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RULES OF THE HOUSE OF REPRESENTATIVES

RULES OF THE HOUSE OF REPRESENTATIVES, WITH NOTES AND ANNOTATIONS

RULE I

THE SPEAKER

Approval of the Journal

1. The Speaker shall take the Chair on every legislative day precisely at the hour to which the House last adjourned and immediately call the House to order. Having examined and approved the Journal of the last day's proceedings, the Speaker shall announce to the House his approval thereof. The Speaker's approval of the Journal shall be deemed agreed to unless a Member, Delegate, or Resident Commissioner demands a vote thereon. If such a vote is decided in the affirmative, it shall not be subject to a motion to reconsider. If such a vote is decided in the negative, then one motion that the Journal be read shall be privileged, shall be decided 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 (H. Res. 5, Jan. 22, 1971, pp. 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). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

The hour of meeting is fixed by standing order, and was traditionally 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 (H. Res. 7, Jan. 4, 1977, p. 70; H. Res. 949, Jan. 19, 1978, p. 108; H. Res. 9, Jan. 15, 1979, p. 17; H. Res. 522, Jan. 22, 1980, p. 188; H. Res. 8, Jan. 5, 1981, p. 114; H. Res. 313, Jan. 25, 1982, p. 62; H. Res. 8, Jan. 3, 1983, p. 51; H. Res. 388, Jan. 23, 1984, p. 74; H. Res. 9, Jan. 3, 1985, p. 414; H. Res. 355, Jan. 21, 1986, p. 2; H. Res. 7, Jan. 6, 1987, p. 19; H. Res. 348, Jan. 25, 1988, p. 39; H. Res. 7, Jan. 3, 1989, p. 82; H. Res. 304, Jan. 23, 1990, p. 3; H. Res. 7, Jan. 3, 1991, p. 63; H. Res. 330, Jan. 28, 1992, p. 684; H. Res. 7, Jan. 5, 1993, p. 101; H. Res. 327, Jan. 25, 1994, p. 88; H. Res. 8, Jan. 4, 1995, p. 547; H. Res. 327, Jan. 3, 1996, p. 36; H. Res. 9, Jan. 7, 1997, p. 143; H. Res. 337, Jan. 27, 1998, p. 75; H. Res. 14, Jan. 6, 1999, p. 246; H. Res. 403, Jan. 27, 2000, p. 132; H. Res. 9, Jan. 3, 2001, p. ——; H. Res. 333, Jan. 23, 2002, p. ——). In the 108th Congress and first session of the 109th Congress, the House provided that it would meet at 2 p.m. on Mondays, noon on Tuesdays, and 10 a.m. on the balance of the week through a date certain in May, after which it would meet at noon on Mondays, 10 a.m. on Tuesdays, Wednesdays, and Thursdays, and 9 a.m. on the balance of the week for the remainder of the session (H. Res. 9, Jan. 7, 2003, p. ——; H. Res. 488, Jan. 20, 2004, p. ——; H. Res. 8, Jan. 4, 2005, p. ——). The House retains the right to vary from this schedule by use of the motion to fix the day and time to which the House shall adjourn 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. 23367; Nov. 7, 1997, p. 25160; Oct. 10, 1998, p. 25483). Beginning in the second session of the 103d Congress, the House has by unanimous consent agreed to convene earlier on Mondays and Tuesdays for morning-hour debate and then recess to the hour established for convening under a previous order (see § 951, *infra*).

Immediately after the Members are called to order, the 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 7 of rule XX). Before the 96th Congress, clause 1 of rule I directed the Speaker to announce his approval of the Journal on the appearance of a quorum after having called the House to order. Under that form of the rule, a point of no quorum could be made after the prayer and before the approval of the Journal when the House convened, notwithstanding the provisions of former clause 6(e) of rule XV (now clause 7 of rule XX), 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). Similarly, prior practice had permitted a point of no quorum before 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 Speak-

er's announcement of his approval of the Journal (H. Res. 5, Jan. 15, 1979, pp. 7, 16). 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 6 of rule XX is automatic (Feb. 2, 1977, p. 3342).

Pursuant to clause 8 of rule XX, the Speaker may postpone until a later time on the same legislative day a record vote on the Speaker's approval of the Journal. 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).

