RULES OF THE HOUSE OF REPRESENTATIVES, WITH NOTES AND ANNOTATIONS

RULE I.

DUTIES OF THE SPEAKER.

§621. Journal; Speaker's approval.

1. The Speaker shall take the Chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting and immediately call the Members to order. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, shall announce to the House his approval of the Journal, and the Speaker's approval of the Journal shall be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any Member, which vote, if decided in the affirmative, shall not be subject to a motion to reconsider. It shall be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion shall be determined without debate and shall not be subject to a motion to reconsider.

This clause was adopted in 1789, amended in 1811, 1824 (II, 1310), 1971 (Jan. 22, 1971, pp. 14–15, 140–44, with the implementation of the Legislative Reorganization Act of 1970, 84 Stat. 1140) and 1979 (H. Res. 5, 96th Cong., Jan. 15, 1979, pp. 7, 16).

The hour of meeting is fixed by standing order, and has traditionally been set at 12 m. (I, 104–109, 116, 117; IV, 4325); but beginning in the 95th Congress, the House by standing order formalized the practice of varying its convening time to accommodate committee meetings on certain days of the week and to maximize time for floor action on other days. In the 100th through the 103d Congresses, the House adopted a resolution providing that it meet at noon on Mondays and Tuesdays, 2 p.m. on Wednesdays, and 11 a.m. on the balance of the week through May 14, after which the convening time for Wednesdays through Saturdays would advance to 10 a.m. for the remainder of the session (*e.g.,* H. Res. 7, 100th Cong., Jan. 6, 1987, p. 19). In the 104th Congress the House adopted a resolution providing that it meet at 2 p.m. on Mondays, 11 a.m. on Tuesdays and Wednesdays, and 10 a.m. on the balance of the week through May 13, after which the convening time would advance to noon on Mondays and 10 a.m. for the balance of the week for the remainder of the session (H. Res. 8, Jan. 4, 1995, p. ——). In the second session of the 104th Congress and the first session of the 105th Congress, the House adopted a resolution providing that it meet at 2 p.m. on Mondays, 11 a.m. on Tuesdays and Wednesdays, and 10 a.m. on the balance of the week through May 12, after which the convening time would advance to noon on Mondays, 10 a.m. on Tuesdays and Wednesdays and Thursdays, and 9 a.m. on the balance of the week for the remainder of the session (H. Res. 327, Jan. 3, 1996, p. ——; H. Res. 9, Jan. 7, 1997, p. ——). The House retains the right to vary from this schedule by use of the motion to adjourn to a day or time certain as provided in clause 4 of rule XVI. By special order, the House may provide for a session of the House on a Sunday, traditionally a "dies non" under the precedents of the House (Dec. 17, 1982, p. 31946; Dec. 18, 1987, p. 36352; Nov. 19, 1989, p. 30029; Aug. 20, 1994, p. ——). Beginning in the second session of the 103d Congress, the House has by unanimous consent agreed to convene at an earlier hour on Mondays and Tuesdays for morning-hour debate and then recess to the hour established for convening under this clause (Feb. 11, 1994, p. ——; May 23, 1994, p. ——; June 8, 1994, p. ——; June 10, 1994, p. ——; Jan. 4, 1995, p. ——; Feb. 16, 1995, p. ——; May 12, 1995, p. ——; see § 753b, *infra*).

Immediately after the Members are called to order prayer is offered by the Chaplain (IV, 3056), and the Speaker declines to entertain a point of no quorum before prayer is offered (VI, 663; clause 6(a)(1) of rule XV). Pursuant to clause 1 of rule I, as in effect in the 95th Congress, directing the Speaker to announce his approval of the Journal "on the appearance of a quorum" after having called the House to order, a point of order of no quorum could be made after the prayer and before the approval of the Journal when the House convened, notwithstanding the provisions of clause 6(e) of rule XV, allowing such points of order in the House only when the Speaker had put the pending motion or proposition to a vote (Oct. 3, 1977, p. 31987); prior practice had permitted a point of no quorum prior to the reading of the Journal (IV, 2733; VI, 625) or during its reading

(VI, 624). In the 96th Congress, the House eliminated the necessity for the appearance of a quorum before the Speaker's announcement of his approval of the Journal (H. Res. 5, Jan. 15, 1979, pp. 7, 16). The current rule specifies that it is not in order to make or entertain a point of order that a quorum is not present unless the Speaker has put the pending motion or proposition to a vote (clause 6(e) of rule XV, as added in the 95th Congress). If a quorum fails to respond on a motion incident to the approval, reading or amendment of the Journal, and there is an objection to the vote, a call of the House under clause 4 of rule XV is automatic (Feb. 2, 1977, pp. 3342–43). Pursuant to clause 5(b)(1) of this rule as amended in the 98th Congress, the Speaker may postpone until a later time on the same legislative day a record vote on the Chair's approval of the Journal (H. Res. 5, Jan. 3, 1983, p. 34). 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 (Nov. 3, 1987, p. 30592).

Prior to the 92d Congress, the reading of the Journal was mandatory, could not be dispensed with except by unanimous consent (VI, 625; Sept. 19, 1962, p. 19941), or by motion to suspend the rules (IV, 2747–2750). It had to be read in full when demanded by any Member (IV, 2739–2741; VI, 627, 628; Feb. 22, 1950, p. 2152), but the demand came too late after the Journal was approved (VI, 626). Under the rule as in effect before the 95th Congress, pending the Speaker's announcement of his approval of the Journal and prior to approval by the House, any Member could offer a privileged, non-debatable motion that the Journal be read (Apr. 23, 1975, p. 11482).

The Journal of the last day of a session is not read on the first day of the next session (IV, 2742). No business is transacted before the reading (IV, 2751–2756; VI, 629, 630, 637); not even consideration of a conference report (VI, 630). However, the motion to adjourn (IV, 2757; Speaker Wright, Nov. 2, 1987, p. 30387) and the swearing in of a Member (I, 172) could take precedence, and a question of privilege relating to a breach of privilege (such as an assault) occurring during the reading or approval of the Journal may interrupt its reading or approval (II, 1630).

Once begun, the reading may not be interrupted, even by business so highly privileged as a conference report (V, 6443; rule XXVII); but a parliamentary inquiry (VI, 624), or an arraignment of impeachment may interrupt (VI, 469); and in cases of disorder the reading has been suspended (II, 1630; IV, 2759).

Under the prior rule, the Speaker's examination and approval of the Journal was preliminary to the reading and did not preclude subsequent amendment by the House itself (IV, 2734–2738). If the Speaker's approval of the Journal is rejected, a motion to amend takes precedence of a motion to approve (IV, 2760; VI, 633), and a Member offering an amendment is recognized under the hour rule (Mar. 19, 1990, p. 4488); but the motion

is not admissible after the previous question is demanded on the motion to approve (IV, 2770; VI, 633; VIII, 2684; Sept. 13, 1965, p. 23600).

