAKER pro tempore.<sup>(69)</sup> Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader. . . .

Mr. [Bill] DELAHUNT [of Massachusetts]. I think just to underscore, Mr. Speaker, what we are talking about here tonight is the overall Republican economic policy that favors the top 1 percent of the American people.

Mr. [Timothy] RYAN of Ohio. It doesn't work.

Mr. DELAHUNT. I think we have made our case. Can I just give you one more statistic?

Mr. RYAN of Ohio. You can do whatever you want.

Mr. DELAHUNT. Back in 1991.

Mr. RYAN of Ohio. 1991?

Mr. DELAHUNT. Give me just a minute. Back in 1991, the top 1 percent of the American people, the population, top 1 percent, owned 38 percent of the corporate wealth in this country. One percent in 1991 owned 38 percent of the corporate wealth in this country. . . .

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has shown lenience toward the rather informal pattern by which Members have been claiming and yielding and reclaiming the time controlled by the gentleman from Florida. But Members should bear in mind that the Official Reports of Debate cannot be expected to transcribe two Members simultaneously.

Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

## § 23. Availability; Notice

Various procedures in the House are conditioned on the prior availability of certain material in the *Congressional Record*. For the most part, these rules are designed to give Members proper notice that certain matters will be taken up by the House, or to expedite consideration by dispensing with lengthy readings on the floor (where the same material would be available for inspection by Members in the *Record*).

In the Committee of the Whole, the reading of any amendment may be dispensed with by motion if the amendment has been printed in the *Congressional Record* prior to debate.<sup>(1)</sup> When the Committee of the Whole

<sup>69</sup>. Robert Inglis (SC).

1. Rule XVIII, clause 7, *House Rules and Manual* § 986 (2019). Such motion is not debatable.

closes or limits debate pursuant to clause 8(a) of rule XVIII,<sup>(2)</sup> amendments that have been printed in the *Record* may be debated for ten minutes notwithstanding the prior limitation.<sup>(3)</sup> Requirements as to the form of such amendments are contained in clause 8(c) of rule XVIII.

Under clause 8(a) of rule XXII, conference reports may not be considered by the House until they have been available to Members in the *Congressional Record* for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on those days).<sup>(4)</sup> In the 113th Congress, this availability requirement was expanded to include electronic availability pursuant to clause 3 of rule XXIX.<sup>(5)</sup>

Under a prior form of rule IX,<sup>(6)</sup> a Member seeking to offer a resolution as a question of the privileges of the House was required to read the full text of the resolution into the *Record* when giving notice of intent to offer the resolution.<sup>(7)</sup> An exception existed for resolutions that had been previously introduced and printed in the *Record*.<sup>(8)</sup> Under the current form of the rule (originally adopted in the 106th Congress),<sup>(9)</sup> the full reading of the resolution by the Member may be dispensed with by unanimous consent (regardless of whether it has been previously printed in the *Record*).

## § 24. Special Orders of Business

Resolutions reported from the Committee on Rules to structure debate in the House are known as special orders of business or special rules.<sup>(1)</sup> These special orders of business frequently structure the amendment process in the House by requiring that amendments be pre-printed in the *Congressional Record*.<sup>(2)</sup> Such pre-printing requirements may specify particular deadlines for submitting amendments, or may simply require that amendments be printed any time prior to consideration.<sup>(3)</sup>

2. *House Rules and Manual* § 987 (2019).

3. Rule XVIII, clause 8(b), *House Rules and Manual* § 987 (2019). See also § 24, *infra*.

4. *House Rules and Manual* § 1082 (2019).

5. *House Rules and Manual* § 1105b (2019). See also H. Res. 5, sec. 2(f), 159 CONG. REC. 26, 113th Cong. 1st Sess. (Jan. 3, 2013).

6. *House Rules and Manual* § 698 (2019).

7. *House Rules and Manual* § 661a (1997).

8. See, e.g., 140 CONG. REC. 2209, 103d Cong. 2d Sess. (Feb. 11, 1994).

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

1. For special orders generally, see Deschler's Precedents Ch. 21 and Precedents (Wickham) Ch. 21.

2. For amendment procedures generally, see Deschler's Precedents Ch. 27 and Precedents (Wickham) Ch. 27.

3. See §§ 24.2, 24.13, *infra*.

Amendments subject to a pre-printing requirement must be offered in the precise form printed in the *Congressional Record*.<sup>(4)</sup> Amendments that have not been printed may be offered only by unanimous consent,<sup>(5)</sup> and unanimous consent is required to consider a modified version of an amendment that has been printed.<sup>(6)</sup> Under current practice, special orders with pre-printing requirements typically only require submission of the amendment for printing, thus allowing Members to offer amendments even if there have been delays in printing the *Record*.<sup>(7)</sup> Government Publishing Office printing errors in amendments will not prevent such amendments from being offered in the form originally submitted for printing.<sup>(8)</sup> Where the special order does not specify who may offer, any Member may offer any pre-printed amendment.<sup>(9)</sup> Unless the special order restricts the offering of second-degree amendments, amendments to pre-printed amendments need not be printed.<sup>(10)</sup>

Special orders of business may provide for other kinds of printing requirements as well. For example, a special order may simply provide for priority in recognition for Members who have had their amendments pre-printed in the *Congressional Record* prior to consideration.<sup>(11)</sup> A special order may provide for automatic consideration of an amendment caused to be printed by a specified Member,<sup>(12)</sup> or for consideration of a series of pre-printed amendments in a specified order.<sup>(13)</sup> Where a special order allows for *en bloc* consideration of multiple pre-printed amendments, unanimous consent is required to add another amendment to the set of amendments to be considered *en bloc*.<sup>(14)</sup> In prior years, special orders would sometimes provide authority for the manager of the measure to group pre-printed amendments together for *en bloc* consideration, with further authority for the original

---

4. See § 24.9, *infra*.

5. See § 24.10, *infra*.

6. See § 24.4, *infra*.

7. *Parliamentarian's Note*: Under earlier practice, special orders required actual printing in the *Record* prior to consideration, thus disadvantaging Members in cases where amendments were properly submitted for printing but not actually printed in time to be considered. For a unanimous-consent request to modify an order of the House to allow consideration of an amendment submitted for printing (but not actually printed), see 161 CONG. REC. 9366, 114th Cong. 1st Sess. (June 11, 2015).

8. See § 24.7, *infra*.

9. See § 24.3, *infra*.

10. See § 24.5, *infra*.

11. See § 24.12, *infra*.

12. See § 24.6, *infra*.

13. See § 24.8, *infra*.

14. See § 24.11, *infra*.

proponents of individual amendments to submit statements to the *Record* explaining their amendments (in lieu of obtaining debate time on the floor).<sup>(15)</sup> In recent years, this additional authority has not been granted<sup>(16)</sup> as it is considered duplicative of broader “general leave” authority.<sup>(17)</sup>

Under clause 8 of rule XVIII,<sup>(18)</sup> the Committee of the Whole may limit or close debate on amendments to a measure by, for example, imposing an overall time limit on consideration. Clause 8(b) allows amendments printed in the *Congressional Record* to be debated for ten minutes (five minutes in support, five minutes in opposition), notwithstanding the prior limitation.<sup>(19)</sup> In the 93d Congress, this rule was amended to specify the designated portion of the *Record* where amendments must be printed, and the Speaker announced certain protocols for submitting amendments under the rule.<sup>(20)</sup> Formerly, the rule applied only to reported bills, and unanimous consent was required to print amendments to unreported bills in that portion of the *Record*.<sup>(21)</sup> This restriction was eliminated in the 105th Congress,<sup>(22)</sup> and the House has even allowed amendments to unnumbered bills to be printed under this rule.<sup>(23)</sup> Amendments printed under this rule must be offered in the exact form printed, and must specify the precise point in the bill or resolution where the amendment is intended to be offered.<sup>(24)</sup> Where a special order of business precludes amendments (or permits only specified amendments), a Member may not invoke this rule to have a printed amendment which is not contemplated by the special order considered.<sup>(25)</sup>

### ***Pre-Printing Requirements***

**§ 24.1 Where a special order of business permits the offering of an amendment pre-printed in the *Congressional Record*, the amendment must be offered in the precise form printed, and will be subject to a point of order if not offered in that form.**

15. See 132 CONG. REC. 20633, 99th Cong. 2d Sess. (Aug. 11, 1986).

16. See, e.g., H. Res. 590, 160 CONG. REC. 8827, 113th Cong. 2d Sess. (May 21, 2014).

17. See § 20, *supra*.

18. *House Rules and Manual* § 987 (2019).

19. See, e.g., 121 CONG. REC. 20956–57, 94th Cong. 1st Sess. (June 26, 1975) and 122 CONG. REC. 4994–95, 94th Cong. 2d Sess. (Mar. 2, 1976).

20. See § 24.15, *infra*. For a prior instance of printing amendments as extensions of remarks, see § 24.14, *infra*.

21. See § 24.18, *infra*.

22. See H. Res. 5, 143 CONG. REC. 120–22, 105th Cong. 1st Sess. (Jan. 7, 1997).

23. See § 24.19, *infra*.

24. See, e.g., 122 CONG. REC. 33081–82, 94th Cong. 2d Sess. (Sept. 28, 1976).

25. See § 24.17, *infra*.

On February 6, 1974,<sup>(26)</sup> the following occurred:

Mr. [Sam] STEIGER of Arizona. Mr. Chairman, I offer an amendment.

Mr. [William] HUNGATE [of Missouri]. Mr. Chairman, I reserve a point of order.

The CHAIRMAN.<sup>(27)</sup> The gentleman from Missouri reserves a point of order.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Arizona: Page 73, immediately after line 2, insert the following:

RULE 107. ELIMINATION OF AND ALTERNATIVE TO EXCLUSIONARY RULE

(a) Exclusion.—Evidence, otherwise admissible in a Federal criminal proceeding shall not be excluded on the grounds such evidence was obtained in violation of the fourth article of amendment to the Constitution of the United States, if there is an adequate legal remedy for any person aggrieved by reason of such violation.

(b) Adequate legal remedy.—For the purposes of subdivision (a), the legal remedy provided under subdivision (c) shall be considered an adequate legal remedy.

(c) Liability of United States.—

(1) The United States shall be liable for any damages caused by a violation of the fourth article of amendment to the Constitution of the United States, (A) if such violation was by any officer or employee of the United States while in the course of the official duty of such officer or employee to investigate any alleged offense against the United States, or to apprehend or hold in custody any alleged offender against the United States, or (B) if such violation was by any person acting under or at the request of such officer or employee in the course of such duty.

(2) The liability under subdivision (c)(1) shall be to any person aggrieved by such violation of the fourth article of amendment to the Constitution of the United States and such person may recover such actual damages as the jury shall determine, if there is a jury, or as the court may determine, if there is not a jury, and such punitive damages as may be awarded under subdivision (c)(3).

(3) Punitive damages may be awarded by the jury, or if there is no jury, by the court, upon consideration of all of the circumstances of the case, including—

(A) the extent of deviation from permissible conduct;

(B) the extent to which the violation was willful;

(C) the extent to which privacy was invaded;

(D) the extent of personal injury, both physical and mental;

(E) the extent of property damage; and

(F) the extent to which the award of such damages will tend to prevent violations of the fourth article of amendment to the Constitution of the United States.

(4) The remedy against the United States provided under this section shall be the exclusive civil remedy against any person for such violation of the fourth article of amendment to the Constitution of the United States.

Page 65, in the table of contents appearing after line 15, insert immediately after the item relating to Rule 106, the following new item: . . .

Mr. [William (Don)] EDWARDS of California. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDWARDS of California. Mr. Chairman, I make a point of order on two grounds; the first ground being that the gentleman from Arizona, in accordance with the rule, printed the amendment on page E400 of the CONGRESSIONAL RECORD of February 4, 1974, but it is in a different form as he offers it today.

Second, I make a point of order on the ground that the amendment is not germane. It raises completely extraneous and new matters never considered by either the subcommittee or the full committee during its long deliberations on this subject.

26. 120 CONG. REC. 2368–69, 93d Cong. 2d Sess.

27. Thomas Steed (OK).

This amendment offered by the gentleman from Arizona is actually the full text of H.R. 10725, which is a bill introduced by the gentleman from Arizona last September and which has been referred to the subcommittee of the Committee on the Judiciary which I chair. The bill, according to the way the gentleman put it in the record, purports to amend title 18 of the United States Code in a most substantive way. The rules of evidence which we are considering today do not amend title 18 in any way.

The bill the gentleman from Arizona is offering as an amendment subjects the U.S. Government to liability, and the rules of evidence do not address themselves to this issue in any respect. While this bill, which the gentleman offers in all sincerity, wears the cloak of an amendment, it simply does not fit. It is a bill that should be considered by the subcommittee of the Committee on the Judiciary that I chair, and will receive appropriate attention, but it really does not have any business in the particular legislation that we are considering here today.

The CHAIRMAN. Does the gentleman from Arizona desire to be heard on the point of order?

Mr. STEIGER of Arizona. I do, Mr. Chairman.

Mr. Chairman, I would be very, very concerned if the Chair were to rule on the first of the grounds offered by the gentleman from California. I will tell the Chairman and the House that the amendment as offered in the record is not changed at all in the form in which it is before the committee. The only change is at what point in the bill it appears. I will tell the Chair that both the spirit and the letter of the rule were conformed to as far as I am concerned, and I would hope that no Member in the future would be denied a hearing on an amendment based on what has to be at best a capricious judgment. . . .

The CHAIRMAN (Mr. [Thomas] STEED [of Oklahoma]). The Chair is prepared to rule.

The text of the proposed amendment, as printed in the RECORD, and the text as offered by the gentleman from Arizona (Mr. STEIGER) are at variance. The objection raised by the gentleman from California concerning the imposition of new liability on the United States points out that the amendment goes beyond the subject matter dealt with in the bill.

Since there is a clear indication of the nongermaneness of the amendment and of failure to strictly comply with the rule, the Chair sustains the point of order.

**§ 24.2 Where the House had adopted a special order of business that required certain amendments to be pre-printed in the *Congressional Record* at least two legislative days before being offered, the Chair clarified the printing timelines for ensuring compliance with the rule.**

On June 11, 1981,<sup>(28)</sup> the following occurred:

Mr. [Jonas] FROST [of Texas]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 148 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 148

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union

28. 127 CONG. REC. 12176–77, 12182, 12213, 97th Cong. 1st Sess. For similar proceedings, see 120 CONG. REC. 6821–23, 93d Cong. 2d Sess. (Mar. 14, 1974).

for the consideration of the bill (H.R. 3480) to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. No amendment to the bill or to said substitute shall be in order except germane amendments printed in the Congressional Record at least two legislative days before their consideration. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore.<sup>(29)</sup> The gentleman from Texas (Mr. FROST) is recognized for 1 hour. . . .

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

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.

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER 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 303, nays 88, not voting 40, as follows:

[Roll No. 72] . . .

Mr. [Gerald] SOLOMON [of New York]. To the Republican whip or the majority leader, I would like a clarification on the Legal Services Corporation legislation.

Do I understand we will be allowed to file amendments with the desk on Monday and that will constitute 48 hours, being 2 working days, Monday and Tuesday?

Mr. [Chester (Trent)] LOTT [of Mississippi]. I yield to the gentleman from Washington (Mr. FOLEY) if he would care to respond to that.

The SPEAKER.<sup>(30)</sup> The Chair will answer that the bill will be up on Tuesday for general debate and for amendments. It is not anticipated, in view of the interest in the bill, that the House will be able to complete the bill on that day.

So, any amendment that would be offered on Tuesday would have to be filed today. Any amendment filed on Monday could be offered on Wednesday if offered to a portion of the bill not yet read.

## **§ 24.3 Where a special order of the House limiting first-degree amendments in the Committee of the Whole restricts the offering**

29. Barney Frank (MA).

30. Thomas O'Neill (MA).

**of amendments printed in the report of the Committee on Rules to “designated Members” but places no comparable restriction on amendments printed in the *Congressional Record*, any Member may offer an amendment of the latter type.**

On September 17, 1998,<sup>(31)</sup> the following occurred:

AMENDMENT NO. 17 OFFERED BY MR. TORRES

Mr. TORRES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 17 offered by Mr. TORRES:

In title II, in the item relating to “OTHER BILATERAL ECONOMIC ASSISTANCE, ECONOMIC SUPPORT FUND”, after the first dollar amount, insert the following: “(decreased by \$14,000,000)”.

In title III, in the item relating to “FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING”, after the first dollar amount, insert the following: “(decreased by \$1,400,000)”.

Mr. [Esteban] TORRES [of California] (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN.<sup>(32)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

Mr. [Sonny] CALLAHAN [of Alabama]. Mr. Chairman, I reserve a point of order.

Let me just see exactly where we are.

As I understand it, the gentleman from California (Mr. TORRES) has requested as a member of the committee that he bring up an amendment that is in order by the gentleman from Pennsylvania (Mr. GOODLING). Is that correct?

The CHAIRMAN. The Chair would inform the gentleman that any Member may call up an amendment which has been printed in the RECORD. The gentleman from California (Mr. TORRES) as a member of the committee has called up the amendment which has been read.

Mr. CALLAHAN. Out of deference to the gentleman from Pennsylvania (Mr. GOODLING), I would like to ask, is he aware that the gentleman is bringing his amendment up at this time? Could I make that inquiry?

The CHAIRMAN. The gentleman does not state a parliamentary inquiry. Does the gentleman wish to reserve a point of order?

Mr. CALLAHAN. I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The gentleman from California (Mr. TORRES) is recognized for 5 minutes on his amendment.

Mr. TORRES. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. [Joseph] KENNEDY of Massachusetts. Mr. Chairman, if you could explain to me the parliamentary procedure to offer a substitute amendment to the Torres amendment.

31. 144 CONG. REC. 20838–39, 105th Cong. 2d Sess. For similar proceedings, see 120 CONG. REC. 8229–33, 93d Cong. 2d Sess. (Mar. 26, 1974).

32. Mac Thornberry (TX).



The CHAIRMAN. The gentleman from California is not able to yield to another Member for the purpose of offering an amendment, but for debate only. When the gentleman from California has completed his debate, then other Members may be recognized and at that point an amendment to the amendment may be in order.

The gentleman from California is recognized on his amendment.

**§ 24.4 Where a special order of business requires amendments to be pre-printed in the *Congressional Record* prior to consideration, the Committee of the Whole may, by unanimous consent, permit an amendment to be offered in a modified form.**

On March 26, 1974,<sup>(33)</sup> the following occurred:

Mrs. [Patsy] MINK [of Hawaii]. Mr. Chairman, I offer an amendment to the committee substitute.

The CHAIRMAN.<sup>(34)</sup> Is the amendment printed in the RECORD?

Mrs. MINK. It is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mrs. MINK to the committee substitute: The first sentence of Section 103(a)(1), beginning on line 13 on page 28, is amended to read as follows: "Sec. 103. (a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term 'State' by this subsection), provided, however, there shall be authorized such additional sums to assure at least the same level of funding under this Title as in FY 1973 for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

Mr. [Edwin] MEEDS [of Washington]. Mr. Chairman, will the gentlewoman yield for the purpose of a unanimous-consent request?

Mrs. MINK. I will yield to the gentleman from Washington for that purpose.

Mr. MEEDS. Mr. Chairman, I ask unanimous consent that at the end of the amendment after the word "Islands" the following words be added: "and to the Secretary of the Interior for payments pursuant to (d)(1) and (d)(2)."

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. [David] DENNIS [of Indiana]. Mr. Chairman, reserving the right to object, I do not know anything about the subject matter. I just object to the unanimous-consent request until somebody explains it so we know what we are considering.

The CHAIRMAN. The Clerk will report the amendment to the committee substitute as modified.

The Clerk read as follows:

The first sentence of Section 103(a)(1), beginning on line 13 on page 28, is amended to read as follows: "Sec. 103. (a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term 'State' by this subsection), provided, however, there shall be authorized such additional sums to assure at least the same level of funding under this Title as in FY 1973 for Guam, American Samoa, the Virgin Islands, the

**33.** 120 CONG. REC. 8253, 93d Cong. 2d Sess. For similar proceedings, see 123 CONG. REC. 26450-51, 95th Cong. 1st Sess. (Aug. 3, 1977).

**34.** Charles Price (IL).

Trust Territory of the Pacific Islands and to the Secretary of the Interior for payments pursuant to (d)(1) and (d)(2).

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? . . .

There was no objection.

**§ 24.5 A provision in a special order of business prohibiting amendments to a bill except those pre-printed in the *Congressional Record* does not apply to second-degree amendments unless so specified.**

On September 7, 1978,<sup>(35)</sup> the following occurred:

Mr. [Henry] GONZALEZ [of Texas]. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

POINT OF ORDER

Mr. [Morgan] MURPHY of Illinois. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore.<sup>(36)</sup> The gentleman will state it.

Mr. MURPHY of Illinois. Mr. Chairman, this amendment is not germane in that it is not timely printed in the RECORD. The gentleman came up to us just a few minutes ago and said the gentleman had printed it in the RECORD yesterday; but the rule issued July 12 requires it to be reported legislative days prior to consideration.

The CHAIRMAN pro tempore. The Chair will rule that the rule applies to amendments to the bill and not to amendments to amendments. In this case we have an amendment to a substitute amendment, so the rule does not apply.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ to the amendment in the nature of a substitute offered by Mr. McClory: On page 24, line 24, after "SEC. 104" insert "(a)".

On page 25, after line 6 insert:

(b) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

(1) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title; and

(2) the total number of such orders and extensions either granted, modified, or denied.

(c) And in April of each year the Attorney General shall transmit a report to the appropriate Member of Congress or Congressional Committee on any information gathered by virtue of this act regarding any foreign government's attempt to improperly influence Congress, suborn individual Members or to threaten a Member.

**§ 24.6 A special order of business may provide that an amendment pre-printed in the *Congressional Record* be considered as pending following conclusion of general debate in the Committee of the Whole.**

On October 24, 1979,<sup>(37)</sup> the following occurred:

35. 124 CONG. REC. 28419, 95th Cong. 2d Sess.

36. John Murtha (PA).

37. 125 CONG. REC. 29435–36, 96th Cong. 1st Sess.

The CHAIRMAN.<sup>(38)</sup> In lieu of the amendment recommended by the Committee on Merchant Marine and Fisheries now printed in the bill, it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD of September 20, 1979, by Representative BREAU.

The Clerk will report the amendment.

The Clerk read the amendment made in order under the rule, as follows:

Page 3, after line 2 insert the following: . . .

Mr. [John] BREAU [of Louisiana]. Mr. Chairman, I offer an amendment to my amendment made in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. BREAU to the amendment made in order under the rule:  
Page 7, strike out line 12 and all that follows down through and including line 24 on page 11, and inserting the following:

“CONVENTION IMPLEMENTATION . . .

**§ 24.7 Where a special order of business requires the pre-printing of amendments in the *Congressional Record* by a date certain in order to be offered, the incorrect printing of amendments by the Government Publishing Office in the *Record* will not prevent their consideration in the form submitted for printing.**

On October 30, 1979,<sup>(39)</sup> the following occurred:

**PRIORITY ENERGY PROJECT ACT OF 1979**

Mr. [Jonas] FROST [of Texas]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

*Resolved*, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4985) to establish a coordinated, prompt, and simplified process for decision making in regard to significant non-nuclear energy facilities, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, immediately after the enacting clause of the bill is read, the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill, said amendment shall be considered as having been read, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. It shall be in order to consider the text of the bill H.R. 5660 if offered by Representative Udall as a substitute for the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, and said substitute if offered shall be considered as having been read. No amendment to said amendment or to said substitute shall be in order except pro forma amendments for the purpose

38. Ronnie Flippo (AL).

39. 125 CONG. REC. 30205, 30207, 96th Cong. 1st Sess. For similar proceedings, see 140 CONG. REC. 4405, 103d Cong. 2d Sess. (Mar. 10, 1994).

of debate and germane amendments printed in the Congressional Record by October 29, 1979. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the event that the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce has been adopted, any Member may demand a separate vote in the House (1) on any amendment adopted to said amendment, in the event that the substitute offered by Representative Udall has been rejected; or (2) on any amendment adopted to the substitute offered by Representative Udall, if said substitute has been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 4985, the House shall proceed, sections 401(a) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill S. 1308, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 4985 as passed by the House.

The SPEAKER pro tempore.<sup>(40)</sup> The gentleman from Texas (Mr. FROST) is recognized for 1 hour. . . .

Mr. [Robert] BAUMAN [of Maryland]. Mr. Speaker, I share the concern expressed by the distinguished minority whip about the rights of Members being protected on this legislation, because it does impose the abnormal requirement of the preprinting of amendments, and they had to be printed by yesterday.

#### PARLIAMENTARY INQUIRY

Mr. Speaker, I wish to propound a parliamentary inquiry to the Chair. I cannot speak for other Members, but the gentleman from Maryland noticed that two amendments he had filed were either misprinted or printed erroneously as being both amendments to the same bill. The fact of the matter is one amendment was clearly labeled to the Udall substitute and one to the other substitute. I am wondering whether or not an amendment will then be in order if, in fact, it has been printed by the deadline but not printed correctly?

The SPEAKER pro tempore. The Chair would like to advise the gentleman that the Chair understands that corrected printings of the amendments will appear in today's RECORD.

Mr. BAUMAN. And that will not prevent Members from offering those amendments?

The SPEAKER pro tempore. The gentleman will be protected under the rule.

Mr. BAUMAN. I thank the gentleman. I think this serves as an example of the problem that occurs when enough time does not elapse before the deadline with proper notice to Members.

**§ 24.8 In response to parliamentary inquiries, the Chair confirmed that, where the special order of business permitted the consideration of amendments in a designated numerical order (as printed in the *Congressional Record*), a Member's offering of a numbered amendment would preclude the offering of a prior numbered amendment thereafter.**

On May 27, 1982,<sup>(41)</sup> the following occurred:

40. James Howard (NJ).

41. 128 CONG. REC. 12465, 97th Cong. 2d Sess.

AMENDMENT OFFERED BY MR. WHITTEN TO THE AMENDMENT IN THE NATURE OF A  
SUBSTITUTE OFFERED BY MR. ASPIN

Mr. [Jamie] WHITTEN [of Mississippi]. Mr. Chairman, I offer an amendment, which is designated as amendment No. 56, to the Aspin substitute.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN to the amendment in the nature of a substitute offered by Mr. ASPIN: Strike out section 304 relating to deferred enrollment and renumber the following sections accordingly.

## PARLIAMENTARY INQUIRIES

Mr. [Leon] PANETTA [of California]. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN.<sup>(42)</sup> The gentleman from Mississippi (Mr. WHITTEN) will have to yield for a parliamentary inquiry.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

As I understand, the gentleman is offering his amendment No. 56 and not No. 55; is that correct?

Mr. WHITTEN. Yes. It deals with section 304 and it bypasses No. 55 for No. 56.

Mr. PANETTA. I thank the gentleman.

Mr. [James] WRIGHT [of Texas]. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the majority leader.

Mr. WRIGHT. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WRIGHT. Mr. Chairman, if the gentleman from Mississippi offers amendment No. 56 prior to No. 55, does that foreclose the possibility of offering amendment No. 55?

Mr. WHITTEN. My understanding is that that eliminates No. 55 as far as consideration is concerned.

The CHAIRMAN. The Chair will answer in the affirmative.

**§ 24.9 Where a special order of business governing consideration of a bill requires amendments to have been pre-printed in the *Congressional Record* prior to their consideration, the Chair normally relies upon assurances of the proponent of the amendment that it is in the precise form as printed in the *Record*, but may insist (in response to a point of order) that the proponent cite the page of the *Record* where the amendment was printed.**

On August 3, 1983,<sup>(43)</sup> the following occurred:

Mr. [Ronald] PAUL [of Texas]. Mr. Chairman, I offer an amendment.

The CHAIRMAN.<sup>(44)</sup> The Chair will inquire of the gentleman from Texas (Mr. PAUL) as to whether the amendment has been printed in the RECORD.

42. Richard Bolling (MO).

43. 129 CONG. REC. 22653, 98th Cong. 1st Sess.

44. Donald Pease (OH).

Mr. PAUL. Yes, it has been, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PAUL: Page 28, after line 8, insert the following:

#### CONGRESSIONAL AUTHORIZATION OF CERTAIN ACTIONS

SEC. 308. Section 5 of the Bretton Woods Agreements Act (22 U.S.C. §286c) is amended by adding at the end thereof the following: "Unless Congress, in advance and by law, authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, make any commitments whatsoever (1) regarding any request for, or the granting of consent to, any change in the quota of the United States under Articles III, section 2(a), of the articles of Agreement of the Fund, or (2) regarding the making of any loan to the Fund or the Bank."

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. [Fernand] ST. GERMAIN [of Rhode Island]. Mr Chairman, will the gentleman yield briefly for a parliamentary inquiry?

Mr. PAUL. I yield to the gentleman from Rhode Island.

#### PARLIAMENTARY INQUIRY

Mr. ST GERMAIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ST GERMAIN. Mr. Chairman, I would like to ask one question.

In calling up my amendment a few moments ago, I gave the date that it was printed in the RECORD and the page number at which it appeared.

Would it be possible to require that of other amendments that are submitted so that we could save a lot of time?

The CHAIRMAN. The Chair would state that it would be highly desirable if Members offering amendments would be prepared to state at the time of offering the amendments the page number and date of the CONGRESSIONAL RECORD where the amendment is cited. It has not been treated as an absolute requirement unless a point of order is raised. The Chair will take on the faith of Members the statement that it has been printed in the RECORD, but it certainly would expedite the consideration of the bill if Members would be prepared to do that.

### **§ 24.10 The House may, by unanimous consent, permit the offering of an amendment not pre-printed in the *Congressional Record*, notwithstanding the adoption of a special order of business requiring that specific amendment to be printed prior to consideration.**

On May 30, 1984,<sup>(45)</sup> the following occurred:

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5713, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1985

Mr. [John] MOAKLEY [of Massachusetts]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

45. 130 CONG. REC. 14409-10, 98th Cong. 2d Sess.

The Clerk read the resolution, as follows:

H. RES. 511

*Resolved*, That during the consideration of the bill (H.R. 5713) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 8 through page 5, line 11; beginning on page 6, lines 5 through 19; beginning on page 8, line 12 through page 9, line 14; beginning on page 10, line 20 through page 11, line 2; beginning on page 12, line 20 through page 13, line 16; beginning on page 14, line 19 through page 15, line 4; beginning on page 15, line 18 through page 16, line 21; beginning on page 19, line 2 through page 20, line 13; beginning on page 22, line 1 through page 26, line 11; beginning on page 26, line 20 through page 30, line 2; beginning on page 33, line 24 through page 36, line 7; and beginning on page 37, line 3 through page 38, line 24; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived: beginning on page 2, line 8 through page 3, line 18; beginning on page 6, lines 5 through 19; beginning on page 10, line 20 through page 11, line 2; beginning on page 22, lines 1 through 25; beginning on page 35, line 14 through page 36, line 7; beginning on page 37, lines 3 through 22; and beginning on page 38, line 3 through 24. It shall be in order to consider an amendment to said bill printed in the Congressional Record of May 30, 1984, by, and if offered by, Representative Dingell of Michigan, and all points of order against said amendment for failure to comply with clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore (Mr. [Dale] KILDEE [of Michigan]). The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour. . . .