Before 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 from the 92d Congress through the 95th Congress, any Member could offer a privileged, nondebatable motion that the Journal be read pending the Speaker's announcement of his approval and before agreement by the House (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 approval of the Journal (or the postponement of a vote under clause 8 of rule XX on agreeing to the Speaker's approval), including consideration of a conference report (IV, 2751–2756; VI, 629, 630, 637). 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.

Once begun, the reading may not be interrupted, even by business so highly privileged as a conference report (V, 6443; rule XXII). However, a parliamentary inquiry (VI, 624), an arraignment of impeachment (VI, 469), or a question of privilege relating to a breach of privilege (such as an assault occurring during the reading) may interrupt its reading or approval (II, 1630).

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).

Preservation of order

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

2. The Speaker 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). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

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 the 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 (Speaker Martin, 83d Cong., Mar. 1, 1954, p. 2424). 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, pp. 19026, 19027).

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). In response to a disruptive demonstration in the gallery, the Chair notes for the Record the disruptive character of the demonstration and enlists the Sergeant-at-Arms to remove the offending parties (Oct. 8, 2002, p. ——; Oct. 10, 2002, p. ——).

Although Members are permitted to use exhibits such as charts during debate (subject to clause 6 of rule XVII), 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. 33395; Jan. 3, 1996, p. 42). The Speaker has disallowed the use of a person on the floor as a guest of the House as an "exhibit," including a Member's child (see § 678, *infra*). The Chair also has cautioned Members to refrain from using audio devices during debate (May 24, 2005, p. ——). Although a Member may enlist the assistance of a page to manage the placement of an exhibit on an easel, it is not appropriate to refer to

the page or to use the page as though part of the exhibit (June 11, 2003, p. ——; Speaker Hastert, June 12, 2003, p. ——). The Chair will distinguish between using an exhibit in the immediate area the Member is addressing the House as a visual aid for the edification of Members and staging an exhibition; for example, a Member having a large number of his colleagues accompany him in the well, each carrying a part of his exhibit, was held to impair the decorum of the House (June 12, 2003, 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). The Speaker may permit the display of an exhibit in the Speaker's lobby during debate on a measure (May 20, 1999, p. 10280). Just as an appeal may be entertained on a decision from the Chair that a Member has engaged in personalities in debate (Sept. 28, 1996, pp. 25780–82; see also clause 4 of rule XVII), so also may an appeal be entertained on a ruling of the Chair on the propriety of an exhibit (Nov. 16, 1995, p. 33395).

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. 26567; Mar. 20, 1996, p. 5644).

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. 19008). 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, p. 19072).

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 for a "one-minute speech" (Aug. 27, 1980, p. 23456). Furthermore, it is a breach of decorum for a Member to continue to speak beyond the time for which recognized (Mar. 22, 1996, p. 6086; May 22, 2003, p. ——; Oct. 2, 2003, p. ——), and the Speaker may deny further recognition to such Member (Mar. 16, 1988, p. 4081), from which there is no appeal (see § 629, *infra*). Even before 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. 18609). 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. 23535).

Control of Capitol facilities

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

3. Except as otherwise provided by rule or law, the Speaker shall have general control of the Hall of the House, the corridors and passages in the part of the Capitol assigned to the use of the House, and the disposal of unappropriated rooms in that part of the Capitol.

This clause was adopted in 1811 and amended in 1824, 1885 (II, 1354), and 1911 (VI, 261). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

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). The Speaker has announced that a joint Republican Conference and Democratic Caucus meeting would be held in the Chamber following the adjournment of the House on that day (July 27, 1998, p. 17466).

Signature of documents

§ 624. Speaker's signature to acts, warrants, subpoenas, etc.

4. The Speaker shall sign all acts and joint resolutions passed by the two Houses and all writs, warrants, and subpoenas of, or issued by order of, the House. The Speaker may sign enrolled bills and joint resolutions whether or not the House is in session.

The Speaker was given authority to sign acts, warrants, subpoenas, etc., 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). Before the House recodified its rules in the 106th Congress, clauses 4 and 5 occupied a single clause (H. Res. 5, Jan. 6, 1999, p. 47).

