

§ 6. Power of Appointment; Legislative Authority

The Speaker derives his power of appointment from statutes, the House rules, and House resolutions. This section lists examples from each of these sources, and reviews various appointment practices under the House precedents.

Examples of appointments made under statutory provisions are as follows.

The Speaker appoints six members to the National Visitors Facilities Advisory Commission;⁽⁹⁾ three members to the Advisory Commission on Intergovernmental Relations;⁽¹⁰⁾ four members to the Presidential Joint Commission on the Coinage;⁽¹¹⁾ up to nine members to the North Atlantic Treaty Parliamentary Conference;⁽¹²⁾ 12 members to the 24-member group to represent the United States at the Mexico-United States Interparliamentary Group;⁽¹³⁾ one member to the National Historical Publications Commission;⁽¹⁴⁾ three members to the 17-member Board of Regents of the Smithso-

9. 40 USCA § 822.

10. 42 USCA § 4273.

11. 31 USCA § 301.

12. 22 USCA § 1928a.

13. 22 USCA § 276h.

14. 44 USCA § 2501.

nian Institution;⁽¹⁵⁾ six members to a 13-member board in the Office of Technology Assessment;⁽¹⁶⁾ five members to the 10-man Joint Committee on Congressional Operations;⁽¹⁷⁾ 10 members to the 20-member Joint Economic Committee;⁽¹⁸⁾ two of the nine members of the Commission on Executive, Legislative, and Judicial Salaries;⁽¹⁹⁾ and a committee to direct and control the operation of the House Recording Studio.⁽¹⁾

The Speaker appoints a Legislative Counsel for the House⁽²⁾ and approves the appointment by the Legislative Counsel of assistants and other employees.⁽³⁾

The Speaker must also approve the appointment of librarians for the library of the House of Representatives.⁽⁴⁾

The Speaker is a member of and appoints two Members to the House Office Building Commission.⁽⁵⁾

The Speaker may make temporary appointments to fill vacan-

15. 20 USCA §§ 42 and 43.

16. 2 USCA § 473.

17. 2 USCA § 411.

18. 15 USCA § 1024.

19. 2 USCA § 352.

1. 2 USCA § 123b.

2. 2 USCA § 282.

3. 2 USCA § 282a.

4. 2 USCA § 153.

5. 40 USCA § 175. See Ch. 4, *supra*, for treatment of the House Office Buildings.

cies in the offices of the Clerk, the Sergeant at Arms, the Doorkeeper, the Postmaster, and the Chaplain.⁽⁶⁾

The Speaker has in the past appointed four of the 12-man Commission on the Organization of the Government for the Conduct of Foreign Policy;⁽⁷⁾ two members to the nine-member National Fisheries Center and Aquarium Advisory Board;⁽⁸⁾ two members to a fourman advisory board to the National Commission on Fire Prevention and Control;⁽⁹⁾ three members to the nine-member National Commission on Consumer Finance;⁽¹⁰⁾ five members to a 15-member National Commission on Food Marketing;⁽¹¹⁾ and four members to the 15-member Commission on the Review of the National Policy Toward Gambling.⁽¹²⁾

Under House rules, the Speaker may appoint Speakers pro tempore,⁽¹³⁾ the Chairman of the Com-

mittee of the Whole,⁽¹⁴⁾ members to select and conference committees,⁽¹⁵⁾ tellers for vote counting,⁽¹⁶⁾ and the official reporters of the House.⁽¹⁷⁾

The manner by which the Speaker exercises his powers of appointment is governed by House customs and practices of long standing. Thus, whenever the House resolves itself into a Com-

seq., *infra*, for treatment of the Speaker pro tempore, including the Speaker's power to appoint one.

6. 2 USC §75a-1.
7. 22 USCA §2821. See Ch. 13, *infra*, for treatment of the powers and prerogatives of the House vis-a-vis foreign relations generally.
8. 16 USCA §1055.
9. 15 USCA §278f note.
10. 15 USCA §1601 note.
11. Pub. L. No. 89-20, May 15, 1965, 79 Stat. 111.
12. 18 USCA §1955 note.
13. Rule I clause 7, *House Rules and Manual* §633 (1973). See §§9 et

14. Rule XXIII clause 1, *House Rules and Manual* §861 (1973). See Ch. 19, *infra*, for treatment of the Speaker's relationship to the Committee of the Whole.