§622. Speaker preserves order on floor and in galleries and lobby.

2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

This clause was adopted in 1789 and amended in 1794 (II, 1343).

The Speaker may name a Member who is disorderly, but may not, of his own authority, censure or punish him (II, 1344, 1345; VI, 237). In cases of extreme disorder in Committee of the Whole the Speaker has taken the chair and restored order without a formal rising of the committee (II, 1348, 1648–1653, 1657); and the Speaker, as an exercise of his authority under this clause, has on his own initiative declared the House in recess in an emergency (83d Cong., p. 2324). A former Member must observe the rules of decorum while on the floor, and the Speaker may request the Sergeant-at-Arms to assist him in maintaining such decorum (Sept. 17, 1997, p. ——).

The authority to have the galleries cleared has been exercised but rarely (II, 1352; Speaker Albert, Jan. 18, 1972, p. 9). On one occasion, acting on the basis of police reports and other evidence, the Speaker ordered the galleries cleared before the House convened (May 10, 1972, p. 16576) and then informed the House of his decision. In an early instance the Speaker ordered the arrest of a person in the gallery; but this exercise of power was questioned (II, 1605).

While Members are permitted to use exhibits such as charts during debate (subject to the permission of the House under rule XXX), the Speaker may direct the removal of a chart from the well of the House which is not being utilized during debate (Apr. 1, 1982, p. 6304; Apr. 19, 1990, p. 7402). The Speaker's responsibility to preserve decorum requires that he disallow the use of exhibits in debate which would be demeaning to the House, or to any Member of the House, or which would be disruptive of the decorum thereof (Sept. 13, 1989, p. 20362; Oct. 16, 1990, p. 29647; Oct. 1, 1991, p. 24828; Nov. 16, 1995, p. ——; Jan. 3, 1996, p. ——). The Speaker has disallowed the use of a person on the floor as a guest of the House as an "exhibit" (Dec. 19, 1995, p. ——; Jan. 22, 1996, p. ——). The Speaker may inquire as to a Member's intentions, as to the use of exhibits, before conferring recognition to address the House (Mar. 21, 1984, p. 6187). In the 101st Congress both the Speaker and the Chairman of the Committee of the Whole reinforced the Chair's authority to control the use of exhibits in debate, distinguishing between the constitutional authority of the House to make its own rules and first amendment rights of free speech, and the use of all exhibits was prohibited during the consideration of a bill in the Committee of the Whole (Oct. 11, 1990, p. 28650).

At the request of the Committee on Standards of Official Conduct, the Speaker announced that (1) all handouts distributed on or adjacent to the floor must bear the name of a Member authorizing the distribution; (2) the content of such handouts must comport with the standards applicable to words used in debate; (3) failure to comply with these standards may constitute a breach of decorum and thus give rise to a question of privilege; (4) staff are prohibited in the Chamber or rooms leading thereto from distributing handouts and from attempting to influence Members with regard to legislation; and (5) Members should minimize the use of handouts to enhance the quality of debate (Sept. 27, 1995, p. ——; Mar. 20, 1996, p. ——).

Questions having been raised concerning proper attire for Members in the Chamber (thermostat controls having been raised to comply with a Presidential directive conserving energy in the summer months), the Speaker announced he considered traditional attire for Members appropriate, including coats and ties for male Members and appropriate attire for female Members, but that he would recognize for a question of privileges of the House to relax such standards. The Speaker also requested a Member in violation of those standards to remove himself from the Chamber and appear in appropriate attire, and refused to recognize such Member until he did so (Speaker O'Neill, July 17, 1979, p. 11461). The House later agreed to a resolution (presented as a question of the privileges of the House) requiring Members to wear proper attire as determined by the Speaker (July 17, 1979, pp. 186–87).

Recognition is within the discretion of the Chair, and in order to uphold order and decorum in the House as required under clause 2 of rule I, the Speaker may deny a Member recognition to address the House under the "one-minute rule" (Aug. 27, 1980, p. 23456), and may deny further recognition to a Member proceeding out of order beyond the one-minute for which recognized (Mar. 16, 1988, p. 4081). It is a breach of decorum for a Member to continue to speak beyond the time for which the Member has been recognized or yielded to (Mar. 22, 1996, p. ——). Even prior to adoption of the rules, the Speaker may maintain decorum by directing a Member engaging in such breach of decorum to be removed from the well and by directing the Sergeant-at-Arms to present the mace as the traditional symbol of order (Jan. 3, 1991, p. 58). A Member's comportment may constitute a breach of decorum even though the content of that Member's speech is not, itself, unparliamentary (July 29, 1994, p. ——). Under this standard the Chair may deny further recognition to a Member engaged in unparliamentary debate who ignores repeated admonitions by the Chair to proceed in order (unless the Member is permitted to proceed by order of the House) (Sept. 18, 1996, p. ——).

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

§623. Speaker's control of the Hall, corridors, and rooms.

This clause was adopted in 1811 and amended in 1824, 1885 (II, 1354), and April 5, 1911 (VI, 261).

Control of the appropriated rooms in the House portion of the Capitol is exercised by the House itself (V, 7273–7279), but repairs and alterations have been authorized by statute (V, 7280–7281; 59 Stat. 472). On January 15, 1979, the Speaker announced his directive concerning free access by Members in the corridors approaching the Chamber (p. 19). The Speaker has declined to recognize for a unanimous-consent request to change the decor in the Chamber, stating that he would take the "suggestion" under advisement in exercising his authority under this clause (Mar. 2, 1989, p. 3220).

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any Member, on which appeal no Member shall speak more than once, unless by permission of the House. The Speaker is authorized to sign enrolled bills whether or not the House is in session.

§624. Speaker's signature to acts, warrants, subpoenas, etc.; and decision of questions of order subject to appeal.

The portion of this rule relating to decisions on points of order was adopted in 1789 and amended in 1811; and the portion relating to the signing of acts, etc., was adopted in 1794 (II, 1313). The last sentence of this clause, granting the Speaker standing authority to sign enrolled bills, even if the House is not in session, was added in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113).

Enrolled bills are signed first by the Speaker (IV, 3429). He has declined to sign in the absence of a quorum (IV, 3458), or pending a motion to reconsider (V, 5705); and the report of a committee as to the accuracy of the enrollment

§625. Signing of enrolled bills.

is first submitted, unless, as in rare instances only, the House by consent waives the requirement (IV, 3452). In cases of error the House has permitted the Speaker's signature to be vacated (IV, 3453, 3455–3457; VII, 1077–1080). Under the modern practice, the Committee of the Whole may rise informally without motion to enable the Speaker to assume the Chair and to sign an enrolled bill and lay it before the House (Jan. 28, 1980, p. 888; Apr. 30, 1980, p. 9505).