§ 625. Signing of enrolled bills.

Enrolled bills are signed first by the Speaker (IV, 3429). For precedents relevant to the signing of enrolled bills before this clause was amended to permit the Speaker to sign at any time, see IV, 3458, and V, 5705. Before the adoption of clause 2(d)(2) of rule II (enabling the Clerk to examine enrolled bills), the House authorized the Speaker to sign an enrolled bill before the Committee on Enrolled Bills could attest to its accuracy (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 6 of rule XX; § 1026, *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; *e.g.*, H. Res. 611, Dec. 19, 1998, p. 28112); 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).

Questions of order

5. The Speaker shall decide all questions of order, subject to appeal by a Member, Delegate, or Resident Commissioner. On such an appeal a Member, Delegate, or Resident Commissioner may not speak more than once without permission of the House.

§ 627. Questions of order.

This rule was adopted in 1789 and amended in 1811. Before the House recodified its rules in the 106th Congress, clauses 4 and 5 occupied a single clause (H. Res. 5, Jan. 6, 1999, p. 47).

§ 628. 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, 6887; VIII, 2912, 3378, 3437), though the Chair may decline to rule until the entire proposition has been read (Dec. 14, 1973, pp. 41716–18). For example, the Chair declined to entertain a point of order that a motion to recommit was not germane before any nongermane portion of the motion had been read (May 9, 2003, p. ——); and a motion to recommit with instructions was ruled out of order before the entire motion had been read as a matter of form where a special order of business precluded instructions (May 6, 2004, p. ——). 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; Deschler-Brown, ch. 29, § 67.3; Jan. 24, 1996, p. 1248; Sept. 12, 1996, p. 22901; Oct. 10, 1998, p. 25420). 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 (*e.g.*, July 18, 1995, p. 19335; June 22, 2000, p. 12078; Oct. 16, 2003, p. ——). Members must address the Chair and cannot engage in colloquies on the point of order (*e.g.*, Sept. 18, 1986, p. 24083; Oct. 16, 2003, p. ——), nor can they offer pro forma amendments to debate the point of order (July 21, 1998, p. 16369). 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, p. 31873; May 15, 1997, p. 8493, 8494; July 24, 1998, p. 17278). However, the Committee of the Whole by unanimous con-

sent has allowed a Member to revise and extend his remarks to follow the ruling on a point of order (July 13, 2000, p. 14095). 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. 6931, 6933); or the Chair may choose to rule on only one of the points of order raised (July 24, 1998, p. 17278). 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. 9889).

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. 14437; Sept. 19, 1995, p. 25454). 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; May 13, 1998, p. 9129), 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), or on the propriety or expediency of a proposed course of action (II, 1275, 1325, 1326, 1337; IV, 3091–3093, 3127).

Also, the Chair does not rule on: (1) the constitutional power of the House (II, 1490; IV, 3507), such as the constitutional authority of the House to propose a rule of the House, such matter appropriately being decided by way of the question of consideration or disposition of the proposal (Jan. 4, 2005, p. ——); (2) the constitutional competency of proposed legislation (II, 1255, 1318–1322, VI, 250, 251; VIII, 2225, 3031, 3427; July 21, 1947, pp. 9522, 9551; May 13, 1948, p. 5817; Oct. 10, 1998, p. 25424); (3) the constitutional rights of Members (VIII, 3071).

The Chair is not required to decide a question not directly presented by the proceedings (II, 1314). Furthermore, 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; Mar. 22, 2000, p. 3283) 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. 14593; June 12, 2000, p. 10377); (3) the admissibility under clause 2 of rule XXI of an amendment already pending (July 29, 1998, p. 17963), against which all points of order had been waived (July 27, 1995, p. 20800); (4) the admissibility of an amendment at a future date, pending a ruling of the Chair on its immediate admissibility (June 25, 1997, p. 12488). The Chair will not declare judgment on the propriety of words taken down before they are read to the House (Sept. 21, 2001, p. ——). The Chair does not take cognizance of complaints relating to pairs (VIII, 3087). The Chair 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 the 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 clause 6 of rule XVII (formerly rule XXX) is not a point of order on which the Chair must rule (July 31, 1996, pp. 20694, 20700). Before the rule was rewritten in the 107th Congress, it required that the Chair put the question whether the exhibit may be used. It now merely permits the Chair to put such question (sec. 2(o), H. Res. 5, Jan. 3, 2001, p. 25). A complaint that certain remarks that might be uttered in debate would improperly disclose executive-session material of a committee is not cognizable as a point of order in the House where the Chair is not aware of the executive-session status of the information (Nov. 5, 1997, p. 24648). A request that the voting display be turned on during debate is not in order (Oct. 12, 1998, p. 25770). The assertion that a Member may be inconvenienced by the legislative schedule announced by the Leadership does not give rise to a point of order that the Member cannot attend both to House and constituent duties at the same time (Nov. 10, 1999, p. 29537).