15. Rule X clause 2, *House Rules and Manual* §671a (1973). See Ch. 17, *infra*, for fuller treatment of the Speaker's power to appoint committees.

16. Rule I clause 5, *House Rules and Manual* §630 (1973) covers regular vote-counting by tellers. See Ch. 30, *infra*, for treatment of regular voting. For electoral college votes, see 3 USC §315 and U.S. Const. amend. XII.

17. Rule XXXIV clause 1, *House Rules and Manual* §923 (1973). See Ch. 5, *supra*, for fuller treatment of official reporters.

Parliamentarian's Note: Although the rule vests the power of appointment of official reporters in the Speaker, under statute, 2 USCA §84a, he normally exercises his power by approving their employment.

mittee of the Whole, the Speaker will appoint a Chairman of the Committee.⁽¹⁸⁾ If the designated Chairman is not present when the House resolves itself into the Committee, the Speaker may also appoint a Chairman pro tempore until the designated Chairman arrives.⁽¹⁹⁾

Although the House rules⁽²⁰⁾ provide that the Speaker may appoint members to select committees, the rules further provide that such appointments may be made to committees that the House may from time to time establish. Thus, the Speaker appoints members to such committees pursuant to authorization provided for by law or by action of the House. House authorization may be in the form of unanimous consent⁽¹⁾ or formal resolution.⁽²⁾

The Speaker may make appointments to select committees orally,⁽³⁾ and under certain circumstances, he may appoint the majority and minority members at different times.⁽⁴⁾ For certain committees, usually ceremonial ones,

18. See §6.1, *infra*.

19. See §6.2, *infra*.

20. Rule X clause 2, *House Rules and Manual* §671a (1973).

1. See §6.3, *infra*.

2. See §§6.4, 6.6, *infra*.

3. See §6.9, *infra*.

4. See §§6.10, 6. 11, *infra*.

the Speaker may appoint himself as a member of the committee.⁽⁵⁾

When a vacancy occurs on a select committee, the Speaker fills the vacancy pursuant to the original authorization to appoint the committee.⁽⁶⁾

The Speaker's appointment of conferees on the part of the House to conference committees is somewhat different from his appointment of select committees.⁽⁷⁾ For instance, the manner of appointment of conferees and the number of members appointed is usually within the discretion of the Speaker.⁽⁸⁾ But the Speaker must still be authorized to make appointments of conferees pursuant to House action.⁽⁹⁾ And although the Speaker fills vacancies in conference committees without seeking new authorizations from the House,⁽¹⁰⁾ for the Speaker to appoint additional conferees, additional House authorization must be given.⁽¹¹⁾

5. See §6.12, *infra*. See Ch. 36, *infra*, for treatment of the Speaker's role in various ceremonies.

6. See §6.13, *infra*.

7. See Ch. 33, *infra*, for fuller treatment of the Speaker's role vis-a-vis House-Senate conferences.

8. See §6.14, *infra*.

9. For example, see illustrations under §6.16, *infra*.

10. See §6.16, *infra*.

11. See §6.18, *infra*.

On occasion the House will authorize the designation of certain House employees subject to the approval of the Speaker.⁽²⁾

Appointing Chairmen

§ 6.1 The Speaker (and the Speaker pro tempore) appoints a Chairman when the House resolves itself into the Committee of the Whole.

On July 25, 1962,⁽¹³⁾ a motion was made for the House to resolve itself into the Committee of the Whole House on the state of the Union.

MR. [HERBERT] ZELENKO [of New York]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11677) to prohibit discrimination on account of sex in the payment of wages by certain employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the

12. See §6.26, *infra*.

13. 108 CONG. REC. 14747, 87th Cong. 2d Sess.

bill H.R. 11677, Mrs. Edna F. Kelly, of New York, having been appointed to preside.

On Jan. 14, 1964,⁽¹⁴⁾ a motion was made for the House to resolve itself into the Committee of the Whole House on the state of the Union.

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1153), to amend the Federal Airport Act to extend the time for making grants thereunder, and for other purposes.

THE SPEAKER PRO TEMPORE: [Carl Albert, of Oklahoma]: The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1153, Mrs. Leonor Kretzer Sullivan, of Missouri, having been appointed to preside.

§ 6.2 The Speaker (and the Speaker pro tempore) may appoint both a Chairman and a Chairman pro tempore of the Committee of the Whole.