§626. Signing of warrants, subpoenas, etc.

Warrants, subpoenas, etc., during recesses of Congress are signed only by authority specially given (III, 1753, 1763, 1806). The issuing of warrants must be specially authorized by the House (I, 287) or pursuant to a standing rule (clause 4 of rule XV; §774a, *infra*). Instance wherein the House authorized the Speaker to warrant for the arrest of absentees (VI, 638). The Speaker also signs the articles, replications, etc., in impeachments (III, 2370, 2455); and certifies cases of contumacious witnesses for action by the courts (III, 1691, 1769; VI, 385; 2 U.S.C. 194). A subpoena validly issued by a committee authorized by the House under clause 2(m) of rule XI to issue subpoenas need only be signed by the chairman of that committee, whereas when the House issues an order or warrant, the Speaker must issue the summons under his hand and seal, and it must be attested by the Clerk (III, 1668; see H. Rept. 96–1078, p. 22).

§627. Practice governing the Speaker in deciding points of order.

The Speaker may require that a question of order be presented in writing (V, 6865). When enough of a proposition has been read to show that it is out of order, the question of order may be raised without waiting for the reading to be completed (V, 6886–7; VIII, 2912, 3378, 3437), though the Chair may decline to rule until the entire proposition has been read (Dec. 14, 1973, pp. 41716–18). Questions arising during a division are decided peremptorily (V, 5926), and when they arise out of any other question must be decided before that question (V, 6864). In rare instances the Speaker has declined to rule until he has taken time for examination of the question (III, 2725; VI, 432; VII, 2106; VIII, 2174, 2396, 3475).

Debate on a point of order, being for the Chair's information, is within the Chair's discretion (see, *e.g.*, V, 6919, 6920; VIII, 3446–3448; Jan. 24, 1996, p. ——; Sept. 12, 1996, p. ——). Debate is confined to the question of order and may not extend to the merits of the proposition against which it lies or to parliamentarily similar propositions permitted to remain in the pending bill by waivers of points of order (July 18, 1995, p. ——). Members must address the Chair and cannot engage in "colloquies" on the point of order (Sept. 18, 1986, p. 24083). To ensure that the arguments recorded on a question of order are those actually heard by the Chair before ruling, the Chair will not entertain a unanimous consent request to permit a Member to revise and extend remarks on a point of order (Sept. 22, 1976, pp. 31873–74; May 15, 1997, p ——). A Member may raise multiple points of order simultaneously, and the Chair may hear argument and

rule on each question individually (Mar. 28, 1996, pp. ——, ——). Where a Member incorrectly demands the "regular order," rather than making a point of order to assert that remarks are not confined to the question under debate, the Chair may treat the demand as a point of order and rule thereon (May 1, 1996, p. ——).

The Chair is constrained to give precedent its proper influence (II, 1317; VI, 248). While the Chair will normally not disregard a decision of the Chair previously made on the same facts (IV, 4045), such precedents may be examined and reversed where shown to be erroneous (IV, 4637; VI, 639; VII, 849; VIII, 2794, 3435; Sept. 12, 1986, p. 23178). The authoritative source for proper interpretations of the rules are statements made directly from the Chair and not comments made by the Speaker in other contexts (May 25, 1995, p. ——; Sept. 19, 1995, p. ——). Preserving the authority and binding force of parliamentary law is as much the duty of each Member of the House as it is the duty of the Chair (VII, 1479). The Speaker's decisions are recorded in the Journal (IV, 2840, 2841), but responses to parliamentary inquiries are not so recorded (IV, 2842).

The Chair does not decide on the legislative or legal effect of propositions (II, 1274, 1323, 1324; VI, 254; VII, 2112; VIII, 2280, 2841; Mar. 16, 1983, p. 5669), on the consistency of proposed action with other acts of the House (II, 1327–1336; VII, 2112, 2136; VIII, 3237, 3458), whether Members have abused leave to print (V, 6998–7000; VIII, 3475), on the constitutional powers of the House (II, 1255, 1318–1320, 1490; IV, 3507; VI, 250, 251; VIII, 2225, 3031, 3071, 3427; July 21, 1947, pp. 9522, 9551; May 13, 1948, p. 5817), or on the propriety or expediency of a proposed course of action (II, 1275, 1325, 1326, 1337; IV, 3091–3093, 3127). He is not required to decide a question not directly presented by the proceedings (II, 1314), and it is not his duty to decide a hypothetical question (VI, 249, 253; Nov. 20, 1989, p. 30225), including: (1) the germaneness of an amendment not yet offered (Dec. 12, 1985, p. 36167; May 5, 1988, p. 9936; May 18, 1988, p. 11404) or previously offered and entertained without a point of order (June 6, 1990, p. 13194); (2) the admissibility under existing Budget Act allocations of an amendment not yet offered, particularly where the Chair's response might depend on the disposition of a prior amendment on which proceedings had been postponed (June 27, 1994, p. ——); (3) the admissibility under clause 2 of rule XXI of an amendment already pending, against which all points of order had been waived (July 27, 1995, p. ——); and (4) the admissibility of an amendment at a future date, pending a ruling of the Chair on its immediate admissibility (June 25, 1997, p. ——). The Chair does not take cognizance of complaints relating to pairs (VIII, 3087). He passes on the validity of conference reports (V, 6409, 6410, 6414–6416; VIII, 3256, 3264), but not on the sufficiency of the accompanying statements as distinguished from the form (V, 6511–6513), or on the question of whether a conference report violates instructions of the House (V, 6395; VIII, 3246). As to reports of committees, he does not decide as to their sufficiency (II, 1339, IV, 4653), or whether the committee has followed

instructions (II, 1338; IV, 4404, 4689); or on matters arising in Committee of the Whole (V, 6927, 6928, 6932–6937; Dec. 12, 1985, p. 36173); but he has decided as to the validity of the authorization of a report (IV, 4592, 4593) and has indicated that a point of order could be raised at a proper time where the content of a filed report varies from that approved by the committee (May 16, 1989, p. 9356). An objection to the use of an exhibit under rule XXX is not a point of order on which the Chair must rule but, instead, requires that the Chair put the question whether the exhibit may be used, on which no debate is in order (July 31, 1996, p. ——).