Before 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. 2461; 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 former clause 9 of rule XIV (now clause

8 of rule XVII) 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. 1866).

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. 30862; July 27, 1993, p. 17116; July 27, 1995, p. 20741; Jan. 5, 1996, p. 366; Mar. 28, 1996, p. 7064; June 28, 2000, p. 12649; Mar. 8, 2001, p. 3229; May 22, 2002, p. ——; Oct. 17, 2003, 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. 28503, 28504; Oct. 26, 1995, p. 29477; Mar. 28, 1996, p. 7064); 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 under clause 5 of rule XXI (Oct. 26, 1995, p. 29477); or to opine whether an amendment might be in order in the Committee of the Whole (May 22, 2002, p. ——; Oct. 17, 2003, 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. 28503). 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. 19343).

Recognition for parliamentary inquiry lies in the discretion of the Chair (VI, 541; Apr. 7, 1992, p. 8273). The Speaker may recognize and respond to a parliamentary inquiry although the previous question may have been demanded (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 Member under recognition for a parliamentary inquiry may not yield to another Member (Nov. 22, 2002, p. ——).

On a difficult question of order, the Speaker has declined to rule until he has taken time for examination (III, 2725; VI, 432; VII, 2106; VIII, 2174, 2396, 3475); and he may take a parliamentary inquiry under advisement, especially where not related to the pending proceedings (VIII, 2174; Apr. 7, 1992, p. 8273). 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. 16174; Jan. 3, 1996, pp. 36–41; Nov. 5, 1997, p. 24653; Sept. 9, 2003, p. ——).

The Speaker may entertain a parliamentary inquiry during a record vote if it relates to the vote (Oct. 9, 1997, p. 22017; Oct. 6, 1999, p. 24199; Sept. 9, 2003, p. ——; Mar. 30, 2004, p. ——). However, the Speaker will not respond to a request to place the length of a record vote in historical context (Sept. 9, 2003, p. ——) or explain the exercise of his discretion to hold a vote open beyond the minimum time prescribed under clause 2 of rule XX (Mar. 30, 2004, p. ——).

A proper parliamentary inquiry relates to an interpretation of a House rule, not of a statute or of the Constitution (Oct. 10, 1998, p. 25424). The Chair will not respond to a parliamentary inquiry to: (1) judge the propriety of words spoken in debate pending a demand that those words be "taken down" as unparliamentary (June 8, 1995, p. 15267); (2) judge the veracity of remarks in debate (June 5, 1996, p. 13195; June 17, 2004, p. ——); (3) judge the propriety of words uttered earlier in debate (June 15, 2000, p. 11106); (4) reexamine and explain the validity of a prior ruling (Oct. 26, 1995, p. 29477); (5) anticipate the precedential effect of a ruling (Oct. 10, 1998, p. 25424); (6) judge the accuracy of the content of an exhibit (Nov. 10, 1995, p. 32142); (7) indicate which side of the aisle has failed under the Speaker's guidelines to clear a unanimous-consent request (Feb. 1, 1996, p. 2260; Nov. 22, 2002, p. ——); (8) respond to political commentary (June 25, 1998, p. 13978; Apr. 4, 2001, p. 5417; Oct. 8, 2004, p. ——); (9) comment on the effect of time consumed on a pending amendment as a tactic to prevent the offering of other amendments under a special order adopted by the House (May 10, 2000, p. 7508); (10) anticipate whether bill language would trigger certain executive actions; (11) interpret a pending proposition (Sept. 20, 1989, p. 20969; May 13, 1998, p. 9129); (12) judge the appropriateness of Senate action (Apr. 10, 2003, p. ——). The Chair may clarify a prior response to a parliamentary inquiry (July 31, 1996, p. 20700).