The rule waives points of order against certain provisions of the bill which violate clause 2 of rule XXI, which prohibits unauthorized appropriations and legislation in appropriations bills, and clause 6 of rule XXI, which prohibits reappropriations.

Mr. Speaker, the precise page and line numbers identifying provisions for which waivers are recommended are fully stated in the rule. The waivers of clause 2 are necessary because authorizing legislation for the programs involved are under consideration at some stage of the legislative process but have not yet been enacted into law.

In addition, Mr. Speaker, several provisions which violate the prohibition on legislation in an appropriations bill are similar to language routinely included in previous appropriation acts.

The waivers of clause 6, rule XXI, are provided for such programs as the National Aeronautics and Space Administration, research and development, and the Veterans' Administration, to provide for continued availability and use of funds provided in prior appropriations. This could be considered a reappropriation, and thus the waiver was needed.

Finally, Mr. Speaker, the rule provides for consideration of an amendment printed in the May 30 CONGRESSIONAL RECORD Representative DINGELL of Michigan, which relates to the Veterans' Administration replacement hospital in Allen Park, Mich. A waiver of clause 2 of rule XXI is provided to permit consideration of the amendment.

Mr. Speaker, because today is the 30th of May and the Rules Committee anticipated that the rule would be considered tomorrow, following my statement I intend to ask unanimous consent that Representative DINGELL be allowed to offer his amendment today without it being printed in the RECORD of the 30th.

Mr. Speaker, H.R. 5713 appropriates \$5.4 billion for HUD and 17 independent agencies for fiscal year 1985. The bill appropriates \$9.8 billion for housing programs, including funds for section 8 existing housing programs that the administration now wants to eliminate. However, Mr. Speaker, the amounts provided in this bill are within the targets assumed in the House-passed budget resolution.

Mr. Speaker, I urge adoption of House Resolution 511 so that we may proceed to consideration of this appropriations bill.

Mr. Speaker, at this point I ask unanimous consent that the Dingell amendment be in order in accordance with the rule, notwithstanding that it is not printed.

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

There was no objection.

**§ 24.11 Where a special order of business adopted by the House permitted the *en bloc* consideration of amendments printed in the *Congressional Record* on a date certain, the House, by unanimous consent, permitted the inclusion of additional amendments (not previously printed) as part of the amendments to be considered *en bloc*.**

On July 22, 1985,<sup>(46)</sup> the following unanimous-consent request was agreed to:

PERMISSION FOR REPRESENTATIVE HOWARD TO OFFER ADDITIONAL  
AMENDMENTS EN BLOC TO H.R. 8, WATER QUALITY RENEWAL ACT OF 1985

Mr. [Robert] ROE [of New Jersey]. Mr. Speaker, I ask unanimous consent that, during the consideration of H.R. 8 in the Committee of the Whole, it may be in order for Representative HOWARD to offer en bloc additional amendments as part of the amendments specifically made in order by the rule and printed in the CONGRESSIONAL RECORD of July 16, 1985.

The SPEAKER pro tempore.<sup>(47)</sup> Is there objection to the request of the gentleman from New Jersey?

There was no objection.

**§ 24.12 The House may adopt a special order of business providing for priority in recognition for Members who have had their amendments pre-printed in the *Congressional Record* prior to consideration.**

On February 24, 1995,<sup>(48)</sup> the following occurred:

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON RULES

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

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, the Committee on Rules is planning to meet early next week on two bills to improve the federal regulatory process. Next Monday, February 27, the committee will meet at 5 p.m. to consider a rule for H.R. 926, the Regulatory Reform and Relief Act, better known as the Reg Flex Act. Members

46. 131 CONG. REC. 19846, 99th Cong. 1st Sess.

47. Gillespie Montgomery (MS).

48. 141 CONG. REC. 5881–82, 104th Cong. 1st Sess.



should be aware that this rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration. In this case, the preprinting of amendments is optional. . . .

Mr. [Douglas] BEREUTER [of Nebraska]. Mr. Speaker, if the gentleman will continue to yield, would my understanding be correct though, that a Member of the House, not a member of the committee, who has his amendment printed in the RECORD would have priority over a member of the committee?

Mr. SOLOMON. The gentleman would please restate that.

Mr. BEREUTER. Would a Member, not a member of the committee, have priority, who has his amendment printed in the RECORD, have priority over a member of the committee in offering such an amendment?

Mr. SOLOMON. Not over the committee chairman, no.

Mr. BEREUTER. Would a Member who has his amendment printed have priority over a member of the committee whose amendments were not printed in the RECORD.

Mr. SOLOMON. That would be subject to the recognition of the chair, but in most cases, yes.

Mr. BEREUTER. If the gentleman will continue to yield, the reason this gentleman was so upset when we took up the crime bill, block grant, is that the parliamentarian informed the Chairman of the Committee of the Whole that no matter how long I stood here, and I waited for nearly 7 hours to offer an amendment, but not being a member of the Committee on the Judiciary, the Chairman of the Committee of the Whole was informed by the parliamentarian that the Chairman had no option but to continue to recognize members of the Committee on the Judiciary for amendments, be they printed or not printed. And many, many, many were nonprinted, and they continued to be offered. And Members of the House who were not members of the Committee on the Judiciary were shut out from offering amendments.

In fact, I just directed a letter to the chairman of the Committee on Rules about how this process does not serve Members well who are not members of the committee debating the bill before us.

So I would hope that the Committee on Rules might at least give all Members priority whose amendments are preprinted. I understand that the members of the committee and certainly the chairman should have priority for amendments that are printed in the RECORD, but you see we can be completely shut off from offering our amendments if we are not members of the committee. That is exactly what happened to this gentleman.

So I would like to ask the chairman of the Committee on Rules if he would give that matter some consideration.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. SOLOMON. We most certainly will. Of course, the recognition is always subject to the Speaker, to the Chairman of the Committee of the Whole. But certainly, I would just advise the gentleman that we would try to work with the managers of the bill to make sure that we are going to get the proper recognition.

Of course, if there are dilatory tactics, stalling tactics, that sometimes can put the gentleman in that particular position, in an awkward position. We would hope that that would never happen.

**§ 24.13 In response to a parliamentary inquiry regarding amendments to be offered under the terms of an adopted special order**

**of business requiring that amendments be printed in the *Congressional Record*, the Chair advised that printed copies of the *Record* were not yet available and any issue with regard to its continued unavailability would become ripe when the amendment process began (at which time the *Record* was available to Members).**

On January 26, 2011,<sup>(49)</sup> the Chair entertained the following parliamentary inquiries:

PARLIAMENTARY INQUIRY

Mr. [Anthony] WEINER [of New York]. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(50)</sup> The gentleman may inquire.

Mr. WEINER. Mr. Speaker, on the bill we're going to be considering shortly, the Presidential checkoff bill, there's a requirement under the rules that the amendments be printed in the RECORD. Is that RECORD available?

The SPEAKER pro tempore. The Chair understands that the printed RECORD is not yet available.

Mr. WEINER. Further inquiry, does the Speaker have any guidance for the House on when that RECORD might be available so we can read what we're going to be considering in a matter of minutes?

The SPEAKER pro tempore. The Chair does not currently have that information. Under the terms of House Resolution 54, any issue would become ripe when the amendment process begins.

Mr. WEINER. Thank you, Mr. Speaker. . . .

The CHAIR.<sup>(51)</sup> All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 5 hours and shall be considered read. . . .

The CHAIR. No amendment to the bill shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and except pro forma amendments for the purpose of debate.

The Chair would advise, in light of the gentleman from New York's parliamentary inquiry earlier, that the printed RECORD is available.

Each amendment printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read.

***Closed or Limited Debate***

**§ 24.14 Notwithstanding a limitation of debate on a pending title of a bill and all amendments thereto to a time certain, a Member who had inserted the text of an amendment in the *Congressional Record* is entitled, under clause 6 of rule XXIII (now clause 8 of**

49. 157 CONG. REC. 906, 917, 112th Cong. 1st Sess.

50. Michael Simpson (ID).

51. Steven LaTourette (OH).

**rule XVIII),<sup>(52)</sup> to be recognized for five minutes upon offering that amendment during the limitation.<sup>(53)</sup>**

On April 19, 1973,<sup>(54)</sup> the following occurred:

Mr. [James] WRIGHT [of Texas]. Mr. Chairman, I am hoping again we may be able to get some agreement as to fixing a time. We have a lot of Members catching planes. I would ask unanimous consent that all debate on title I of the bill and amendments thereto conclude at 2:30. . . .

There was no objection. . . .

Mr. [Thomas] RAILSBACK [of Illinois]. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: Page 133, line 5, strike out “route” and insert “routes”, and strike out “for the purpose of including such highways in the National System of Interstate and Defense Highways” on lines 6, 6, and 7.

Page 133, line 8, immediately before “A” insert the following: “(1)”.

Page 133, after line 13, insert the following:

“(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.”. . . .

The CHAIRMAN.<sup>(55)</sup> The time of the gentleman from Illinois has expired. . . .

Mr. RAILSBACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RAILSBACK. Mr. Chairman, my parliamentary inquiry is this: That I had asked the Chairman before I offered my amendment, and I just tried to bring this matter up just now, and that is that I printed my amendment in the CONGRESSIONAL RECORD of April 17 at page 12843, and I was previously led to believe, in response to the answer of the Chairman, that I would be given 5 minutes on my amendment.

The CHAIRMAN. The Chair will state that the gentleman is correct. The Chair was not aware that the gentleman’s amendment had been printed in the RECORD, and the Chair will state that the gentleman from Illinois will be recognized for an additional 4 minutes.

(By unanimous consent, Mr. RANDALL yielded his time to Mr. RAILSBACK.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois for 4¾ minutes.

**§ 24.15 In the 93d Congress, the House amended clause 6 of rule XXIII (now clause 8 of rule XVIII),<sup>(56)</sup> to provide for a specific location in the *Congressional Record* where pre-printed amendments**

52. *House Rules and Manual* § 987 (2019).

53. *Parliamentarian’s Note*: At the time of these proceedings, the rule did not specify where in the *Record* pre-printed amendments were to appear. In this case, the Member had submitted his amendment as an extension of remarks. In the 93d Congress, the rule was amended to provide a specific location in the *Record* where all amendments under the rule would be printed. See § 24.15, *infra*.

54. 119 CONG. REC. 13253–54, 93d Cong. 1st Sess.

55. Morris Udall (AZ).

56. *House Rules and Manual* § 987 (2019).

**must appear to qualify under the rule, and the Speaker announced certain policies with respect to submitting such amendments to the *Record*.**

On November 25, 1974,<sup>(57)</sup> the following occurred:

AMENDING RULE XXIII, CLAUSE 6, OF THE RULES OF THE HOUSE

Mr. [John] YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1387 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1387

*Resolved*, That rule XXIII of the Rules of the House of Representatives is amended by adding at the end of clause 6 the following new sentence: "Material placed in the Record pursuant to this provision shall indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment is intended to be offered, and shall appear in a portion of the Record designated for that purpose."

The SPEAKER.<sup>(58)</sup> The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour. . . .

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.

---

ANNOUNCEMENT BY THE SPEAKER: PROCEDURE FOR PRINTING OF  
AMENDMENTS UNDER RULE 23, CLAUSE 6

The SPEAKER. The Chair desires to make a statement concerning the submission of proposed amendments for printing in a designated portion of the CONGRESSIONAL RECORD, pursuant to the provisions of Rule 23, clause 6, as recently amended by the House.

In order that such amendments to be inserted in the RECORD not be commingled with bills and reports submitted to the clerk through the hopper, the clerk shall make available a box to be placed at the desk in front of the Chair, solely for the submission of proposed amendments to be printed in the RECORD. Each such amendment must bear the written signature of the Member causing it to be inserted and must be submitted either while the House is in session or, if the House is not in session, under the same regulations promulgated by the Joint Committee on Printing for the submission of extensions of remarks after the adjournment of the House. A member's debate time will be protected under the rule only if his amendment is properly submitted for printing in the designated portion of the RECORD.

The Chair will further state that only such amendments as have been dropped in the proper box will be printed in the designated portion of the RECORD. Proposed amendments which are inserted in 1-minute speeches or in other remarks on the floor, or inserted in Extensions of Remarks, will not appear in the designated portion of the RECORD

57. 120 CONG. REC. 37270, 93d Cong. 2d Sess.; *House Rules and Manual* § 987 (2019).

58. Carl Albert (OK).

unless such amendments are also dropped in the proper box. The Chair suggests, in order to avoid printing duplication and excessive cost in preparing the CONGRESSIONAL RECORD, that Members refrain from reading or inserting their proposed amendments while discussing them on the floor or in Extensions of Remarks, since they will be printed in the section of the RECORD set aside for that purpose.

An amendment placed in the box must conform with the provisions of the rule to be printed in the designated portion of the RECORD, and remarks accompanying the amendment should be limited to identification by bill number of the bill sought to be amended, and identification of the portion of the bill, or of the amendment thereto, where the designated amendment will be offered.

**§ 24.16 Under a time limitation imposed by the Committee of the Whole pursuant to clause 6 of rule XXIII (now clause 8 of rule XVIII),<sup>(59)</sup> the Chair has discretion to recognize for amendments, and may defer the consideration of pre-printed amendments, in order to allow amendments whose consideration might be precluded by the time limitation to be offered first.**

On June 4, 1975,<sup>(60)</sup> the following occurred:

Mr. [Donlon (Don)] EDWARDS of California. Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

The CHAIRMAN.<sup>(61)</sup> The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

The CHAIRMAN. With the permission of the committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. DE LE GARZA).

**§ 24.17 When the Committee of the Whole is operating under a special order of business limiting consideration of all amendments to a number of hours of consideration, clause 6 of rule XXIII (now clause 8 of rule XVIII),<sup>(62)</sup> does not apply and amendments pre-printed in the *Congressional Record* are not guaranteed debate time under the rule.**

On April 9, 1986,<sup>(63)</sup> the following occurred:

59. *House Rules and Manual* § 987 (2019).

60. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

61. Richard Bolling (MO).

62. *House Rules and Manual* § 987 (2019).

63. 132 CONG. REC. 6896–97, 99th Cong. 2d Sess.

Mr. [William] HUGHES [of New Jersey]. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. VOLKMER as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7. line 10, strike out "shall not apply" and all that follows through "firearms)" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States)".

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN.<sup>(64)</sup> Is there objection to the request of the gentleman from New Jersey?

There was no objection. . . .

Mr. HUGHES. Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

The CHAIRMAN. The gentleman yields back the balance of his time and moves that the Committee rise.

#### PARLIAMENTARY INQUIRY

Mr. [Harold] VOLKMER [of Missouri]. Mr. Chairman, during all that, do we have an amendment pending?

The CHAIRMAN. The Hughes amendment is pending.

Mr. VOLKMER. Mr. Chairman, I did not even hear it read during all of that.

I move to strike the last word.

The CHAIRMAN. The reading of the Hughes amendment was dispensed with by unanimous consent.

The gentleman, then, instead of speaking to the amendment, has yielded back the balance of his time and moved that the Committee rise.

The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the Committee do now rise.

#### PARLIAMENTARY INQUIRIES

Mr. [Charles (Buddy)] ROEMER [of Louisiana]. Mr. Chairman, I have a parliamentary inquiry.

Mr. CHAIRMAN. The gentleman will state it.

Mr. ROEMER. Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pending now would begin the debate?

Mr. CHAIRMAN. The gentleman from Louisiana is exactly correct.

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

64. Charles Rangel (NY).

Mr. CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

Mr. CHAIRMAN. The gentleman is correct.

Mr. VOLKMER. Which right now is approximately 1 hour?

Mr. CHAIRMAN. The gentleman is correct.

Mr. VOLKMER. And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the RECORD and vote on them after 5 minutes each?

Mr. CHAIRMAN. There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

Mr. VOLKMER. In other words, really we could finish this up tonight in 1 hour and we would be out of here. So tomorrow morning we are going to come in for 1 hour and then we are going to vote?

Mr. CHAIRMAN. The Committee of the Whole could conclude the work but there could be votes, in both the Committee and in the House which could certainly go beyond the 1 hour.

**§ 24.18 Under a prior version of clause 6 of rule XXIII (now clause 8 of rule XVIII),<sup>(65)</sup> amendments pre-printed in the *Congressional Record* could only be offered to measures reported by committees, and unanimous consent was required to allow Members to pre-print amendments intended to be offered to unreported measures.<sup>(66)</sup>**

On November 1, 1983,<sup>(67)</sup> the following unanimous-consent request was agreed to:

AUTHORIZING PRINTING OF AMENDMENTS TO H.R. 4196 IN CONGRESSIONAL RECORD

Mr. [Anthony] BEILENSON [of California]. Mr. Speaker, I ask unanimous consent that amendments to H.R. 4196 may be printed in that portion of the RECORD entitled “amendments submitted under clause 6 of rule XXIII.”

The SPEAKER pro tempore (Mr. [Charles] HAYES [of Illinois]). Is there objection to the request of the gentleman from California?

There was no objection.

**§ 24.19 Amendments pre-printed in the *Congressional Record* pursuant to clause 8 of rule XVIII<sup>(68)</sup> may be offered to unnumbered measures, in which case the measure is identified by title only.**

<sup>65</sup>. *House Rules and Manual* § 987 (2019).

<sup>66</sup>. *Parliamentarian’s Note*: The rule was amended in the 105th Congress to allow amendments to unreported measures to be pre-printed in the *Record* (unanimous consent not required). See H. Res. 5, 143 CONG. REC. 120–22, 105th Cong. 1st Sess. (Jan. 7, 1997).

<sup>67</sup>. 129 CONG. REC. 30319, 98th Cong. 1st Sess.

<sup>68</sup>. *House Rules and Manual* § 987 (2019).

On July 17, 2002,<sup>(69)</sup> the following was printed in the *Congressional Record*:

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

AGRICULTURE APPROPRIATIONS BILL OFFERED BY: MR. ROYCE

AMENDMENT NO. 1: At the end of the bill, before the short title, insert the following new section:

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out a market promotion/market access program pursuant to the Agricultural Trade Act of 1978.

---

**69.** 148 CONG. REC. 13383, 107th Cong. 2d Sess.



## INDEX—THE HOUSE RULES, JOURNAL, AND RECORD

### **Adjournment**

concurrent resolution of adjournment postponing question on approval of Journal, §§ 12, 12.10

Congressional Record, depiction of events occurring following adjournment sine die, §§ 18, 18.12, 18.29

Congressional Record, requests to revise and extend remarks on events occurring during adjournment, §§ 20, 20.2, 20.13

constitutional requirements regarding, § 1

Journal, approval, concurrent resolution on adjournment postponing question on, §§ 12, 12.10

Journal, approval, effect of adjourning prior to, §§ 12, 12.2, 12.7, 12.15, 12.16

Journal, approval, precedence as to, §§ 11, 11.4, 11.5

Journal, hour of adjournment included in, § 10

precedence, approval of Journal, relationship to, §§ 11, 11.4, 11.5

sine die adjournment, depiction of events in Congressional Record following, §§ 18, 18.12, 18.29

### **Amendments**

Code of Official Conduct, amendments thereto not considered privileged, § 6

Committee of the Whole, limiting debate, status of pre-printed amendments, § 24

Committee of the Whole, proposals to amend rules of the House considered in, §§ 6, 6.5

committee rules, amendments to, § 18.15

Congressional Record, depiction in, §§ 18, 18.2

Congressional Record, former rule requiring unanimous consent to print amendments to unreported measures, §§ 24, 24.18

Congressional Record, Government Publishing Office printing errors, § 24

Congressional Record, status of amendments pre-printed in, §§ 18, 23, 24, 24.1–24.19

en bloc consideration of pre-printed amendments pursuant to special order of business, §§ 24, 24.11

House as in Committee of the Whole, proposals to amend rules of the House considered in, §§ 6, 6.6

incorporation by reference of statutory provisions, § 6

Journal, approval takes precedence over motion to amend, §§ 13, 14

Journal, reading takes precedence over motion to amend, § 14

Journal amended to vacate receipt of executive communication, §§ 14, 14.1

motion to amend available prior to adoption of rules, § 5

motion to waive reading of, §§ 18, 23

question of consideration applied to proposals to amend rules of the House, §§ 6, 6.11

reading of, motion to waive, §§ 18, 23

restrictions on offering pursuant to statutory rulemaking, § 7

rules of the House, Chair does not interpret, §§ 3, 3.4, 6

rules of the House, consideration by discharge, §§ 6, 6.9

rules of the House, consideration by privileged resolution, §§ 6, 6.1, 6.13

rules of the House, consideration by special order of business, §§ 6, 6.2–6.6, 6.10

rules of the House, consideration by suspension, §§ 6, 6.8

rules of the House, consideration by unanimous consent, §§ 6, 6.7

## Ch. 5

## PRECEDENTS OF THE HOUSE

rules of the House, contingent adoption, §§ 6, 6.16

rules of the House, germaneness, §§ 6, 6.20–6.22

rules of the House, jurisdiction over, §§ 6, 6.12

rules of the House, motion to amend available prior to adoption of, § 5

rules of the House, procedure generally, § 6

rules of the House, proposal to amend subject to the question of consideration, §§ 6, 6.11

rules of the House, vacating, §§ 6, 6.18, 6.19

special orders of business pre-printing requirements, §§ 24, 24.1–24.13

special orders of business structuring consideration of, §§ 4, 24, 24.17

statutory rulemaking, restrictions on offering under, § 7

waivers of points of order against, § 4

### **Amendments Between the Houses**

Congressional Record, depiction in, § 18

### **Appeals**

Precedents of the House, relationship to, § 1

### **Appropriations**

legislating on appropriations measures, application to proposals to amend rules of the House, §§ 6, 6.23, 6.24

### **Approval of Journal**

see **Journal**

### **Audio-Visual Broadcasting**

Congressional Record, relationship to, § 19

privileged question, consideration of resolution to provide for considered as, § 6

Speaker's authority over, § 8

### **Bill Numbers**

see **Sponsorship**

### **Boards and Commissions**

separate orders, reauthorization by, § 8

### **Budget Process**

allocations printed in Congressional Record corrected by unanimous consent, §§ 19, 19.5

budget resolution, jurisdiction over, §§ 6, 6.15

extraneous material inserted into Congressional Record, certain budget matters exempt from cost estimate requirement, §§ 21, 21.9, 21.10

jurisdiction over budget resolution, §§ 6, 6.15

separate orders, effect on, § 8

statutory rulemaking regarding, § 2

tax complexity analysis printed in Congressional Record, § 18

### **Censure**

see **Ethics**

### **Chadha Decision**

see **Statutory Rulemaking**

### **Clerk of the House**

decorum rules enforced by prior to adoption of rules, § 5

Journal, designation of Clerk pro tempore included in, § 10

Journal, distribution to Members by, § 10

Journal, questions of order included in by, § 10

Journal Clerk, see **Journal Clerk**

Official Reporters of Debate, appointment authority, §§ 16, 16.3

Reading Clerks, see **Reading Clerk**

### **Code of Official Conduct**

amendments thereto not considered privileged, § 6

jurisdiction over, §§ 6, 6.12

parliamentary inquiries regarding, §§ 4, 4.3

see also **Ethics**

### **Colloquies**

see **Congressional Record**

**Committee Jurisdiction**

Code of Official Conduct, jurisdiction over, §§ 6, 6.12

Congressional Record, Committee on House Administration, jurisdiction over, §§ 16, 17, 17.9

Ethics, Committee on, jurisdiction over Code of Official Conduct, §§ 6, 6.12

joint rules of the House and Senate, jurisdiction over, § 7

Rules, Committee on, jurisdiction over rules of the House, §§ 6, 6.12

rules of the House, jurisdiction over, §§ 6, 6.12

Speaker's announced policies regarding, § 9

**Committee of the Whole**

amendments pre-printed in Congressional Record, consideration of, §§ 18, 23, 24, 24.3, 24.4, 24.6, 24.14–24.19

Congressional Record, depiction of "notice" quorum call in, § 18

Congressional Record, depiction of vacated votes in, §§ 18, 18.7

Congressional Record, relationship to, §§ 16, 16.6, 18, 20, 22.11, 23, 24, 24.3, 24.4, 24.6

Congressional Record, status of amendments pre-printed in, §§ 18, 23, 24, 24.3, 24.4, 24.6, 24.14–24.19

House as in, proposals to amend rules of the House considered in, § 6

Journal, votes taken in entered into, § 10

rules of the House, applicability to proceedings in, § 3

rules of the House, proposals to amend considered in, §§ 6, 6.5

rules of the House, proposals to amend considered in House as in, §§ 6, 6.6

votes taken in entered into Journal, § 10

votes vacated, depiction in Congressional Record, §§ 18, 18.7

**Committee on Ethics**

Code of Official Conduct, jurisdiction over, §§ 6, 6.12

Congressional Record, jurisdiction over improper alteration of remarks, § 19  
jurisdiction over Code of Official Conduct, §§ 6, 6.12

**Committee on House Administration**

Congressional Record, jurisdiction over, §§ 16, 17, 17.9, 19

**Committee on Rules**

amendments to rules of the House, jurisdiction over, §§ 6, 6.12

committee reporting requirements regarding Ramseyers for amendments to rules of the House, § 6

committee reporting requirements regarding waivers of points of order, § 4

joint rules of the House and Senate, jurisdiction over, § 7

jurisdiction generally, § 6

jurisdiction over budget resolution containing amendments to rules of the House, §§ 6, 6.15

jurisdiction over joint rules, § 7

Ramseyer requirement for amendments to rules of the House, § 6

rules of the House, jurisdiction over, §§ 6, 6.12

waivers, committee reporting requirement regarding, § 4

**Committee on the Budget**

jurisdiction, §§ 6, 6.15

**Committee on Ways and Means**

tax complexity analysis requirement, § 18

**Committee Reports**

Congressional Record, depiction in, §§ 14.5, 18, 18.4

Journal, correcting depiction of filing by unanimous consent, § 14.5

## Ch. 5

## PRECEDENTS OF THE HOUSE

Journal, titles and subjects of entered into, § 10

Ramseyer requirement for amendments to rules of the House, § 6

Rules, Committee on, Ramseyer requirement for amendments to rules of the House, § 6

Rules, Committee on, waiver identification requirements, § 4

separate orders, requirements created by, § 8

special orders of business, waiver identification requirements, § 4

waivers of points of order required to be identified in, § 4

### Committees

committee report requirements created by separate order, § 8

committee rules, amendments to, § 18.15

committee rules printed in Congressional Record, §§ 18, 18.13–18.15

Congressional Record, committee rules printed in, §§ 18, 18.13–18.15

Congressional Record, executive session material not printed in, §§ 18, 18.30

Congressional Record, summaries of committee work inserted into, §§ 20, 20.14

deposition authority created by separate order, § 8

discharge procedures under statutory rulemaking, § 7

discharging proposals to amend rules of the House, § 7

executive session material not printed in Congressional Record, §§ 18, 18.30

joint committees, descriptions of published in House Rules and Manual, § 2

Journal, referrals of measures entered into, § 10

jurisdiction, see **Committee Jurisdiction**

membership rules waived by separate order, § 8

referral of measures to committee, see **Referrals**

Rules, Committee on, committee reporting requirements regarding waivers of points of order, § 4

rules of the House, relationship to, § 3

select committee composed of floor leaders, referral of resolution adopting rules to, § 5

select committee jurisdiction over proposals to amend rules of the House, §§ 6, 6.14

select committees, creation by separate order, § 8

select committees, descriptions of published in House Rules and Manual, § 2

separate orders, effect on, § 8

subcommittee limitations waived by separate order, § 8

subcommittee rules, § 3

waivers, committee reporting requirement regarding, § 4

### Conferences

conferee appointments, Speaker's announced policies regarding, § 9

conference reports, availability in Congressional Record, §§ 18, 23

conference reports, correction by unanimous consent not permitted, §§ 19, 19.7

conference reports, depiction in Congressional Record, §§ 17.4, 17.5, 19, 19.6

conference reports may not be field during reading of Journal, § 13

Journal, reading of, conference reports may not be field during, § 13

Speaker's announced policies regarding appointment of conferees, § 9

**Congressional Record**

- ul style="list-style-type: none; padding-left: 0;">
- adjournment sine die, depicting of events occurring following, §§ 18, 18.12, 18.29
- amendments, depiction in, §§ 18, 18.2
- amendments, en bloc consideration, submission of statement to the Congressional Record in lieu of debate, § 24
- amendments, former rule requiring unanimous consent to print amendments to unreported measures, §§ 24, 24.18
- amendments, Government Publishing Office printing errors, §§ 24, 24.7
- amendments, pre-printing requirements under special orders of business, §§ 24, 24.1–24.13
- amendments pre-printed in, motion to waive reading, §§ 18, 23
- amendments pre-printed in, status in Committee of the Whole, §§ 18, 23, 24, 24.3, 24.4, 24.6, 24.14–24.19
- Annals of Congress, relationship to, § 15
- appendix, former use of, § 17
- audio-visual broadcasting, relationship to, § 19
- bills and resolutions, depiction in, §§ 18, 18.1, 18.3, 19.1
- budget allocations corrected by unanimous consent, §§ 19, 19.5
- colloquies, unanimous-consent requests to insert not entertained, §§ 20, 20.19–20.21
- colloquies generally, §§ 20, 20.22–20.25
- Committee of the Whole, relationship to, §§ 16, 16.6, 18, 23, 24, 24.3, 24.4, 24.6, 24.14–24.19
- committee report, depiction of filing corrected by unanimous consent, §§ 14.5, 18.4, 19
- committee reports, depiction in, § 18
- committee rules printed in, §§ 18, 18.13–18.15
- committee work summaries inserted into, §§ 20, 20.14
- conference reports, availability via publication in, §§ 18, 23
- conference reports, correction by unanimous consent not permitted, §§ 19, 19.7
- conference reports, depiction in, §§ 17.4, 17.5, 18
- Congressional Globe, relationship to, § 15
- Congressional Review Act requirements, § 18.23
- constitutional authority statements printed in, § 18
- correcting errors generally, § 19
- Daily Digest, § 17
- discharge petitions, signatories to printed in, § 18
- disciplinary measures, protocols regarding revising and extending remarks on, § 20
- earmark statements printed in, §§ 18, 18.26–18.28
- electoral vote totals corrected in, § 19.2
- executive communications printed in, §§ 18, 18.8
- executive session material of committees not printed in, §§ 18, 18.30
- extension of remarks generally, §§ 17, 17.1
- extraneous material, cost estimates regarding printing of, §§ 21, 21.5–21.10
- extraneous material, deduction of time for unanimous-consent request to insert, §§ 21, 21.13
- extraneous material, insertion by unanimous consent, §§ 21, 21.1, 21.3, 21.4, 21.14, 22, 22.16–22.23
- extraneous material, role of Official Reporters of Debate regarding, § 21.2