Prior to the 104th Congress, precedents and applicable guidelines allowed the Chair to refine a ruling on a point of order in the Record in order to clarify the ruling without changing its substance, including one sustained by the House on appeal (Feb. 19, 1992, p. ——; see H. Res. 230, 99th Cong., July 31, 1985, p. 21783, and H. Rept. 99–228 (in accordance with existing accepted practices, the Chair may make such technical or parliamentary corrections or insertions in transcript as may be necessary to conform to rule, custom, or precedent); see also H. Res. 330, 101st Cong., Feb. 7, 1990, p. 1515, and report of House Administration Task Force on Record inserted by Speaker Foley, Oct. 27, 1990, p. 37124]). However, the Chair ruled that the requirement of clause 9 of rule XIV, which was adopted in the 104th Congress, that the Record be a substantially verbatim account of remarks made during House proceedings, extended to statements and rulings of the Chair (Jan. 20, 1995, p. ——).

In interpreting the language of a special order adopted by the House, the Chair will not look behind the unambiguous language of the resolution itself (June 18, 1986, p. 14267). Questions concerning informal guidelines of the Committee on Rules for advance submission of amendments for possible inclusion under a ''modified closed'' rule may not be raised under the guise of parliamentary inquiry (May 5, 1988, p. 9938). Because the Chair refrains from issuing advisory opinions on hypothetical or anticipatory questions of order, the Chair will not interpret a special order before it is adopted by the House (Oct. 14, 1986, p. ——; Nov. 18, 1993, p. ——; July 27, 1995, p. ——; Jan. 5, 1996, p. ——; Mar. 28, 1996, p. ——). Thus, the Chair has declined to identify provisions in a bill as ostensible objects of a waiver in the pending resolution providing a special order for that bill (Oct. 19, 1995, pp. ——, ——; Oct. 26, 1995, p. ——; Mar. 28, 1996, p. ——); or to determine whether a bill, for which the pending resolution provides a special order waiving any requirement for a three-fifths vote on passage, actually ''carries'' a Federal income tax rate increase (Oct. 26, 1995, p. ——). The Chair will not compare the text made in order by a pending special order as original text for further amendment with the text reported by the committee of jurisdiction (Oct. 19, 1995, p. ——). Similarly, the Chair will not issue an advisory opinion on how debate on a pending resolution will bear on the Chair's ultimate interpretation of the resolution as an order of the House (Sept. 18, 1997, p. ——).

Recognition for parliamentary inquiry lies in the discretion of the Chair (VI, 541; Apr. 7, 1992, p. ——). The Speaker may recognize and respond to a parliamentary inquiry although the previous question may have been demanded (Speaker pro tempore Snell, Mar. 27, 1926, p. 6469). While the Chair may in his discretion recognize Members for parliamentary inquiries when no other Member is occupying the floor for debate, when another Member has the floor he must yield for a parliamentary inquiry (Oct. 1, 1986, p. 27465; July 13, 1989, p. 14633). The Chair may take a parliamentary inquiry under advisement, especially where not related to the pending proceedings (VIII, 2174; Apr. 7, 1992, p. ——). The Chair responds to parliamentary inquiries relating in a practical sense to the pending proceedings but does not respond to requests to place them in historical context (June 25, 1992, p. ——; Jan. 3, 1996, p. ——).

A proper parliamentary inquiry relates to an interpretation of a House rule, not of a statute; the Chair has declined to anticipate whether bill language would trigger certain executive actions (Sept. 20, 1989, p. 20969). The Chair will neither respond to a parliamentary inquiry involving the propriety of words spoken in debate pending a demand under clause 4 of rule XIV that those words be ''taken down'' as unparliamentary (June 8, 1995, p. ——) nor respond to inquiry as to the veracity of remarks in debate (June 5, 1996, p. ——). The Chair has declined to answer parliamentary inquiries requiring the Chair to reexamine and explain the validity of a prior ruling (Oct. 26, 1995, p. ——); requiring the Chair to judge the accuracy of the content of an exhibit (Nov. 10, 1995, p. ——); and requiring the Chair to indicate which side of the aisle has failed under the Speaker's guidelines to clear a unanimous-consent request (Feb. 1, 1996, p. ——). The Chair may clarify a prior response to a parliamentary inquiry (July 31, 1996, p. ——).

The Speaker rarely submits a question directly to the House for its decision (IV, 3173, 3282, 4930; V, 5014, 5323, 6701; VI, 49; Speaker Longworth, Apr. 8, 1926, p. 7148), and rarely raises and submits a question on his own initiative (II, 1277, 1315, 1316; VIII, 3405). Even as to questions of privilege he usually, in later practice, makes a preliminary decision instead of submitting the question directly to the House (III, 2648, 2649, 2650, 2654, 2678; Speaker Wright, Mar. 11, 1987, p. 5404).

§628. Practice, governing appeals.

The right of appeal insures the House against the arbitrary control of the Speaker and can not be taken away from the House (V, 6002). While a decision of the Chair on a point of order is subject to appeal on demand of any Member, a Member cannot secure a recorded vote on a point of order absent an appeal and the Chair's putting the question thereon (June 20, 1996, p. ——).

Appeals may not be entertained from: responses to parliamentary inquiries (V, 6955; VIII, 3457); when dilatory (V, 5715–5722; VIII, 2822); from decisions on recognition (II, 1425–1428; VI, 292; VIII, 2429, 2646, 2762; July 23, 1993, p. ——; Apr. 4, 1995, p. ——); from decisions on dilatoriness

of motions (V, 5731); while another is pending (V, 6939–6941); on a question on which an appeal has just been decided (IV, 3036; V, 6877); between the motion to adjourn and vote thereon (V, 5361); during a call of the yeas and nays (V, 6051); from the count by the Chair of the number rising to demand tellers (VIII, 3105) or a recorded vote (June 24, 1976, p. 20390) or the yeas and nays (Sept. 12, 1978, p. 28950) or rising to object to a request under a former version of clause 2(i) of rule XI that a committee have permission to sit under the five-minute rule (Sept. 12, 1978, p. 28984); from the Chair's count of a quorum (July 24, 1974, p. 25012); from the Chair's call of a voice vote (July 13, 1994, p. ——; Aug. 10, 1994, p. ——); from decision refusing recapitulation of a vote (VIII, 3128); from the Speaker's refusal under clause 6(e) of rule XV to entertain a point of order of no quorum when a pending question has not been put to a vote (Sept. 16, 1977, p. 29594); or from the Chair's determination that a Member's time in debate has expired (Mar. 22, 1996, p. ——).

An appeal may be entertained from a decision of the Chair on the propriety of an exhibit (Nov. 16, 1995, p. ——); that a Member has engaged in personalities in debate (Sept. 28, 1996, p. ——); or that an amendment proposes to change a portion of the bill already passed in the reading (Sept. 25, 1997, p. ——). The Speaker may vote to sustain his own decision (IV, 4569; V, 5686, 6956, 6957).