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; Dec. 19, 1998, p. 28107), 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).

§ 629. Practice, governing appeals.

The right of appeal insures the House against the arbitrary control of the Speaker and cannot 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. 14847).

An appeal may not be entertained from the following: (1) response to a parliamentary inquiry (V, 6955; VIII, 3457); (2) decision on recognition

(II, 1425–1428; VI, 292; VIII, 2429, 2646, 2762; July 23, 1993, p. 16820; Apr. 4, 1995, p. 10298; June 17, 1999, p. 13465); (3) decision on dilatoriness of motions (V, 5731); (4) question on which an appeal has just been decided (IV, 3036; V, 6877); (5) Chair's count of the number rising to demand tellers (VIII, 3105), to demand a recorded vote (June 24, 1976, p. 20390; June 14, 2000, p. 10841) or the yeas and nays (Sept. 12, 1978, p. 28950), or to object to a request under the former rule that required a committee have permission to sit during floor proceedings under the five-minute rule (Sept. 12, 1978, p. 28984); (6) Chair's count of a quorum (July 24, 1974, p. 25012); (7) Chair's call of a voice vote (Aug. 10, 1994, p. 20766); (8) Chair's refusal to recapitulate a vote (VIII, 3128); (9) Chair's refusal under clause 7 of rule XX (formerly clause 6(e) of rule XV) to entertain a point of no quorum when a pending question has not been put to a vote (Sept. 16, 1977, p. 29594); (10) determination that a Member's time in debate has expired (Mar. 22, 1996, p. 6086); (11) the Speaker's announcement of the whole number of the House upon the death, resignation, expulsion, disqualification, or removal of a Member (clause 5(d) of rule XX); (12) the Speaker's announcement of the content of a catastrophic quorum failure report under clause 5(c) of rule XX (§ 1024a, *infra*). Although an announcement by the Chair that an objection to a unanimous-consent request has been heard is not subject to appeal, the Chair's ruling on the timeliness of the objection is subject to appeal (Apr. 14, 2005, p. ——).

An appeal also may not be entertained: (1) while another is pending (V, 6939–6941); (2) between the motion to adjourn and vote thereon (V, 5361); (3) during a call of the yeas and nays (V, 6051); or (4) when dilatory (V, 5715–5722; VIII, 2822).

An appeal may be debated (VII, 1608; VIII, 2347, 2375, 3453–3455; June 24, 2003, p. ——); 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 relevancy of debate (V, 5056–5063) is not debatable. In practice in the House, a Member in favor of 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. 10614). 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; June 24, 2003, p. ——), and may be closed by motion to close debate or to rise and report (V, 6947, 6950; VIII, 3453). An appeal of a ruling of the Chair may be withdrawn in the Committee of the Whole as a matter of right (June 8, 2000, p. 9954). An appeal may be withdrawn at any time before action by the House thereon (as where the Chair has not even stated the question on appeal) (May 6, 2004, p. ——).

A motion to postpone an appeal has been held in order (VIII, 2613). The Speaker may vote to sustain his own decision (IV, 4569; V, 5686, 6956, 6957).

Form of a question

§ 630. Putting of the question by the Speaker.

6. The Speaker shall rise to put a question but may state it sitting. The Speaker shall put a question in this form: "Those in favor (of the question), say 'Aye.'"; and after the affirmative voice is expressed, "Those opposed, say 'No.'". After a vote by voice under this clause, the Speaker may use such voting procedures as may be invoked under rule XX.

This clause was adopted in 1789 (II, 1311). Before the House recodified its rules in the 106th Congress, this clause (formerly clause 5) consisted of this clause and current clause 1(a), clause 1(b), and clause 2(a) of rule XX (H. Res. 5, Jan. 6, 1999, p. 47).

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 before entertaining a demand for a recorded vote or the yeas and nays (Speaker Foley, Mar. 9, 1992, p. 4698). 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 (Nov. 18, 1995, p. 33973).

