

of its Members, except upon occasions where the House by resolution agrees to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

Rules relating to the use of the Hall were adopted as early as 1804. The present form of the rule dates from 1880 (V, 7270). It was renumbered January 3, 1953, p. 24.

RULE XXXII.

OF ADMISSION TO THE FLOOR.

1. The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, the Resident Commissioner to the United States from Puerto Rico, each Delegate to the House, such persons as have, by name, received the thanks of Congress, the Parliamentarian, elected officers and elected minority employees of the House (other than Members); and ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and elected minority employees of the

§919. Persons and officials admitted to the floor during sessions of the House.

House, subject to the provisions of clause 3 of this rule; and clerks of committees when business from their committee is under consideration and not more than one person from a Member's staff when that Member has an amendment under consideration, subject to the provisions of clause 4 of this rule; and one attorney to accompany any Member who is the respondent in an investigation undertaken by the Committee on Standards of Official Conduct when the recommendation of such committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any Member for unanimous consent.

This rule was subjected to many changes from 1802 until 1880 (V, 7823; VIII, 3634), was renumbered in the 83d Congress (Jan. 3, 1953, p. 24), and was substantially amended in the 94th Congress (H. Res. 1435, Oct. 1, 1976, pp. 35175–80). The latter amendment to the rule changed clause 1 and added clause 3 to clarify the conditions under which former Members, officers and employees were entitled to admission to the floor. Clause 1 was amended by the Ethics Reform Act of 1989 to permit floor privileges for one attorney for a Member-respondent during consideration of a disciplinary resolution (P.L. 101–194, Nov. 30, 1989).

The portion of this clause which permits clerks of committees access to the floor during the consideration of business from their committee has been interpreted by the Speaker to allow four professional staff members and one clerk on the floor at one time (Speaker Albert, June 8, 1972, p. 20318; Speaker O'Neill, Jan. 26, 1977, p. 2333). The Legislative Reorganization Act of 1970, section 503(3) (84 Stat. 1140, 1202; 2 U.S.C. 281b(3)) also allows two staff members of the Legislative Counsel access to the floor to assist the committee.

The rule was amended in the 92d Congress to include the Delegate from the District of Columbia among those having the privilege of the floor (H. Res. 5, Jan. 22, 1971, p. 144), and later in that same Congress was again revised to permit all Delegates to enjoy the privilege (H. Res. 1153, Oct. 13, 1972, pp. 36021–23). The latter revision was necessary because of the enactment of Public Law 92–271, which created the positions of Delegate from Guam and Delegate from the Virgin Islands. Officers and elected employees, both present and former, were given floor privileges by the

adoption of this same resolution (H. Res. 1153, 92d Cong.) but had in fact, by custom, been permitted on the floor prior to this change in the rule.

The portion of the rule forbidding the Speaker to entertain requests for suspension of the rule applies also to the Chairman of the Committee of the Whole (V, 7285). "Heads of departments" means members of the President's Cabinet, and not subordinate executive officers, and "foreign ministers" means ministers from foreign governments only. "Governors of States" does not include governors of Territories (V, 7283; VIII, 3634).

An alleged violation of the rule relating to admission to the floor presents a question of privilege (III, 2624, 2625; VI, 579), but not a higher question of privilege than an election case (III, 2626). In one case where an ex-Member was abusing the privilege, he was excluded by direction of the Speaker (V, 7288), but in another case the Speaker declared it a matter for the House and not the Chair to consider (V, 7286). In one case an alleged abuse was inquired into by a select committee (V, 7287). Former Members of the House do not have the privilege of the Hall of the House nor rooms leading thereto when they are personally interested in legislation being considered or who are in the employ of an organization that is interested in legislation before the Congress (Speaker Rayburn, Oct. 2, 1945, p. 9251). While former Members of Congress are entitled to the privilege of the floor they may not manifest approval or disapproval of the proceedings (VIII, 3635). The Speaker announced his intention to strictly enforce the rule to prevent a proliferation of committee and other staff on the floor (Aug. 22, 1974, p. 30027; Jan. 19, 1981, p. 402; Jan. 25, 1983, p. 224). The Speaker announced that committee staff would be required to display staff badges on the floor in exchange for identification cards prior to admission to the floor (Speaker O'Neill, Jan. 21, 1986, p. 5; Jan. 5, 1993, p. —). It is not in order to refer to persons temporarily on the floor of the House as guests of the House, such as Members' children (Apr. 28, 1994, p. —; Dec. 19, 1995, p. —; Jan. 22, 1996, p. —), other children (May 18, 1995, p. —), or Senators exercising floor privileges (May 18, 1995, p. —).