The appeal may be debated (VII, 1608; VIII, 2347, 2375, 3453–3455); unless the motion is made to lay on the table (V, 5301; Mar. 16, 1988, p. 4086), or the previous question is ordered (V, 5448, 5449). An appeal from a decision relating to the priority of business (V, 6952), or irrelevancy of debate (V, 5056–5063) is not debatable. In practice in the House, a Member favorable to the ruling usually moves to lay the appeal on the table, thus shutting off debate (*e.g.*, Oct. 8, 1968, p. 30215; Apr. 6, 1995, p. ——). A motion to postpone an appeal has been held in order (VIII, 2613). Debate in the House is under the hour rule (V, 4978), but may be closed at any time by the adoption of a motion for the previous question (V, 6947); or to lay on the table (VIII, 3453). Debate on an appeal in the Committee of the Whole is under the five-minute rule (VII, 1608; VIII, 2347, 2556a, 3454, 3455), and may be closed by motion to close debate or to rise and report (V, 6947, 6950; VIII, 3453).

§629. Putting of the question by the Speaker.

5. (a) He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say 'Aye'."; and after the affirmative voice is expressed, "As many as are opposed, say 'No'."; if he doubts, or a division is called for, the House shall divide; those in the affirmative of the ques-

tion shall first rise from their seats, and then those in the negative. If any Member requests a recorded vote and that request is supported by at least one-fifth of a quorum, such vote shall be taken by electronic device, unless the Speaker in his discretion orders clerks to tell the names of those voting on each side of the question, and such names shall be recorded by electronic device or by clerks, as the case may be, and shall be entered in the Journal, together with the names of those not voting. A recorded vote taken pursuant to this paragraph shall be considered a vote by the yeas and nays. Members shall have not less than fifteen minutes to be counted from the ordering of the recorded vote or the ordering of clerks to tell the vote.

§630a. Voting viva voce, by division, by electronic device.

This paragraph was first adopted in 1789 and its present form reflects the revisions and amendments of 1860, 1880 (II, 1311), 1972 (H. Res. 1123, Oct. 13, 1972, pp. 36005–08), and 1993 (H. Res. 5, Jan. 5, 1993, p. ——). From January 22, 1971 (when H. Res. 5 of the 92d Congress was adopted incorporating provisions in the Legislative Reorganization Act of 1970, 84 Stat. 1140), until October 13, 1972, this rule provided a two-step procedure for ordering "tellers with clerks" prior to installation of the electronic voting system, and for the first time permitted Members to be recorded on votes in Committee of the Whole. The last two sentences of this paragraph permitting a single-step "recorded vote" and voting by means of electronic device installed in the Chamber in 1972, were contained in House Resolution on October 13, 1972, and were made effective by adoption of the rules of the 93d Congress (H. Res. 6, Jan. 3, 1973, pp. 26–27). The general provision for demanding a vote by tellers was repealed in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. ——). The penultimate sentence of this paragraph, providing that a recorded vote taken pursuant thereto shall be considered a vote by the yeas and nays, was added in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. ——).

The motion as stated by the Chair in putting the question and not as stated by the Member in offering the motion, is the proposition voted on (VI, 247). Under this paragraph the Speaker must put the pending question to a voice vote prior to entertaining a demand for a recorded vote or the

yeas and nays (Speaker Foley, Mar. 9, 1992, p. ——). It is not in order for a Member having the floor in debate to conduct a "straw vote" or otherwise ask for a show of support for a proposition. See Procedure, ch. 30, sec. 3.1.

One of the suppositions on which parliamentary law is founded is that the Speaker will not betray his duty to make an honest count on a division (V, 6002) and the integrity of the Chair in counting a vote should not be questioned in the House (VIII, 3115; July 11, 1985, p. 18550), and the Chair's count of Members demanding a recorded vote is not appealable (June 24, 1976, pp. 20390–91). A vote by division takes no cognizance of Members present but not voting, and consequently the number of votes counted by division has no tendency to establish a lack of a quorum (June 29, 1988, p. 16504).

In a full House (total membership of 435), a recorded vote is ordered by one-fifth of a quorum (44), but in Committee of the Whole a recorded vote is ordered by 25 (clause 2(b) of rule XXIII, as added in 96th Cong. by H. Res. 5, Jan. 15, 1979, pp. 7, 16), rather than 20 in both cases as in prior practice (V, 5986; Dec. 20, 1974, p. 41793). The former right to demand tellers was not precluded by the fact that the yeas and nays had been refused (V. 5998; VIII, 3103), that a point of no quorum has been made against a division vote on the question on which tellers were requested (VIII, 3104, by a point of no quorum and a call of the House following a division vote on the question on which tellers were demanded (Sept. 25, 1969, pp. 27041–42), or by the intervention of a quorum call following the refusal of the Committee of the Whole to order a recorded vote (Feb. 27, 1974, p. 4447). But only one request for a recorded vote on a pending question is in order (Jan. 21, 1976, p. 508), and a demand for a recorded vote cannot interrupt a vote by division which is in progress (June 10, 1975, p. 18048). While a request for a recorded vote once denied may not be renewed, the request remains pending where the Chair interrupts the count of Members standing in favor of the request in order to count for a quorum pursuant to a point of order that a quorum is not present (Aug. 5, 1982, pp. 19658, 19659). Recognition by the Chair for a parliamentary inquiry immediately following the Chair's announcement of a voice vote on an amendment is not such intervening business as to prevent a demand for a recorded vote thereon where the Chair has not announced the final disposition of the amendment (May 23, 1984, p. 13928; July 26, 1984, p. 21249). Where a division vote is demanded on a proposition in the House and the vote thereon is then postponed pursuant to paragraph (b) of this clause a division may again be demanded when the question is put de novo on the proposition as unfinished business (since a demand for a division may be made by any Member), whereas a demand for the yeas and nays if refused by the House may not be renewed (Mar. 18, 1980, pp. 5739–40). Ordinarily, however, only one demand for a vote by division on a pending question is in order (July 26, 1984, p. 21259; June 29, 1994, p. ——).

In Committee of the Whole, a request for a recorded vote on an amendment once denied may not be renewed even where the absence of a quorum is disclosed immediately following the refusal to order a recorded vote (June 6, 1979, p. 13648; Oct. 25, 1983, p. 29227).

§630b. Former ordering of tellers and taking of the vote.