## Ch. 5

## PRECEDENTS OF THE HOUSE

- extraneous material, subject to decorum standards, §§ 21, 22, 22.16–22.23
- foreign languages, depiction in, §§ 17, 17.12–17.14
- format generally, § 17
- gallery occupants, unanimous-consent request to insert names, § 22
- Government Publishing Office, publication by, §§ 15, 16.4, 19
- House Administration, Committee on, jurisdiction over, § 16
- impeachment proceedings printed in, § 18
- interruptions and interjected remarks not transcribed, §§ 22, 22.24–22.26
- Joint Committee on Printing, jurisdiction over, §§ 16, 16.2, 17, 22.17
- Journal, relationship to, §§ 10, 15
- “Laws and Rules for Publication of the Congressional Record”, publication of, § 16.1
- messages printed in, §§ 18, 18.8
- motion to revise and extend remarks not admitted, §§ 20, 20.3
- motion to strike unparliamentary remarks, §§ 22, 22.1, 22.13
- notice quorum call in the Committee of the Whole, depiction in, § 18
- oath of office printed in, §§ 18, 18.9
- oaths of secrecy printed in, §§ 18, 18.25
- Office of Congressional Workplace Rights (formerly Office of Compliance) regulations printed in, §§ 18, 18.24
- Official Reporters of Debate, role in publication, §§ 15, 16, 16.3, 19
- Parliamentarian, authority to correct parliamentary rulings, §§ 19, 19.13–19.15
- Parliamentarian, role in reviewing material for inclusion, §§ 22, 22.22
- Parliamentarian, role in reviewing parliamentary rulings, §§ 19, 19.13–19.15
- parliamentary inquiries regarding, § 16
- parliamentary rulings, depiction in, §§ 19, 19.13–19.15
- Presidential messages printed in, § 18
- question of personal privilege, insertion of extraneous material regarding, §§ 21, 21.11, 21.12
- question of privilege, improper depiction of proceedings constitutes, §§ 19, 19.16–19.23, 20, 20.25
- question of privilege, proposal to delete unparliamentary remarks does not constitute, § 19
- questions of privilege, prior rule regarding availability, § 23
- quorum calls, depiction in, § 18
- recognition, remarks made while not under, §§ 22, 22.9, 22.25, 22.26
- recommit, depiction of motion in, §§ 18, 18.5, 18.6
- referral of legislation, publication in, § 18
- register of debates, relationship to, § 15
- resignation letters printed in, §§ 18, 18.10–18.12, 19.3
- revising and extending remarks, deduction of time for unanimous-consent request, §§ 20, 20.27–20.31
- revising and extending remarks by unanimous consent, §§ 20, 20.1, 20.2, 20.5–20.8, 20.10–20.13, 20.32, 20.33
- revising and extending remarks on disciplinary measures, §§ 20, 20.15
- revising and extending remarks on non-legislative debate, §§ 20, 20.4, 20.9
- revising and extending remarks on points of order, §§ 20, 20.16–20.18
- secret session proceedings not carried in, §§ 18, 18.31
- Senate control over, § 16
- Senate messages printed in, § 18
- Speaker of the House, authority regarding, §§ 16, 16.3

Speaker's announced policies published in, § 1  
 special orders of business, depiction of legislative actions mandated by, § 18  
 special orders of business, pre-printing requirements pursuant to, §§ 24, 24.1–24.13  
 sponsors and cosponsors of measures printed in, §§ 18, 18.17–18.21  
 statutory rules regarding, § 16  
 subpoenas printed in, §§ 18, 18.16  
 tax complexity analysis printed in, § 18  
 time stamps, §§ 17, 17.2  
 typeface used, §§ 17, 17.4, 17.9–17.11  
 unanimous-consent request to correct depiction of vote not entertained, §§ 19, 19.8–19.12  
 unanimous-consent request to deliver speech "off the record" not entertained, §§ 16, 16.5  
 unanimous-consent requests to correct, §§ 14.5, 18.4, 19, 22.14  
 unparliamentarily remarks may be stricken from, §§ 19, 22, 22.1–22.3, 22.5, 22.6, 22.10, 22.13, 22.16, 22.18, 22.19  
 unparliamentary remarks may be stricken by motion, §§ 22, 22.1, 22.13  
 unparliamentary remarks may not be deleted by question of privilege, § 19  
 unparliamentary remarks regarding the President, §§ 22, 22.4, 22.5  
 unparliamentary remarks regarding the Senate or Senators, §§ 22, 22.3  
 unparliamentary remarks withdrawn by unanimous consent, §§ 22, 22.7, 22.8, 22.11, 22.12, 22.15  
 votes, depiction of, §§ 17.6, 17.7, 18, 18.7, 19.8–19.12  
 withdrawal of unparliamentary remarks, §§ 22, 22.7, 22.8, 22.11, 22.12, 22.15  
 words taken down procedures, §§ 22, 22.1, 22.2, 22.6–22.8, 22.10–22.13, 22.15

### **Congressional Review Act**

Congressional Record printing requirements under, § 18.23  
 see also **President**

### **Constitution**

House Rules and Manual, publication in, § 2  
 Journal, constitutional requirements regarding, § 10  
 quorums, constitutional requirement to do business, § 5  
 rules of the House, source of authority for, § 1  
 separate order providing for reading of, § 8  
 voting by yeas and nays, constitutional authority, § 5  
 yeas and nays, constitutional authority to demand vote by, § 5  
 yeas and nays, constitutional requirement to enter into Journal, §§ 10, 10.3

### **Debatability**

motion to delete unparliamentary remarks from the Congressional Record not debatable, § 22

### **Decorum**

Congressional Record, insertion of extraneous material subject to decorum standards, §§ 21, 22, 22.16–22.23  
 gallery occupants, unanimous-consent request to insert names, § 22  
 general parliamentary law, enforcement under, §§ 5, 5.6  
 interruptions and interjected remarks not transcribed for the Congressional Record, §§ 22, 22.24–22.26  
 mace, use of prior to adoption of rules, §§ 5, 5.6  
 motion to delete unparliamentary remarks from the Congressional Record, §§ 22, 22.1, 22.13  
 President, unparliamentary remarks regarding, §§ 22, 22.4, 22.5

## Ch. 5

## PRECEDENTS OF THE HOUSE

question of privilege may not be raised to delete unparliamentary remarks, § 19

Senate, unparliamentary remarks regarding, §§ 22, 22.3, 22.16

Sergeant-at-Arms, duties regarding, §§ 5, 5.6

Speaker's announced policies regarding, §§ 1, 9

unparliamentary remarks may be stricken from the Congressional Record, §§ 19, 22, 22.1–22.3, 22.5, 22.6, 22.10, 22.13, 22.16

unparliamentary remarks may not be deleted by question of privilege, § 19

unparliamentary remarks may not be inserted into the Congressional Record, §§ 21, 22, 22.16–22.23

withdrawal of unparliamentary remarks, §§ 22, 22.7, 22.8, 22.11, 22.12, 22.15

words taken down procedures, §§ 22, 22.1, 22.2, 22.6–22.8, 22.10–22.13, 22.15

### **Discharging Matters From Committee**

Congressional Record, signatories to discharge petitions printed in, § 18

Congressional Record, unanimous-consent request to list print discharged committees, § 18.22

discharge petitions, signatories to printed in, § 18

discharge petitions retained by Journal Clerk, §§ 10, 10.5

Journal, discharge motions considered in the order entered in, § 10

Journal, discharge motions entered into, § 10

Journal Clerk, responsibilities regarding discharge procedures, §§ 10, 10.5

motions to discharge pursuant to statute retained by Journal Clerk, § 10

rules of the House, proposals to amend considered by, §§ 6, 6.9

statutory rulemaking, procedures under, § 7

### **Division of the Question For Voting**

rules of the House, applicability, § 5

see also **Voting**

### **Earmarks**

Congressional Record, requirement to publish earmark statement in, §§ 18, 18.26–18.28

points of order regarding decided by question of consideration, § 4

question of consideration, application thereto, § 4

separate order regarding, § 8

### **Electoral College**

Congressional Record, correction to electoral vote totals, § 19.2

Journal, electoral vote totals entered in, § 10

### **Emergency Recess**

see **Recess**

### **En Bloc Amendments**

see **Amendments**

### **Ethics**

censure, amending the Journal to expunge, § 14

Code of Official Conduct, jurisdiction over, §§ 6, 6.12

Code of Official Conduct, parliamentary inquiries regarding waivers, §§ 4, 4.3

Committee on, see **Committee on Ethics**

Congressional Record, improper alteration of remarks, § 19

Congressional Record, insertion of matter relating to ethics case, § 22.2

Congressional Record, protocols on revising and extending remarks on disciplinary measure, §§ 20, 20.15

Ethics in Government Act, incorporation by reference into rules of the House, § 6



Journal, amending to expunge censure, § 14  
 parliamentary inquiries regarding waiver of ethics rules, §§ 4, 4.3  
 violations, Chair does not issue rulings regarding, §§ 3, 3.3  
 waiver of ethics rules, parliamentary inquiries regarding, §§ 4, 4.3

**Executive Communications**

see **President**

**Expulsion**

constitutional provision regarding, § 1  
 see also **Ethics**

**Extraneous Material**

see **Congressional Record**

**Floor Leaders**

see **Majority Leader**; see **Minority Leader**

**Floor Privileges**

see **House Floor**

**Galleries**

Congressional Record, unanimous-consent request to insert names of gallery occupants, § 22  
 introduction or reference of guests therein prohibited, § 4  
 Speaker regulates conduct of guests in prior to adoption of rules, §§ 5, 5.7  
 unanimous consent to waive rule regarding references to guests not entertained, § 4

**General Parliamentary Law**

amend, motion to recognized under, § 5  
 applicability prior to adoption of rules, §§ 1, 5  
 commit, motion recognized under, §§ 5, 5.4, 5.5  
 decorum rules enforced under, §§ 5, 5.6  
 galleries, regulation of under, §§ 5, 5.7  
 Jefferson's Manual, relationship to, §§ 2, 5  
 postpone, motion to recognized under, § 5

previous question, motion for recognized under, §§ 5.4, 5.5  
 question of consideration recognized under, §§ 5, 5.8  
 quorum requirements, applicability under, §§ 5, 5.3  
 recommit, motion to recognized under, § 5  
 refer, motion to recognized under, §§ 5, 5.9  
 rules of the House, relationship to, § 5  
 table, to lay on the, motion recognized under, § 5.9  
 voting procedures under, § 5

**Germaneness**

rules of the House, application to proposals to amend, §§ 6, 6.20–6.22  
 statutory rulemaking, application to, § 7.1

**Government Publishing Office**

see **Congressional Record**

**Hour Rule**

rules of the House, resolution adopting considered under, § 5

**House as in Committee of the Whole**

see **Committee of the Whole**

**House Chamber**

audio-visual broadcasting, Speaker's authority over, § 8  
 galleries regulated by Speaker prior to adoption of rules, §§ 5, 5.7  
 Speaker's announced policies regarding use when House not in session, § 9

**House Documents**

separate orders, electronic availability authorized by, § 8

**House Floor**

electronic devices, use of, Speaker's announced policies regarding, § 9  
 floor privileges, Speaker's announced policies regarding, § 9  
 floor privileges, waiver of rule regarding, § 4

## Ch. 5

## PRECEDENTS OF THE HOUSE

handouts, distribution of, Speaker's announced policies regarding, § 9  
suspension of rules, rule regarding floor privileges may not be waived by, § 4

unanimous consent, rule regarding floor privileges may not be waived by, § 4

see also **House Chamber**

### **House Rules and Manual**

Constitution, publication in, § 2

Jefferson's Manual, publication in, § 2

joint committees, descriptions of published in, § 2

Journal Clerk's former role regarding publication, § 2

Parliamentarian's role regarding publication of, § 2

precedents, annotations containing, § 2  
publication of, §§ 2, 2.1

select committees, descriptions of published in, § 2

statutory rulemaking, publication in, §§ 2, 7

### **Impeachment**

Congressional Record, proceedings printed in, § 18

Journal, presentation of articles may interrupt reading of, § 13

reading of Journal, presentation of articles may interrupt, § 13

### **Introduction**

by request, §§ 10, 18

constitutional authority statement, requirement to publish in the Congressional Record, § 18

Journal, titles of measures of entered into, § 10

Speaker's announced policies regarding, § 9

statutory rulemaking, requirements to introduce legislation, § 7

titles of measures entered into the Journal, § 10

titles of measures printed in the Congressional Record, § 18

### **Investigations and Inquiries**

separate orders, continuation provided by, § 8

### **Jefferson's Manual**

general parliamentary law, relationship to, §§ 2, 5

House Rules and Manual, publication in, § 2

rules of the House, relationship to, § 2

Senate's relationship to, § 2

### **Joint Committee on Printing**

Congressional Record, authority over, §§ 16, 16.2, 17, 17.8, 22.17

### **Joint Committee on Taxation**

tax complexity analysis requirement, § 18

### **Joint Committees**

see **Committees**

### **Joint Rules**

see **Rules of the House**

### **Journal**

adjournment, concurrent resolution of postponing approval, §§ 12, 12.10

adjournment, hour of included in, § 10

adjournment, precedence as to approval of, §§ 11, 11.4, 11.5

adjournment prior to approval of Journal, effect of, §§ 12, 12.2, 12.7, 12.15, 12.16

amending not in order until after reading, § 14

amending or correcting generally, § 14

amending to expunge censure, § 14

amending to vacate prior proceedings, §§ 14, 14.1

approval, applicability of point of no quorum to vote on, §§ 12, 12.1, 12.2, 12.15

approval, postponement of vote, §§ 11, 12, 12.11, 12.12

approval, precedence as to recess, §§ 11.6, 11.7

- ul style="list-style-type: none; padding-left: 0;">
- approval, quorum requirements regarding, § 11
- approval, Speaker's role in, §§ 11, 12
- approval, unanimous-consent requests entertained prior to, § 11
- approval, vacating proceedings where the House adjourns prior to, §§ 12, 12.2, 12.15
- approval, vote on, precedence of motion to adjourn, §§ 11, 11.4, 11.5
- approval, vote on, timeliness of demand for, §§ 12, 12.3, 12.4
- approval as unfinished business, §§ 12, 12.7, 12.16
- approval at pro forma session, §§ 12, 12.10, 12.13
- approval by special order of business, §§ 12, 12.13
- approval generally, § 12
- approval not required at commencement of second session, § 12
- approval not required at session to declare emergency recess, §§ 12, 12.17
- approval of multiple Journals, §§ 12, 12.6
- approval postponed by concurrent resolution of adjournment, §§ 12, 12.10
- approval postponed to conduct non-legislative debate, § 12
- approval takes precedence over motion to amend, §§ 13, 14
- by request, measures introduced entered into, § 10
- Clerk pro tempore designation included in, § 10
- Committee of the Whole votes entered into Journal, § 10
- committee reports, titles and subjects entered into, § 10
- conference reports may not be filed during reading of, § 13
- Congressional Record, relationship to, §§ 10, 15
- constitutional requirement relating to, §§ 1, 10
- content generally, § 10
- correcting depiction of filing of committee report by unanimous consent, § 14.5
- correcting depictions of vote tallies by unanimous consent, §§ 14.2, 14.3
- discharge motions considered in the order entered into, § 10
- discharge motions entered into, § 10
- distribution generally, § 10
- electoral vote totals entered in pursuant to statute, § 10
- evidentiary status of, § 10
- executive, copy sent to, § 10
- impeachment, presentation of articles may interrupt reading of, § 13
- legislative and calendar days, relationship to, §§ 12, 12.8, 12.9
- Library of Congress, copies deposited in, § 10
- Members, copies distributed to, § 10
- memorials and petitions entered into, § 10
- messages received prior to approval of, §§ 11, 11.3
- motion that the Journal be read, §§ 11, 12, 13, 13.1–13.3
- motions entered into, § 10
- non-legislative debate, relationship to, § 12
- oath of office, precedence as to approval of, § 11
- oath of office included in, §§ 10, 10.6
- order of business, place in, § 11
- parliamentary inquiries entertained prior to approval of, §§ 11, 11.1, 11.2
- parliamentary inquiries may interrupt reading of, § 13
- petitions and memorials entered into, § 10
- postponement of approval to conduct non-legislative debate, § 12

## Ch. 5

## PRECEDENTS OF THE HOUSE

- postponement of vote approving, §§ 11, 12, 12.11, 12.12
- Presidential messages entered into, § 10
- private bills entered into, § 10
- pro forma session, approval at, §§ 12, 12.10, 12.13
- questions of order included in, § 10
- questions of privilege may interrupt reading of, § 13
- quorum calls entered into, § 10
- quorum requirements for approval, §§ 12, 12.1
- quorum requirements for reading, § 13
- reading, debatability of motion to have Journal read, §§ 13, 13.1, 13.3
- reading, filing of conference report not in order during, § 13
- reading, motion that the Journal be read, §§ 11, 12, 13, 13.1–13.3
- reading, parliamentary inquiries may interrupt, § 13
- reading, point of no quorum may not interrupt, § 13
- reading, questions of privilege may interrupt, § 13
- reading, quorum requirements regarding, §§ 11, 13
- reading, special order of business may not be filed during, § 13
- reading dispensed with by unanimous consent, § 13
- reading generally, § 13
- reading may be interrupted by presentation of articles of impeachment, § 13
- reading takes precedence over motion to amend, § 14
- recess, approval not required following, §§ 12, 12.14
- recess, emergency, approval not required at session to declare, §§ 12, 12.17
- recess, precedence as to approval of, §§ 11.6, 11.7
- referral of measures entered into, § 10
- resignation letters entered into, § 10.1
- Senate messages entered into, § 10
- special order of business may not be filed during reading of, § 13
- special order of business providing for automatic approval at pro forma session, §§ 12, 12.13
- sponsors and cosponsors of measures entered into, § 10
- state legislatures, copies distributed to, § 10
- titles of measures entered into, § 10
- unanimous consent to dispense with reading of, § 13
- unanimous-consent requests, objections thereto not entered into, § 10
- unanimous-consent requests in order prior to approval of, § 11
- unanimous-consent requests to vacate proceedings on, §§ 12, 12.1, 12.5
- unfinished business, status of approval at adjournment, §§ 12, 12.7, 12.16
- vacating proceedings on, unanimous-consent requests, §§ 12, 12.1, 12.5
- vacating proceedings on, where the House adjourns without a quorum, §§ 12, 12.2, 12.15
- veto messages included in, §§ 10, 10.4
- vote on approval, ability to demand, §§ 11, 12
- vote on approval, applicability of point of no quorum, §§ 12, 12.1, 12.2, 12.15
- vote on approval, Speaker's discretion to postpone, §§ 11, 12, 12.11, 12.12
- vote on approval, timeliness, §§ 12, 12.3, 12.4
- vote tallies, unanimous consent to correct depiction of, §§ 14.2, 14.3
- votes by yeas and nays entered in pursuant to Constitution, §§ 10, 10.3

votes entered into, § 10	Journal, receipt prior to approval of, §§ 11, 11.3
<b>Journal Clerk</b>	Journal, Senate messages entered into, § 11
discharge motions pursuant to statute, responsibilities regarding, § 10	Presidential messages entered into Journal, § 11
discharge petitions, responsibilities regarding, §§ 10, 10.5	receipt prior to adoption of rules permitted, § 5
House Rules and Manual, former role regarding publication of, § 2	Senate messages entered into Journal, § 11
Journal, responsibilities regarding, § 10	
<b>Jurisdiction</b>	<b>Minority Leader</b>
see <b>Committee Jurisdiction</b>	bill numbers reserved for by separate order, § 8
<b>Legislative Days</b>	select committee membership for referral of resolution adopting rules, § 8
Congressional Record, effect of two legislative days on one calendar day on, §§ 17, 17.3	separate orders reserving bill numbers for, § 8
Journal, effect of two legislative days on one calendar day on, §§ 12, 12.8, 12.9	<b>Morning-Hour Debate</b>
two legislative days in one calendar day, effect on Congressional Record, §§ 17, 17.3	see <b>Non-Legislative Debate</b>
two legislative days in one calendar day, effect on Journal, §§ 12, 12.8, 12.9	<b>Motions</b>
<b>Library of Congress</b>	amend, availability prior to adoption of rules, § 5
Journal, copies deposited in, § 10	commit, applicability to resolution adopting rules, §§ 5, 5.4, 5.5
<b>Mace</b>	commit, availability prior to adoption of rules, §§ 5, 5.4, 5.5
rules of the House, use prior to adoption of, § 5.6	Journal, motion to amend, § 14
<b>Majority Leader</b>	Journal, motion to approve, § 12
schedule colloquy, request to revise and extend remarks on, §§ 20, 20.26	Journal, motion to read, §§ 13, 13.1–13.3
select committee membership for referral of resolution adopting rules, § 5	Journal, publication in, § 10
<b>Manual</b>	postpone, availability prior to adoption of rules, § 5
see <b>House Rules and Manual</b>	previous question, applicability to motion to commit prior to adoption of rules, §§ 5.4, 5.5
<b>Memorials</b>	previous question, applicability to resolution adopting rules, §§ 5.4, 5.5
see <b>Petitions and Memorials</b>	previous question, availability prior to adoption of rules, §§ 5, 5.4, 5.5
<b>Messages</b>	reading of amendment pre-printed in Congressional Record, motion to waive, §§ 18, 23
Congressional Record, depiction in, § 18	
Journal, Presidential messages entered into, § 11	

recommit, availability prior to adoption of rules, § 5  
 recommit, depiction in the Congressional Record, §§ 18, 18.5  
 reconsider, restrictions under statutory rulemaking, § 7  
 refer, availability prior to adoption of rules, §§ 5, 5.9  
 revise and extend remarks in the Congressional Record, motion not admitted, §§ 20, 20.3  
 statutory rulemaking, restrictions under, § 7  
 suspend rules, see **Suspension of Rules**  
 table, lay on the, availability prior to adoption of rules, § 5.9  
 unparliamentary remarks deleted from Congressional Record, debatability of motion to, § 22  
 unparliamentary remarks deleted from Congressional Record by, §§ 22, 22.1, 22.13

#### **Non-Legislative Debate**

Congressional Record, revising and extending remarks on, §§ 20, 20.4, 20.9  
 Journal, relationship to, § 12  
 Speaker's announced policies regarding, § 9

#### **Oaths**

Congressional Record, oath of office printed in, §§ 18, 18.9  
 Congressional Record, oaths of secrecy published in, §§ 18, 18.25  
 Journal, approval, precedence as to administration of oath of office, § 11  
 Journal, oath of office included in, §§ 10, 10.6

#### **Officers, Officials, and Employees**

Clerk, see **Clerk of the House**  
 Office of Congressional Workplace Rights (formerly Office of Compliance) regulations, requirement regarding publication in Congressional Record, §§ 18, 18.24

Parliamentarian, see **Parliamentarian**

Sergeant-at-Arms, see **Sergeant-at-Arms**

Speaker, see **Speaker of the House**

#### **Official Reporters of Debate**

Clerk of the House appoints, §§ 16, 16.3

Congressional Record, role in publication, §§ 15, 16, 16.3, 19, 21.2

Speaker of the House, authority regarding, §§ 16, 16.3

#### **One-Minute Speeches**

see **Non-Legislative Debate**

#### **Order of Business**

Journal, place in, § 11

parliamentary inquiries regarding, § 11.1

#### **Orders of the House**

see **Separate Orders**

#### **Parliamentarian**

Congressional Record, authority over depiction of parliamentary rulings in, §§ 19, 19.13–19.15

Congressional Record, role in reviewing material for inclusion, §§ 22, 22.22

House Rules and Manual, role regarding publication of, § 2

precedents of the House, role regarding publication of, § 1

#### **Parliamentary Inquiries**

amendments to rules, inquiries regarding, §§ 3.4, 6

Congressional Record, inquiries regarding insertion of extraneous material, §§ 21.2, 21.6, 21.8, 22.16, 22.23

Congressional Record, inquiries regarding publication, §§ 16, 16.4, 17.4

ethics rules violations, inquiries regarding, § 3.3

ethics rules waivers, inquiries regarding, § 4.3

Journal, approval, inquiries regarding timeliness of vote on, § 12.3

Journal, approval, precedence as to, §§ 11, 11.1, 11.2

Journal, reading, inquiries may interrupt, § 13

special orders of business, inquiries regarding interpretation of, § 3.5

special orders of business, inquiries regarding pre-printing requirements for amendments, §§ 24.8, 24.13

#### **Petitions and Memorials**

Congressional Record, publication in, § 18

Journal, publication in, § 10

separate orders, publication of memorials provided by, § 8

#### **Points of Order**

committee reporting requirements regarding waivers, § 4

Congressional Record, revising and extending remarks on, §§ 20, 20.16–20.18

creation via separate order, §§ 1, 8

earmarks, creation via separate order, § 8

earmarks, requirements for publication of earmark statement in Congressional Record, §§ 18, 18.26–18.28

earmarks, waiver of, § 4

germaneness, applicability to statutory rulemaking, § 7.1

germaneness, application of proposals to amend rules of the House, §§ 6, 6.20–6.22

legislating on appropriations measures, application to proposals to amend rules of the House, §§ 6, 6.23, 6.24

precedents, rulings on create, § 1

question of consideration, earmark waivers decided by, § 4

special orders of business waiving, §§ 4, 4.2

waiver by separate order, § 8

waiver by special order of business, §§ 4, 4.2

#### **Postponement**

Journal, question of approval postponed by concurrent resolution of adjournment, §§ 12, 12.10

Journal, question on approval postponed to conduct non-legislative debate, § 12

Journal, vote to approve, Speaker's discretion to postpone, §§ 11, 12, 12.11, 12.12

motion to postpone available prior to adoption of rules, § 5

#### **Precedents**

appeals, relationship to, § 1

House Rules and Manual, annotations containing, § 2

Parliamentarian's role regarding publication of, § 1

rules of the House, relationship to, § 1

Speaker's obligation to follow, § 1

#### **President**

Congressional Record, executive communications printed in, §§ 18, 18.8, 19

Congressional Record, messages printed in, § 18

electoral vote totals corrected in the Congressional Record, § 19.2

electoral vote totals entered into Journal, § 10

executive communications, Journal amended to vacate receipt of, §§ 14, 14.1

executive communications, referral corrected in the Congressional Record, § 19

executive communications printed in the Congressional Record, §§ 18, 18.8, 19

Journal, copy of provided to, § 10

## Ch. 5

## PRECEDENTS OF THE HOUSE

Journal amended to vacate receipt of executive communication, §§ 14, 14.1  
messages from entered into Journal, § 10  
messages from received prior to approval of Journal, § 11  
messages printed in the Congressional Record, § 18  
role in enactment of legislation, § 1  
unparliamentary remarks regarding, §§ 22, 22.4, 22.5, 22.23  
vetoes, see **Vetoes**

### **Previous Question**

commit, applicability to motion, § 5.4  
motion available prior to adoption of rules, §§ 5, 5.4, 5.5  
rules of the House, resolution adopting, applicability to, §§ 5.4, 5.5

### **Private Bills**

Congressional Record, publication in, § 18  
Journal, publication in, § 10

### **Privileged Questions**

audio–visual broadcasting, proposal to provide for considered as, § 6  
Code of Official Conduct, amendments thereto not considered as, § 6  
Congressional Record, questions regarding, § 17.9  
resolution structuring consideration of resolution adopting rules considered as, § 5.2  
rules of the House, amendments thereto considered as, §§ 6, 6.1, 6.13  
rules of the House, resolution adopting considered as, § 5  
statutory rulemaking, consideration under, § 7

### **Pro Forma Session**

see **Sessions**

### **Question of Consideration**

earmark rule, applicability, § 4  
rules of the House, applicability to proposals to amend, §§ 6, 6.11

rules of the House, applicability to resolution adopting, §§ 5, 5.8  
rules of the House, availability prior to adoption of, §§ 5, 5.8

### **Questions of Privilege**

Congressional Record, deletion of unparliamentary remarks does not constitute, § 19

Congressional Record, inaccurate depiction of proceedings constitutes, §§ 19, 19.16–19.23, 20, 20.25

Congressional Record, prior rule regarding availability in, § 23

Journal, reading may be interrupted by, § 13

question of personal privilege, extraneous material regarding inserted into Congressional Record, §§ 21, 21.11, 21.12

rules of the House, resolution adopting constitutes, §§ 5, 5.1

rules of the House, resolution alleging violations of constitutes, § 6

rules of the House, resolution effecting change in does not constitute, § 6

### **Quorums**

Congressional Record, depiction in, § 18

constitutional requirement, §§ 1, 5

general parliamentary law, application under, §§ 5, 5.3

Journal, approval, automatic vacating of proceeding where the House adjourns without a quorum, § 12

Journal, approval, requirements regarding, §§ 11, 12

Journal, quorum calls entered into, § 10

Journal, reading, requirements regarding, §§ 11, 13

Journal, vote on approval, applicability of point of no quorum, § 12

### **Ramseys**



committee report requirements, § 6	Congressional Record, referral of measures printed in, § 18
Rules, Committee on, committee reporting requirement regarding, § 6	executive communications, Congressional Record corrected with regard to referral, § 19
<b>Reading Clerk</b>	Journal, committees of referral entered into, § 10
unparliamentary remarks reported by under words taken down procedures, § 22	jurisdiction over proposals to amend rules of the House, §§ 6, 6.12
<b>Reading of Journal</b>	rules of the House, proposals to amend, § 6
see <b>Journal</b>	rules of the House, resolution adopting referred to select committee composed of floor leaders, § 8
<b>Recess</b>	Speaker's announced policies regarding, §§ 1, 9
emergency recess, Journal not approved at session to declare, §§ 12, 12.17	statutory rulemaking, requirements under, § 7
Journal, approval, precedence as to, §§ 11.6, 11.7	unanimous consent to re-refer proposal to amend rules of the House, § 6
Journal, approval not required following, §§ 12, 12.14	<b>Resignation</b>
Journal not approved at session to declare emergency recess, §§ 12, 12.17	Congressional Record, letter printed in, §§ 18, 18.10–18.12, 19.3
<b>Recognition</b>	Journal, letter entered into, § 10.1
Congressional Record, remarks of Members not under recognition not transcribed, §§ 22, 22.9, 22.25, 22.26	<b>Revenue Measures</b>
special orders of business providing priority in recognition for pre-printed amendments, §§ 24, 24.12	constitutional requirement that House originate, § 1
<b>Recommit</b>	<b>Revising and Extending Remarks</b>
Congressional Record, depiction of motion in, §§ 18, 18.5, 18.6	see <b>Congressional Record</b>
motion available prior to adoption of rules, § 5	<b>Rules of the House</b>
<b>Reconsideration</b>	adoption of, §§ 1, 2, 5
motion to reconsider restricted under statutory rulemaking, § 7	amendments thereto, applicability of the question of consideration, §§ 6, 6.11
statutory rulemaking restrictions on motion to reconsider, § 7	amendments thereto, Chair does not interpret while pending, §§ 3, 3.4, 6
<b>Refer</b>	amendments thereto, consideration by discharge, §§ 6, 6.9
motion available prior to adoption of rules, § 5.9	amendments thereto, consideration by privileged resolution, §§ 6, 6.1, 6.13
table, motion to lay on the, applicability to, § 5.9	amendments thereto, consideration by special order of business, §§ 6, 6.2–6.6, 6.10
<b>Referrals</b>	
budget resolutions, requirements under the Budget Act, §§ 6, 6.15	