Discretion to vote

§ 631. The Speaker's vote. Tie vote.

7. The Speaker is not required to vote in ordinary legislative proceedings, except when his vote would be decisive or when the House is engaged in voting by ballot.

This clause was adopted in 1789, and amended in 1850 (V, 5964) and 1911. Before the House recodified its rules in the 106th Congress, clause 7 (formerly clause 6) consisted of this clause and current clause 1(c) of rule XX (H. Res. 5, Jan. 6, 1999, p. 47).

Although the amendment of 1850 granted the Speaker the same right to vote as other Members (V, 5966, 5967), he has historically rarely exercised it (V, 5964, footnote). The Speaker's name is not on the roll from which the yeas and nays are called (V, 5970), is called only on his request (V, 5965), and is then called at the end of the roll by name (V, 5965; VIII,

3075). During an electronic vote, the Speaker directs the Clerk to record him and verifies that instruction by submitting a vote card (Oct. 17, 1990, p. 30229). The Speaker 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 Speaker never has two votes on the same question; that is, having voted as a Member, he may not vote again should the result be a tie (V, 5964). 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). In one instance the Speaker asserted a right to withdraw his vote where a correction indicated that it was unnecessary (V, 5971).

Before the vote by tellers was repealed (§§ 1012–1013, *infra*), the Chairman of the Committee of the Whole could be counted on a vote by tellers without passing through the tellers (V, 5996, 5997; VIII, 3100, 3101).

Speaker pro tempore

§ 632. Speaker pro tempore.

8. (a) The Speaker may appoint a Member to perform the duties of the Chair. Except as specified in paragraph (b), such an appointment may not extend beyond three legislative days.

(b)(1) In the case of his illness, the Speaker may appoint a Member to perform the duties of the Chair for a period not exceeding 10 days, subject to the approval of the House. If the Speaker is absent and has omitted to make such an appointment, then the House shall elect a Speaker pro tempore to act during the absence of the Speaker.

(2) With the approval of the House, the Speaker may appoint a Member to act as Speaker pro tempore only to sign enrolled bills and joint resolutions for a specified period of time.

(3)(A) In the case of a vacancy in the Office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tem-

pore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

(C) For purposes of subdivision (A), a vacancy in the Office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.

This clause was adopted in 1811, and amended in 1876 (II, 1377) and in 1920 (VI, 263). The clause was again amended in the 99th Congress to authorize the Speaker, with approval of the House, to designate a Speaker pro tempore to sign enrolled bills (H. Res. 7, Jan. 3, 1985, p. 393). Before the House recodified its rules in the 106th Congress, clause 8 (formerly clause 7) and clause 9 occupied a single clause (H. Res. 5, Jan. 6, 1999, p. 47). Clause 8(b)(3) was added in the 108th Congress (sec. 2(a), H. Res. 5, Jan. 7, 2003, p. ——). The Speaker delivers to the Clerk the list required under clause 8(b)(3)(B) and announces such delivery to the House (*e.g.*, Mar. 13, 2003, p. ——; Jan. 20, 2005, p. ——).

§ 634. 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. The Speaker has appointed a Speaker pro tempore to perform the duties of the Chair for a fourth consecutive day on account of illness (Speaker Hastert, Feb. 26, 2001, p. 2192). Elected Speakers pro tempore have signed enrolled bills, appointed select committees, administered the oath of office to a Member-elect (Mar. 17, 1998, p. 3836), etc., functions

not exercised by a Speaker pro tempore designated under paragraph (a) of this clause (II, 1399, 1400, 1404; VI, 274, 277; Sept. 21, 1961, p. 20572; June 21, 1984, p. 17708). The House agreed by unanimous consent to the Speaker's appointment under this clause of two Members in the alternative to act as Speakers pro tempore to sign enrollments through a date certain (*e.g.*, Aug. 6, 1998, p. 19128; Nov. 18, 1999, p. 30790).

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 a 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 announce 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 8 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. 2807). Members of the minority have been called to the chair on occasions of ceremony (II, 1383; VI, 270; Jan. 31, 1951, p. 779; Jan. 6, 1999, p. 41), but in rare instances on other occasions (II, 1382, 1390; III, 2596; VI, 264).