Under the precedents recorded before the abolition of tellers, it was the duty of the Member to serve as teller when appointed by the Chair (V, 5987); but when Members of one side had declined, the second teller was appointed from the other side (V, 5988) or the position was left vacant (V, 5989). A Delegate could have been appointed teller (II, 1302). Where there was doubt as to the count by tellers, the Chair could have ordered the vote taken again (V, 5991; July 19, 1946, p. 9466), but this must have been done before the result was announced (V, 5993–5995; VIII, 3098). The Chair could have counted without passing between the tellers (V, 5996, 5997; VIII, 3100, 3101).

§631. Postponing rollcall votes on passage.

(b)(1) On any legislative day whenever a recorded vote is ordered or the yeas and nays are ordered, or a vote is objected to under clause 4 of rule XV on any of the following questions, the Speaker may, in his discretion, postpone further proceedings on each such question to a designated time or place in the legislative schedule on that legislative day in the case of the question of agreeing to the Speaker's approval of the Journal, or within two legislative days, in the case of the other questions listed herein:

(A) the question of adopting a resolution;

(B) the question of passing a bill;

(C) the question of agreeing to a motion to instruct conferees as provided in clause 1(c) of rule XXVIII: *Provided, however,* That proceedings shall not resume on said question if the conferees have filed a report in the House;

(D) the question of agreeing to a conference report;

(E) the question of agreeing to a motion to recommit a bill considered pursuant to clause 4 of rule XIII;

(F) the question of ordering the previous question on a question described in subdivision (A), (B), (C), (D), or (E);

(G) the question of agreeing to an amendment to a bill considered pursuant to clause 4 of rule XIII; and

(H) the question of agreeing to a motion to suspend the rules.

(2) At the time designated by the Speaker for further consideration of proceedings postponed under subparagraph (1), the Speaker shall put each question on which further proceedings were postponed, in the order in which that question was considered.

(3) At any time after the vote has been taken on the first question on which the Speaker has postponed further proceedings under this paragraph, the Speaker may, in his discretion, reduce to not less than five minutes the period of time within which a rollcall vote by electronic device on the question may be taken without any intervening business on any or all of the additional questions on which the Speaker has postponed further proceedings under this paragraph.

(4) If the House adjourns before all of the questions on which further proceedings were postponed under this paragraph have been put and determined, then, on the next following legislative day the unfinished business shall be the

disposition of all such questions, previously undisposed of, in the order in which the questions were considered.

Paragraph (b) was added in the 96th Congress (H. Res. 5, Jan. 15, 1979, p. 7), and paragraph (b)(1) was amended in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113) to place all authority for the postponing of further proceedings on certain questions into rule I. This consolidation was accomplished with the addition of the authority to postpone further proceedings on reports from the Committee on Rules (formerly clause 4(e) of rule XI) and the authority to postpone further proceedings on motions to suspend the rules and pass bills or resolutions (formerly clause 3(b) of rule XXVII). The authority for the Speaker to postpone further proceedings on agreeing to his approval of the Journal until later that legislative day was added to paragraph (b)(1) in the 98th Congress (H. Res. 5, Jan. 3, 1983, p. 34). The authority for the Speaker to postpone further proceedings on motions to instruct conferees after 20 calendar days in conference was added to paragraph (b)(1) in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72), along with the provision that a question so postponed not be put if the conferees sooner file their report. In the 104th Congress the list of questions susceptible of postponement was reordered and expanded to include a vote on ordering the previous question on another question that is, itself, susceptible of postponement (sec. 223(a), H. Res. 6, Jan. 4, 1995, p. ——). In the 105th Congress paragraph (b)(1) was amended to enable postponement of certain questions during consideration of bills called from the Corrections Calendar, *i.e.,* agreeing to an amendment, ordering the previous question on a motion to recommit, and agreeing to a motion to recommit (H. Res. 5, Jan. 7, 1997, p. ——).

The Speaker first exercised his authority to postpone a rollcall vote on the approval of the Journal on November 10, 1983 (p. 32097). That authority includes the power to postpone a division vote on the approval of the Journal that is objected to under clause 4 of rule XV (Sept. 21, 1993, p. ——). But on questions not enumerated in this paragraph, such as the initial motion to instruct conferees, unanimous consent is required to permit the Speaker to postpone such record votes (Oct. 6, 1986, p. 28704).

Pursuant to clause 6(e) of rule XV, prohibiting a point of order of no quorum unless the Speaker has put the pending proposition to a vote, the Speaker announces, after postponing a vote on a motion to suspend the rules where objection has been made to the vote on the grounds that a quorum is not present, that the point of order is considered as withdrawn, since the Chair is no longer putting the question (May 16, 1977, p. 14785). At the conclusion of debate on all motions to suspend the rules on a legislative day, the Speaker announces that he will put the question on each motion on which further proceedings have been postponed—either de novo if objection to the vote has been made under clause 4 of rule XV or for a "yea and nay" or recorded vote if previously ordered by the House in

the order in which the motions had been entered (June 4, 1974, pp. 17521–47). Clause 5(b) does not require the Chair's customary announcement at the beginning of consideration of motions to suspend the rules that the Chair intends to postpone possible rollcall votes (Nov. 14, 1995, p. ——).

Under the authority to postpone further proceedings on a specified question to a designated time within two legislative days, the Speaker may simultaneously designate separate times for the resumption of proceedings on separate postponed questions (Mar. 3, 1992, p. ——). Once the Speaker has postponed rollcall votes to a designated place in the legislative schedule, he may subsequently redesignate the time when the votes will be taken within the appropriate period (June 6, 1984, p. 15080; Oct. 3, 1988, pp. 27782, 27878).

Following the first postponed vote on motions to suspend the rules, the Speaker may in his discretion reduce to not less than 5 minutes the time for taking votes on any or all of the subsequent motions on which votes have been postponed (June 4, 1974, p. 17547). Having clustered record votes on motions to suspend the rules and then having clustered record votes on passage of other measures considered immediately after debate on the suspension motions, the Speaker may, pursuant to this clause, conduct all the postponed votes in one sequence and reduce to five minutes the time for all electronic votes after the first suspension vote (May 17, 1983, p. 12508; Oct. 2, 1989, p. 22724). But the Chair may decline, in his discretion, to recognize for a unanimous-consent request to reduce to five minutes the first vote in the series, since the bell and light system would not give adequate notice of the initial five-minute vote (Oct. 8, 1985, p. 26666). But where a series of votes has been postponed pursuant to this clause, to occur following a fifteen-minute vote on another measure not a part of that series, the vote on the first postponed measure may be reduced to five minutes only by unanimous consent (May 24, 1983, p. 13595; July 22, 1996, p. ——). By unanimous consent waiving the five-minute minimum set by paragraph (b)(3) of this clause, the House has authorized the Speaker to put remaining postponed questions to two-minute electronic votes (Oct. 4, 1988, pp. 28126, 28148). The Speaker may "cluster" postponed votes on a motion to suspend the rules and on adoption of a resolution in the order in which those questions were considered on the preceding day (July 19, 1983, p. 19774). The requirement that the Speaker put each question on motions to suspend the rules in the order in which postponed, does not prevent the Speaker from entertaining a unanimous-consent request for the consideration of a similar Senate measure following passage of a House bill and prior to the next postponed vote (Feb. 15, 1983, p. 2175). Since a resolution raising a question of the privileges of the House takes precedence over a motion to suspend the rules, it may be offered and voted on between motions to suspend the rules on which the Speaker has postponed record votes until after debate on all suspensions (May 17, 1983, p. 12486). Under this clause the Speaker is not required to announce his intention to postpone at the beginning of

