

Chapter 10

Chamber, Rooms, and Galleries

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Research References

- 5 Hinds §§ 7270-7311
- 8 Cannon §§ 3632, 3636-3643
- Deschler Ch 4; Deschler-Brown Ch 29 § 85
- Manual* §§ 677-684

§ 1. In General; Use of the Hall

The Hall of the House and unappropriated rooms in the House (rooms not specifically assigned by action of the House) are under the general control of the Speaker. Clause 3 of rule I; *Manual* § 623. Control of the appropriated rooms in the House wing is exercised by the House itself. 5 Hinds §§ 7273-7279. Resolutions assigning a room to a committee have been considered as privileged. 5 Hinds § 7273.

Under clause 1 of rule IV, the Hall may be used only for (1) the legislative business of the House; (2) caucus meetings of its Members, including joint party caucuses; (3) ceremonies in which the House votes to participate; and (4) classified briefings of Members, if authorized by the Speaker, during recesses declared under clause 12 of rule I. *Manual* §§ 623, 677. In rare instances the House has permitted the Hall to be used for ceremonial or special occasions. 8 Cannon § 3632; Deschler Ch 4 §§ 3.1, 3.4. However, a House and Senate ceremony of religious reconciliation to be conducted in the Hall of the House during a recess requires adoption of a concurrent resolution by both Houses. See, *e.g.*, 107-1, H. Con. Res. 184, Oct. 23, 2001, pp 20388-90 (never adopted by the Senate). Beginning in the 111th Congress, the Speaker has announced a policy that when the House stands adjourned, its chamber remains on static display and shall not be used for any proceedings that might be taken to carry the imprimatur of the House. *Manual* § 677.

Disorderly or disruptive acts in the Capitol are unlawful, and unauthorized demonstrations are prohibited by law. 40 USC § 5104(e)(2)(D). Mass presence of Members in the well while not under recognition (114-2, June 22, 2016, p____), or a gathering of Members displaying electronic and non-electronic exhibits (113-2, Mar. 13, 2014, p____), constitutes a breach of decorum. The unauthorized presence of persons on the floor of either House or in the gallery of either House is prohibited. 40 USC § 5104(e)(2)(B). Disorder in the House, see CONSIDERATION AND DEBATE.

§ 2. Admission to the Floor

Generally

Clause 2 of rule IV enumerates those persons entitled to be admitted to the floor or rooms leading thereto. *Manual* § 678. Among those who may be admitted to the Hall are Members and Members-elect of Congress, the President and Vice President, Judges of the Supreme Court, governors of states, heads of departments, foreign ministers, contestants in election cases during the pendency of their cases on the floor, one attorney for a Member-respondent during consideration of a disciplinary resolution reported from the Committee on Ethics, and other named officials. *Manual* § 678. The term “heads of departments” has been construed to mean members of the President’s Cabinet, and the term “foreign ministers” has been construed to mean the representatives of foreign governments duly accredited to the United States, and not necessarily those with the title of “minister” in their own parliaments. 5 Hinds § 7283. The term “contestants in election cases” has been construed to include challengers in an election contest, even though the challenger was not a candidate in the election in which the sitting Member was reelected. Deschler Ch 4 § 4.5. Under clauses 2 and 3 of rule VI, the Speaker is authorized to admit to the floor of the House certain representatives of press associations and media outlets. *Manual* §§ 693, 694.

It is not in order to refer to persons temporarily on the floor of the House as guests of the House, such as Members’ children. *Manual* § 678. Although Senators have floor privileges, they are not entitled to address the House. Deschler Ch 4 § 4.8.

The rule is strictly enforced during regular meetings. However, the rule is less strictly enforced on ceremonial occasions (5 Hinds § 7290) or when the House is in recess during a joint meeting with the Senate (Deschler Ch 4 § 4). The House may, by resolution, specify the individuals to be admitted to the floor during a ceremonial occasion. 114-1, July 28, 2015, p____. The rule on floor privileges is not applicable to joint sessions of the two Houses. 5 Hinds § 7292. The Speaker sometimes announces guidelines for use of the

Chamber during a recess. During a regular meeting, a point of order will lie to object to the presence of any unauthorized persons. 92-2, June 21, 1972, p 21704. Under clause 2(b) of rule IV, motions or unanimous-consent requests to suspend the rule may not be entertained by the Speaker or by the chair of the Committee of the Whole. 5 Hinds § 7285. However, the House may, by simple resolution, authorize the presence on the floor of individuals otherwise precluded by the rule. 111-2, H. Res. 1555, July 26, 2010, p 13938.