## Ch. 5

## PRECEDENTS OF THE HOUSE

- amendments thereto, consideration by suspension, §§ 6, 6.8
- amendments thereto, consideration by unanimous consent, §§ 6, 6.7
- amendments thereto, consideration in Committee of the Whole, §§ 6, 6.5
- amendments thereto, consideration in House as in Committee of the Whole, §§ 6, 6.6
- amendments thereto, contingent adoption, §§ 6, 6.16
- amendments thereto, generally, § 6
- amendments thereto, germaneness, §§ 6, 6.20–6.22
- amendments thereto, jurisdiction over, §§ 6, 6.12
- amendments thereto, legislating on appropriations measures, §§ 6, 6.23, 6.24
- amendments thereto vacated, §§ 6, 6.18, 6.19
- commit, motion to, applicability to resolution adopting, §§ 5, 5.4
- Committee of the Whole, applicability, § 3
- committees, applicability, § 3
- consideration as privileged question of resolution adopting, § 5
- consideration by special order of resolution adopting, §§ 5, 5.2
- consideration of resolution adopting, in general, § 5
- constitutional authority regarding, §§ 1, 2
- constitutional authority to waive, § 4
- constitutionality, Chair does not rule on, §§ 3, 3.1
- contingent adoption of amendments thereto, §§ 6, 6.16
- decorum rules enforced prior to adoption of, §§ 5, 5.6
- division of resolution adopting, § 5
- Ethics in Government Act, incorporation by reference into, § 6
- galleries, conduct of guests in regulated prior to adoption of, §§ 5, 5.7
- general parliamentary law, relationship to, §§ 1, 5
- hour rule, resolution adopting considered under, § 5
- House Rules and Manual, publication in, § 2
- incorporation by reference of statutory provisions, § 6
- Jefferson's Manual, relationship to, § 5
- joint rules of the House and Senate, jurisdiction over, § 7
- Journal, requirements regarding content, § 10
- judicial review of, § 1
- jurisdiction over, §§ 6, 6.12, 6.14
- messages, receipt of permitted prior to adoption of, § 5
- motions available prior to adoption of, §§ 5, 5.4, 5.5, 5.9
- precedents, relationship to, § 1
- previous question, motion for, applicability to resolution adopting, §§ 5, 5.4
- privileged question, amendments thereto considered as, §§ 6, 6.1, 6.13
- privileged question, resolution adopting considered as, §§ 5, 6
- question of consideration, applicability to resolution adopting, §§ 5, 5.8
- question of consideration, applicability to resolution amending, §§ 6, 6.11
- question of consideration available prior to adoption of, §§ 5, 5.8
- question of privilege, resolution adopting constitutes, §§ 5, 5.1
- quorum requirements prior to adoption of, §§ 5, 5.3
- recodification, § 6
- separate orders, relationship to, §§ 1, 8
- separate orders contained in resolution adopting, §§ 1, 8
- sources of authority, § 1

special order of business, resolution adopting considered pursuant to, §§ 5, 5.2

special order of business, resolution amending considered pursuant to, §§ 6, 6.2–6.6, 6.10

special orders of business that waive or alter, §§ 4, 4.2, 4.3

statutory rulemaking, relationship to, §§ 1, 2, 3, 3.2, 4, 4.1, 4.2, 6.17, 7

subcommittees, applicability, § 3

suspension of rules, §§ 4, 4.1

unanimous-consent requests entertained prior to adoption of, § 5

voting procedures prior to adoption of, § 5

waivers generally, § 4

yeas and nays may be demanded prior to adoption of, § 5

#### **Schedule Colloquy**

see **Majority Leader**

#### **Secret Sessions**

see **Sessions**

#### **Select Committees**

see **Committees**

#### **Senate**

Congressional Record, control over, § 16

Congressional Record, messages from printed in, § 18

contingent adoption of amendments to rules of the House, role in, §§ 6, 6.16

Jefferson's Manual, relationship to, § 2

joint committees, descriptions of published in House Rules and Manual, § 2

joint rules of the House and Senate, jurisdiction over, § 7

messages from entered into Journal, § 10

messages from printed in Congressional Record, § 18

messages from received prior to approval of Journal, §§ 11, 11.3

unparliamentary remarks regarding, §§ 22, 22.3, 22.16

#### **Separate Orders**

bill numbers reserved by, § 8

boards and commissions reauthorized by, § 8

budget process, effect on, § 8

codification of, § 8

committee membership rules waived by, § 8

committee report requirements, creation by, § 8

Constitution, reading of authorized by, § 8

deposition authority, creation by, § 8

earmarks, order regarding, § 8

House documents, electronic availability authorized by, § 8

investigations continued by, § 8

memorials, publication of provided by, § 8

points of order, creation by, § 8

points of order, waiver by, § 8

relationship to rules of the House, §§ 1, 8

relationship to statutory rulemaking, §§ 1, 7, 8

select committees, creation by, § 8

special orders of business contained in, § 8

subcommittee limitations waived by, § 8

suspensions authorized by, § 8

waivers of points of order contained in, § 8

#### **Sergeant-at-Arms**

rules of the House, decorum enforced by prior to adoption of, § 5.6

#### **Service of Process**

subpoenas printed in the Congressional Record, §§ 18, 18.16

#### **Sessions**

Congressional Record, proceedings of secret session not carried in, §§ 18, 18.31

## Ch. 5

## PRECEDENTS OF THE HOUSE

Congressional Record, request to revise and extend made by Chair at pro forma session, § 20.7

Congressional Record depiction of events of a prior session, §§ 18, 18.12, 18.29

Journal, approval at pro forma session, §§ 12, 12.10, 12.13

legislative day, see **Legislative Days**

pro forma session, approval of Journal deemed agreed to by special order of business, §§ 12, 12.13

pro forma session, approval of Journal postponed at, §§ 12, 12.10

pro forma session, printing of referrals in Congressional Record delayed, § 18

pro forma session, request to revise and extend remarks in Congressional Record made by Chair at, § 20.7

second session, approval of Journal not required at commencement of, § 12

secret sessions, proceedings not carried in Congressional Record, §§ 18, 18.31

### **Sine Die Adjournment**

see **Adjournment**

### **Speaker of the House**

announced policies of, §§ 1, 9

audio-visual broadcasting, authority over, § 8

bill numbers reserved for by separate order, § 8

decorum rules enforced by prior to adoption of rules, §§ 5, 5.6

galleries, regulation of conduct of guests prior to adoption of rules, §§ 5, 5.7

Journal, approval, discretion to postpone vote on, §§ 11, 12, 12.11, 12.12

Journal, approval, role in, §§ 11, 12

Official Reporters of Debate, authority over, §§ 16, 16.3

### **Speaker's Announced Policies**

committee jurisdiction, policies regarding, § 9

conferee appointments, Speaker's announced policies regarding, § 9

decorum, policies regarding, §§ 1, 9

floor privileges, policies regarding, § 9

House Chamber, use of when House not in session, § 9

introduction of legislation, policies regarding, § 9

non-legislative debate, policies regarding, § 9

referral of measures, policies regarding, §§ 1, 9

rules of the House, relationship to, §§ 1, 9

unanimous-consent requests, policies regarding, §§ 1, 9

voting by electronic device, policies regarding, § 9

### **Special Orders of Business**

amendments, consideration made in order by, §§ 4, 24, 24.17

amendments, en bloc consideration, §§ 24, 24.11

amendments, pre-printing in Congressional Record required by, §§ 24, 24.1–24.13

amendments to rules of the House considered by, § 6

Congressional Record, depiction of legislative actions pursuant to, § 18

Congressional Record, requirements that amendments be pre-printed in, §§ 24, 24.1–24.13

ethics rules, waivers of contained in, §§ 4, 4.3

interpret, Chair does not, §§ 3, 3.5

Journal, approval of provided by, §§ 12, 12.13

Journal, reading, filing of may not occur during, § 13

points of order, waivers of contained in, § 4  
 rules of the House, amendments there-  
 to considered by, §§ 6, 6.2–6.6, 6.10  
 rules of the House, availability prior to  
 adoption of, §§ 5, 5.2  
 rules of the House, resolution adopting  
 considered pursuant to, §§ 5, 5.2  
 rules of the House, waivers of con-  
 tained in, §§ 4, 4.2  
 separate orders, creation by, § 8  
 statutory rulemaking, relationship to,  
 § 3.2  
 statutory rulemaking, waivers of con-  
 tained in, §§ 4, 4.2

**Special-Order Speeches**

see **Non-Legislative Debate**

**Sponsorship**

bill numbers reserved by separate  
 order, § 8  
 Congressional Record, sponsors and co-  
 sponsors of measures printed in,  
 §§ 18, 18.17–18.21  
 Journal, sponsors and cosponsors of  
 measures entered into, § 10  
 separate orders reserving bill numbers,  
 § 8  
 unanimous-consent request to add  
 new cosponsors not entertained,  
 §§ 10, 10.2  
 unanimous-consent request to delete  
 sponsor not entertained, § 4

**Standing Rules**

see **Rules of the House**

**Statutory Rulemaking**

amendments restricted under, § 7  
 budget processes contained in, § 2  
 Chadha decision, effect on, § 7  
 congressional vetoes, § 7  
 discharge procedures under, § 7  
 germaneness, applicability, § 7.1  
 House Rules and Manual, publication  
 in, §§ 2, 7

introduction of legislation, require-  
 ments regarding, § 7  
 jurisdiction over, § 7  
 motions restricted under, § 7  
 motions to discharge pursuant to, § 10  
 organization, status at, § 7  
 privilege accorded under, § 7  
 referral of legislation, requirements re-  
 garding, § 7  
 restrictions on waivers contained in,  
 § 4  
 rules of the House, relationship to,  
 §§ 1, 2, 3, 3.2, 4, 6.17, 7  
 separate orders, relationship to, §§ 1, 7,  
 8  
 suspensions of rules, effect on, §§ 4, 4.1  
 waivers of procedures contained in,  
 §§ 4, 4.2, 7, 8  
 War Powers Resolution, § 7

**Subcommittees**

see **Committees**

**Subpoenas**

see **Service of Process**

**Suspension of Rules**

amendments to rules of the House con-  
 sidered by, §§ 6, 6.8  
 Congressional Record, depiction of leg-  
 islative text, § 18  
 floor privileges, rule may not be  
 waived by, § 4  
 rules of the House, motions to suspend,  
 §§ 4, 4.1  
 rules of the House, proposals to amend  
 considered by, §§ 6, 6.8  
 separate orders, authorization by, § 8  
 statutory rulemaking, relationship to,  
 §§ 4, 4.1

**Table**

motion to lay on the table available  
 prior to adoption of rules, § 5.9  
 refer, applicability to, § 5.9

**Unanimous-Consent Requests**

- amendments, former rule regarding requests to print amendments to unreported measures, §§ 24, 24.18
- amendments considered en bloc pursuant to special order of business, requests to modify, §§ 24, 24.11
- amendments not pre-printed in Congressional Record, request to allow consideration, §§ 24, 24.10
- amendments pre-printed in Congressional Record, requests to modify, §§ 24, 24.4
- amendments to rules of the House considered by, §§ 6, 6.7
- conference report, request to correct not entertained, §§ 19, 19.7
- Congressional Record, insertion of extraneous material by, §§ 21, 21.1, 21.3, 21.4, 22, 22.16–22.23
- Congressional Record, request to deliver speech "off the record" not entertained, §§ 16, 16.5
- Congressional Record, request to enter impeachment proceedings, § 18
- Congressional Record, request to insert colloquy not entertained, §§ 20, 20.19–20.21
- Congressional Record, request to withdraw unparliamentary remarks, §§ 22, 22.7, 22.8, 22.11, 22.12, 22.15
- Congressional Record, requests to correct, §§ 14.5, 18.4, 19, 19.4, 19.5, 22.14
- Congressional Record, requests to revise and extend remarks in, §§ 20, 20.1, 20.5–20.8, 20.10–20.12, 20.32, 20.33
- Congressional Record, requests to strike unparliamentary remarks, §§ 22, 22.1–22.3, 22.5, 22.6, 22.10, 22.13, 22.16, 22.18, 22.19
- Congressional Record, time deducted for requests to insert extraneous material, §§ 21, 21.13
- Congressional Record, time deducted for requests to revise and extend remarks, §§ 20, 20.27–20.31
- cosponsors, requests to add new not entertained, §§ 10, 10.2
- floor privileges, rule regarding may not be waived by, § 4
- gallery occupant references, rule regarding may not be waived by, § 4
- gallery occupants, requests to insert names of, § 22
- impeachment proceedings entered into Congressional Record by, § 18
- Journal, reading, requests to dispense with, § 13
- Journal, request to correct depiction of committee report filing, § 14.5
- Journal, request to correct depiction of vote tallies, §§ 14.2, 14.3
- Journal, requests entertained prior to approval of, § 11
- Journal, requests to vacate proceedings thereon, §§ 12, 12.1, 12.5
- objections thereto, effect of, § 4
- objections thereto not entered into the Journal, § 10
- recommit, motion to, request to have read in full, §§ 18, 18.6
- rules of the House, proposals to amend considered by, §§ 6, 6.7
- rules of the House, requests entertained prior to adoption of, § 5
- rules of the House, requests that waive, § 4
- Speaker's announced policies regarding, §§ 1, 9
- sponsorship of legislation, rule regarding may not be waived by, § 4
- votes, request to correct in Congressional Record not entertained, §§ 19, 19.8–19.12
- waiving rules of the House, § 4

#### Unfinished Business

Journal, approval, effect of adjournment, §§ 12, 12.7, 12.15, 12.16

**Unparliamentary Remarks**

see **Decorum**

**Vacating Proceedings**

amendments to rules of the House vacated, §§ 6, 6.18, 6.19

Congressional Record depiction of votes vacated in Committee of the Whole, §§ 18, 18.7

Journal, approval, automatic vacating of proceeding where the House adjourns without a quorum, §§ 12, 12.2, 12.15

Journal, approval, unanimous-consent requests to vacate proceedings thereon, §§ 12, 12.1, 12.5

rules of the House, amendments there-to vacated, §§ 6, 6.18, 6.19

votes vacated in Committee of the Whole, depiction in Congressional Record, § 18

**Veto**

congressional vetoes, § 7

constitutional requirements regarding, § 1

Journal, veto messages included in, §§ 10, 10.4

**Voting**

Committee of the Whole votes entered into Journal, § 10

Congressional Record, depiction of votes in, §§ 17.6, 17.7, 18, 18.7, 19, 19.8–19.12

division of the question, applicability to resolution adopting rules, § 5

electronic voting, Speaker's announced policies regarding, §§ 1, 9

general parliamentary law, procedures under, § 5

Journal, approval, ability to demand vote on, §§ 11, 12

Journal, approval, Speaker's discretion to postpone vote on, §§ 11, 12, 12.11, 12.12

Journal, Committee of the Whole votes entered into, § 10

Journal, constitutional requirement to include votes by yeas and nays, §§ 10, 10.3

Journal, unanimous consent to correct depiction of vote tallies, §§ 14.2, 14.3

Journal, vote on approval, applicability of point of no quorum, § 12

Journal, vote on approval, timeliness of demand for, §§ 12, 12.3, 12.4

Journal, vote on approval, vacating proceedings thereon, §§ 12, 12.1, 12.5  
postponement of vote to approve the Journal, §§ 11, 12, 12.11, 12.12

supermajority vote required to suspend rules, § 4

suspension of rules, supermajority vote requirements, § 4

unanimous-consent request to correct depiction of vote in Congressional Record not entertained, §§ 19, 19.8–19.12

yeas and nays, constitutional authority to demand vote by, §§ 1, 5

**Waivers**

see **Rules of the House**

**War Powers Resolution**

see **Statutory Rulemaking**

**Withdrawal**

unparliamentary remarks, unanimous-consent request to withdraw, §§ 22, 22.7, 22.8, 22.11, 22.15

**Words Taken Down**

see **Decorum**





## CHAPTER 6

# *Officers, Officials, and Employees*

### **A. The Speaker**

- § 1. Definition and Nature of Office
- § 2. Authority and Duties
- § 3. Power of Appointment
- § 4. Restrictions on the Speaker's Authority
- § 5. The Speaker as a Member
- § 6. Preserving Order
- § 7. Ethics Investigations of the Speaker

### **B. The Speaker Pro Tempore**

- § 8. Definition and Nature of Office; Authorities
- § 9. Oath of Office
- §10. Term of Office
- §11. Designation of a Speaker Pro Tempore
- §12. Election of a Speaker Pro Tempore; Authorities

### **C. Elected House Officers**

- §13. In General
- §14. The Clerk
- §15. The Sergeant-at-Arms
- §16. The Chaplain
- §17. The Chief Administrative Officer

### **D. Other House Officials and Capitol Employees**

---

Commentary and editing by Andrew S. Neal, J.D. and Max A. Spitzer, J.D., LL.M.

## **Ch. 6**

## **PRECEDENTS OF THE HOUSE**

- §18. The Parliamentarian
- §19. General Counsel; Bipartisan Legal Advisory Group
- §20. Inspector General
- §21. Legislative Counsel
- §22. Law Revision Counsel
- §23. House Historian
- §24. House Pages
- §25. Other Congressional Officials and Employees

### **E. House Employees As Party Defendant or Witness**

- §26. Current Procedures for Responding to Subpoenas
- §27. History of Former Procedures for Responding to Subpoenas

### **F. House Employment and Administration**

- §28. Employment Practices
- §29. Salaries and Benefits of House Officers, Officials, and Employees
- §30. Creating and Eliminating Offices; Reorganizations
- §31. Minority Party Employees

# ***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.<sup>(1)</sup> On the other hand, the Speaker is a party official—the leader of a political group with a particular policy agenda.<sup>(2)</sup> 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).<sup>(3)</sup> 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.

- 
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,<sup>(4)</sup> and illustrates limitations on the Speaker's power.<sup>(5)</sup> For more information on the role of the Speaker during the assembly of Congress,<sup>(6)</sup> the role of the Speaker in administering the oath to Members-elect,<sup>(7)</sup> the duties of the Speaker with respect to House and Capitol facilities,<sup>(8)</sup> and the role of the Speaker in recognizing Members and enforcing appropriate standards of decorum,<sup>(9)</sup> 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.<sup>(10)</sup>

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.<sup>(11)</sup> By the end of the century, however, the speakership had accumulated a variety of prerogatives, culminating in an era of powerful Speakers.<sup>(12)</sup> 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.<sup>(13)</sup>

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.<sup>(14)</sup> 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.<sup>(15)</sup> 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.<sup>(16)</sup>

### ***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,"<sup>(17)</sup> 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.<sup>(18)</sup> 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.<sup>(19)</sup> Once this initial quorum is established, the Clerk then presides over the election of Speaker.<sup>(20)</sup> The election of Speaker is of the highest privilege and takes precedence over virtually any other business.<sup>(21)</sup>

Traditionally, each party caucus nominates an individual as that party's candidate for Speaker.<sup>(22)</sup> 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,<sup>(23)</sup> and successive ballots are taken if no candidate receives a majority on the first ballot.<sup>(24)</sup> 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<sup>(25)</sup> by the Dean of the House (traditionally, the Member with the longest continuous service).<sup>(26)</sup>

---

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.<sup>(27)</sup> However, during a Congress, the Office of Speaker may become vacant due to the death of the Speaker,<sup>(28)</sup> the resignation of the Speaker,<sup>(29)</sup> or the removal of the Speaker by the House.<sup>(30)</sup>

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.<sup>(31)</sup> 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.<sup>(32)</sup>

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.<sup>(33)</sup> 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.<sup>(34)</sup>

The Speaker may resign from the office at any time, and such resignation is not formally accepted by the House.<sup>(35)</sup> In the last two instances where a Speaker resigned during a Congress, such resignation was effective upon the election of a successor.<sup>(36)</sup> 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.<sup>(37)</sup>

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,<sup>(38)</sup> though it has only been used (unsuccessfully) on one occasion.<sup>(39)</sup> 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.<sup>(40)</sup> 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.<sup>(41)</sup>

### ***Compensation and Benefits***

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

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.<sup>(47)</sup> 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.<sup>(48)</sup> Under clause 2(i)(2) of rule II,<sup>(49)</sup> 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.<sup>(50)</sup>

### *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);<sup>(51)</sup> (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,<sup>(52)</sup> typify the procedure by which the House exercises its constitutional duty to elect a Speaker:

#### ELECTION OF SPEAKER

The CLERK.<sup>(53)</sup> 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.<sup>(54)</sup>**

On October 29, 2015,<sup>(55)</sup> 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.<sup>(56)</sup> 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.<sup>(57)</sup>

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,<sup>(58)</sup> the following tribute was delivered by the Minority Whip:

JOHN A. BOEHNER, THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore.<sup>(59)</sup> 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,<sup>(1)</sup> 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.<sup>(2)</sup> 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,<sup>(3)</sup> 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.<sup>(4)</sup>

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.<sup>(5)</sup>

---

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”<sup>(6)</sup> when no question is pending.<sup>(7)</sup> 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.<sup>(8)</sup>

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,”<sup>(9)</sup> the Speaker may either postpone such reconvening or reconvene earlier than the appointed time (within the limits imposed by the Constitution)<sup>(10)</sup> in order to avoid the impairment. In the 114th Congress in 2015, clause 12(e) was added to rule I,<sup>(11)</sup> 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.<sup>(12)</sup>

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.<sup>(13)</sup> 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.<sup>(14)</sup>

### ***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.<sup>(15)</sup> 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.<sup>(16)</sup>

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.”<sup>(17)</sup> The form of this rule has remained practically unchanged since that time, and is currently found in clause 2 of rule XVII.<sup>(18)</sup> 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.<sup>(19)</sup>

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.<sup>(20)</sup> 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.<sup>(21)</sup> 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.<sup>(22)</sup>

Despite this broad grant of authority, the Speaker is not a complete free agent with respect to recognizing Members on the floor.<sup>(23)</sup> 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?”<sup>(24)</sup> 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.<sup>(25)</sup> 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.<sup>(26)</sup>

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.<sup>(27)</sup> 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).<sup>(28)</sup> Under the Speaker's announced policies regarding special-order speeches, the Speaker may withdraw recognition at any point should circumstances warrant.<sup>(29)</sup>

Pursuant to clause 1 of rule XVI,<sup>(30)</sup> 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.<sup>(31)</sup>

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.).<sup>(32)</sup> 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<sup>(33)</sup> so that the membership is aware of what precisely is before the House at any given point in the proceedings.<sup>(34)</sup> 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.<sup>(35)</sup> Similarly, it is the Speaker's statement of a unanimous-consent request, not the Member's, that is controlling.<sup>(36)</sup> Clause 6 of rule I depicts the form that the Speaker uses when putting questions before the House for a voice vote.<sup>(37)</sup>

Most questions put by the Speaker to the House are initially decided by a voice vote.<sup>(38)</sup> 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.<sup>(39)</sup> 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.<sup>(40)</sup>

Further voting procedures are outlined in rule XX, which provides a variety of discretionary authorities to the Speaker in conducting votes in the House.<sup>(41)</sup> 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.<sup>(42)</sup> However, the Speaker has authority to conduct votes by different methods, such as a roll call vote<sup>(43)</sup> or a vote by tellers.<sup>(44)</sup> Under clause 9 of rule XX,<sup>(45)</sup> 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<sup>(46)</sup> 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<sup>(47)</sup> 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.<sup>(48)</sup> 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.<sup>(49)</sup> Under clause 5(a) of rule XX,<sup>(50)</sup> 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.<sup>(51)</sup>

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.”<sup>(52)</sup> 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.<sup>(53)</sup>

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.<sup>(54)</sup> 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.<sup>(55)</sup> 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.”<sup>(56)</sup>

### ***Points of Order and Parliamentary Inquiries***

The Speaker’s prerogative to “decide questions of order” is one of the oldest rules of the House<sup>(57)</sup> and is now carried as clause 5 of rule I of the standing rules.<sup>(58)</sup> 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.<sup>(59)</sup> In most cases, the Speaker’s determination on such matters is subject to appeal to the full House.<sup>(60)</sup>

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.<sup>(61)</sup> 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.<sup>(62)</sup>

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.<sup>(63)</sup>

The Speaker will often respond to inquiries from the membership regarding the parliamentary situation in which the House is operating.<sup>(64)</sup> 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.<sup>(65)</sup> 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.<sup>(66)</sup>

### ***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,<sup>(67)</sup> 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.<sup>(68)</sup> The Speaker traditionally publishes in the *Congressional Record* certain policy statements regarding the Speaker's discretionary authority over the Chamber.<sup>(69)</sup> 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.<sup>(70)</sup>

With respect to floor privileges, clause 2(b) of rule IV<sup>(71)</sup> 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).<sup>(72)</sup> The Speaker typically announces at the beginning of each Congress that the rule on floor privileges will be strictly enforced.<sup>(73)</sup> Under clause 2(a) of rule IV,<sup>(74)</sup> 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,<sup>(75)</sup> 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.<sup>(76)</sup>

The Speaker also regulates protocols for admission to the galleries of the House Chamber.<sup>(77)</sup> Under clause 6 of rule IV,<sup>(78)</sup> 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.<sup>(79)</sup> Pursuant to clause 2 of rule I,<sup>(80)</sup> 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.<sup>(81)</sup> The Chair may remind gallery occupants of the prohibition on expressing approval or disapproval of House proceedings.<sup>(82)</sup>

Audio-visual broadcasting from the House Chamber is also controlled by the Speaker under rule V.<sup>(83)</sup> 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).<sup>(84)</sup> 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,<sup>(85)</sup> 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.<sup>(86)</sup>

### ***Administration of the Oath of Office***

Pursuant to statute, the oath of office is administered to Members-elect by the Speaker of the House.<sup>(87)</sup> Most Members-elect are sworn in by the Speaker *en masse* on opening day of a new Congress.<sup>(88)</sup> 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.<sup>(89)</sup> The Speaker lays before the House communications from such deputy confirming that the oath has been properly administered.<sup>(90)</sup>

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.<sup>(91)</sup> Although the Speaker normally performs this function, the duty may be performed by an elected Speaker pro tempore,<sup>(92)</sup> or a designated Speaker pro tempore authorized with the approval of the House.<sup>(93)</sup>

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.<sup>(94)</sup> If the Speaker is present, the oath of office is administered by the Speaker to the elected Speaker pro tempore.<sup>(95)</sup>

### ***The Journal and the Congressional Record***

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

Pursuant to clause 1 of rule VI,<sup>(99)</sup> 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*),<sup>(100)</sup> 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.”<sup>(101)</sup> 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.<sup>(102)</sup>

### ***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.<sup>(103)</sup> 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.<sup>(104)</sup> With the approval of the House, the Speaker may refer matters to special, ad hoc committees appointed by the Speaker.<sup>(105)</sup>

At the other end of the process, the Speaker is charged with certain responsibilities regarding the enrollment of legislative measures.<sup>(106)</sup> Pursuant to clause 4 of rule I, the “Speaker shall sign all acts and joint resolutions passed by the two Houses.”<sup>(107)</sup> 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,<sup>(108)</sup> 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.<sup>(109)</sup> 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.<sup>(110)</sup> 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.<sup>(111)</sup> In the 116th Congress, the House created a “Consensus Calendar” for measures that had garnered at least 290 cosponsors.<sup>(112)</sup> Under Consensus Calendar procedures contained in clause 7 of rule XV,<sup>(113)</sup> 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.<sup>(114)</sup> 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<sup>(115)</sup> 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<sup>(116)</sup> (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,<sup>(117)</sup> 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.<sup>(118)</sup> 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.<sup>(119)</sup>

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.<sup>(120)</sup> 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,<sup>(121)</sup> 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.<sup>(122)</sup>

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.<sup>(123)</sup> 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).<sup>(124)</sup>

---

**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.<sup>(125)</sup> 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.<sup>(126)</sup>

### ***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<sup>(127)</sup> provides procedures for determining whether the judicial request is consistent with the rights and privileges of the House and its Members.<sup>(128)</sup> 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.<sup>(129)</sup>

Under clause 4 of rule I,<sup>(130)</sup> the Speaker signs all "writs, warrants, and subpoenas" issued by order of the House. Pursuant to clause 8(b) of rule II,<sup>(131)</sup> 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,<sup>(132)</sup> 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.<sup>(133)</sup> Although the Supreme Court has affirmed the inherent power of Congress to punish witnesses for contempt,<sup>(134)</sup> Congress has enacted statutory contempt procedures to supplement this inherent authority.<sup>(135)</sup> Under those procedures, “it shall be the duty of the . . . Speaker of the House . . . to certify”<sup>(136)</sup> 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.<sup>(137)</sup>

### ***Duty to Pronounce Censure***

The House, and not the Speaker, has the authority to discipline its Members.<sup>(138)</sup> Methods of discipline are varied, running the gamut from mere reprimands to full expulsion from the House.<sup>(139)</sup> Under the precedents, when the House formally censures a Member, it is the Speaker’s duty to personally pronounce censure.<sup>(140)</sup> 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.<sup>(141)</sup>

### ***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,<sup>(142)</sup> 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”<sup>(143)</sup> must be addressed to the Speaker for proper referral to committee. Petitions and memorials are likewise referred under clause 3 of rule XII,<sup>(144)</sup> 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.<sup>(145)</sup> 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,<sup>(146)</sup> the Speaker’s certification of contempt,<sup>(147)</sup> etc.

Pursuant to clause 5(d) of rule XX (first adopted in the 108th Congress in 2003),<sup>(148)</sup> 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.<sup>(149)</sup> Pursuant to clause 9 of rule I,<sup>(150)</sup> 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,<sup>(151)</sup> 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,<sup>(152)</sup> 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.<sup>(153)</sup> 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,<sup>(154)</sup> the House adopted a resolution that Rep. Charles Rangel of New York be censured:<sup>(155)</sup>

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.<sup>(156)</sup> 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.<sup>(157)</sup> 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,<sup>(158)</sup> 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.)

<sup>157</sup>. Nancy Pelosi (CA).

<sup>158</sup>. 123 CONG. REC. 32614, 95th Cong. 1st Sess.