Other responsibilities

§ 635. Drug testing in the House.

9. 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. The system may provide for the testing of a Member, Delegate, Resident Commissioner, 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. 121). Clerical and stylistic changes to this clause were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). This clause was redesignated from clause 13 to clause 9 in the 108th Congress (sec. 2(b), H. Res. 5, Jan. 7, 2003, p. ——).

§ 635a. Former Term limit.

Clause 9 formerly was occupied by a prohibition against the Speaker serving for more than four consecutive Congresses, which was added in the 104th Congress (sec. 103(a), H. Res. 6, Jan. 4, 1995, p. 462) and repealed in the 108th Congress (sec. 2(b), H. Res. 5, Jan. 7, 2003, p. ——). Before the House recodified its rules in the 106th Congress, the former term-limit rule and current clause 8 occupied a single clause (formerly clause 7) (H. Res. 5, Jan. 6, 1999, p. 47).

Designation of travel

§ 636. Travel authority.

10. The Speaker may designate a Member, Delegate, Resident Commissioner, officer, or employee of the House to travel on the business of the House within or without the United States, whether the House is meeting, has recessed, or has adjourned. Expenses for such travel may be paid from applicable accounts of the House described in clause 1(j)(1) of rule X on vouchers approved and signed solely by the Speaker.

This clause was adopted in the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20). In the 105th Congress this clause was amended to update archaic references to the "contingent fund" (H. Res. 5, Jan. 7, 1997, p. 121). In the 106th and 109th Congresses, clerical corrections were effected with respect to the "applicable accounts of the House" (H. Res. 5, Jan. 6, 1999, p. 47; sec. 2(a), H. Res. 5, Jan. 4, 2005, p. ——). Before the House recodified its rules in the 106th Congress, this clause and the provision now found in clause 10 of rule XXIV together occupied former clause 8 of this rule (H. Res. 5, Jan. 6, 1999, p. 47). See also §§ 769, 770, *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.

Committee appointment

§ 637. Select and conference committees.

11. The Speaker shall appoint all select, joint, and conference committees ordered by the House. At any time after an original appointment, the Speaker

may remove Members, Delegates, or the Resident Commissioner from, or appoint additional Members, Delegates, or the Resident Commissioner to, a select or conference committee. In appointing Members, Delegates, or the Resident Commissioner to conference committees, the Speaker shall appoint no less than a majority who generally supported the House position as determined by the Speaker, shall name those who are primarily responsible for the legislation, and shall, to the fullest extent feasible, include the principal proponents of the major provisions of the bill or resolution passed or adopted by the House.

The provision of this clause relating to select committees was adopted in 1880, and the provision relating to conference committees was first adopted in 1890, although the practice of leaving the appointment of conference committees to the Speaker had existed from the earliest years of the House's history (IV, 4470; VIII, 2192). The provision authorizing the Speaker to add or remove select committee members or conferees after his initial appointment was added in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. 49). The provision requiring the Speaker to appoint a majority of Members who generally supported the House position became effective on January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The provision requiring the Speaker to appoint Members primarily responsible for the legislation was added in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(f) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

Before 1880 the House might take from the Speaker the appointment of a select committee (IV, 4448, 4470; VIII, 2192) and on several occasions did so (IV, 4471–4476). In the earlier practice of the House, the Member moving a select committee was appointed its chairman (II, 1275; III, 2342; IV, 4514–4516). However, in modern practice, except for matters of ceremony, the inconvenience and even impropriety of the usage has caused it often to be disregarded (IV, 4517–4523, 4671). The Speaker has removed Members from a select committee (*e.g.*, Sept. 8, 2004, p. ——).

It is within the discretion of the Chair as to whom he appoints as conferees (June 24, 1932, p. 13876; July 8, 1947, p. 8469), and his discretion is not subject to challenge on a point of order even though clause 11 requires

the Speaker to appoint as conferees Members who are primarily responsible for the legislation (Speaker O'Neill, Oct. 12, 1977, p. 33434). A motion to instruct the Speaker as to the number and composition of a conference committee on the part of the House is not in order (VIII, 2193, 3221), and a motion to instruct conferees does not necessarily form the basis for the Speaker's determination under this clause as to which Members support the legislation (May 9, 1990, p. 9830).