The Speaker has the authority to exclude an individual who abuses the privileges of the floor. 5 Hinds § 7288. An alleged abuse of the privilege of the floor may be made the subject of an inquiry by a special committee. 5 Hinds § 7287.

Former Members

A former Member must observe the rules of proper decorum while on the floor, and the Chair may direct the Sergeant-at-Arms to assist the Chair in maintaining such decorum. *Manual* § 622. The question of banning a former Member engaged in indecorous behavior on the floor gives rise to a question of the privileges of the House. *Manual* § 680. A former Member may not manifest approval or disapproval of the proceedings. 8 Cannon § 3635. For more information on floor privileges of former Members, see *Manual* § 680.

Although former Members, officers, and certain former employees have access to the floor under clause 2 of rule IV, such individuals are not entitled to the privileges of the floor, or rooms leading thereto, if they (1) are a registered lobbyist or agent of a foreign principal; (2) have a direct personal or pecuniary interest in legislation under consideration in the House or reported by any committee; or (3) represent any party or organization for the purpose of influencing the disposition of legislation pending before the House or reported by a committee or under consideration in a committee. *Manual* § 680. For regulations issued by the Speaker under this rule, see *Manual* § 680.

Staff; Committee Clerks

Clause 2(a)(7) of rule IV permits on the floor staff of a committee when business from their committee is under consideration and no more than one person from the staff of a Member when that Member has an amendment under consideration. This rule has been interpreted by the Speaker to allow the presence on the floor of four professional staff members and one clerk from a committee during consideration of that committee's business and to require that such individuals remain unobtrusively by

the committee tables. *Manual* § 678. Clause 2(a)(7) of rule IV also permits on the floor staff of the respective party leaderships when so assigned with the approval of the Speaker. The privileges of the floor do not extend to departmental employees assisting committees in the preparation of bills. 6 Cannon § 579. Where several committees are involved with a pending measure, the rule permits authorized majority and minority staff (up to five persons) from each committee. 97-1, June 26, 1981, p 14574. Clerks other than those employed by a committee involved in the bill under consideration are not entitled to the floor. Deschler Ch 4 § 4. The Speaker has announced an intention to strictly enforce the rule to prevent a proliferation of staff on the floor and has required committee staff to display staff badges when on the floor. *Manual* § 678. Under clause 5 of rule IV, and regulations promulgated by the Speaker thereunder, staff on the floor are not permitted to pass out literature or otherwise attempt to influence Members in their votes or to applaud during debate. *Manual* § 681.

Secret Sessions

Before a secret session of the House commences, the Speaker may direct that the Chamber be cleared of all persons except Members and those officers and employees, specified by the Speaker, whose attendance on the floor is essential to the functioning of the session. Clause 10 of rule XVII; *Manual* § 969; Deschler-Brown Ch 29 § 85. A point of order will not lie against the presence in the Chamber of those persons whose attendance on the floor is permitted by the Speaker's directive. Deschler-Brown Ch 29 § 85.15; see CONSIDERATION AND DEBATE. Secret classified briefings of Members may be permitted during recesses of the House declared by the Speaker under clause 12 of rule I. Under clause 13 of rule XXIII, a Member, officer, or employee must execute an oath of secrecy before having access to classified material. *Manual* § 1095.

§ 3. Electronic Devices; Signals, Bells, and Clocks

Various electronic devices and computer services are used by the House to expedite quorum calls and votes and for other purposes. *Manual* §§ 1012-1016. For example, a legislative bell and light system alerts Members to quorum calls, the taking of certain votes, and other occurrences on the floor. *Manual* §§ 1014, 1016. Changes in the system are announced by the Speaker from time to time. The failure of the signal bells to announce a vote does not warrant repetition of the record vote, nor does such a failure permit a Member to be recorded following the conclusion of the call. *Manual* § 1016; 8 Cannon §§ 3153, 3155, 3157; see also VOTING.

The use of a mobile electronic device on the floor of the House that impairs decorum (such as displaying an image on such a device while not under recognition, 113-2, Mar. 13, 2014, p____) is prohibited under clause 5 of rule XVII, and the Chair has admonished Members to disable wireless telephones on entering the Chamber. The Chair has also announced that the use of wireless telephones is not permitted in the gallery. *Manual* § 962.

