

RULES OF THE HOUSE OF REPRESENTATIVES

§934-§935

Rule XXXIX.

This rule was adopted in 1873 and amended in 1880 (V, 7256). It was renumbered January 3, 1953, p. 24.

The House usually allows the withdrawal of papers only in cases where there has been no adverse report. As the rules for the order of business give no place to the motion to withdraw, it is made by unanimous consent (V, 7259). The House formerly adopted a privileged resolution at the beginning of each Congress authorizing the Clerk to furnish certified copies of certain types of House papers subpoenaed by courts upon determination of relevancy by the court, but not permitting production of executive session papers or transfer of original papers (Jan. 3, 1973, pp. 30-31).

See rule L, *infra* for current procedure for response to subpoenas for papers of the House.

RULE XXXVIII.

BALLOT.

In all cases of ballot a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot the ballots shall be repeated until a majority be obtained; and in all balloting blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

§934. Elections by ballot.

This rule was first adopted in 1789 and was amended in 1837 (V, 6003). It was renumbered January 3, 1953, p. 24. The last election by ballot seems to have occurred in 1868 (V, 6003).

RULE XXXIX.

MESSAGES.

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the Record of that day's proceedings.

§935. Entry of messages in the Journal and Record.

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XLI.

§ 936-§ 937

This rule was adopted in 1867 and amended in 1880 (V, 6593). It was renumbered January 3, 1953, p. 24.

The House may receive a message from the Senate when the Senate is not in session (VIII, 3338).

RULE XL.

EXECUTIVE COMMUNICATIONS.

Estimates of appropriations and all other communications from the executive departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker, and by him referred as provided by clause 2 of rule XXIV.

§ 936. Reception and reference of executive communications, including estimates.

This rule was adopted in 1867 and amended in 1880 (V, 6593). It was renumbered January 3, 1953, p. 24.

Formerly estimates of appropriations were transmitted through the Secretary of the Treasury (IV, 3573-3576, 4045), but under the Budget Act they are transmitted by the President.

RULE XLI.

QUALIFICATIONS OF OFFICERS AND EMPLOYEES.

No person shall be an officer or employee of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government or be interested in such claim otherwise than as an original claimant or than in the proper discharge of official duties.

§ 937. Officers and employees not to be agents of claims.

This rule was adopted in 1842 (V, 7227). It was renumbered January 3, 1953, p. 24. It was amended by the Ethics Reform Act of 1989 to include employees in the prohibition against prosecuting or having an interest in any claim against the government, to specify the inapplicability of that prohibition to the discharge of official duties, and to delete an obsolete reference to the Committee on House Administration (P.L. 101-194, Nov. 30, 1989).