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

The SPEAKER.<sup>(159)</sup> 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,<sup>(160)</sup> 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.<sup>(161)</sup> 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,<sup>(162)</sup> 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;

<sup>162</sup>. 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.<sup>(163)</sup> 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,<sup>(164)</sup> 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,<sup>(165)</sup> would continue in effect for the remainder of the Congress.<sup>(166)</sup>**

On October 29, 2015,<sup>(167)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(168)</sup> 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,<sup>(1)</sup> 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.<sup>(2)</sup> 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.<sup>(3)</sup> 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.<sup>(4)</sup>

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.<sup>(5)</sup> 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.<sup>(6)</sup>

Pursuant to clause 2(e) of rule X,<sup>(7)</sup> 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.<sup>(8)</sup> 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,<sup>(9)</sup> 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.<sup>(10)</sup> A committee of notification is traditionally appointed to inform the President that the House has begun a legislative session<sup>(11)</sup> or is preparing to adjourn *sine die* to end the session.<sup>(12)</sup>

---

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,<sup>(13)</sup> 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,<sup>(14)</sup> and appoints tellers for vote counting should the House conduct votes by that method.<sup>(15)</sup>

Several House officials are appointed by the Speaker pursuant to the standing rules.<sup>(16)</sup> Under clause 7 of rule II,<sup>(17)</sup> the Speaker appoints the House Historian and other employees of the Office of the Historian. Under clause 8(a) of rule II,<sup>(18)</sup> the Speaker appoints the House General Counsel and other employees of the Office of General Counsel. Under clause 6(b) of rule II,<sup>(19)</sup> 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,<sup>(20)</sup> the House Legislative Counsel,<sup>(21)</sup> the House Parliamentarian,<sup>(22)</sup> and the Director of Interparliamentary Affairs.<sup>(23)</sup> The Speaker, together with the President pro tempore of the Senate, appoints the Director of the Congressional Budget Office.<sup>(24)</sup> 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.<sup>(25)</sup>

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.<sup>(26)</sup> 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.<sup>(27)</sup> Clause 1 of rule II<sup>(28)</sup> 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.<sup>(29)</sup> For example, the Speaker appoints Members to the United States Capitol Preservation Commission,<sup>(30)</sup> the House Office Building Commission,<sup>(31)</sup> the Commission on Civil Rights,<sup>(32)</sup> 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,<sup>(33)</sup> the Speaker appoints all Members to select committees established by the House.**

On September 26, 2005,<sup>(34)</sup> 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.<sup>(35)</sup> 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<sup>(36)</sup> and clause 11 of rule I,<sup>(37)</sup> 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,<sup>(38)</sup> the following announcement was made:

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON  
INTELLIGENCE

The SPEAKER pro tempore.<sup>(39)</sup> 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,<sup>(40)</sup> 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.<sup>(41)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

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

On March 26, 2015,<sup>(44)</sup> 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.<sup>(45)</sup> 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,<sup>(46)</sup> as well as “recess appointment” authority,<sup>(47)</sup> 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.<sup>(48)</sup>**

On January 8, 2014,<sup>(49)</sup> the following appointments were announced:

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

The SPEAKER pro tempore.<sup>(50)</sup> 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.<sup>(51)</sup>**

On February 27, 2015,<sup>(52)</sup> 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,<sup>(53)</sup> the Speaker appoints the Director of Inter-parliamentary Affairs.**

On September 22, 2011,<sup>(54)</sup> the following appointment was announced:

APPOINTMENT OF DIRECTOR OF OFFICE OF INTERPARLIAMENTARY AFFAIRS

The SPEAKER.<sup>(55)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup> 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.<sup>(3)</sup> 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,<sup>(4)</sup> decisions of the Speaker on questions of order are subject to appeal to the full House upon demand of any Member.<sup>(5)</sup> 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.<sup>(6)</sup>

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).<sup>(7)</sup> The Speaker does not construe vote results or assess the consequences of voting a particular way.<sup>(8)</sup> The Speaker does not rule on the effect, purpose, merits, or consistency of amendments,<sup>(9)</sup> or determine whether language in legislative measure is ambiguous.<sup>(10)</sup> 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;<sup>(11)</sup> nor does the Speaker interpret Senate rules.<sup>(12)</sup> The Speaker does not rule on the legal or substantive effect of measures or committee report language.<sup>(13)</sup> 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.<sup>(14)</sup> The Speaker does not opine as to the effect of amending House rules.<sup>(15)</sup> Further, the Speaker will not answer questions within the purview of the Committee of the Whole.<sup>(16)</sup>

### ***Parliamentary Inquiries***

The Speaker has discretion to entertain parliamentary inquiries from the membership<sup>(17)</sup> and may decline improper inquiries.<sup>(18)</sup> 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.<sup>(19)</sup> Thus, the Speaker refrains from issuing advisory opinions,<sup>(20)</sup> and does not rule retrospectively on questions not raised at the proper time or anticipate future rulings.<sup>(21)</sup> The Speaker does not respond to hypothetical questions<sup>(22)</sup> or requests to place proceedings in historical context.<sup>(23)</sup> 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,<sup>(24)</sup> what actions may be taken by committees of the House,<sup>(25)</sup> or what the future legislative schedule of the House may be.<sup>(26)</sup>

### ***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.<sup>(27)</sup> 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.<sup>(28)</sup> 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.<sup>(29)</sup>

### ***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<sup>(30)</sup> 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,<sup>(31)</sup> 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.<sup>(32)</sup>

### ***Recognition***

As noted above,<sup>(33)</sup> 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.<sup>(34)</sup> 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.<sup>(35)</sup> If the matters are of equal privilege, the choice is left to the discretion of the Speaker.<sup>(36)</sup>

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<sup>(37)</sup> 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,<sup>(38)</sup> 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.<sup>(39)</sup>

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<sup>(40)</sup> 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.”<sup>(41)</sup>

Any Member may raise a point of no quorum, but under clause 7(a) of rule XX,<sup>(42)</sup> 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<sup>(43)</sup> 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.<sup>(44)</sup>

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,<sup>(45)</sup> 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.<sup>(46)</sup> 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.<sup>(47)</sup>

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.<sup>(48)</sup> 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.<sup>(49)</sup> If no privileged business or other authorized matter interrupts the daily order of business found in clause 1 of rule XIV,<sup>(50)</sup> 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<sup>(51)</sup> 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).<sup>(52)</sup> 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.<sup>(53)</sup>

***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.<sup>(54)</sup> Similar notification requirements are found in clause 5(b)(1) of rule X regarding vacating committee assignments,<sup>(55)</sup> and in clause 5(c)(3)(B) of rule XX regarding catastrophic quorum failure reports.<sup>(56)</sup> 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.<sup>(57)</sup>

### ***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.<sup>(58)</sup> 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.<sup>(59)</sup> 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.<sup>(60)</sup>

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.<sup>(61)</sup> 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.<sup>(62)</sup>

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<sup>(63)</sup> and is now found in clause 4 of rule I.<sup>(64)</sup> 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.<sup>(65)</sup>

### **§ 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,<sup>(66)</sup> the following occurred:

#### POINT OF ORDER

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

The SPEAKER.<sup>(67)</sup> 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,<sup>(68)</sup> 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,<sup>(69)</sup> 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.<sup>(70)</sup> 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.<sup>(1)</sup> 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,<sup>(2)</sup> whose procedures may give the Speaker special prerogatives in assigning Members to committees and determining the chairs of said committees.<sup>(3)</sup> The Speaker's power of referral<sup>(4)</sup> may also play a role in affecting the agenda of different committees.<sup>(5)</sup> The Speaker's influence over the Committee on Rules<sup>(6)</sup> 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,<sup>(7)</sup> 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,<sup>(8)</sup> 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.<sup>(9)</sup> 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.<sup>(10)</sup> 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.<sup>(11)</sup> 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.<sup>(12)</sup>

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

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.<sup>(21)</sup>

### ***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).<sup>(22)</sup> 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,<sup>(23)</sup> votes by division,<sup>(24)</sup> or votes by tellers.<sup>(25)</sup> Resigning Speakers have voted in the election of their successors.<sup>(26)</sup> The Speaker may also be recorded as present in order to establish a quorum.<sup>(27)</sup>

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),<sup>(28)</sup> ceremonial measures,<sup>(29)</sup> or measures related specifically to the Speaker's congressional district.<sup>(30)</sup>

### *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,<sup>(31)</sup> the Speaker asked unanimous consent for the consideration of a commemorative resolution<sup>(32)</sup> 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.<sup>(33)</sup> 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,<sup>(34)</sup> 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.<sup>(35)</sup> 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,<sup>(36)</sup> 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,<sup>(37)</sup> 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.<sup>(38)</sup> 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.<sup>(39)</sup>**

On October 17, 1990,<sup>(40)</sup> 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.<sup>(41)</sup> 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.<sup>(42)</sup> 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,<sup>(43)</sup> 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<sup>(44)</sup>

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.<sup>(1)</sup> The Speaker is assisted by the House Sergeant-at-Arms, who has a similar duty to “maintain order under the direction of the Speaker.”<sup>(2)</sup> 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.<sup>(3)</sup> 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”).<sup>(4)</sup> Remarks in debate should not be addressed to those outside the Chamber, such as television viewers,<sup>(5)</sup> the media,<sup>(6)</sup> or the President.<sup>(7)</sup> The Speaker will take the initiative to call Members to order should they use profanity or vulgar language in debate.<sup>(8)</sup>

Pursuant to clause 1(b) of rule XVII, remarks in debate must be “confined to the question under debate, avoiding personality.”<sup>(9)</sup> 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.<sup>(10)</sup> The Speaker will unilaterally call Members to order when remarks descend to personalities with respect to Senators or the President.<sup>(11)</sup>

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.<sup>(12)</sup> 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).<sup>(13)</sup>

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.<sup>(14)</sup> 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.<sup>(15)</sup> 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.<sup>(16)</sup>

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,<sup>(17)</sup> and the Speaker’s words may be taken down and stricken from the *Congressional Record*.<sup>(18)</sup>

As noted above,<sup>(19)</sup> 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.<sup>(20)</sup> The Speaker may withdraw recognition in certain circumstances.<sup>(21)</sup>

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.<sup>(22)</sup> 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*.<sup>(23)</sup>

### ***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.<sup>(24)</sup> 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.<sup>(25)</sup> 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.<sup>(26)</sup> 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),<sup>(27)</sup> 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;<sup>(28)</sup> 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),<sup>(29)</sup> and displaying communicative badges while under recognition.<sup>(30)</sup>

Clause 9(a) of rule XVII<sup>(31)</sup> 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<sup>(32)</sup> 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.<sup>(33)</sup>

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.<sup>(34)</sup>

### ***Maintaining Order in the House Galleries***

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

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.<sup>(38)</sup> Manifestations of approval or disapproval of the proceedings are strictly prohibited, as are any other disruptive acts or demonstrations.<sup>(39)</sup> The Speaker admonishes guests in the gallery who transgress these rules.<sup>(40)</sup> 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.<sup>(41)</sup> In extreme circumstances, the Speaker has the authority to order the galleries to be cleared.<sup>(42)</sup>

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

On June 22, 2016,<sup>(44)</sup> 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.<sup>(45)</sup> 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,<sup>(46)</sup> the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(47)</sup> 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.**<sup>(48)</sup>

On November 1, 1983,<sup>(49)</sup> 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.<sup>(50)</sup> 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,<sup>(51)</sup> 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.<sup>(52)</sup> 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,<sup>(53)</sup> the following policies were inserted into the *Congressional Record*:

POLICIES OF THE CHAIR

The SPEAKER.<sup>(54)</sup> 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 gaveling 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).<sup>(55)</sup>**

On January 18, 1995,<sup>(56)</sup> 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*.<sup>(57)</sup> On January 19, 1995,<sup>(58)</sup> 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.<sup>(59)</sup> 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.<sup>(60)</sup> 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,<sup>(61)</sup> 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:<sup>(62)</sup>

#### **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,<sup>(63)</sup> 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.<sup>(64)</sup> 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,<sup>(65)</sup> 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.<sup>(66)</sup> 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.<sup>(1)</sup> The Speaker thus may become the subject of an inquiry<sup>(2)</sup> 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).<sup>(3)</sup> 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.<sup>(4)</sup> The House may also establish a special select committee to conduct an investigation into alleged violations by the Speaker.<sup>(5)</sup> 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.<sup>(6)</sup> The Speaker, like any Member, may rise to a point of personal privilege to address allegations of unethical conduct.<sup>(7)</sup>

### *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.<sup>(8)</sup>**

On September 30, 1988,<sup>(9)</sup> 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.<sup>(10)</sup>**

On November 17, 1995,<sup>(11)</sup> 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.<sup>(12)</sup> 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.<sup>(13)</sup>**

On December 12, 1995,<sup>(14)</sup> 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.<sup>(15)</sup> On January 21, 1997,<sup>(16)</sup> 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.<sup>(17)</sup> 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,<sup>88</sup> 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.

---

<sup>88</sup>These 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.<sup>89</sup>

---

<sup>89</sup>It 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.<sup>(18)</sup>**

On May 31, 1989,<sup>(19)</sup> 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. . . .<sup>(20)</sup>

**§ 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,<sup>(21)</sup> 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.<sup>(1)</sup> These precedents address the designation<sup>(2)</sup> or election<sup>(3)</sup> 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.<sup>(4)</sup> 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.”<sup>(5)</sup> 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.<sup>(6)</sup> 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.<sup>(7)</sup> 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.<sup>(8)</sup> The current rule encompassing these different Speaker pro tempore appointing authorities is clause 8 of rule I.<sup>(9)</sup>

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).<sup>(10)</sup> 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.<sup>(11)</sup> 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.<sup>(12)</sup> A subsequent resolution was also adopted to inform the Senate of the election.<sup>(13)</sup> 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<sup>(14)</sup> and an elected Speaker pro tempore are discussed below.<sup>(15)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup>

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.<sup>(3)</sup> 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.<sup>(4)</sup> The oath of office is the same as that which is administered to the Speaker and Members at the outset of a new Congress.<sup>(5)</sup>

The oath of office may be administered to a Speaker pro tempore by the Speaker (if present),<sup>(6)</sup> or another Member chosen by the elected Speaker pro tempore (such as the Dean of the House,<sup>(7)</sup> a party floor leader,<sup>(8)</sup> or other Member).<sup>(9)</sup>

### ***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.<sup>(10)</sup>**

On March 17, 1998,<sup>(11)</sup> 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.<sup>(12)</sup> 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,<sup>(13)</sup> 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.<sup>(14)</sup> 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,<sup>(15)</sup> 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.<sup>(16)</sup> 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,<sup>(17)</sup> 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 BRADEMÁS 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.<sup>(18)</sup> 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<sup>(1)</sup> may not continue in office beyond the third legislative day of the appointment.<sup>(2)</sup> 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).<sup>(3)</sup> Speakers pro tempore may be appointed for any period up to the three day limit.<sup>(4)</sup> 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.<sup>(5)</sup>

### ***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,<sup>(6)</sup> 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.<sup>(7)</sup> 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,<sup>(8)</sup> 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.<sup>(9)</sup> Under prior practice, the House would sometimes grant the Speaker the same authority on an ad hoc basis.<sup>(10)</sup>

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).<sup>(11)</sup> 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.<sup>(12)</sup> 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.<sup>(13)</sup>

### ***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”<sup>(14)</sup> for the duration of the adjournment period. Such resolutions effectively waive the three legislative day limit imposed by clause 8 of rule I.<sup>(15)</sup> This type of waiver may also be granted by unanimous consent.<sup>(16)</sup>

#### **§ 10.1 Pursuant to clause 8(a) of rule I,<sup>(17)</sup> the Speaker is authorized to appoint another Member as Speaker pro tempore.<sup>(18)</sup>**

The proceedings of January 4, 2016,<sup>(19)</sup> 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.<sup>(20)</sup>**

On January 6, 2015,<sup>(21)</sup> the following announcement was made:

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(22)</sup> 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,<sup>(23)</sup> 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.<sup>(24)</sup>**

On February 26, 2001,<sup>(25)</sup> 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,<sup>(26)</sup> 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,<sup>(27)</sup> 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.<sup>(28)</sup> 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: . . .

<sup>26</sup>. *House Rules and Manual* § 632 (2019).

<sup>27</sup>. 158 CONG. REC. 15310, 15312, 112th Cong. 2d Sess.

<sup>28</sup>. 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).<sup>(29)</sup>**

On July 8, 2011,<sup>(30)</sup> 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.<sup>(31)</sup> 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),<sup>(32)</sup> the Speaker designated a Speaker pro tempore to sign enrollments over a discrete period.<sup>(33)</sup>**

On April 4, 1985,<sup>(34)</sup> 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.

<sup>29</sup>. *House Rules and Manual* § 632 (2019).

<sup>30</sup>. 157 CONG. REC. 10682, 112th Cong. 1st Sess.

<sup>31</sup>. Aaron Schock (IL).

<sup>32</sup>. *House Rules and Manual* § 632 (2019).

<sup>33</sup>. *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).

<sup>34</sup>. 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.<sup>(35)</sup> Without objection, the designation is agreed to.  
There was no objection.

**§ 10.7 Pursuant to clause 8(b)(2) of rule I,<sup>(36)</sup> 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,<sup>(37)</sup> 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.<sup>(38)</sup> 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,<sup>(39)</sup> the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(40)</sup> 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.<sup>(41)</sup>**

On January 6, 2015,<sup>(42)</sup> 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.<sup>(43)</sup> Without objection, the appointments are approved.  
There was no objection.

**§ 10.10 Upon the election of a new Speaker,<sup>(44)</sup> the House, by unanimous consent, approved the Speaker's designation<sup>(45)</sup> 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.<sup>(46)</sup>**

On October 29, 2015,<sup>(47)</sup> 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.<sup>(48)</sup> 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.<sup>(1)</sup>

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.<sup>(2)</sup> 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.<sup>(3)</sup> The Dean of the House has been appointed as Speaker pro tempore,<sup>(4)</sup> as well as party floor leaders,<sup>(5)</sup> 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.<sup>(6)</sup>

The appointment of a Speaker pro tempore is normally effectuated via a letter from the Speaker designating the individual chosen to serve.<sup>(7)</sup> 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.<sup>(8)</sup> Although it is not required, the Speaker may indicate reasons for the designation (such as illness) at the time of appointment.<sup>(9)</sup> The Speaker may withdraw a prior designation of a Speaker pro tempore.<sup>(10)</sup>

### ***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.<sup>(11)</sup> 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,<sup>(12)</sup> to appoint additional conferees at a later time,<sup>(13)</sup> or to remove conferees.<sup>(14)</sup> If the unanimous-consent request to permit the appointed Speaker pro tempore to undertake any of these actions draws objection,<sup>(15)</sup> the House may choose instead to elect a Speaker pro tempore<sup>(16)</sup> (an elected Speaker pro tempore being able to exercise this authority without unanimous consent).<sup>(17)</sup>

### ***Veto Messages***

Under prior practice,<sup>(18)</sup> 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,<sup>(19)</sup> unanimous consent is no longer required.<sup>(20)</sup>

### ***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.<sup>(21)</sup> Alternatively, the House may choose to elect a Speaker pro tempore for purposes of administering the oath.<sup>(22)</sup>

### ***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.<sup>(23)</sup> 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).<sup>(24)</sup>

### ***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.<sup>(25)</sup> 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.<sup>(26)</sup> 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,<sup>(27)</sup> 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<sup>(28)</sup> 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,<sup>(29)</sup> the following occurred:

#### DESIGNATION OF SPEAKER PRO TEMPORE TO LEAD HOUSE PROCESSION IN INAUGURATION CEREMONY

The SPEAKER.<sup>(30)</sup> 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,<sup>(31)</sup> 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,<sup>(32)</sup> 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.<sup>(33)</sup> 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,<sup>(34)</sup> a designated Speaker pro tempore may appoint conferees on a bill only with approval of the House.**

On November 16, 2004,<sup>(35)</sup> 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.<sup>(36)</sup> 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,<sup>(37)</sup> 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,<sup>(38)</sup> the following modification to conferee appointments was made by unanimous consent:

<sup>34.</sup> *House Rules and Manual* § 637 (2019).

<sup>35.</sup> 150 CONG. REC. 23593, 108th Cong. 2d Sess.

<sup>36.</sup> Doug Ose (CA).

<sup>37.</sup> *House Rules and Manual* § 637 (2019).

<sup>38.</sup> 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.<sup>(39)</sup> 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,<sup>(40)</sup> the following occurred:<sup>(41)</sup>

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.<sup>(42)</sup>**

On January 5, 2010,<sup>(43)</sup> 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,<sup>(44)</sup> 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.<sup>(1)</sup> 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<sup>(2)</sup> and the House would often choose instead to elect a Speaker pro tempore to carry out this function.<sup>(3)</sup>

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

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.<sup>(6)</sup> 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.<sup>(7)</sup>

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,<sup>(8)</sup> 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.<sup>(9)</sup>

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.<sup>(10)</sup>

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.<sup>(11)</sup> 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.<sup>(12)</sup>

An elected Speaker pro tempore may administer the oath of office to Members-elect.<sup>(13)</sup> An elected Speaker pro tempore may preside over joint sessions or joint meetings.<sup>(14)</sup> 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).<sup>(15)</sup>

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.<sup>(16)</sup> Such resolutions are privileged for consideration,<sup>(17)</sup> and, due to their uncontroversial nature, are typically adopted with little or no debate.<sup>(18)</sup> 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.<sup>(19)</sup> Upon the election of a Speaker pro tempore, both the President and the Senate are notified of said election.<sup>(20)</sup>

The rules and precedents impose no restrictions on who may be elected as Speaker pro tempore.<sup>(21)</sup> A Member previously designated by the Speaker to act as Speaker pro tempore may be elected to that position.<sup>(22)</sup> 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<sup>(23)</sup> or Majority Whip)<sup>(24)</sup> to be elected as a Speaker pro tempore.<sup>(25)</sup> 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,<sup>(26)</sup> the following occurred:<sup>(27)</sup>

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.<sup>(28)</sup> 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,<sup>(29)</sup> 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.<sup>(30)</sup> 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<sup>(31)</sup> pursuant to clause 8(a) of rule I.<sup>(32)</sup>**

On February 23, 1996,<sup>(33)</sup> 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,<sup>(34)</sup> 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,”<sup>(1)</sup> it does not enumerate these additional officers nor specify their duties. Pursuant to clause 1 of rule II,<sup>(2)</sup> the officers of the House (other than Speaker) are the Clerk,<sup>(3)</sup> the Sergeant-at-Arms,<sup>(4)</sup> the Chief Administrative Officer (CAO),<sup>(5)</sup> and the Chaplain.<sup>(6)</sup> Pursuant to clause 4(d)(1)(A) of rule X,<sup>(7)</sup> 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,<sup>(8)</sup> Doorkeeper, Assistant Doorkeeper,<sup>(9)</sup> 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.<sup>(10)</sup> Originally, the distribution of mail was overseen by the Doorkeeper, but the House created a separate position of Postmaster in 1838.<sup>(11)</sup> Similarly, the position of Chaplain was not originally a House officer but became one in the years preceding the Civil War.<sup>(12)</sup> 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.<sup>(13)</sup> 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.<sup>(14)</sup> 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.<sup>(15)</sup> 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.<sup>(16)</sup>

### ***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.<sup>(17)</sup> 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.<sup>(18)</sup> All officers are required to attest to their commitment to the “true and faithful exercise of the duties” of their offices.<sup>(19)</sup> Pursuant to clause 6 of rule XXV,<sup>(20)</sup> 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.<sup>(21)</sup>

Apart from the Speaker, the elected officers of the House “continue in office until their successors are chosen and qualified.”<sup>(22)</sup> 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.”<sup>(23)</sup> 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.<sup>(24)</sup> 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.<sup>(25)</sup>

Nevertheless, a tradition dating back to the expiration of the First Congress in 1791<sup>(26)</sup> 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.<sup>(27)</sup> 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.<sup>(28)</sup> 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.<sup>(29)</sup> 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.<sup>(30)</sup> 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.<sup>(31)</sup> Although this provision of the rules was not altered until 1999, the custom (dating back to the 19th century)<sup>(32)</sup> has been to elect officers other than the Speaker via the adoption of a simple House resolution.<sup>(33)</sup>

For well over a century, the resolution electing the officers of the House has been offered on a partisan basis.<sup>(34)</sup> 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.<sup>(35)</sup> Two votes would then be taken: first, a vote on the minority's substitute (which would be rejected),<sup>(36)</sup> 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,<sup>(37)</sup> 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.<sup>(38)</sup> 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.<sup>(39)</sup> 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.<sup>(40)</sup> Pursuant to clause 1 of rule II,<sup>(41)</sup> 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.<sup>(42)</sup> The House has removed officers on several occasions, although it has not done so in many years.<sup>(43)</sup>

An officer of the House may resign the position at any time,<sup>(44)</sup> and such resignation is contingent upon acceptance<sup>(45)</sup> by the House.<sup>(46)</sup> 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.<sup>(47)</sup> Officers of the House have resigned both prospectively<sup>(48)</sup> and retroactively.<sup>(49)</sup>

When an elected officer position (other than that of Speaker) becomes vacant, due to the removal, resignation, or death<sup>(50)</sup> 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.<sup>(51)</sup> However, a provision of the Legislative Reorganization Act of 1946 (as amended in 1953 and 1995)<sup>(52)</sup> authorizes the Speaker of the House to temporarily fill vacancies in the offices of Clerk, Sergeant-at-Arms, CAO, or Chaplain.<sup>(53)</sup> The individual appointed to the vacant office exercises all of the same authorities as an individual elected to the position.<sup>(54)</sup> 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).<sup>(55)</sup> 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.<sup>(56)</sup>

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.<sup>(57)</sup> 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<sup>(58)</sup> and is linked to the House Employees Schedule.<sup>(59)</sup> Federal law also prohibits the Sergeant-at-Arms from receiving additional fees, compensation, or emoluments relating to the performance of official duties.<sup>(60)</sup>

**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.<sup>(61)</sup> 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),<sup>(62)</sup> 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)<sup>(63)</sup> and for making announcements of messengers at the door of the House and visitors during joint sessions and meetings.<sup>(64)</sup> 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).<sup>(65)</sup> 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.<sup>(66)</sup> Following the elimination of the office in 1995,<sup>(67)</sup> most of the duties of the Doorkeeper were assumed by the CAO of the House<sup>(68)</sup> and the Sergeant-at-Arms.<sup>(69)</sup>

### ***Former Officers: Postmaster***

The Postmaster of the House was an elected officer from 1838 until 1992.<sup>(70)</sup> 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,<sup>(71)</sup> 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<sup>(72)</sup> 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).<sup>(73)</sup> 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.<sup>(74)</sup>

***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.<sup>(75)</sup> 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.<sup>(76)</sup>

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.<sup>(77)</sup> His resignation of the position was accepted by the House effective January 21, 1994.<sup>(78)</sup> 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.<sup>(79)</sup>

***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,<sup>(80)</sup> 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.<sup>(81)</sup> 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).<sup>(82)</sup>**

On December 20, 1974,<sup>(83)</sup> 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<sup>(84)</sup> 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.<sup>(85)</sup>**

On January 5, 1993,<sup>(86)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup> 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*).<sup>(3)</sup>

The Legislative Resource Center, also under the auspices of the Clerk, maintains and provides access to a wide variety of House documents and records.<sup>(4)</sup> The Office of Art and Archives works closely with the Office of the Historian<sup>(5)</sup> 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,<sup>(6)</sup> 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.<sup>(7)</sup> Under clause 1 of rule II,<sup>(8)</sup> 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.<sup>(9)</sup>

### ***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.<sup>(10)</sup> 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](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<sup>(11)</sup> and the President<sup>(12)</sup> 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.<sup>(13)</sup> 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.<sup>(14)</sup> The election or appointment of a new Clerk may be prospective (*i.e.*, effective at a future date).<sup>(15)</sup>

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<sup>(16)</sup> to remove the Clerk.<sup>(17)</sup>

### ***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.<sup>(18)</sup> 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.<sup>(19)</sup> On opening day, it is the Clerk who presides over the initial quorum call of Members-elect and the election of Speaker.<sup>(20)</sup> 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.<sup>(21)</sup>

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.<sup>(22)</sup> 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.<sup>(23)</sup> The Clerk is now merely the custodian of the formal letter establishing such designation.<sup>(24)</sup>

### ***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."<sup>(25)</sup> After a committee has considered a measure, it reports this action to the House via the filing of a committee report with the Clerk.<sup>(26)</sup>

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.<sup>(27)</sup> Similarly, investigative and oversight reports filed after *sine die* adjournment are delivered to the Clerk pursuant to clause 1(b)(4) of rule XI.<sup>(28)</sup>

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.<sup>(29)</sup> Pursuant to clause 2(c) of rule XV,<sup>(30)</sup> 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,<sup>(31)</sup> 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.<sup>(32)</sup>

### ***Legislative Functions—Floor Activity***

On the floor of the House, the rostrum<sup>(33)</sup> 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,<sup>(34)</sup> as delegated to the House Parliamentarian).<sup>(35)</sup> Bill Clerks also maintain and regularly update lists of sponsors and cosponsors of measures.<sup>(36)</sup> 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.<sup>(37)</sup>

Journal Clerks are responsible for recording official House business in the Journal of the House<sup>(38)</sup> (as required by the Constitution).<sup>(39)</sup> Journal Clerks are also custodians of discharge petitions filed under clause 2 of rule XV.<sup>(40)</sup>

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.<sup>(41)</sup> Reading Clerks also conduct the call of the Private Calendar,<sup>(42)</sup> the call of committees under Calendar Wednesday procedures,<sup>(43)</sup> and the morning hour call of committees.<sup>(44)</sup> When remarks in debate are objected to as unparliamentary under clause 4 of rule XVII,<sup>(45)</sup> 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).<sup>(46)</sup> Additional duties of the Tally Clerks involve preparation of the Calendar of the House<sup>(47)</sup> 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).<sup>(48)</sup> Pursuant to clause 2(d) of rule II,<sup>(49)</sup> the Clerk certifies the passage of all bills and joint resolutions. Enrolling Clerks also prepare the formal messages to the Senate regarding House actions.<sup>(50)</sup>

The Official Reporters of Debate are stenographers and other employees charged with transcribing the proceedings of the House for publication in the *Congressional Record*.<sup>(51)</sup> These employees fall under the jurisdiction of the Clerk's Office: pursuant to clause 1 of rule VI,<sup>(52)</sup> 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.<sup>(53)</sup> For virtually its entire history, the House's agent for transmitting and receiving these messages has been the Clerk of the House.<sup>(54)</sup> 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.<sup>(55)</sup> 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.<sup>(56)</sup> 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.<sup>(57)</sup>

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,<sup>(58)</sup> 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<sup>(59)</sup> 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<sup>(60)</sup> 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.<sup>(61)</sup> Pursuant to clause 2(c) of rule II,<sup>(62)</sup> 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,<sup>(63)</sup> 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<sup>(64)</sup> requires the Clerk to distribute the calendars of the House each legislative day.