Microphones have been placed on the floor of the House for the use of Members. Although under clause 1 of rule XVII, a Member may address the House from any place on the floor, a Member making an appropriate request should use one of the floor microphones so that all Members may hear the request. 94-1, Oct. 28, 1975, p 34027. A Member may speak at any microphone on the floor. *Manual* § 364. Clause 2 of rule I directs the Speaker to preserve order and decorum in the House, and authorizes the Speaker to order the microphones turned off if they are being utilized by a disorderly Member who has not been properly recognized. Deschler-Brown Ch 29 § 11.19.

§ 4. Galleries and Corridors

Under clause 3 of rule I, control over the corridors leading to the House Chamber is vested in the Speaker. *Manual* §§ 622, 623. The Speaker may order the corridors cleared during quorum calls and the taking of votes to ensure unimpeded access to the Chamber. *Manual* § 623. Under clause 2 of rule I, the Speaker preserves order and decorum in the galleries, and in the event of a disturbance, may order the galleries cleared. *Manual* § 622. However, the Speaker rarely exercises this authority, and the galleries have not been so cleared since the 92d Congress. 92-2, Jan. 18, 1972, p 9; 92-2, May 10, 1972, p 16576. The chair of the Committee of the Whole may exercise similar power in preserving order in the galleries. *Manual* § 970.

Guests in the House gallery must maintain order and refrain from manifestations of approval or disapproval of proceedings on the floor, and admonitions may be expressed either by the Speaker or by the chair of the Committee of the Whole. Deschler Ch 4 § 5.6. Under clause 7 of rule XVII, it also is out of order to refer to visitors in the galleries, even with permission to proceed out of order; and the Speaker, *sua sponte*, may declare such remarks to be out of order. Deschler Ch 4 §§ 5.3, 5.4.

§ 5. Photographs; Radio and Television Coverage

Photographs

Under the practice of the House, permission must be obtained before photographs may be taken inside the House Chamber. Rules regarding the

taking of such pictures may be enforced by the Speaker. Deschler Ch 4 § 3.5 (note); 114-2, June 23, 2016, p____. Official photographs of the House while in session may be permitted by resolution. See, *e.g.*, 107-2, H. Res. 378, June 5, 2002, p 9285; 109-1, Oct. 7, 2005, p 22648; 111-1, H. Res. 658, July 17, 2009, p 18223.

Media Coverage of Floor Proceedings

Prior to the 95th Congress, the rules and precedents of the House did not permit public radio and television broadcasts of House proceedings. In 1977, the House adopted a privileged resolution reported from the Committee on Rules to provide a system of closed-circuit viewing of House proceedings and for the orderly development of a broadcasting system. Under rule V, the Speaker directs the audio and visual broadcasting and recording of the proceedings of the House, including periods of voting. Under this rule, broadcasts are made over closed-circuit television in House offices and have been made available to the news media and to cable television systems. Broadcasts made available under the rule may not be used for political or commercial purposes. *Manual* § 684. Since the 110th Congress, the Clerk has provided online streaming coverage of House floor proceedings (“HouseLive”), which is accessible to Members and the public on the Clerk’s website. In the 115th Congress, the Sergeant-at-Arms was authorized to assess fines on Members for the use of electronic devices for still photography or audio-visual broadcasting in contravention of clause 5 of rule XVII or any of the Speaker’s announced policies regarding the use of electronic devices in the House Chamber. 115-1, Jan. 3, 2017, p____.

In 1984, a question arose as to the authority of the Speaker to require wide-angle television coverage of the House Chamber during special-order speeches. In that instance, the Speaker’s directive that television cameras covering special-order speeches of the House at the completion of legislative business include periodic wide-angle coverage of the entire House Chamber was held to be consistent with the authority conferred upon the Speaker under rule V. *Manual* § 684. Beginning in the 103d Congress, the Speaker has followed a policy under which television cameras would not “pan” the Chamber during morning-hour or special-order speeches. However, the Speaker directed that a caption run at the bottom of the screen indicating the conduct of morning-hour debate or to show that legislative business has been completed for the day. *Manual* § 684.

Although clause 2 of rule V requires complete and unedited broadcast coverage of the proceedings of the House, it does not require in-House microphone amplification of disorderly conduct by a Member no longer under recognition. Deschler-Brown Ch 29 § 11.19.