
**RULES OF THE HOUSE OF
REPRESENTATIVES**

WITH

NOTES AND ANNOTATIONS

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RULE I.

DUTIES OF THE SPEAKER.

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.

§ 621. Journal;
Speaker's approval.

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 Thursdays and 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 Thursdays and 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. —). 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. —; 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 gal-

leries, 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., 2d Sess., p. 2324). 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 which would be disruptive of the decorum thereof (Sept. 13, 1989, p. 20362; Oct. 16, 1990, p. —; Oct. 1, 1991, p. —); thus he 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. —).

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). Even prior to adoption of the rules, the Speaker may maintain decorum by directing a Member who has not been recognized in debate beyond an allotted time 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. —). 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. —).

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

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

to sign enrolled bills whether or not the House is in session.

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 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).

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).

The Speaker may require that a question of order be presented in writing (V, 6865). 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. —), as the germaneness of an amendment not yet offered (Dec. 12, 1985, p. 36167) or previously offered and entertained without a point of order (June 6, 1990, p. 13194), or concerning the propriety under applicable Budget Act allocations of an amendment not yet offered, particularly where the Chair's response may have depended upon the disposition of a prior amendment on which proceedings had been postponed (June 27, 1994, p. —). 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). Debate being for his information is within his discretion (V, 6919, 6920; VIII, 3446–3448), and Members must address the Chair and cannot engage in “colloquies” on the point of order (Sept. 18, 1986, p. 24083). He 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). 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). 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). 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).

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). 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). 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, Speaker 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. —). However, the Speaker 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. —).

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. —). The Chair will not 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. —). In interpreting the language of a special order adopted by the House, the Chair will not look behind the language of the resolution itself where no ambiguity exists therein (June 18, 1986, p. 14267). He 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). He 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), on the propriety or expediency of a proposed course of action (II, 1275, 1325, 1326, 1337; IV, 3091–3093, 3127); and he does not consider contingencies which may arise in the future (VII, 1409), such as ruling on the germaneness of an amendment not yet offered (May 5, 1988, p. 9936; May 18, 1988, p. 11404); or 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). 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 inquiries, since the Chair would not be called upon to interpret any rule of the House (May 5, 1988, p. 9938).

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); but 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 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); and 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). 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 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).

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-

§ 629. Putting of the question by the Speaker.

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. 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 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). It is the duty of the Member to serve as teller when appointed by the Chair (V, 5987); but when Members of one side have declined, the second teller has been ap-

§ 630b. Ordering of tellers and taking of the vote.

pointed from the other side (V, 5988) or the position has been left vacant (V, 5989). A Delegate may be appointed teller (II, 1302). Where there is a doubt as to the count by tellers the Chair may order the vote taken again (V, 5991; July 19, 1946, p. 9466), but this must be done before he has announced the result (V, 5993–5995; VIII, 3098). The Chair may be counted without passing between the tellers (V, 5996, 5997; VIII, 3100, 3101).

(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:

§ 631. Postponing
rollcall votes on
passage.

- (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 ordering the previous question on a question described in subdivision (A), (B), (C), or (D); and
- (F) 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 subparagraph (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 subparagraph (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 subparagraph (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. —).

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 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).

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 to a subsequent day 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). 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. —).

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.

§ 632. The Speaker's vote. Tie vote.

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. —). 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).

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 resolutions 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.

(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. —).

RULES OF THE HOUSE OF REPRESENTATIVES

Rule I.

§ 634a-§ 634b

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 sometimes designates another Speaker pro tempore (II, 1384; VI, 275). 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).

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 contingent fund of the House on vouchers solely approved and signed by the Speaker.

§ 634b. Travel authority.

However, expenses may not be paid from the contingent fund 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). 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.

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 advertisement.

(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. —).

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).

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.

§ 634d. Office of the Historian.

This clause was added in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72). See § 996a, *infra*.

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.

§ 634e. 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.

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.

§ 634f. Authority to declare recesses.

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