Pursuant to clause 2(f) of rule II,<sup>(65)</sup> 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.<sup>(66)</sup> Pursuant to clauses 1(a) and 1(b) of rule VII,<sup>(67)</sup> 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.<sup>(68)</sup> Clauses 3 and 4 of rule VII<sup>(69)</sup> 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,<sup>(70)</sup> 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,<sup>(71)</sup> 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.<sup>(72)</sup> 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).<sup>(73)</sup>

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.”<sup>(74)</sup> 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,<sup>(75)</sup> 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.<sup>(76)</sup>

### ***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.”<sup>(77)</sup> 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.<sup>(78)</sup>

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.<sup>(79)</sup> 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.<sup>(80)</sup>

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.<sup>(81)</sup> 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.<sup>(82)</sup> Under rule XXV (“Limitations on Outside Earned Income and Acceptance of Gifts”),<sup>(83)</sup> 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.<sup>(84)</sup>

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.<sup>(85)</sup>**

On January 4, 2007,<sup>(86)</sup> 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.<sup>(87)</sup> 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,<sup>(88)</sup> 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.<sup>(89)</sup> 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,<sup>(90)</sup> 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.<sup>(91)</sup> 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,<sup>(92)</sup> 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.<sup>(93)</sup> 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.<sup>(94)</sup>**

On November 18, 2005,<sup>(95)</sup> 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.<sup>(96)</sup> 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,<sup>(97)</sup> 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.<sup>(98)</sup> 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.<sup>(99)</sup>**

On January 6, 1999,<sup>(100)</sup> 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,<sup>(101)</sup> 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,<sup>(102)</sup> 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,<sup>(103)</sup> 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.<sup>(104)</sup> 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.**<sup>(105)</sup>

<sup>104</sup>. Romano Mazzoli (KY).

<sup>105</sup>. *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,<sup>(106)</sup> 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.<sup>(107)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 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,<sup>(108)</sup> 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.<sup>(109)</sup> Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: . . .

On March 24, 1983,<sup>(110)</sup> 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.**<sup>(111)</sup>

On December 16, 1980,<sup>(112)</sup> 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.<sup>(113)</sup> 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,<sup>(1)</sup> 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<sup>(2)</sup> (the symbol of the Office of the Sergeant-at-Arms).<sup>(3)</sup>

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.”<sup>(4)</sup> Provisions establishing the Office of the Sergeant-at-Arms were thereafter incorporated into the standing rules on April 14, 1789.<sup>(5)</sup>

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.<sup>(6)</sup> 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.<sup>(7)</sup>

### ***Election, Resignation, or Removal***

The Sergeant-at-Arms is elected at the beginning of a Congress by the resolution<sup>(8)</sup> electing all officers of the House (other than the Speaker). Upon election, the Sergeant-at-Arms is administered the oath of office<sup>(9)</sup> by the Speaker.<sup>(10)</sup> The Sergeant-at-Arms is subject to removal by the House or by the Speaker, pursuant to clause 1 of rule II.<sup>(11)</sup> If the Office of the Sergeant-at-Arms becomes vacant during a Congress (due to the resignation,<sup>(12)</sup> 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.<sup>(13)</sup> However, the Speaker has the statutory authority<sup>(14)</sup> 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,<sup>(15)</sup> and in statute.<sup>(16)</sup> 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.”<sup>(17)</sup> 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.<sup>(18)</sup> The Sergeant-at-Arms is tasked with strictly enforcing the rules of decorum listed in clause 5 of rule XVII,<sup>(19)</sup> which include prohibitions on: trafficking the well of the House while another Member is speaking; wearing a hat<sup>(20)</sup> 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<sup>(21)</sup> to impose a fine on such Member. The Sergeant-at-Arms assists the Speaker in maintaining order in the House galleries.<sup>(22)</sup>

The Sergeant-at-Arms strictly enforces the rule regarding admittance to the floor of the House of Representatives.<sup>(23)</sup> Pursuant to clause 2(a) of rule IV,<sup>(24)</sup> 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<sup>(25)</sup> 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.<sup>(26)</sup> 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.”<sup>(27)</sup> Pursuant to clause 5(a) of rule XX,<sup>(28)</sup> 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.”<sup>(29)</sup> 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,<sup>(30)</sup> and the Sergeant-at-Arms “shall proceed forthwith to bring in absent Members.”<sup>(31)</sup> 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.<sup>(32)</sup> 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,<sup>(33)</sup> 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.<sup>(34)</sup>

Pursuant to clause 13 of rule XXIII (the Code of Official Conduct),<sup>(35)</sup> 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,<sup>(36)</sup> 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.”<sup>(37)</sup> By law, the Sergeant-at-Arms has the same law enforcement authority as the Capitol Police, including the authority to carry firearms.<sup>(38)</sup> The Sergeant-at-Arms has conducted closed security briefings for Members in the House Chamber.<sup>(39)</sup> In the 108th Congress, clause 12(c) was added to rule I,<sup>(40)</sup> 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.<sup>(41)</sup> Pursuant to clause 3(e) of rule II,<sup>(42)</sup> 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<sup>(43)</sup> 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.<sup>(44)</sup> 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,<sup>(45)</sup> 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.<sup>(46)</sup> 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,<sup>(47)</sup> the Sergeant-at-Arms, who was not administered the oath of office at the time of his election,<sup>(48)</sup> 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.<sup>(49)</sup> 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,<sup>(50)</sup> 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.*

<sup>49</sup>. Dennis Hastert (IL).

<sup>50</sup>. 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.<sup>(51)</sup> 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,<sup>(52)</sup> these duties fall to the Sergeant-at-Arms pursuant to statute.<sup>(53)</sup>**

On January 5, 1981,<sup>(54)</sup> 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.<sup>(55)</sup>**

On March 4, 2014,<sup>(56)</sup> 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.<sup>(57)</sup> 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,<sup>(58)</sup> 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,<sup>(59)</sup> 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.<sup>(60)</sup> 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,<sup>(61)</sup> 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:<sup>(62)</sup>

## THE DEATH OF TRAYVON MARTIN IS AN AMERICAN TRAGEDY

The SPEAKER pro tempore.<sup>(63)</sup> 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,<sup>(64)</sup> 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,<sup>(65)</sup> the Speaker announced that the Sergeant-at-Arms (and Doorkeeper)<sup>(66)</sup> had been instructed to strictly enforce the provisions of former rule XXXII (now clause 2(a) of rule IV)<sup>(67)</sup> 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.<sup>(68)</sup> 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,<sup>(69)</sup> 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<sup>(70)</sup> 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,<sup>(71)</sup> 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,<sup>(72)</sup> the following announcement was made concerning a security briefing by the Sergeant-at-Arms and Chief of the Capitol Police<sup>(73)</sup> 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.<sup>(74)</sup> The Chair desires to announce that following adjournment tonight, Members are invited to attend a joint party conference caucus for a briefing here in the Chamber.

***Relationship to Speaker*****§ 15.12 Pursuant to clause 3(a) of rule II,<sup>(75)</sup> the Sergeant-at-Arms maintains order under the direction of the Speaker or other presiding officer and not individual Members.**

On June 24, 2003,<sup>(76)</sup> 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,<sup>(77)</sup> 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.<sup>(78)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## **§ 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,<sup>(1)</sup> 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.<sup>(2)</sup>

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,<sup>(3)</sup> 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,<sup>(4)</sup> 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.<sup>(5)</sup>

### ***History***

The House first appointed a “Chaplain to Congress on the part of the House” on May 1, 1789.<sup>(6)</sup> 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.<sup>(7)</sup> During the 1850s, this tradition was discontinued,<sup>(8)</sup> and by 1857 the practice of appointing a chaplain at all was suspended.<sup>(9)</sup> In the 1860s, the House once again established the position of Chaplain—this time as an elected officer of the House.<sup>(10)</sup>

### ***Election and Resignation***

For over a century, the Chaplain has been chosen on a nonpartisan basis. As described elsewhere,<sup>(11)</sup> 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<sup>(12)</sup> taken by all officers of the House.<sup>(13)</sup>

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.<sup>(14)</sup> 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.<sup>(15)</sup> Pursuant to statute,<sup>(16)</sup> the Speaker of the House may appoint a temporary Chaplain if the office becomes vacant,<sup>(17)</sup> 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.<sup>(18)</sup> The House has voted to give retiring Chaplains the title of "Chaplain Emeritus"—a unique designation among elected House officers.<sup>(19)</sup> The House has authorized compilations of the Chaplain's prayers to be printed for the public.<sup>(20)</sup>

Although other officers may be removed unilaterally by the Speaker pursuant to clause 1 of rule II,<sup>(21)</sup> 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.<sup>(22)</sup> In the temporary absence of the Chaplain, others have delivered the prayer, including Members and House staff.<sup>(23)</sup>

### ***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.<sup>(24)</sup> In response to the litigation, the House adopted a privileged resolution articulating its position on the constitutionality of the Office of the Chaplain.<sup>(25)</sup> 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.<sup>(26)</sup>

### ***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,<sup>(27)</sup> 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.<sup>(28)</sup> 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<sup>(29)</sup> in order to address concerns regarding the process for selecting a new Chaplain.**

On March 23, 2000,<sup>(30)</sup> 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.<sup>(31)</sup> 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,<sup>(32)</sup> appoint a temporary replacement prospectively.<sup>(33)</sup>**

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,<sup>(34)</sup> 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,<sup>(35)</sup> pursuant to law,<sup>(36)</sup> 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:<sup>(37)</sup>

APPOINTMENT OF CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER.<sup>(38)</sup> 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,<sup>(39)</sup> 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.<sup>(40)</sup> 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,<sup>(41)</sup> 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.<sup>(42)</sup> 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,<sup>(43)</sup> the following resolution was adopted:<sup>(44)</sup>

##### 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.<sup>(45)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Offering of Prayer After Overnight Recess***

#### **§ 16.7 Pursuant to clause 5 of rule II,<sup>(46)</sup> 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.<sup>(47)</sup>**

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,<sup>(48)</sup> 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,<sup>(49)</sup> 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.<sup>(50)</sup> 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,<sup>(51)</sup> 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,<sup>(52)</sup> 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.<sup>(53)</sup> 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,<sup>(54)</sup> 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,<sup>(55)</sup> the Speaker made the following announcement regarding the prayer:

The House met at 10 a.m.

The SPEAKER.<sup>(56)</sup> 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,<sup>(57)</sup> 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,<sup>(58)</sup> 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,<sup>(59)</sup> 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,<sup>(60)</sup> 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,<sup>(61)</sup> 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,<sup>(62)</sup> 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,<sup>(63)</sup> 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 Parliamentarian has offered the daily prayer at the beginning of the legislative day.**

On August 5, 2011,<sup>(64)</sup> the following occurred:

PRAYER

The Deputy Parliamentarian, 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,<sup>(65)</sup> 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 Parliamentarian 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.<sup>(66)</sup>**

On November 10, 1999,<sup>(67)</sup> 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,<sup>(68)</sup> 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.<sup>(1)</sup> As indicated by the position's title, the CAO is primarily an administrative position, and, pursuant to clause 4(a) of rule II,<sup>(2)</sup> is responsible for "operational and financial functions of the House" as assigned by the Committee on House Administration.<sup>(3)</sup> 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."<sup>(4)</sup>

Pursuant to clause 4(b) of rule II,<sup>(5)</sup> 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.<sup>(6)</sup> Further, clause 4(d) of rule II<sup>(7)</sup> 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.<sup>(8)</sup> As an officer of the House, the CAO takes the oath of office<sup>(9)</sup> upon election.<sup>(10)</sup> 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<sup>(11)</sup> to appoint a temporary replacement.<sup>(12)</sup> 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.<sup>(13)</sup> The CAO may be removed from office by the Speaker, pursuant to clause 1 of rule II,<sup>(14)</sup> and such removal may be prospective.<sup>(15)</sup> 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.<sup>(16)</sup> The CAO may resign from the position,<sup>(17)</sup> and such resignation may be prospective.<sup>(18)</sup> Pursuant to statute,<sup>(19)</sup> the CAO designates deputy CAOs to perform the duties of the office in the temporary absence of the CAO.<sup>(20)</sup>

### ***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,<sup>(21)</sup> the House adopts a privileged resolution to fill the vacancy, as occurred on July 31, 1997:<sup>(22)</sup>

#### 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.<sup>(23)</sup> 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.<sup>(24)</sup>

On July 13, 2016,<sup>(25)</sup> 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.<sup>(26)</sup> 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,<sup>(27)</sup> 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.<sup>(28)</sup> Without objection, the resignation is accepted.  
There was no objection.

**§ 17.4 An individual serving as Chief Administrative Officer may resign the office prospectively.<sup>(29)</sup>**

On January 7, 2014,<sup>(30)</sup> 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.<sup>(31)</sup> Without objection, the resignation is accepted.  
There was no objection.

### ***Removal of the CAO***

**§ 17.5 Pursuant to clause 1 of rule II,<sup>(32)</sup> the Speaker may remove the Chief Administrative Officer of the House, and such removal may be prospective.<sup>(33)</sup>**

On December 16, 2015,<sup>(34)</sup> 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,<sup>(35)</sup> the Speaker may appoint a Chief Administrative Officer of the House on a temporary basis<sup>(36)</sup> if there occurs a vacancy in the office.**

On July 15, 2010,<sup>(37)</sup> following the resignation of the CAO, the Speaker exercised statutory authority to appoint a temporary CAO:

#### APPOINTMENT OF TEMPORARY CHIEF ADMINISTRATIVE OFFICER

The SPEAKER.<sup>(38)</sup> 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.<sup>(39)</sup>**

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,<sup>(40)</sup> 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.<sup>(41)</sup> 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,<sup>(42)</sup> the Speaker temporarily filled the vacancy in the Office of the CAO by exercising statutory appointment authority.<sup>(43)</sup>

#### APPOINTMENT OF TEMPORARY CHIEF ADMINISTRATIVE OFFICER OF HOUSE OF REPRESENTATIVES

The SPEAKER.<sup>(44)</sup> 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,<sup>(45)</sup> 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,<sup>(46)</sup> 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.*

- 
- 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.<sup>(1)</sup> In the 69th Congress in 1927, the official became formally known as the Parliamentarian of the House.<sup>(2)</sup> In the 95th Congress, the House formally established an Office of the Parliamentarian in law.<sup>(3)</sup> 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.<sup>(4)</sup> 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.<sup>(5)</sup> 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.<sup>(6)</sup> 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.<sup>(7)</sup> The printing and the distribution of these volumes of precedents has also been authorized by law.<sup>(8)</sup> 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.<sup>(9)</sup>

---

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,<sup>(10)</sup> the Speaker appoints a new Parliamentarian without regard to political affiliation.<sup>(11)</sup> 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.<sup>(12)</sup>**

On April 20, 1977,<sup>(13)</sup> 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.<sup>(14)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 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.<sup>(15)</sup>**

On February 28, 2012,<sup>(16)</sup> 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,<sup>(17)</sup> the following resignation was laid before the House:<sup>(18)</sup>

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.<sup>(19)</sup> 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,<sup>(20)</sup> 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,<sup>(21)</sup> the Speaker appointed Thomas J. Wickham, Jr., as Parliamentarian to succeed John V. Sullivan:

#### APPOINTMENT AS PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER.<sup>(22)</sup> 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,<sup>(23)</sup> the Speaker appointed William Holmes Brown as Parliamentarian to succeed Lewis Deschler:

The SPEAKER.<sup>(24)</sup> 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.<sup>(25)</sup>**

On January 6, 2009,<sup>(26)</sup> the following occurred:

#### UNANIMOUS CONSENT AGREEMENT

Mr. [Harry] REID [of Nevada]. Mr. President, I send to the desk en bloc 12 unanimous consent requests and I ask for their immediate consideration en bloc; that the requests be agreed to en bloc, that the motion to reconsider the adoption of these requests be laid upon the table and that they appear separately in the record.

Before the Chair rules, I would like to point out these requests are routine, done at the beginning of each new Congress, and they entail issues such as authority for the Committee on Standards of Official Conduct to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day, and floor privileges for House Parliamentarians.

The PRESIDING OFFICER.<sup>(27)</sup> Without objection, it is so ordered.

The requests read as follows: . . .

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 111th Congress.

### **§ 19. General Counsel; Bipartisan Legal Advisory Group**

The Office of General Counsel is established pursuant to clause 8(a) of rule II.<sup>(1)</sup> The purpose of the office is to provide “legal assistance and representation to the House . . . without regard to political affiliation.”<sup>(2)</sup> 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,<sup>(3)</sup> and functions under the direction of the Speaker (who consults with the Bipartisan Legal Advisory Group).<sup>(4)</sup>

The Office of General Counsel was first established in the 103d Congress in 1993.<sup>(5)</sup> 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.<sup>(6)</sup> The House Administrative Reform Resolution of 1992<sup>(7)</sup> 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.”<sup>(8)</sup> The mandate of the Bipartisan Legal Advisory Group is to articulate the institutional position of the House in all litigation matters.<sup>(9)</sup>

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<sup>(10)</sup> and immunity from arrest,<sup>(11)</sup> as well as executive, Fifth Amendment, and attorney–client privileges.<sup>(12)</sup> 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.<sup>(13)</sup>

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.<sup>(14)</sup> 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.”<sup>(15)</sup>

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.<sup>(16)</sup> The House has authorized the General Counsel to employ outside counsel in furtherance of its representational responsibilities.<sup>(17)</sup>

In the 115th Congress, clause 8(c) of rule II<sup>(18)</sup> 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,<sup>(19)</sup> 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,<sup>(20)</sup> 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.<sup>(21)</sup>**

On November 9, 2007,<sup>(22)</sup> 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,<sup>(23)</sup> 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.<sup>(24)</sup> 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.<sup>(1)</sup> The Inspector General is a nonpartisan official of the House appointed jointly by the Speaker, the Majority Leader, and the Minority Leader.<sup>(2)</sup> 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.<sup>(3)</sup> As with the Chief Administrative Officer,<sup>(4)</sup> the Inspector General is subject to the policy direction and oversight of the Committee on House Administration.<sup>(5)</sup>

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.<sup>(6)</sup> 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.<sup>(7)</sup> 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.<sup>(8)</sup> The House may also direct the Inspector General to conduct additional audits.<sup>(9)</sup>

### ***Appointment of the Inspector General***

**§ 20.1 Pursuant to clause 6(b) of rule II,<sup>(10)</sup> 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,<sup>(11)</sup> 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.<sup>(12)</sup> 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.<sup>(13)</sup>**

On May 26, 2005,<sup>(14)</sup> 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,<sup>(15)</sup> 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]<sup>(16)</sup> 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.<sup>(17)</sup> 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<sup>(1)</sup> 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.”<sup>(2)</sup>

An office specifically responsible for drafting legislative text for Congress was first created in 1919 and was originally known as the Legislative Drafting Service.<sup>(3)</sup> 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.<sup>(4)</sup> The House Legislative Counsel is authorized to appoint attorneys and other employees of the office, with the approval of the Speaker.<sup>(5)</sup> 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.<sup>(6)</sup>

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.<sup>(7)</sup> 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.<sup>(8)</sup>

### ***Appointment of the Legislative Counsel***

#### **§ 21.1 Pursuant to law,<sup>(9)</sup> 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,<sup>(10)</sup> 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.<sup>(11)</sup> . . .

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.<sup>(12)</sup>**

On July 1, 2016,<sup>(13)</sup> 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.<sup>(14)</sup> 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<sup>(1)</sup> 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.”<sup>(2)</sup> An attorney known as the Law Revision Counsel heads the office, and is appointed by the Speaker “without regard to political affiliation.”<sup>(3)</sup> The Law Revision Counsel appoints employees to staff the office, with the approval of the Speaker.<sup>(4)</sup> 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.<sup>(5)</sup>

When laws are enacted by Congress, they are first compiled chronologically by date of enactment in a publication known as Statutes at Large.<sup>(6)</sup> 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,<sup>(7)</sup> the Office of Law Revision Counsel submits to the House Committee on the Judiciary<sup>(8)</sup> 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.<sup>(9)</sup>

### ***Appointment of the Law Revision Counsel***

#### **§ 22.1 Pursuant to law,<sup>(10)</sup> the Speaker appoints the Law Revision Counsel, and such appointment is announced to the House for the information of Members.**

On June 3, 2011,<sup>(11)</sup> 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.<sup>(12)</sup> 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.**<sup>(13)</sup>

On June 1, 2011,<sup>(14)</sup> 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.<sup>(1)</sup> Pursuant to the rule, the Speaker appoints<sup>(2)</sup> 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.<sup>(3)</sup> 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.<sup>(4)</sup>

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.<sup>(5)</sup> 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.<sup>(6)</sup> 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.<sup>(7)</sup>

### ***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,<sup>(8)</sup> the House adopted the following privileged resolution amending the standing rules<sup>(9)</sup> to provide for an Office for the Bicentennial of the House of Representatives (the immediate precursor to the current Office of the Historian).<sup>(10)</sup>

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,<sup>(11)</sup> the Historian of the House is appointed by the Speaker.**

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



On May 2, 2005,<sup>(12)</sup> the following appointment of Dr. Robert V. Remini<sup>(13)</sup> as Historian of the House was announced:

APPOINTMENT AS HISTORIAN OF THE UNITED STATES HOUSE OF  
REPRESENTATIVES

The SPEAKER pro tempore.<sup>(14)</sup> 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*]<sup>(15)</sup> 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,<sup>(16)</sup> 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.<sup>(17)</sup> The question is on the resolution.

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

Mr. [John] 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.<sup>(1)</sup> The Page program had its origins in the early 19th century, continued throughout the 20th century, and was terminated in 2011.<sup>(2)</sup> 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.<sup>(3)</sup> The Clerk of the House, as well as the Sergeant-at-Arms, also served on the House Page Board.<sup>(4)</sup> In 2007, the Page Board was expanded to include one former Page, and one parent of a current or former Page.<sup>(5)</sup> 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.”<sup>(6)</sup>

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.<sup>(7)</sup> 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).<sup>(8)</sup>

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,<sup>(9)</sup> 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.<sup>(10)</sup> 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,<sup>(11)</sup> the Speaker and the Minority Leader each appoint two Members to the House Page Board.<sup>(12)</sup>**

On July 8, 2009,<sup>(13)</sup> 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.<sup>(14)</sup> 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.<sup>(15)</sup>**

On September 29, 2006,<sup>(16)</sup> 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.<sup>(17)</sup> 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,<sup>(18)</sup> the following remarks were made concerning the end of the House Page program:

#### HOUSE CONGRESSIONAL PAGES

The SPEAKER pro tempore.<sup>(19)</sup> 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<sup>(1)</sup> and other appointed officials,<sup>(2)</sup> 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.<sup>(3)</sup> 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.<sup>(4)</sup> 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.”<sup>(5)</sup> 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.<sup>(6)</sup> 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.<sup>(7)</sup> 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.<sup>(8)</sup> The Architect of the Capitol shares jurisdiction over the Library of Congress with the Librarian of Congress<sup>(9)</sup> and the Joint Committee of Congress on the Library.<sup>(10)</sup> 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.<sup>(11)</sup> The Architect of the Capitol serves on the Capitol Police Board.<sup>(12)</sup>

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.<sup>(13)</sup> 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.<sup>(14)</sup>

### ***Capitol Police***

The Capitol Police has been a presence on Capitol Hill since the early 19th century<sup>(15)</sup> 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.<sup>(16)</sup> Pursuant to law, the Capitol Police is authorized to provide protection for Members of Congress, officers of Congress, and their families.<sup>(17)</sup> The Capitol Police has the authority to make arrests and enforce the laws of the United States in the areas under its jurisdiction.<sup>(18)</sup>

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.<sup>(19)</sup> A Chief of the Capitol Police, appointed by the Capitol Police Board, is responsible for supervising the police force.<sup>(20)</sup>

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.<sup>(21)</sup> In tribute to the two officers, their remains laid in honor in the Capitol Rotunda.<sup>(22)</sup> In memory of the officers, the Capitol Police Headquarters was designated in their honor as the “Eney, Chestnut, Gibson Memorial Building.”<sup>(23)</sup> The document entrance on the East Plaza of the Capitol was also designated as the “Chestnut–Gibson Memorial Door.”<sup>(24)</sup>

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.<sup>(25)</sup>

### ***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,<sup>(26)</sup> 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.<sup>(1)</sup> 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,<sup>(2)</sup> 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;<sup>(3)</sup> rather, it is the officer's status as the custodian of House documents<sup>(4)</sup> that is the most pertinent factor.<sup>(5)</sup>

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,<sup>(6)</sup> 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.<sup>(7)</sup> 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.”<sup>(8)</sup> This resolution was subsequently adopted by the House.

In the 49th Congress in 1886,<sup>(9)</sup> 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<sup>(10)</sup> permitting (or denying) such compliance.<sup>(11)</sup> 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.<sup>(12)</sup> 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.<sup>(13)</sup>

---

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.<sup>(14)</sup> 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,<sup>(15)</sup> 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.<sup>(16)</sup> 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.<sup>(17)</sup> 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,<sup>(18)</sup> the rule was expanded to cover administrative as well as judicial subpoenas, but this change was repealed in the 115th Congress.<sup>(19)</sup> 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.<sup>(20)</sup> Following the establishment of the Office of General Counsel,<sup>(21)</sup> 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.<sup>(22)</sup>

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,<sup>(23)</sup> deny,<sup>(24)</sup> 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.<sup>(25)</sup> 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).<sup>(26)</sup> Rule VIII specifically excludes executive session material of the House from being disclosed or copied in response to subpoenas or other court orders.<sup>(27)</sup>

Rule VIII applies to Members, officers, and employees of the House. Delegates and the Resident Commissioner are also covered by the rule.<sup>(28)</sup> 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.<sup>(29)</sup> 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.<sup>(30)</sup>

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.<sup>(31)</sup>

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,<sup>(32)</sup> 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.<sup>(33)</sup> Finally, the House may independently authorize counsel for officers or employees who become involved in litigation related to their official duties.<sup>(34)</sup>

### ***Applicability***

**§ 26.1 Employees of the House, such as Members' aides and staff (including district staff), are covered by rule VIII<sup>(35)</sup> 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,<sup>(36)</sup> 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:<sup>(37)</sup>

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,<sup>(38)</sup> constitutes a valid question of the privileges of the House under rule IX.<sup>(39)</sup>**

**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,<sup>(40)</sup> 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.<sup>(41)</sup> 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,<sup>(42)</sup> 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,<sup>(43)</sup> 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.<sup>(44)</sup> 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,<sup>(45)</sup> 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<sup>(46)</sup> 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,<sup>(47)</sup> 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.<sup>(48)</sup> 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<sup>(49)</sup> 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,<sup>(50)</sup> 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.<sup>(51)</sup> 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,<sup>(52)</sup> 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.<sup>(53)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 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,<sup>(54)</sup> 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.<sup>(55)</sup> 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)<sup>(56)</sup> 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,<sup>(57)</sup> 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

<sup>56</sup>. *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.”

<sup>57</sup>. 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,<sup>(1)</sup> 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,<sup>(2)</sup> 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,<sup>(3)</sup> 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,<sup>(4)</sup> 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,<sup>(5)</sup> the House adopted a resolution that formed the basis of current rule VIII<sup>(6)</sup> (incorporated into the standing rules in the following Congress as former rule L):<sup>(7)</sup>

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.<sup>(8)</sup> 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<sup>(9)</sup> 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,<sup>(10)</sup> 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.<sup>(11)</sup> 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,<sup>(12)</sup> 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:<sup>(13)</sup>

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*,<sup>(14)</sup> 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:<sup>(15)</sup>

## 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.<sup>(16)</sup>**

On February 13, 1980,<sup>(17)</sup> 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.<sup>(18)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup> The elected officers of the House,<sup>(3)</sup> as well as nonelected officials,<sup>(4)</sup> are likewise responsible for staffing their offices.<sup>(5)</sup>

The standing committees of the House employ both partisan and non-partisan professional staff.<sup>(6)</sup> Clause 9 of rule X<sup>(7)</sup> lays out a variety of rules relating to the appointment of such employees, their compensation, and their duties and responsibilities.<sup>(8)</sup>

The Committee on House Administration exercises jurisdiction over most aspects of House employment. Pursuant to clause 1(k)(3) of rule X,<sup>(9)</sup> 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);<sup>(10)</sup> "Services to the House" (clause 1(k)(13) of rule X);<sup>(11)</sup> and "Compensation, retirement, and other benefits of Members, Delegates, the Resident Commissioner, officers and employees of Congress." (clause 1(k)(16) of rule X).<sup>(12)</sup> 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),<sup>(13)</sup> 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.<sup>(14)</sup>

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<sup>(15)</sup> (renewed in the next Congress<sup>(16)</sup> and ultimately incorporated into the standing rules).<sup>(17)</sup> 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.<sup>(18)</sup> 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.<sup>(19)</sup> This law retained the Office of Compliance<sup>(20)</sup> 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.<sup>(21)</sup> 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.<sup>(22)</sup> 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.<sup>(23)</sup> That resolution also established the Office of Employee Advocacy, which provides assistance to congressional employees regarding Congressional Accountability Act procedures.<sup>(24)</sup> 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.<sup>(25)</sup> 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.<sup>(26)</sup>

### ***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.<sup>(27)</sup> Under such system, the majority party by custom would control the distribution of "appointive places in the House organization"<sup>(28)</sup> 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.<sup>(29)</sup> 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<sup>(30)</sup> 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,<sup>(31)</sup> 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.<sup>(32)</sup> 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,<sup>(33)</sup> 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.<sup>(34)</sup> 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.

**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,<sup>(35)</sup> 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.<sup>(36)</sup> 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,<sup>(37)</sup> 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.<sup>(38)</sup> 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,<sup>(39)</sup> 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,<sup>(40)</sup> 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.<sup>(41)</sup> 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.<sup>(1)</sup> The Chief Administrative Officer of the House is charged with making the requisite disbursements to these officers, officials, and employees.<sup>(2)</sup> Pursuant to statute, all House employees are to be paid a single gross per annum salary.<sup>(3)</sup>

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.<sup>(4)</sup> Subsequent acts occasionally provided for ad hoc adjustments to these compensation rates.<sup>(5)</sup> 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.<sup>(6)</sup> 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,<sup>(7)</sup> subsequently enacted as permanent law,<sup>(8)</sup> authorize the Speaker of the House to issue pay orders that determine the rate of compensation of certain House officers, officials, and employees.<sup>(9)</sup>

Executive branch employees are provided with annual cost-of-living adjustments pursuant to statute,<sup>(10)</sup> 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.<sup>(11)</sup>

The Committee on House Administration is authorized by statute to implement certain wage schedules for House employees.<sup>(12)</sup> Pursuant to the House Employees Position Classification Act (originally enacted in 1964),<sup>(13)</sup> the Committee on House Administration is authorized to establish a “House Employee Schedule” that sets compensation rates for different employees of the House.<sup>(14)</sup> 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.<sup>(15)</sup> These officers may, with the approval of the committee, create their own position descriptions for employees under their purview.<sup>(16)</sup>

Compensation for committee staff is also regulated by statute. Each standing committee is authorized to approve the compensation of committee employees,<sup>(17)</sup> subject to regulations issued by the Committee on House Administration regarding the availability of appropriations for this purpose.<sup>(18)</sup>

---

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.<sup>(19)</sup>

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.<sup>(20)</sup> Pursuant to law,<sup>(21)</sup> 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.<sup>(22)</sup> More recently, the House adopted a resolution in the 115th Congress providing an ad hoc increase in the Member’s Representational Allowance (MRA)<sup>(23)</sup> for expenses relating to office security.<sup>(24)</sup> Ad hoc disbursements to widows of Members and employees of the House are also occasionally authorized by House resolution.<sup>(25)</sup>

**§ 29.1 The House adopted a privileged resolution, providing for additional employee and equipment allowances for certain House leadership offices.**

On April 12, 1973,<sup>(26)</sup> 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”<sup>(27)</sup> 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,<sup>(28)</sup> the following occurred:

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

The Clerk read the Senate bill, as follows:

S. 2174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clauses (1) (A) and (2) (A) of section 8341(a) of title 5, United States Code, are amended by striking out "2 years" wherever it appears and inserting in lieu thereof "1 year". (b) The amendments made by subsection (a) of this section shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such individuals and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.*

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

- (1) by deleting "greater" and inserting "greatest" in place thereof;
- (2) by deleting the word "or" immediately after the semicolon at the end of clause (A);
- (3) by redesignating clause (B) as clause (C); and
- (4) by inserting immediately below clause (A) the following new clause (B):  
 "(B) the average pay of the Member; or".