2. There shall be excluded at all times from the Hall of the House of Representatives and the cloakrooms all persons not entitled to the privilege of the floor during the session, except that until fifteen minutes of the hour of the meeting of the House persons employed in its service, accredited members of the press entitled to admission to the press gallery, and other persons on re-

§ 920. Admission to the floor when the House is not sitting.

quest of Members, by card or in writing, may be admitted.

This clause was adopted in 1902 (V, 7346).

3. Ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and former elected minority employees of the House, shall be entitled to the privilege of admission to the Hall of the House and rooms leading thereto only if they do not have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by any committee of the House and only if 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 any committee of the House or under consideration in any of its committees or subcommittees. The Speaker shall promulgate such regulations as may be necessary to implement the provisions of this rule and to ensure its enforcement.

§ 921a. Former Members and officers.

This clause was added in the 94th Congress (H. Res. 1435, Oct. 1, 1976, pp. 35175–80) to consolidate in one clause and to clarify the restrictions on admittance to the floor of former Members, officers and employees and to give the Speaker the power to promulgate regulations to enforce the rule. Pursuant to this authority, the Speaker issued regulations addressing former Members (Jan. 6, 1977, p. 321; June 7, 1978, p. 16625; Speaker Foley, June 9, 1994, p. —; Speaker Gingrich, May 24, 1995, p. —; Speaker Gingrich, Aug. 1, 1996, p. —). A former Member is not entitled to the privileges of the floor under this clause if he (1) has a direct personal or pecuniary interest in legislation under consideration in the House or reported by any committee, or (2) represents any party or organization for the purpose of influencing the disposition of legislation pending before the House, reported by any committee or under consideration in any com-

mittee or subcommittee (Speaker pro tempore Brademas, June 7, 1978, p. 16625). The essence of the rule is the former Member's status as one with a personal or pecuniary interest and not whether the former Member may have a present intent to lobby (Speaker Foley, June 9, 1994, p. —). Intent to lobby will be assumed where the former Member is employed or retained as a lobbyist to influence legislative measures as described in (2) above (Aug. 1, 1996, p. —). The Speaker has emphasized that the rule applies not only to the floor but also to "rooms leading thereto," and has construed the latter phrase to include the Speaker's Lobby and the cloakrooms (Speaker Gingrich, May 24, 1995, p. —; Aug. 1, 1996, p. —).

A former Member must observe the rules of proper decorum while on the floor; and the Chair may direct the Sergeant at Arms to assist the Chair in maintaining such decorum (Sept. 17, 1997, p. —). In the 105th Congress the House adopted a resolution offered as a question of the privileges of the House alleging indecorous behavior of a former Member and instructing the Sergeant-at-Arms to ban the former Member from the floor, and rooms leading thereto, until the resolution of a contested election to which he was party (H. Res. 233, Sept. 18, 1997, p. —).

4. Persons from Member's staffs admitted to the Hall of the House or rooms leading thereto under clause 1 shall be admitted only upon prior notification to the Speaker. No such person or clerk of a committee so admitted under clause 1 shall engage in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Such persons and clerks shall remain at the desk and are admitted only to advise the Member or committee responsible for their admission. Any such person or clerk who violates this clause may be excluded during the session from the Hall of the House and rooms leading thereto by the Speaker.

This clause of the rule was added in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70) to extend the privilege of the floor to one person from the staff of a Member who has an amendment under consideration, but not of a measure's sponsor or during special order speeches. The Speaker promulgated regulations for the implementation of this clause on January

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26, 1977 (p. 2333). In the 97th Congress, the Speaker announced that personal staff of Members did not have the privilege of the floor and that committee staff, permitted on the floor when business from their committees is under consideration, were required to remain unobtrusively by the committee tables (Aug. 18, 1982, p. 21934). Staff permitted on the floor under clause 4 are not permitted to pass out literature or otherwise attempt to influence Members in their votes (Aug. 1, 1990, p. 21519; Sept. 27, 1995, p. —) and may not applaud during debate (June 14, 1995, p. —).

5. No Member, officer, or employee of the House of Representatives, or any other person entitled to admission to the Hall of the House or rooms leading thereto by this rule, shall knowingly distribute any political campaign contribution in the Hall of the House or rooms leading thereto.

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

§ 921c. Prohibition on distribution of campaign contributions.

RULE XXXIII.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of Members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of Members of Congress, in which the Speaker shall control one bench, and on request of a Member the Speaker shall issue a card of admission to his family, which shall include their visi-

§ 922. The various galleries and admission thereto.