The Speaker may appoint conferees from committees (1) which have not reported a measure, (2) which have jurisdiction over provisions of a nongermane Senate amendment to a House amendment to a Senate bill originally narrower in scope (Speaker O'Neill, Nov. 28, 1979, p. 33904), or (3) which have jurisdiction over provisions of an original Senate bill where the House amendment was narrower in scope (Speaker O'Neill, July 28, 1980, p. 19875; July 11, 1985, p. 18545). The Speaker may also appoint one who, although not a member of the committee of jurisdiction, is a principal proponent of the measure (Speaker Gingrich, Feb. 1, 1995, p. 3258) or a principal proponent of an adopted floor amendment (June 21, 1977, p. 20132). The Speaker has appointed as sole conferees on a nongermane portion of a Senate bill or amendment only members from the committee having jurisdiction over the subject matter thereof (Speaker O'Neill, Aug. 27, 1980, p. 23548; July 24, 1986, p. 17644), and also members from such committees as additional rather than exclusive conferees on other nongermane portions of the Senate bill (July 24, 1986, p. 17644). Where a comprehensive matter is committed to conference, the Speaker may appoint separate groups of conferees from several committees for concurrent or exclusive consideration of provisions within their respective jurisdictions (Feb. 7, 1990, p. 1522; May 9, 1990, p. 9830). Pursuant to this clause the Speaker may by the terms of his appointment empower a group of exclusive conferees to report in total disagreement (June 10, 1988, p. 14077; Sept. 20, 1989, p. 20955). Pursuant to this clause the Speaker may remove a conferee (*e.g.,* Mar. 10, 1998, p. 3049). In the 102d Congress the Speaker reiterated his announced policy of simplifying conference appointments by noting on the occasion of a relatively complex appointment that, inasmuch as conference committees are select committees that dissolve when their report is acted upon, conference appointments should not be construed as jurisdictional precedent (Speaker Foley, June 3, 1992, p. 13288). The Speaker may fill a vacancy on a conference committee by appointment but may not accept a resignation from a conference committee (as contrasted with his authority to remove) absent an order of the House (Nov. 4, 1987, p. 30808).

For a further discussion of the Speaker's authority to appoint conferees, see § 536, *supra*.

Recess and Convening Authorities

12. (a) 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.

§ 638. Short recess authority.

This paragraph was added as clause 12 of rule I in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. 49). It was redesignated as paragraph (a) in the 108th Congress (sec. 2(c), H. Res. 5, Jan. 7, 2003, p. ——). Having postponed proceedings on a pending question, the Speaker may declare a recess for a short time under this paragraph (there being no question then pending before the House) (Apr. 30, 1998, p. 7381). A Member's mere revelation that he seeks to offer a motion to adjourn does not suffice to make that motion "pending," and thus the Chair remains able to declare a short recess under this paragraph (Oct. 28, 1997, p. 23524; June 25, 2003, p. ——).

(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

§ 639. Emergency recess and reconvening authority.

(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader—

(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section

5, article I of the Constitution and notify Members accordingly.

(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.

Paragraphs (b)–(d) were added in the 108th Congress (sec. 2(c), H. Res. 5, Jan. 7, 2003, p. ——). For similar authority in the Senate, see Senate Resolution 296 (108th Cong., Feb. 3, 2003, p. ——). An emergency recess under paragraph (b) was declared by the Speaker pro tempore on May 11, 2005 (p. ——) and by the Chairman of the Committee of the Whole on June 29, 2005 (p. ——).

RULE II

OTHER OFFICERS AND OFFICIALS

Elections

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

1. There shall be elected at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, a Sergeant-at-Arms, a Chief Administrative Officer, and a Chaplain. Each of these officers shall take an oath to support the Constitution of the United States, and for the true and faithful exercise of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House. Each of these officers 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.

When the House recodified its rules, it consolidated former rules II through VII, former clauses 10 and 11 of rule I, former clause 6 of rule XIII, and former clause 5 of rule XVI under rule II (H. Res. 5, Jan. 6, 1999, p. 47). A rudimentary form of this clause was adopted in 1789, and