consideration of a motion to suspend the rules (although that is customarily the courtesy) but may postpone further proceedings after a record vote is ordered or an objection is raised under clause 4 of rule XV (Feb. 23, 1993, p. ——). When the House adjourns on the second legislative day after postponement of a question under this clause without resuming proceedings thereon, the question remains the unfinished business on the next legislative day (Oct. 1, 1997, p. ——).

§632. The Speaker's vote. Tie vote.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in cases of a tie vote the question shall be lost.

This clause was adopted in 1789, with amendment in 1850 (V, 5964), and 1911.

The Speaker's name is not on the roll from which the yeas and nays are called (V, 5970) and is not called unless on his request (V, 5965). It is then called at the end of the roll (V, 5965; VIII, 3075), the Clerk calling him by name. On an electronic vote, the Chair directs the Clerk to record him and verifies that instruction by submitting a vote card (Oct. 17, 1990, p. 30229). The Chair may vote to make a tie and so decide a question in the negative, as he may vote to break a tie and so decide a question in the affirmative (VIII, 3100; Aug. 14, 1957, p. 14783). The duty of giving a decisive vote may be exercised after the intervention of other business, or after the announcement of the result or on another day, if a correction of the roll shows a condition wherein his vote would be decisive (V, 5969, 6061–6063; VIII, 3075); and he also exercises the right to withdraw his vote in case a correction shows it to have been unnecessary (V, 5971). The Speakers have the same right as other Members to vote (V, 5966, 5967) but rarely exercise it (V, 5964, footnote), and the Chair may not vote twice (V, 5964). The Chair may be counted on a vote by tellers (V, 5996, 5997; VIII, 3100, 3101).

§633. Speaker pro tempore.

7. (a) He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days, except that with the permission of the House he may name a Member to act as Speaker pro tempore only to sign enrolled bills and joint resolu-

tions for a period of time specified in the designation, notwithstanding any other provision of this clause: *Provided, however,* That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker pro tempore to act during his absence.

§633a. Four-term limit.

(b) No person may serve as Speaker for more than four consecutive Congresses, beginning with the One Hundred Fourth Congress (disregarding for this purpose any service for less than a full session in any Congress).

This clause was adopted in 1811, and amended in 1876 (II, 1377) and in 1920 (VI, 263). Paragraph (b) was added in the 104th Congress (sec. 103(a), H. Res. 6, Jan. 4, 1995, p. ——).

§634a. Election, oath, and designation of Speaker pro tempore.

The right of the House to elect a Speaker pro tempore in the absence of the Speaker was exercised before the rule was adopted (II, 1405), although the House sometimes preferred to adjourn (I, 179). An elected Speaker pro tempore in the earlier practice was not sworn (I, 229; II, 1386); but the Senate and sometimes the President were notified of his election (II, 1386–1389, 1405–1412; VI, 275). On August 31, 1961, p. 17765, the House adopted House Resolution 445, electing Hon. John W. McCormack as Speaker pro tempore in the absence and terminal illness of Speaker Rayburn. The resolution provided that the Clerk notify the President and the Senate. The Chairman of the Democratic Caucus then administered the oath. Elected Speakers pro tempore have signed enrolled bills, appointed committees, etc., functions not exercised by a Speaker pro tempore by designation (II, 1399, 1400, 1404; VI, 274, 277, Sept. 21, 1961, p. 20572; June 21, 1984, p. 17708), but the clause was amended in the 99th Congress (H. Res. 7, Jan. 3, 1985, p. 393) to authorize the Speaker, with House approval, to designate a Speaker pro tempore to sign enrolled bills.

A call of the House may take place with a Speaker pro tempore in the chair (IV, 2989), and the Speaker pro tempore may issue his warrant for the arrest of absent members under a call of the House (VI, 688). When

the Speaker is not present at the opening of a session, including morning-hour debates, he designates a Speaker pro tempore in writing (II, 1378, 1401); but he does not always name in open House the Member whom he calls to the chair temporarily during the day's sitting (II, 1379, 1400). The presence of the Speaker either at the opening of morning-hour debates or at the opening of the regular session on a day satisfies the requirement that the Speaker be present to convene the House at least every fourth day. A Speaker pro tempore elected under clause 7 of rule I may in turn designate another Member to act as Speaker pro tempore on a day certain (II, 1384; VI, 275, Feb. 23, 1996, p. ——). Members of the minority have been called to the chair on occasions of ceremony (II, 1383; VI, 270; Jan. 31, 1951, p. 779), but in rare instances on other occasions (II, 1382, 1390; III, 2596; VI, 264).

§634b. Travel authority.

8. He shall have the authority to designate any Member, officer or employee of the House of Representatives to travel on the business of the House of Representatives, as determined by him, within or without the United States, whether the House is meeting, has recessed or has adjourned, and all expenses for such travel may be paid for from the applicable accounts of the House described in clause 1(h)(1) of rule X on vouchers solely approved and signed by the Speaker. However, expenses may not be paid from the applicable accounts of the House described in clause 1(h)(1) of rule X for travel of a Member after the date of the general election of Members in which the Member has not been elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

This clause was adopted in the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20), and the last sentence was added in the 95th Congress (H. Res. 287, Mar. 2, 1977, p. 5941). In the 105th Congress this clause was amended

to update archaic references to the "contingent fund" (H. Res. 5, Jan. 7, 1997, p. ——). See also §719b, *infra*, for discussion of the Speaker's authority under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754) to authorize use of counterpart funds for Members and employees for foreign travel, except where authorized by the chairman of the committee for members and employees thereof.

§634c. Broadcasting of House proceedings.

9. (a) He shall devise and implement a system subject to his direction and control for closed circuit viewing of floor proceedings of the House of Representatives in the offices of all Members and committees and in such other places in the Capitol and the House Office Buildings as he deems appropriate. Such system may include other telecommunications functions as he deems appropriate. Any such telecommunications function shall be subject to rules and regulations issued by the Speaker.