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

The SPEAKER.<sup>(29)</sup> Is a second demanded?

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

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

There was no objection. . . .

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,<sup>(30)</sup> 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,<sup>(31)</sup> 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,<sup>(32)</sup> 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.<sup>(33)</sup> 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,<sup>(34)</sup> 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,<sup>(35)</sup> 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.<sup>(36)</sup> 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,<sup>(1)</sup> 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.<sup>(2)</sup> The House has also experimented with a number of lesser administrative officials to oversee different House functions.<sup>(3)</sup>

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.<sup>(4)</sup> 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.<sup>(5)</sup> As a result of these efforts, Congress enacted the Legislative Reorganization Act of 1970.<sup>(6)</sup> 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.<sup>(7)</sup> 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”).<sup>(8)</sup> 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.<sup>(9)</sup> 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.<sup>(10)</sup>

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.<sup>(11)</sup> 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,<sup>(12)</sup> and its successor committee in the following Congress recommended a variety of institutional reforms.<sup>(13)</sup> Legislation (known as the Legislative Reorganization Act of 1994) was introduced in both the House and the Senate but never considered by either body.<sup>(14)</sup> However, in the 104th Congress, some of the recommendations from these prior joint committees were incorporated into the Congressional Accountability Act of 1995 (CAA).<sup>(15)</sup>

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.<sup>(16)</sup> 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.<sup>(17)</sup>

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.<sup>(18)</sup> 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.<sup>(19)</sup> 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.<sup>(20)</sup> 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.<sup>(21)</sup> 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.<sup>(22)</sup> 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.<sup>(23)</sup>

### ***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,<sup>(24)</sup> 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.<sup>(25)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

***Former Director of Non-Legislative and Financial Services***

**§ 30.2 Pursuant to section 7(b) of the House Administrative Reform Resolution of 1992,<sup>(26)</sup> 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.<sup>(27)</sup>**

On February 4, 1993,<sup>(28)</sup> 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.<sup>(29)</sup>**

On August 6, 1992,<sup>(30)</sup> 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.<sup>(31)</sup>**

On April 6, 1995,<sup>(32)</sup> 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.<sup>(33)</sup> 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)<sup>(34)</sup> be assigned to the Clerk.**

On March 28, 1995,<sup>(35)</sup> 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.<sup>(1)</sup> As discussed above,<sup>(2)</sup> these candidates are nominated via an amendment to the majority party’s resolution electing officers.<sup>(3)</sup> 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.<sup>(4)</sup> 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.<sup>(5)</sup> Unlike the elected officers of the House, the resignation of a minority employee is not subject to acceptance by the House.<sup>(6)</sup> Under clause 2(a)(5) of rule IV,<sup>(7)</sup> 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,<sup>(8)</sup> 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.<sup>(9)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 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.<sup>(10)</sup>**

On February 5, 1986,<sup>(11)</sup> 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,<sup>(12)</sup> 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.<sup>(13)</sup> 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).

**Ch. 6 § 31**

**PRECEDENTS OF THE HOUSE**

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.



## INDEX—OFFICERS, OFFICIALS, AND EMPLOYEES

### **Adjournment**

Clerk's authority to receive messages during periods of adjournment, §§ 14, 14.11  
constitutional requirements regarding, § 2  
enrollments, Speaker's authority to sign during periods of adjournment, § 4  
messages received by the Clerk during periods of adjournment, §§ 14, 14.11  
motion to adjourn during consideration of specified business restricted, §§ 2, 4  
motion to adjourn entertained during quorum call, § 2  
motion to adjourn to a date and time certain, § 2  
quorum call, motion to adjourn entertained during, § 2  
recall authorities, § 2  
reconvening, see **Convening**  
Speaker pro tempore, temporal limits waived by adjournment resolution, § 10  
Speaker's role at, § 2

### **Amendments**

Clerk's role in distribution, § 14  
Parliamentarian's role in reviewing, § 18

### **Appeals**

parliamentary inquiries, Speaker's discretion to entertain not subject to, § 2  
points of order, applicability, § 2  
questions of privilege, Speaker's determination as to validity subject to appeal, § 2  
recognition, Speaker's power not subject to appeal, § 2

### **Architect of the Capitol**

appointment by President, § 25  
Capitol Police Board, service on, § 25  
duties generally, § 25  
history of the office, § 25  
jurisdiction, § 25  
Library of Congress, jurisdiction over, § 25  
Superintendent of House office buildings, relationship to, § 25  
tributes to, § 25.1

### **Attending Physician**

appointment by President, § 25  
duties generally, § 25  
history of the office, § 25

### **Audio-Visual Broadcasting**

prohibition on by Members, § 2  
Sergeant-at-Arms' role in enforcing prohibition on, §§ 2, 15  
Speaker's authority over, § 2

### **Bill Clerks**

see **Clerk of the House**

### **Bipartisan Legal Advisory Group (BLAG)**

duties generally, § 19  
General Counsel, relationship to, § 19  
Majority Leader's membership on, § 19  
Minority Leader's membership on, § 19  
Speaker's membership on, §§ 2, 19

### **Boards and Commissions**

Majority Leader, role in appointments, §§ 3, 3.3  
Minority Leader, role in appointments, §§ 3, 3.3, 3.5  
Speaker pro tempore, appointment authority, § 11  
Speaker's appointment authority regarding, §§ 3, 3.3–3.5

### **Budget Process**

Congressional Budget Act points of order, Speaker's reliance on Committee on the Budget, § 4

## Ch. 6

## PRECEDENTS OF THE HOUSE

Director of Congressional Budget Office, appointment of, §§ 3, 3.6

### **Calendar Wednesday**

Clerk's role, § 14

### **Calendars of the House**

Clerk's role in publication and distribution, § 14

Clerk's role regarding Consensus Calendar, § 14

Consensus Calendar, Clerk's role, § 14

Corrections Calendar, history of, §§ 30, 30.1

Private Calendar, see **Private Calendar**

Speaker's duty to initiate proceedings under, § 2

Speaker's referral authority regarding, § 2

### **Capitol**

Architect of the Capitol, jurisdiction over, § 25

Speaker's authority over House portion of, § 2

### **Capitol Police**

Architect of the Capitol, service on Capitol Police Board, § 25

Capitol Police Board, composition, § 25

Capitol Police Chief, § 25

galleries, enforcement of decorum rules, § 6

history, § 25

jurisdiction, § 25

question of privilege, improper use of Capitol Police constitutes, § 25

Sergeant-at-Arms, relationship to, §§ 15, 25

tributes to officers, § 25

### **Ceremonies**

Chaplain, ceremonial functions of, § 16

escort committees, appointment of by Speaker, § 3

joint meetings, Presiding Officer at, § 2

joint meetings, Speaker pro tempore may preside at, §§ 11, 11.8, 12

notification committees, appointment of by Speaker, § 3

Speaker managing debate on ceremonial measure, §§ 5, 5.1

Speaker pro tempore may preside at joint meetings, §§ 11, 11.8, 12

### **Chamber**

see **House Chamber**

### **Chaplain**

appointment authority of Speaker in case of vacancy, §§ 16, 16.3

ceremonial functions, § 16

Chaplain emeritus designations, §§ 16, 16.21, 16.22

compensation, §§ 16, 16.6

division of the question, application to election of, §§ 13, 13.1, 16, 16.1

duties generally, § 16

election of, §§ 13, 13.1, 16, 16.1

guest chaplains, §§ 16, 16.10–16.13

history of the office, § 16

litigation regarding, § 16

nonpartisan status, § 16

oath of office administered to, § 16

prayer offered by, §§ 16, 16.7, 16.8

prayers, publication of, §§ 16, 16.20

prayers offered by Members or staff, §§ 16, 16.14–16.19

privileged question, resolution electing Chaplain constitutes, § 16.1

recess, prayer offered following, §§ 16.7, 16.8

removal of, § 16

resignation of, §§ 16, 16.5

selection of, § 16.2

Senate Chaplain, §§ 16, 16.12

tributes to, § 16.4

unanimous-consent request to conduct prayer not entertained, § 16.9

### **Chief Administrative Officer (CAO)**

appointment authority of Speaker in case of vacancy, §§ 17, 17.6, 17.7

- compensation for Members and staff, responsibilities regarding, § 17
- cost-of-living adjustments, authority to make, § 29
- Deputy CAOs, appointment of, §§ 17, 17.8
- duties generally, § 17
- election of, §§ 13, 13.1, 17, 17.1, 17.2
- history of the office, § 17
- House Administration, Committee on, relationship to, § 17
- oath of office administered to, § 17
- privileged question, resolution electing CAO constitutes, § 17.1
- removal of, §§ 17, 17.5
- resignation of, §§ 17, 17.3, 17.4
- salaries, role in disbursing, § 29
- Clerk of the House**
  - activity reports, role in receiving, § 14
  - adjournment, Clerk's authority to receive messages during, §§ 14, 14.11
  - administrative functions generally, § 14
  - amendments considered in Committee of the Whole, role in distributing, § 14
  - appointment authority of Speaker in case of vacancy, §§ 14, 14.4, 14.6
  - Bill Clerks, duties of, § 14
  - Calendar Wednesday, Reading Clerk's role during call of committees, § 14
  - calendars of the House, role in publication and distribution, § 14
  - certificates of election, role in receiving, § 14
  - Clerk pro tempore, designation of, §§ 14, 14.7
  - Clerk's roll of Members-elect, § 14
  - committee reports, role in receiving, § 14
  - Congressional Record, role regarding, § 14
  - Consensus Calendar, role regarding, § 14
  - constitutional authority statements, role in publication, § 14
  - death of Member, responsibility to administer office following, § 14
  - death of Speaker, former role following, § 1
  - discharge petitions, role as custodian of, § 14
  - duties generally, § 14
  - election of, §§ 13, 13.1, 14, 14.1, 14.2, 14.3
  - electronic availability of House documents, duty to provide, § 14
  - electronic voting system, Tally Clerk's role regarding use of, § 14
  - Enrolling Clerks, duties of, § 14
  - enrollment of measures, role regarding, §§ 14, 14.8, 14.9
  - ethics rules, role supervising compliance with, § 14
  - executive communications, duty to receive, §§ 2, 14
  - financial disclosures, role in receiving, § 14
  - former Speakers, former role regarding, §§ 1, 14
  - General Counsel, former status under, § 19
  - history of the office, § 14
  - House Administration, Committee on, relationship to, § 14
  - House documents, role as custodian of, § 14
  - House Page Board, service on, § 24
  - Journal, role regarding, § 14
  - Journal Clerks, duties of, § 14
  - messages, role in receiving and transmitting, §§ 14, 14.10, 14.11
  - morning hour call of committees, Reading Clerk's role during call of, § 14
  - oath of office administered to, § 14
  - oaths of secrecy retained by, § 14
  - Office of Arts and Archives, relationship to Historian, § 23

## Ch. 6

## PRECEDENTS OF THE HOUSE

Official Reporters of Debate, appointment authority, §§ 2, 14  
organization, role as Presiding Officer at, §§ 1, 1.1, 14  
oversight reports, role in receiving, § 14  
President notified as to election of Clerk, § 14  
presidential messages, duty to receive, §§ 2, 14  
Presiding Officer, service as, §§ 1, 1.1, 14  
Private Calendar, Reading Clerk's role during call of, § 14  
privileged question, resolution electing Clerk constitutes, §§ 14.1, 14.2, 14.3  
quorum calls, role in conducting, § 14  
Reading Clerks, duties of, § 14  
recess, Clerk's authority to receive messages during, § 14  
records of the House, role as custodian of, § 14  
referral of measures to committee, role in, § 14  
removal of, § 14  
resignation of, §§ 14, 14.5, 14.6  
Senate, messages to, role in transmitting, §§ 14, 14.10  
Senate messages, duty to receive, §§ 2, 14, 14.10  
Senate notified as to election of Clerk, § 14  
Speaker, death of, former role following, § 1  
Speaker, election of, role regarding, §§ 1, 1.1, 14  
Speaker pro tempore letter, custody of, §§ 1, 2, 8, 14  
sponsorship of measures, Bill Clerk's role regarding, § 14  
Tally Clerks, duties of, § 14  
travel reimbursements, role regarding, § 14  
votes, role in conducting, § 14

words taken down procedures, Reading Clerk's role in, § 14

### **Committee Jurisdiction**

Parliamentarian's role in arbitrating jurisdictional disputes, § 18

### **Committee of the Whole**

amendments considered in, Clerk's role in distributing, § 14

Chair appointed by Speaker, §§ 2, 3, 8  
emergency recess authority, § 2

resolving into, form of question provided by rules, § 4

Speaker appoints Chair, §§ 2, 3

Speaker may be recognized to debate in, § 5

Speaker's discretion to resolve into pursuant to special order of business, § 2

special order of business providing authority for Speaker to resolve into, § 2

### **Committee on Ethics**

committee report regarding Speaker filed by, § 7.3

House Pages, investigations involving, §§ 24, 24.3

Inspector General, relationship to, § 20  
investigations of Speaker conducted by, §§ 7, 7.1–7.3

investigative subcommittees, appointment authority of Minority Leader, § 3

investigative subcommittees, appointment authority of Speaker, §§ 3, 4

Speaker subject to investigations by, §§ 7, 7.1–7.3

Speaker's appointment authority regarding, §§ 3, 4

### **Committee on House Administration**

Clerk of the House, relationship to, § 14

employment by the House, jurisdiction over, § 28

Inspector General, relationship to, § 20  
 policy direction and oversight of officers provided by, §§ 13, 14, 15, 17  
 Sergeant-at-Arms, relationship to, § 15  
 wage schedules established by, § 29

#### **Committee on Rules**

Parliamentarian's relationship to, § 18  
 Speaker's relationship to, § 5

#### **Committee on the Budget**

Congressional Budget Act points of order, role in assessing, § 4  
 points of order under the Congressional Budget Act, role in assessing, § 4  
 Speaker's reliance on regarding Congressional Budget Act points of order, § 4

#### **Committee on the Judiciary**

Law Revision Counsel, relationship to, § 22

#### **Committee Reports**

activity reports received by Clerk, § 14  
 Clerk's role in receiving, § 14  
 ethics investigation of Speaker, report filed by Committee on Ethics, § 7.3  
 Legislative Counsel's role in preparing, § 21  
 oversight reports received by Clerk, § 14  
 Parliamentarian's role in receiving, § 18

#### **Committees**

appointment authority of the Speaker, historical practices, §§ 1, 3  
 committee assignments, Speaker's authority under caucus rules, § 5  
 committee assignments vacated by rule, Speaker's duty to announce, § 4  
 committee names in statute, changing references § 30.4  
 conference committees, see **Conferences**

joint committees, Speaker pro tempore appointment authority, § 11  
 joint committees, Speaker's appointment authority, § 3  
 joint committees on the organization of Congress, §§ 30, 30.3  
 Permanent Select Committee on Intelligence, authorizing closed sessions, § 2  
 Permanent Select Committee on Intelligence, Speaker's appointment authority, § 3.2  
 Select Committee on Committees ("Bolling committee"), § 30  
 Select Committee on Committees ("Patterson committee"), § 30  
 Select Committee on the Modernization of Congress, § 30  
 select committees, Speaker pro tempore appointment authority, § 11  
 select committees, Speaker's appointment authority, §§ 3, 3.1  
 select committees, Speaker's removal authority, § 3  
 Speaker's service on, §§ 5, 5.6  
 special ad hoc oversight committees, Speaker's appointment authority, § 3  
 staff, compensation of, § 29

#### **Conferences**

appointment of conferees, restrictions on, § 4  
 appointment of conferees, Speaker's authority over, §§ 2, 3, 4  
 appointment of conferees by Speaker pro tempore, §§ 11, 11.3, 11.4, 11.5  
 conference report, points of order raised against, § 3  
 conference reports, Legislative Counsel's role in preparing, § 21  
 conference reports, Speaker's authority to determine validity of, § 2  
 motion to instruct conferees, Speaker's authority to schedule consideration of, § 2

## Ch. 6

## PRECEDENTS OF THE HOUSE

removal of conferees, Speaker's authority over, § 3

### **Congressional Budget Office (CBO)**

see **Budget Process**

### **Congressional Record**

Clerk's role in publication, § 14

interruptions and interjected remarks not transcribed, § 6

Official Reporters of Debate, role in publication, §§ 2, 14

Parliamentarian's role reviewing depictions of parliamentary rulings, § 18

recognition, remarks made while not under, § 6

Speaker's announced policies published in, § 2.5

unparliamentary remarks may be stricken from, § 6

### **Congressional Research Service (CRS)**

creation of, § 30

### **Contempt of Congress**

Speaker's duty to certify, §§ 2, 2.1

### **Convening**

place of convening, Speaker's authority to change, § 2

Sergeant-at-Arms, role at, § 2

Speaker's authority generally, § 2

Speaker's authority to change place of convening, § 2

### **Corrections Calendar**

abolition of, § 30

creation of, §§ 30, 30.1

procedures under, § 30

### **Dean of the House**

oath of office, role in administering to Speaker, § 1

oath of office, role in administering to Speaker pro tempore, §§ 9, 9.2

Speaker, role in administering oath of office to, § 1

Speaker pro tempore, role in administering oath of office to, §§ 9, 9.2

Speaker pro tempore, service as, §§ 11, 11.2

### **Death**

Clerk's role administering office of deceased Member, § 14

gratuities for deceased officers, officials, or employees, §§ 29, 29.5, 29.7

Speaker, § 1

### **Decorum**

appellation, § 6

audio-visual broadcasting or recording, prohibition on improper, § 6

Chair, all remarks must be addressed to, §§ 6, 6.3

comportment in the House Chamber generally, § 6

exhibits, former rule regarding objections to, § 4

exhibits, Speaker's authority to allow, §§ 4, 6

gallery occupants, references to prohibited, § 6

gavel, use by Speaker in obtaining order, §§ 6, 6.2

interruptions and interjected remarks, § 6

personalities, prohibition on, § 6

President, unparliamentary remarks regarding, § 6

profanity and vulgarity, prohibition on, § 6

recognition, relationship to, §§ 2, 6

Senate, unparliamentary remarks regarding, § 6

Sergeant-at-Arms, duties regarding, §§ 6, 15, 15.7, 15.9, 15.12

Speaker, unparliamentary remarks regarding, §§ 6, 6.3–6.7

Speaker's announced policies regarding, §§ 2.5, 6, 6.5

Speaker's duty to abide by decorum rules, §§ 6, 6.8, 6.9

Speaker's duty to enforce rules regarding, §§ 6, 6.1, 6.2

- unparliamentary remarks, Speaker may call Members to order, § 6
- unparliamentary remarks may be stricken from the Congressional Record, §§ 6, 6.9
- words taken down procedures, Clerk's role, § 14
- words taken down procedures generally, § 6
- Delegates and Resident Commissioner**
  - election of Speaker, may not vote in, § 1
  - Speaker pro tempore, may not serve as, § 11
- Director of Non-Legislative and Financial Services (Former Officer)**
  - see **Officers, Officials and Employees**
- Discharging Matters From Committee**
  - discharge petitions retained by Journal Clerk, § 14
- Division of the Question For Voting**
  - see **Voting**
- Doorkeeper (Former Officer)**
  - see **Officers, Officials and Employees**
- Election of Speaker**
  - see **Speaker of the House**
- Electoral College**
  - joint session to count electoral votes, President of the Senate presides, § 2
  - President of Senate presides over joint session to count electoral votes, § 2
- Enrolling Clerks**
  - see **Clerk of the House**
- Enrollments**
  - Clerk's role regarding, §§ 14, 14.8, 14.9
  - engrossment and third reading, form of question provided by rules, § 4
  - Enrolling Clerks, duties of, § 14
  - former rule regarding Speaker's authority to sign during periods of adjournment, § 4
  - Speaker pro tempore, authority to sign, §§ 8, 10, 10.6–10.10
  - Speaker's duty to sign, §§ 2, 4
- Ethics**
  - censure, pronouncement entered into the Journal, § 2
  - censure, Speaker's duty to pronounce, §§ 2, 2.2
  - Clerk's role in supervising compliance with ethics rules, § 14
  - Committee on, see **Committee on Ethics**
  - employment discrimination, prohibitions on, § 28
  - financial disclosures, Clerk's role in retaining, § 14
  - House Pages, investigations involving, §§ 24, 24.3
  - Journal, pronouncement of censure entered into, § 2
  - Office of Congressional Ethics, appointments to, § 3.5
  - Speaker, investigations of, §§ 7, 7.1–7.3
- Exhibits**
  - see **Decorum**
- Former Officers**
  - see **Officers, Officials and Employees**
- Galleries**
  - references to occupants, prohibition on, § 6
  - references to occupants, rule may not be waived, § 4
  - Sergeant-at-Arms, enforcement of decorum rules in, §§ 6, 15, 15.6
  - Speaker regulates admission to, § 2
  - Speaker regulates conduct of guests in, § 2
- General Counsel**
  - appointment by Speaker, §§ 19, 19.1
  - Bipartisan Legal Advisory Group (BLAG), relationship to, § 19
  - Clerk, former status under, § 19

## Ch. 6

## PRECEDENTS OF THE HOUSE

duties generally, § 19  
history of the office, § 19  
litigation, role representing House, §§ 19, 26  
outside counsel, authorization to employ, §§ 19, 19.3  
resignation of, § 19.2  
service of process, role regarding, §§ 19, 26  
Speaker, relationship to, § 19  
subpoenas, role in preparing, § 19

### **Historian**

appointment by Speaker, §§ 23, 23.2  
duties generally, § 23  
history of the office, §§ 23, 23.1  
Office of Arts and Archives, relationship to, § 23  
Office of the Bicentennial, relationship to, §§ 23, 23.1  
projects authorized by the House, § 23.3

### **House Chamber**

audio-visual broadcasting, prohibition on by Members, §§ 2, 6  
audio-visual broadcasting, Speaker's authority over, § 2  
electronic voting system, see **Voting**  
galleries, admission to regulated by Speaker, § 2  
galleries, conduct of guests in regulated by Speaker, § 2  
galleries, rule regarding references may not be waived, § 4  
smoking, prohibition on, § 6  
Speaker's announced policies regarding use when House not in session, §§ 2, 2.5, 6  
Speaker's authority over, § 2

### **House Floor**

attire, Speaker's announced policies regarding, § 6  
badges, prohibition on while under recognition, § 6

electronic devices, use of, Speaker's announced policies regarding, §§ 2, 2.5, 6  
floor privileges, Sergeant-at-Arms' role in enforcing, §§ 15, 15.8  
floor privileges, Speaker's announced policies regarding, §§ 2, 2.5  
floor privileges, waiver of rule regarding, § 4  
floor privileges generally, § 6  
handouts, distribution of, Speaker's announced policies regarding, § 6  
handouts, distribution of, Speaker's announced policies regarding, §§ 2, 2.5  
hats, prohibition on wearing, § 6  
suspension of rules, rule regarding floor privileges may not be waived by, § 4  
unanimous consent, rule regarding floor privileged may not be waived by, § 4  
well of the House, trafficking prohibited, § 6

### **House General Counsel**

see **General Counsel**

### **House Office Buildings**

Speaker's authority over, § 2

### **House Pages**

Clerk, service on House Page Board, § 24  
duties generally, § 24  
history of the program, § 24  
House Page Board, composition, §§ 24, 24.1, 24.2  
House Page Board, responsibilities, § 24  
investigations, §§ 24, 24.3  
Sergeant-at-Arms, service on House Page Board, § 24  
termination of the program, §§ 24, 24.4

### **House Rules and Manual**

Parliamentarian, publication by, § 18

### **Inspector General**



- appointment by Speaker, Majority Leader, and Minority Leader, §§ 20, 20.1
- audits, House may direct conduct of, §§ 20, 20.3
- creation of office, § 30
- duties generally, § 20
- Ethics, Committee on, relationship to, § 20
- House Administration, Committee on, relationship to, § 20
- Majority Leader, role in appointment, §§ 20, 20.1
- Minority Leader, role in appointment, §§ 20, 20.1
- nonpartisan status, § 20
- resignation of, § 20.2
- Speaker, role in appointment, §§ 20, 20.1
- Interparliamentary Affairs, Office of**
  - creation of, § 30
  - Director of Interparliamentary Affairs appointed by Speaker, §§ 3, 3.7
- Jefferson's Manual**
  - Parliamentarian, publication by, § 18
- Joint Meetings**
  - see **Ceremonies**
- Joint Sessions**
  - see **Sessions**
- Journal**
  - approval, Speaker's role in, § 2
  - censure, pronouncement entered into, § 2
  - Clerk's role in publication, § 14
  - Journal Clerks, duties of, § 14
  - Parliamentarian's role reviewing depictions of parliamentary rulings, § 18
- Law Revision Counsel**
  - appointment by Speaker, §§ 22, 22.1
  - Archivist of the United States, relationship to, § 22
  - Deputy Law Revision Counsel, designation of, § 22
  - duties generally, § 22
  - Judiciary, Committee on the, relationship to, § 22
  - nonpartisan status, § 22
  - resignation of, § 22.2
  - United States Code, role in publication, § 22
- Legislative Counsel**
  - appointment by Speaker, §§ 21, 21.1
  - bills and resolutions, role in drafting, § 21
  - committee reports, role in preparing, § 21
  - comparative prints ("Ramseyers") of legislation, role in preparing, § 21
  - conference reports, role in preparing, § 21
  - Deputy Legislative Counsel, appointment of, § 21
  - duties generally, § 21
  - history of the office, § 21
  - nonpartisan status, § 21
  - resignation of, § 21.2
- Library of Congress**
  - Architect of the Capitol, jurisdiction over, § 25
- Mace**
  - Sergeant-at-Arms, relationship to, § 15
- Majority Leader**
  - Bipartisan Legal Advisory Group (BLAG), membership on, § 19
  - boards and commissions, role in appointment, §§ 3, 3.3
  - Inspector General, role in appointment, §§ 20, 20.1
  - Speaker pro tempore, service as, §§ 11, 12.2
- Majority Whip**
  - Speaker pro tempore, service as, §§ 11, 11.1, 12
- Manual**
  - see **House Rules and Manual**

## Ch. 6

## PRECEDENTS OF THE HOUSE

### Messages

adjournment, Clerk's authority to receive messages during, § 14  
Clerk's role in receiving and transmitting, §§ 2, 14, 14.10, 14.11  
President, messages from referred by Speaker, § 2  
recess, Clerk's authority to receive messages during, § 14  
Senate, messages from received by Clerk, §§ 2, 14, 14.11  
Senate, messages from referred by Speaker, § 2  
Senate, messages to transmitted by Clerk, §§ 2, 14, 14.10  
Speaker's role in referring Presidential communications, § 2  
Speaker's role in referring Senate messages to committee, § 2

### Minority Employees

compensation, §§ 29, 31  
designating, §§ 31.1, 31.3  
duties generally, § 31  
history of, § 31  
Minority Leader, appointment authority, §§ 31, 31.1  
officers, relationship to, § 31  
resignation of, § 31.2  
unanimous consent, resolution authorizing considered by, § 31.1

### Minority Leader

Bipartisan Legal Advisory Group (BLAG), membership on, § 19  
boards and commissions, appointment authority, §§ 3, 3.3, 3.5  
Corrections Calendar, former role under, §§ 30, 30.1  
ethics investigative subcommittees, appointment authority, § 3  
House Page Board, appointment authority, §§ 24, 24.2  
Inspector General, appointment authority, §§ 20, 20.1

minority employees, appointment authority, §§ 31, 31.1

Office of Congressional Workplace Rights (formerly Office of Compliance), appointment authority, § 28.5  
reconvening consultation requirement, § 2

### Morning Hour Call of Committees

Clerk's role, § 14  
Speaker's duties under, § 2

### Motions

adjourn, motion limited under certain procedures, §§ 2, 4  
adjourn to a date and time certain, motion to, § 2  
closed session, motion to resolve into, § 2  
dilatatory motions not entertained, §§ 2, 4  
instruct conferees, Speaker's authority to schedule consideration of motion, § 2  
recess, motion to declare, § 2  
recommit, priorities in recognition, § 4  
recommit, Speaker recognized in opposition to, §§ 5, 5.2  
Speaker's statement of motion controls, § 2

### Non-Legislative Debate

recognition, withdrawal of during special-order speeches, §§ 2, 2.5  
Speaker may be recognized to engage in, § 5  
special-order speeches, Speaker's ability to withdraw recognition during, §§ 2, 2.5  
withdrawal of recognition during special order speeches, §§ 2, 2.5

### Oaths

Clerk, oaths of secrecy retained by, § 14  
Dean of the House, administration of oath of office to Speaker pro tempore by, §§ 9, 9.2

- Dean of the House administers oath of office to Speaker, § 1
- form of oath of office, § 2
- oaths of secrecy retained by the Clerk, § 14
- oaths of secrecy retained by the Sergeant-at-Arms, § 14
- officers, administration of oath of office to, §§ 13, 14, 15, 15.2, 16, 17
- Sergeant-at-Arms, oaths of secrecy retained by, §§ 14, 15
- Speaker, administration of oath of office to Speaker pro tempore by, §§ 9, 9.1
- Speaker administered the oath of office upon election, § 1
- Speaker pro tempore, administration of oath of office by, §§ 2, 9, 11, 12, 12.4
- Speaker pro tempore, administration of oath of office to, §§ 2, 12, 12.1, 12.2
- Speaker's authority to deputize another to administer oath of office, § 2
- Speaker's duty to administer oath of office to Members-elect, § 2
- unanimous-consent request to permit Speaker pro tempore to administer, §§ 2, 11
- Office of Speaker**  
see **Speaker of the House**
- Officers, Officials, and Employees**
- appointment of officers by Speaker in case of vacancy, §§ 3, 13, 14, 14.4, 14.6, 15, 16, 16.3, 17, 17.6, 17.7
- Chaplain, see **Chaplain**
- Chief Administrative Officer (CAO), see **Chief Administrative Officer**
- Clerk, see **Clerk of the House**
- committee staff, compensation of, § 29
- compensation, §§ 13, 29, 29.1, 29.2, 29.4, 29.6
- Congressional Accountability Act, employment rules under, §§ 28, 28.3, 28.4
- death gratuities, §§ 29, 29.5, 29.7
- Director of Non-Legislative and Financial Services, §§ 13, 30, 30.2
- division of the question for voting, applicability to resolution electing officers, §§ 13, 13.1, 16, 16.1
- Doorkeeper, §§ 13, 13.2, 15, 30, 30.5
- election of officers, §§ 13, 13.1, 14, 14.1, 14.2, 14.3, 15, 15.1, 16, 16.1, 17, 17.1
- employment by the House generally, § 28
- employment discrimination, prohibitions on, §§ 28, 28.1, 28.2, 28.3
- former officers, §§ 13, 30
- General Counsel, see **General Counsel**
- historical background, § 13
- House Administration, Committee on, authority to establish wage schedules, § 29
- House Administration, Committee on, jurisdiction over employment, § 28
- minority employees, see **Minority Employees**
- oath of office administered to officers, §§ 13, 14, 15, 15.2, 16, 17
- Office of Congressional Workplace Rights (formerly Office of Compliance), §§ 28, 28.4, 28.5
- Office of Diversity and Inclusion, § 30
- Office of Employee Advocacy, §§ 28, 30
- Office of Fair Employment Practices, §§ 28, 28.1
- Office of the Whistleblower Ombudsman, § 30
- officers appointed by Speaker in case of vacancy, §§ 3, 13, 14, 14.4, 14.6, 15, 16, 16.3, 17, 17.6, 17.7
- officials appointed by the Speaker, §§ 3, 3.6, 3.7, 18, 18.3, 19, 19.1
- Parliamentarian, see **Parliamentarian**
- patronage system, history of, § 28