(b)(1) He shall devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting and recording of the proceedings of the House of Representatives. He shall provide for the distribution of such broadcasts and recordings thereof to news media, the storage of audio and video recordings of the proceedings, and the closed captioning of the proceedings for hearing-impaired individuals.

(2) 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 Correspondents' Galleries shall be provided access to the live coverage of the House of Representatives.

(3) No coverage made available under this clause nor any recording thereof shall be used for any political purpose.

(4) Coverage made available under this clause 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 advertisment.

(c) He may delegate any of his responsibilities under this clause to such legislative entity as he deems appropriate.

This clause was adopted in the 96th Congress (H. Res. 5, Jan. 15, 1979, p. 7). The requirement that the televised broadcasts of the proceedings of the House be closed captioned for hearing-impaired individuals was added to the second sentence of paragraph (b)(1) in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72). The authority of the Speaker to make rules governing telecommunications functions within the House was added to paragraph (a) in the 102d Congress (H. Res. 5, Jan. 3, 1991, p. 39).

In the 95th Congress the House considered as a question of the privileges of the House and adopted a resolution directing the Committee on Rules to investigate the impact on the safety, dignity, and integrity of House proceedings, of a test authorized by the Speaker under his general control over the Hall of the House for the audiovisual broadcast of House proceedings within the Capitol and House Office Buildings (H. Res. 404, Mar. 15, 1977, p. 7608). The resolution directed the Committee on Rules to report to the House at the earliest practicable date its findings and recommendations, including whether such coverage should be made available to the public. The Committee reported and the House adopted another resolution which: (1) authorized the Speaker to establish a closed-circuit system for in-House broadcasting of House proceedings; (2) directed the Committee on Rules to study methods for providing complete audio and visual broadcasting of House proceedings and to report to the House thereon; and (3) directed the Speaker after receipt of the committee's report to establish a system subject to his direction and control for audio and visual broadcast and recording of House proceedings and to provide for distribution and access to the news media (H. Res. 866, Oct. 27, 1977, pp. 35425–37). The

Speaker, after receipt of that report (H. Rept. 95–881, Feb. 15, 1978), directed implementation of full audio coverage, with distribution to the media, on June 8, 1978 (p. 16746). Public Law 95–391 (the Legislative Branch Appropriation Bill for fiscal year 1979) contained the following proviso in section 306 relating to the broadcasting of House proceedings: "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, Ninety-Fifth Congress, under which the TV cameras in the Chamber purchased by the House are controlled and operated by persons not in the employ of the House."

Pursuant to his authority under this clause, the Speaker directed the Clerk in the 98th Congress to immediately implement periodic wide-angle television coverage of all "special-order" speeches at the end of legislative business (with captions at the bottom of the screen indicating that legislative business has been completed) (May 10, 1984, p. 11894) but not during "interim" special orders (Dec. 19, 1985, p. 38106). However, in the 103d and 104th Congresses, the Speaker prohibited wide-angle coverage but continued the caption at the bottom of the screen not only during special order speeches but also during morning-hour debates (Speaker Foley, Feb. 11, 1994, p. ——; Speaker Gingrich, Jan. 4, 1995, p. ——). In the 99th Congress, the House adopted a resolution, raised as a question of the privileges of the House, authorizing and directing the Speaker to provide for the audio and visual broadcast coverage of the Chamber while Members are voting (H. Res. 150, Apr. 30, 1985, p. 9821). Although paragraph (b)(1) of this clause requires complete and unedited broadcast coverage of the proceedings of the House has held (by tabling an appeal of a ruling of the Chair) that it does not require in-House microphone amplification of disorderly conduct by a Member following expiration of his recognition for debate (Mar. 16, 1988, p. 4081).

§634d. Office of the Historian.

10. There is established in the House of Representatives an office to be known as the Office of the Historian of the House of Representatives.

This clause was added in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72). An earlier form of this clause provided for the seven-year establishment of an Office for the Bicentennial to coordinate the commemoration of the two-hundredth anniversary of the House of Representatives (H. Res. 621, 97th Cong., Dec. 17, 1982, p. 31951). The management, supervision, and administration of the Office was under the direction of the Speaker and was staffed by a professional historian appointed by the Speaker on a non-partisan basis. In 1984 the Office of the Bicentennial was removed from the standing rules and established by law for the remainder of its existence in P.L. 98–367 (2 U.S.C. 29c).

§634e. Office of General Counsel.

11. There is established in the House of Representatives an office to be known as the Office of General Counsel for the purpose of providing legal assistance and representation to the House. Legal assistance and representation shall be provided without regard to political affiliation. The Office of General Counsel shall function pursuant to the direction of the Speaker, who shall consult with a Bipartisan Legal Advisory Group, which shall include the majority and minority leaderships. The Speaker shall appoint and set the annual rate of pay for employees of the Office of General Counsel.

This clause was added in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. ——). The previous year, in section 12 of the House Administrative Reform Resolution of 1992 (H. Res. 423, Apr. 9, 1992, p. ——), the House had directed the Committee on House Administration to provide for an Office of General Counsel in a manner ensuring appropriate coordination with and participation by both the majority and minority leaderships in matters of representation and litigation.

§634f. Authority to declare recesses.

12. To suspend the business of the House for a short time when no question is pending before the House, the Speaker may declare a recess subject to the call of the Chair.

This clause was added in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. ——).

§634g. Drug testing in the House.

13. The Speaker, in consultation with the Minority Leader, shall develop through an appropriate entity of the House a system for drug testing in the House of Representatives. The system may provide for the testing of any Member, officer, or

employee of the House, and otherwise shall be comparable in scope to the system for drug testing in the executive branch pursuant to Executive Order 12564 (Sept. 15, 1986). The expenses of the system may be paid from applicable accounts of the House for official expenses.

This clause was added in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. ——).

RULE II.

ELECTION OF OFFICERS.

§635. Election, oath, and removal of officers.

There shall be elected by a viva voce vote, at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House; and each shall appoint all of the employees of his department provided for by law. The Clerk, Sergeant-at-Arms, and Chief Administrative Officer may be removed by the House or by the Speaker.

A rudimentary form of this rule was adopted in 1789, and was amended several times prior to 1880, when it assumed the form it retained for more than a century (I, 187). During the 102d Congress, section 2 of the House Administrative Reform Resolution of 1992 amended the rule to abolish the office of the Postmaster (see §654a, *infra*) and to empower the Speaker to remove elected officers (H. Res. 423, Apr. 9, 1992, p. ——). The 104th Congress made conforming changes to the rule to reflect the abolishment of the Office of the Doorkeeper and the establishment of an elected Chief Administrative Officer (sec. 201(a), H. Res. 6, Jan. 4, 1995, p. ——). For