## Ch. 6

## PRECEDENTS OF THE HOUSE

Postmaster, §§ 13, 13.3, 30  
privileged question, resolution electing officers constitutes, §§ 13, 13.1, 14.1, 14.2, 14.3, 15.1, 16.1, 17.1  
qualifications of officers, § 13  
removal of officers, §§ 13, 14, 15, 17, 17.5  
resignation of officers, §§ 1, 1.2, 13, 14, 14.5, 14.6, 15, 15.3, 16, 16.5, 17, 17.3, 17.4  
resignation of officials, §§ 18, 18.2, 19, 19.2, 20.2  
salary and benefits, §§ 13, 29, 29.1, 29.2, 29.4, 29.6  
Sergeant-at-Arms, see **Sergeant-at-Arms**  
service of process on, §§ 26, 26.1–26.9  
Speaker, see **Speaker of the House**  
Speaker's authority to issue pay orders, §§ 29, 29.3  
term of office for officers, § 13  
vacancies in officer positions, procedure for filling, § 13

### **Official Reporters of Debate**

Clerk of the House appoints, §§ 2, 14  
Congressional Record, role in publication, §§ 2, 14  
Speaker of the House, authority regarding, §§ 2, 14

### **Order of Business**

restrictions imposed by, § 4  
special days for the consideration of specified business, § 4

### **Pages**

see **House Pages**

### **Parliamentarian**

amendments, role in reviewing, § 18  
appointment of, §§ 18, 18.3  
committee jurisdiction, role in arbitrating disputes, § 18  
committee reports, role in receiving, § 18  
Congressional Record, role in reviewing depictions of parliamentary rulings, § 18

duties generally, § 18  
history of the office, §§ 18, 18.1  
House Practice, publication by, § 18  
House Rules and Manual, publication by, § 18  
Jefferson's Manual, publication by, § 18  
Journal, role in reviewing depictions of parliamentary rulings, § 18  
nonpartisan status, § 18  
Office of Compilation of the Precedents, § 18  
points of order, role in advising Chair regarding, §§ 2, 18  
referrals, role in making, §§ 4, 18  
resignation of, §§ 18, 18.2  
Rules, Committee on, relationship to, § 18  
Senate floor privileges, § 18.4  
Speaker, relationship to, §§ 2, 4, 18  
votes, role in conducting, § 18

### **Parliamentary Inquiries**

appeal, Speaker's discretion to entertain not subject to, § 2  
House documents, distribution of, inquiries regarding, § 2.3  
prayer, inquiries regarding, § 16.9  
Speaker's discretion in entertaining, § 2  
Speaker's discretion to entertain not subject to appeal, § 2

### **Party Organization**

committee assignments, Speaker's authority under caucus rules, § 5  
Speaker, election of, role regarding, §§ 1, 1.1  
Speaker, removal of, rule regarding, § 1  
Speaker's authority over committee assignments under caucus rules, § 5

### **Permanent Select Committee on Intelligence**

see **Committees**

### **Petitions and Memorials**

- referral by Speaker, § 2
- Speaker's authority to refer, § 2
- Points of Order**
  - appeals, § 2
  - conference reports, effect of, § 3
  - Congressional Budget Act points of order, see **Budget Process**
  - Parliamentarian advises Chair regarding, § 2
  - Speaker's duty to rule on, § 2
  - timeliness, § 2
- Postmaster (Former Officer)**
  - see **Officers, Officials and Employees**
- Postponement**
  - votes, Speaker's authority to postpone, § 2
- Prayer**
  - Chaplain's duty regarding, § 16
  - daily prayer offered by Chaplain, § 16
  - guest chaplains, prayer offered by, §§ 16, 16.10–16.13
  - Members and staff, prayers offered by, §§ 16, 16.14–16.19
  - publication of prayers, §§ 16, 16.20
  - recess, prayer offered following, §§ 16.7, 16.8
- President**
  - Architect of the Capitol, appointment authority, § 25
  - Attending Physician, appointment authority, § 25
  - Clerk's election, President notified as to, § 14
  - executive communications received by Clerk, § 2
  - executive communications referred by Speaker, § 2
  - messages from received by Clerk, § 2
  - messages from referred by Speaker, § 2
  - Sergeant-at-Arms announces arrival at joint session, § 15.10
  - unparliamentary remarks regarding, prohibition on, § 6
- Presidential Messages**
  - see **President**
- Presiding Officer**
  - chair of the Committee of the Whole, see **Committee of the Whole**
  - Clerk's service as, §§ 1, 1.1, 14
  - electoral votes, joint session to count, President of the Senate presides, § 2
  - joint meetings, Presiding Officer at, § 2
  - joint session to count electoral votes, President of the Senate presides, § 2
  - joint sessions, Presiding Officer at, § 2
  - Sergeant-at-Arms' service as, §§ 15, 15.4
  - Speaker, see **Speaker of the House**
  - Speaker pro tempore, see **Speaker Pro Tempore**
- Private Bills**
  - see **Private Calendar**
- Private Calendar**
  - Clerk's role, § 14
  - reservation of right to objection, restrictions on, § 4
  - Speaker's duties regarding, § 2
- Privileged Questions**
  - officers, resolution electing constitutes, §§ 13, 13.1, 14.1, 14.2, 14.3, 15.1, 16.1, 17.1
  - recognition, restrictions regarding, §§ 2, 4
  - Speaker, election of constitutes, § 1
- Questions of Privilege**
  - Capitol Police, improper use of constitutes, § 25
  - ethics investigation of Speaker, resolution calling for constitutes, §§ 7, 7.1, 7.2
  - House Pages, resolution calling for investigation constitutes, § 24.3
  - personal privilege, relevancy requirement, § 6.4

personal privilege, Speaker may be recognized for question of, §§ 7, 7.4, 7.5  
 Speaker, removal of constitutes, § 1  
 Speaker's authority to determine validity of, § 2  
 Speaker's discretion to schedule consideration of, § 2  
 Speaker's ministerial duties, failure to undertake gives rise to, § 4  
 subpoenas, authorization to respond to constitutes, § 26  
 subpoenas, delay in notification of receipt constitutes, §§ 26, 26.2

### **Quorums**

call of the House, Speaker's discretion in ordering, § 2  
 catastrophic quorum failure report, contents announced by Speaker, § 4  
 catastrophic quorum failure report provided by Sergeant-at-Arms, § 2  
 Clerk's role in conducting quorum calls, § 14  
 constitutional requirement, § 2  
 "disappearing quorum", § 2  
 motion to adjourn entertained during quorum call, § 2  
 point of no quorum not entertained under certain circumstances, §§ 2, 4  
 provisional quorum, Speaker's role in determining, § 2  
 quorum call, Clerk's role in conducting, § 14  
 Sergeant-at-Arms' role in obtaining, § 15  
 Speaker may be included in quorum count, § 2  
 Speaker's discretion to order call of the House, § 2  
 Speaker's role in counting, § 2  
 whole number of the House, Speaker's duty to announce, § 2

### **Ramseyers**

Legislative Counsel's role in preparing, § 21

### **Reading Clerk**

see **Clerk of the House**

### **Recess**

Clerk's authority to receive messages during, § 14  
 closed session, recess to facilitate, § 2  
 emergency recess authority, § 2  
 former restrictions on Speaker's authority to declare, § 4  
 messages received during, Clerk's authority regarding, § 14  
 prayer offered following, §§ 16.7, 16.8  
 Speaker's authority to declare, § 2

### **Recognition**

decorum rules, relationship to, §§ 2, 6  
 interruptions, § 2  
 limitations on Speaker's authority generally, § 4  
 priorities in recognition generally, § 4  
 privileged questions, relationship to Speaker's authority, §§ 2, 4  
 Speaker's authority, § 2  
 special-order speeches, withdrawal of recognition during, § 2  
 withdrawal of, § 2

### **Recommit**

recognition for motion, § 4  
 Speaker recognized in opposition to, §§ 5, 5.2

### **Reconvening**

see **Convening**

### **Records of the House**

Clerk's role as custodian of, § 14  
 subpoenas to provide, § 26

### **Referrals**

Clerk, role of, § 14  
 executive communications, Speaker's authority regarding, § 2  
 Parliamentary, role of, § 4  
 petitions and memorials, Speaker's authority regarding, § 2  
 presidential messages, Speaker's authority regarding, § 2

Senate amendments, Speaker's authority regarding, § 2  
 Senate messages, Speaker's authority regarding, § 2  
 Speaker's authority regarding, § 2  
 time limitations on, § 2

**Resident Commissioner**

see **Delegates and Resident Commissioner**

**Resignation**

Chaplain, §§ 16, 16.5  
 Chief Administrative Officer (CAO), §§ 17, 17.3, 17.4  
 Clerk, §§ 14, 14.5, 14.6  
 General Counsel, § 19.2  
 Inspector General, § 20.2  
 Law Revision Counsel, § 22.2  
 Legislative Counsel, § 21.2  
 minority employees, § 31.2  
 officers of the House, §§ 1, 1.2, 13, 14, 14.5, 14.6, 15, 15.3, 16, 16.5, 17, 17.3, 17.4  
 Parliamentarian, §§ 18, 18.2  
 Sergeant-at-Arms, §§ 15, 15.3  
 Speaker of the House, §§ 1, 1.2  
 Speaker's resignation from committees upon election, §§ 5, 5.6

**Senate**

amendments, policies regarding unanimous-consent requests to dispose of, §§ 2, 2.5  
 amendments, Speaker's discretion to recognize for motions to dispose of, § 2  
 Chaplain of the Senate, §§ 16, 16.12  
 Clerk's election, Senate informed as to, § 14  
 Clerk's role in receiving messages from and transmitting messages to, § 14  
 joint session to count electoral votes, President of the Senate presides, § 2  
 messages from House transmitted by Clerk, § 14

messages from referred by Speaker, § 2  
 messages received by Clerk, §§ 2, 14  
 Parliamentarian granted Senate floor privileges, § 18.4  
 President of Senate presides over joint session to count electoral votes, § 2  
 President pro tempore of the Senate, role in appointing director of Congressional Budget Office, §§ 3, 3.6  
 Sergeant-at-Arms of Senate, service on Capitol Police Board, § 25  
 unparliamentary remarks regarding, prohibition on, § 6

**Sergeant-at-Arms**

announcements by, § 15.1  
 appointment authority of Speaker in case of vacancy, § 15  
 audio-visual broadcasting, prohibition enforced by, §§ 2, 15  
 Capitol Police, relationship to, §§ 15, 25  
 Capitol Police Board, service on, § 25  
 catastrophic quorum failure report, duty to provide, §§ 2, 15  
 convening, role regarding, §§ 2, 15  
 decorum rules enforced by, §§ 6, 15, 15.7, 15.9, 15.12  
 Doorkeeper, assumption of responsibilities following abolition of office, § 15  
 duties generally, § 15  
 election of, §§ 13, 13.1, 15, 15.1  
 floor privileges enforced by, §§ 15, 15.8  
 former responsibilities regarding financial operations, § 15  
 galleries, role in enforcing rules regarding, §§ 6, 15, 15.6  
 history of the office, § 15  
 House Administration, Committee on, relationship to, § 15  
 House Page Board, service on, § 24  
 mace, relationship to, §§ 15, 15.13  
 oath of office administered to, §§ 15, 15.2  
 oaths of secrecy retained by, §§ 14, 15

## Ch. 6

## PRECEDENTS OF THE HOUSE

organization, role as Presiding Officer at, §§ 15, 15.4

Presiding Officer, service as, §§ 15, 15.4

privileged resolution, resolution electing constitutes, § 15.10

quorums, role in obtaining, § 15

reconvening, role in assessing safety, §§ 2, 15, 15.5

removal of, § 15

resignation of, §§ 15, 15.3

security briefings conducted by, §§ 15, 15.11

Speaker, relationship to, §§ 15, 15.12

### Service of Process

executive session material, status of, § 26.9

former procedures, §§ 27, 27.1–27.5

General Counsel, role regarding, §§ 19, 26

informal requests, §§ 26, 26.6, 26.7

notification requirements, §§ 2, 4, 26, 26.1, 26.2

questions of privilege, authorization to respond to subpoena constitutes, § 26

questions of privilege, delay in notification of receipt of subpoenas constitutes, §§ 26, 26.2

records of the House, subpoenas to obtain, § 26

resolutions authorizing compliance with subpoenas, §§ 26, 26.5, 26.8

resolutions prohibiting compliance with subpoenas, §§ 26, 26.4

Speaker's duties regarding notification, §§ 2, 4, 26, 26.1, 26.2

subpoenas, current procedures for responding to, § 26

subpoenas, former procedures for responding to, § 27

subpoenas, General Counsel's role in preparing, § 19

subpoenas, Speaker duties regarding notification, §§ 2, 4, 26, 26.1, 26.2

unanimous consent, response to subpoenas authorized by, § 26.3

### Sessions

joint sessions, Sergeant-at-Arms announces arrival of President at, § 15.10

joint sessions, Speaker pro tempore may preside at, §§ 11, 12

Speaker pro tempore may preside at joint session, §§ 11, 12

### Speaker of the House

adjournment, role at, § 2

administrative duties generally, §§ 2, 2.3

announcements by, § 2

appeals generally, § 4

appeals of Speaker's ruling on points of order, § 2

appointment authority, restrictions on generally, § 4

appointment of conferees, authority over, §§ 2, 3

appointment of House officials by, § 3

appointment of Members to Committee on Ethics, § 3

appointment of Members to committees, historical practice, §§ 1, 3

appointment of Members to conference committees, §§ 3, 4

appointment of Members to escort committees, § 3

appointment of Members to investigative subcommittees, §§ 3, 4

appointment of Members to joint committees, § 3

appointment of Members to notification committees, § 3

appointment of Members to select committees, § 3

appointment of Members to special ad hoc oversight committees, § 3

appointment of officers in case of vacancy, statutory provisions regarding, §§ 3, 13, 14, 14.4, 14.6



- appointments to boards and commissions, §§ 3, 3.3–3.5
- approval of Journal, Speaker's role, § 2
- audio–visual broadcasting, prohibition on, Speaker's role, §§ 2, 6
- audio–visual broadcasting of House proceedings, authority over, § 2
- authorities generally, § 2
- Bipartisan Legal Advisory Group (BLAG), membership on, §§ 2, 19
- boards and commissions, appointment authority, §§ 3, 3.3–3.5
- calendars, duties regarding, § 2
- call of the House, discretion to order, § 2
- catastrophic quorum failure report, role in announcing contents of, § 4
- catastrophic quorum failure report, role in receiving from Sergeant-at-Arms, § 2, 15
- censure, duty to pronounce, §§ 2, 2.2
- Clerk, former role following death of Speaker, § 1
- closed session, authorization to declare recess to facilitate, § 2
- committee assignments, Speaker's authority under caucus rules, § 5
- committee assignments vacated by rule, duty to announce, § 4
- Committee of the Whole, discretion to resolve into pursuant to special order of business, § 2
- Committee of the Whole, participation in debate, § 5
- Committee of the Whole, relationship to, § 4
- Committee of the Whole, Speaker appoints Chair, §§ 2, 3
- committees, Speaker's service on, §§ 5, 5.6
- compensation and benefits, § 1
- conference appointments, authority over, § 3
- conference appointments, restrictions on, § 4
- conference reports, authority to determine validity of, § 2
- Congressional Budget Act points of order, reliance on Committee on the Budget, § 4
- Congressional Record, announced policies of published in, § 2
- contempt of Congress, duty to certify, §§ 2, 2.1
- convening authority, § 2
- Corrections Calendar, former role under, §§ 30, 30.1
- Dean of the House administers oath to, § 1
- death of, § 1
- debate, authority to engage in, §§ 5, 5.1
- debate time, tradition regarding, § 5
- decorum rules, duty to enforce, §§ 6, 6.1, 6.2
- dilatory motions not entertained by, §§ 2, 4
- Director of Interparliamentary Affairs appointed by, §§ 3, 3.7
- Director of the Congressional Budget Office appointed by, §§ 3, 3.6
- Director of the Office of Diversity and Inclusion appointed by, § 3
- drug–testing system, authority to implement, §§ 2, 2.4
- duties generally, § 2
- election of, delegates may not vote in, § 1
- election of, precedence, § 1
- election of, role of Clerk, §§ 1, 1.1
- election of, role of party organization, §§ 1, 1.1
- election of, voting procedure, §§ 1, 1.1
- election of generally, §§ 1, 1.1
- emergency recess authority, § 2
- enrollments, appointing a Speaker pro tempore to sign, §§ 8, 10, 10.6–10.10

## Ch. 6

## PRECEDENTS OF THE HOUSE

- enrollments, duty to sign, § 2
- enrollments, former restriction on signing during periods of adjournment, § 4
- escort committees, appointment authority, § 3
- Ethics, Committee on, appointment authorities, §§ 3, 4
- ethics investigations of, §§ 7, 7.1
- ethics investigative subcommittees, appointment authority, §§ 3, 4
- executive communications, authority to refer, § 2
- exhibits, authority to allow, §§ 4, 6
- exhibits, former rule regarding objections to, § 4
- floor privileges, restrictions on waiving, § 4
- form of questions provided by rules, § 4
- former Speakers, privileges of, § 1
- galleries, Speaker regulates admission to, §§ 2, 6
- galleries, Speaker regulates conduct of guests in, §§ 2, 6
- General Counsel appointed by, §§ 3, 19, 19.1
- generally, § 1
- Historian appointed by, §§ 3, 23, 23.2
- history, § 1
- House Chamber, announced policies regarding, §§ 2, 2.5
- House documents, parliamentary inquiries regarding distribution of, § 2.3
- House Page Board, appointment authority, §§ 24, 24.2
- illness, appointing a Speaker pro tempore on account of, §§ 2, 8, 10, 10.3
- Inspector General appointed by, §§ 3, 20, 20.1
- joint committees, appointment authority, § 3
- joint meetings, Presiding Officer at, § 2
- joint sessions, Presiding Officer at, § 2
- Journal, Speaker's role in approving, § 2
- Law Revision Counsel appointed by, §§ 3, 22, 22.1
- Legislative Counsel appointed by, §§ 3, 21, 21.1
- limitations on authority generally, § 4
- litigation, Speaker's authorities regarding, § 2
- matters not subject to ruling by Speaker, §§ 4, 4.1, 4.2, 4.3
- motion to instruct conferees, authority to schedule consideration of, § 2
- motions, duty to state, § 2
- non-legislative debate, engaging in, § 5
- notification committees, appointment authority, § 3
- oath of office, Speaker's authority to deputize another to administer, § 2
- oath of office administered by, § 2
- oath of office administered to, § 1
- oath of office administered to Speaker pro tempore by, §§ 9, 9.1
- Office of Congressional Workplace Rights (formerly Office of Compliance), appointment authority, § 28.5
- officers appointed by in case of vacancy, §§ 3, 13, 14, 14.4, 14.6, 15, 16, 16.3, 17, 17.6, 17.7
- Official Reporters of Debate, authority over, § 2
- officials appointed by, §§ 3, 3.6, 3.7
- order of business, daily, restrictions imposed by, § 4
- Parliamentarian, authority to appoint, §§ 18, 18.3
- Parliamentarian, relationship to, § 4
- Parliamentarian appointed by, § 3
- parliamentary inquiries, discretion to entertain, §§ 2, 4
- party organization, relationship to, § 1
- pay orders issued by, §§ 29, 29.3

- Permanent Select Committee on Intelligence, ex officio status, § 5
- personal privilege, Speaker may be recognized for question of, §§ 7, 7.4, 7.5
- petitions and memorials, authority to refer, § 2
- place of convening, authority to change, § 2
- points of order, appeals from, § 2
- points of order, duty to rule on, § 2
- points of order under Congressional Budget Act, reliance on Committee on the Budget, § 4
- postponing votes, authority to, § 2
- precedents, relationship to, § 4
- presidential messages, authority to refer, § 2
- Presiding Officer, duties as, § 2
- privileged questions, limitations on recognition, § 4
- provisional quorum, role in determining, § 2
- qualifications, § 1
- question of privilege, ethics investigation of Speaker constitutes, §§ 7, 7.2
- question of privilege, failure to undertake ministerial duties constitutes, § 4
- question of privilege, removal of Speaker constitutes, § 1
- questions of privilege, authority to determine validity of, § 2
- questions of privilege, authority to schedule consideration of, § 2
- quorums, circumstances where point of order not entertained, §§ 2, 4
- quorums, role in counting, § 2
- quorums, Speaker may be counted to establish, § 2
- recall authorities, § 2
- recess, former restrictions on declaring, § 4
- recess authorities, § 2
- recognition, authority to confer, § 2
- recognition, limitations on generally, § 4
- recognition, priorities generally, § 4
- recommit, motion to, Speaker recognized in opposition to, §§ 5, 5.2
- reconvening authorities, § 2
- referral of executive communications, authority over, § 2
- referral of measures, authority over, § 2
- referral of presidential messages authority over, § 2
- referral of Senate amendments, authority over, § 2
- referral of Senate messages, authority over, § 2
- referrals, role in making, §§ 4, 5
- removal of, § 1
- removal of conferees, authority over, § 3
- removal of Members from select committees, § 3
- removal of officers by, § 3
- resignation from committees upon election, §§ 5, 5.6
- resignation of, §§ 1, 1.2
- restrictions on authority generally, § 4
- Rules, Committee on, relationship to, § 5
- rules of the House, relationship to, § 4
- select committee to investigate ethics complaint regarding, § 7
- select committees, appointment authority, § 3
- select committees, removal authority, § 3
- Senate amendments, authority to refer, § 2
- Senate amendments, discretion to recognize for motions to dispose of, § 2
- Senate amendments, Speaker's announced policies regarding disposition of, §§ 2, 2.5

## Ch. 6

## PRECEDENTS OF THE HOUSE

Senate messages, authority to refer, § 2  
Sergeant-at-Arms, relationship to, §§ 15, 15.12  
service of process, duties regarding, §§ 2, 4, 26, 26.1, 26.2  
Speaker pro tempore, see **Speaker Pro Tempore**  
Speaker's announced policies, reiteration following election of new Speaker, § 2.6  
"Speaker's lists", historical use of, § 2  
Speaker's table, business at, § 2  
special ad hoc oversight committees, appointment authority, § 3  
sponsors and cosponsors, restrictions on adding or deleting, § 4  
sponsorship of legislation by, §§ 5, 5.3  
suspensions, discretion regarding, §§ 2, 4  
teller votes, appointment of tellers by, § 3  
term limits, former rule regarding, § 1  
term of office, § 1  
travel, duty to designate Members for official business, § 2  
tributes to, § 1.3  
unanimous-consent requests, discretion to recognize for, § 2  
unanimous-consent requests, duty to state, § 2  
unanimous-consent requests to dispose of Senate amendments, Speaker's announced policies regarding, §§ 2, 2.5  
unparliamentary remarks, duty to rule on, § 6  
unparliamentary remarks by, §§ 6.8, 6.9  
unparliamentary remarks directed at, §§ 6, 6.3–6.7  
vacancy in the office of Speaker, §§ 1, 2, 8, 10  
vacating committee assignments, duty to announce, § 4

veto overrides, duty to transmit measure to Archivist, § 2  
voice vote, duty to state question for, § 2  
voting by, §§ 5. 5.4, 5.5  
voting by electronic device, announced policies regarding, §§ 2, 2.5  
whistleblower ombudsman appointed by, § 3  
whole number of the House, duty to announce, § 2  
words taken down procedures, role in, § 6

### **Speaker Pro Tempore**

adjournment resolution, waiving temporal limits on appointing Speakers pro tempore by, § 10  
appointed Speaker pro tempore, definition, § 11  
appointment of conferees by, §§ 11, 11.3, 11.4, 11.5  
appointment of Speaker pro tempore by elected Speaker pro tempore, § 11  
appointment of Speaker pro tempore procedure, § 11  
boards and commissions, appointment authority, § 11  
conferees, appointment by, §§ 11, 11.3, 11.4, 11.5  
Dean of the House, administration of the oath of office by, §§ 9, 9.2  
Dean of the House, service as, §§ 11, 11.2  
definition and nature of office, § 8  
delegates and the resident commissioner, inability to serve as Speaker pro tempore, § 11  
designated Speaker pro tempore, appointment authorities, § 11  
designated Speaker pro tempore, definition, § 11  
elected Speaker pro tempore, appointment authorities, § 12

- elected Speaker pro tempore, authority to appoint Speaker pro tempore, §§ 11, 12, 12.3  
 elected Speaker pro tempore, definition, § 12  
 election of by House, §§ 8, 12, 12.1  
 enrolled bills and joint resolutions, authority to sign, §§ 8, 10, 10.6–10.10  
 illness of Speaker, appointment in case of, §§ 2, 8, 10, 10.3  
 joint committees, appointment authority, § 11  
 joint meetings, presiding at, §§ 11, 11.8, 12  
 joint sessions, presiding at, §§ 11, 12  
 Majority Leader, service as, §§ 12, 12.2  
 Majority Whip, service as, §§ 11, 11.1  
 oath of office administered by, §§ 2, 9, 11, 12, 12.4  
 oath of office administered to, §§ 2, 12, 12.1, 12.2  
 organization, presiding at, §§ 11, 11.7  
 presiding at joint meeting, §§ 11, 11.8, 12  
 presiding at joint session, §§ 11, 12  
 presiding at organization, §§ 11, 11.7  
 select committees, appointment authority, § 11  
 Speaker, administration of oath of office by, §§ 9, 9.1  
 Speaker's authority to appoint, §§ 2, 3, 8, 10, 10.1, 11  
 temporal limitations, waiver of, §§ 10, 10.4, 10.5  
 term of office, § 10  
 vacancy in office of Speaker, role regarding, §§ 1, 2, 8, 10, 10.2  
 veto messages, authority to lay down, §§ 11, 11.6  
 withdrawal of Speaker pro tempore designation, § 11
- Speaker's Announced Policies**
- attire, policies regarding, § 6
- audio–visual broadcasting or recording, policies regarding, § 6
- decorum, policies regarding, §§ 6, 6.5
- electronic devices, use of on the floor, policies regarding, § 6
- floor privileges, policies regarding, §§ 2, 2.5, 6
- handouts, distribution, policies regarding, § 6
- House Chamber, use of when House not in session, §§ 2, 2.5, 6
- non–legislative debate, policy regarding withdrawal of recognition, §§ 2, 2.5
- reiteration following election of new Speaker, § 2.6
- Senate amendments, policies regarding disposition of, §§ 2, 2.5
- smoking in the House Chamber, policies regarding, § 6
- unanimous–consent requests to dispose of Senate amendments, policies regarding, §§ 2, 2.5
- voting by electronic device, policies regarding, §§ 2, 2.5, 6
- well of the House, trafficking, policies regarding, § 6
- Special Orders of Business**
- Committee of the Whole, Speaker's discretion to resolve into pursuant to, § 2
- Sponsorship**
- Bill Clerk's role regarding, § 14
- restrictions on adding or deleting sponsors or cosponsors, § 4
- Speaker may sponsor legislation, §§ 5, 5.3
- Suspension of Rules**
- days on which motion may be entertained, § 4
- Speaker's discretion to recognize for motion, §§ 2, 4
- Tally Clerks**

## Ch. 6

## PRECEDENTS OF THE HOUSE

see **Clerk of the House**

### **Unanimous-Consent Requests**

floor privileges, rule regarding may not be waived by, § 4

gallery occupant references, rule regarding may not be waived by, § 4

minority employees, resolution establishing positions considered by, § 31.1

oath of office, requests to permit Speaker pro tempore to administer, § 2

prayer, requests to conduct not entertained, § 16.9

reservation of the right to object, restrictions under Private Calendar procedures, § 4

Senate amendments, Speaker's announced policies regarding requests to dispose of, §§ 2, 2.5

Speaker pro tempore, requests to authorize administration of oath of office by, §§ 2, 11

Speaker pro tempore, requests to authorize appointments, § 11

Speaker pro tempore, temporal limits, requests to waive, § 10.5

Speaker's discretion to recognize for, § 2

Speaker's statement of the request controls, § 2

subpoenas, response to authorized by, § 26.3

### **United States Code**

Law Revision Counsel, role in publication, § 22

### **Unparliamentary Remarks**

see **Decorum**

### **Vacating Proceedings**

committee assignments vacated by rule, Speaker's duty to announce, § 4

### **Vetoes**

Speaker pro tempore, authority to lay down veto message, §§ 11, 11.6

Speaker's duty to transmit measure to Archivist when veto overridden, § 2

### **Voting**

Clerk's role in conducting, § 14

division of the question, applicability to election of Chaplain, §§ 13, 13.1, 16, 16.1

division votes, procedure, § 2

electronic voting, procedure, § 2

electronic voting, Speaker's announced policies regarding, §§ 2, 2.5, 6

electronic voting system, Tally Clerk's role regarding use of, § 14

Parliamentarian's role in conducting votes, § 18

postponing votes generally, Speaker's authority, § 2

recorded votes, procedure, § 2

reducing minimum voting time, Speaker's authority, § 2

roll call votes, procedure, § 2

Speaker authorized to vote, §§ 5, 5.4, 5.5

Speaker's authority to postpone votes, § 2

Speaker's authority to reduce minimum voting time, § 2

Speaker's duty to break tie votes, §§ 5, 5.4, 5.5

Speaker's duty to state question for vote, § 2

Tally Clerks, duties of, § 14

teller votes, appointment of tellers by Speaker, § 3

teller votes, procedure, § 2

tie votes, Speaker's duty to break, §§ 5, 5.4, 5.5

voice votes, procedure, § 2

yeas and nays, automatic ordering pursuant to rule, § 2

yeas and nays, constitutional authority to demand vote by, § 2

### **Whole Number of the House**

see <b>Quorums</b>		
<b>Withdrawal</b>		Speaker pro tempore designation,
recognition, Speaker's power regarding,		withdrawal of, § 11
§§ 2, 2.5		