On Oct. 18, 1967,⁽¹⁵⁾ Speaker pro tempore Carl Albert, of Okla-

14. 110 CONG. REC. 399, 88th Cong. 2d Sess.

15. 113 CONG. REC. 29277, 90th Cong. 1st Sess.

homa, made the following announcement:

THE SPEAKER PRO TEMPORE: The Chair designates the gentleman from Ohio [Mr. Vanik] as Chairman of the Committee of the Whole, and requests the gentleman from Illinois [Mr. Rostenkowski] to assume the chair temporarily.

Authority to Appoint

§ 6.3 Pursuant to authority granted him by the House, the Speaker may appoint committees, commissions, and boards authorized by law or by the House.

On Aug. 24, 1935,⁽¹⁶⁾ for example, a unanimous-consent request was made as follows:

MR. [EDWARD T.] TAYLOR of Colorado: Mr. Speaker, I ask unanimous consent that the Speaker may have until Wednesday next, August 28, 1935, to appoint committees and commissions that have been authorized by the House or by law.

THE SPEAKER [Joseph W. Byrns, of Tennessee]: Is there objection.

There was no objection.

Similarly, on Aug. 21, 1937,⁽¹⁷⁾ unanimous consent was requested and received to permit Speaker William B. Bankhead, of Alabama, to appoint commissions and

16. 79 CONG. REC. 14645, 74th Cong. 1st Sess.

17. 81 CONG. REC. 9640, 75th Cong. 1st Sess.

committees authorized by law or by the House, notwithstanding the adjournment of the first session of the 75th Congress.

Likewise, on Oct. 13, 1962,⁽¹⁸⁾ a unanimous-consent request was made as follows:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the 2d session of the 87th Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

THE SPEAKER [Sam Rayburn, of Texas]: Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Announcing Appointments

§ 6.4 When the House has authorized a Speaker to appoint committees, boards, or commissions, the Speaker informs the House of his exercise of the authority granted.

On July 26, 1948,⁽¹⁹⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, announced his appointment of certain special committees.

The Speaker, pursuant to the authority conferred upon him by House

18. 108 CONG. REC. 23515, 87th Cong. 2d Sess.

19. 94 CONG. REC. 9362, 80th Cong. 2d Sess.

Resolution 691, Eightieth Congress, and the order of the House of June 19, 1948, empowering him to appoint commissions, boards, and committees authorized by law or by the House, did on June 29, 1948, appoint as members of the select committee to conduct a study and investigation of the organization, personnel, and activities of the Federal Communications Commission the following Members of the House: Hon. Forest A. Harness, Indiana, chairman; Hon. Leonard W. Hall, New York; Hon. Charles H. Elston, Ohio; Hon. J. Percy Priest, Tennessee; Hon. Oren Harris, Arkansas. . . .

On Jan. 3, 1956,⁽²⁰⁾ Speaker Sam Rayburn, of Texas, announced certain appointments he made, pursuant to authority granted, during an adjournment period.

THE SPEAKER: The Chair lays before the House the following announcement with respect to certain appointments made by the Speaker subsequent to adjournment which the Clerk will read.

The Clerk read as follows:

The Chair desires to announce that pursuant to the order of the House of August 2, 1955, empowering him to appoint commissions, boards, and committees authorized by law or by the House, he did, on September 1, 1955, pursuant to the provisions of Public Law 742, 83d Congress, appoint as members of the National Monument Commission the following members on the part of the House: Mr. Smith of Virginia, Mr. Aspinall of Colorado, Mr. Smith of Wisconsin, and Mr. Westland of Washington.⁽¹⁾

20. 102 CONG. REC. 5, 84th Cong. 2d Sess.

1. *Parliamentarian's Note*: When the Speaker makes appointments during

On Jan. 4, 1965,⁽²⁾ Speaker John W. McCormack, of Massachusetts, announced appointments he made pursuant to authority granted during a *sine die* adjournment.

THE SPEAKER:: The Chair desires to announce that pursuant to the order of the House of October 3, 1964, empowering him to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House, he did, on November 18, 1964, pursuant to the provisions of section 3, Public Law 88-630, appoint as members of the Lewis and Clark Trail Commission the following Members on the part of the House: Mr. Morris, of New Mexico; Mr. Rivers, of Alaska; Mr. Berry, of South Dakota; Mr. Skubitz, of Kansas.

§ 6.5 When a former Speaker has made appointments pursuant to authority granted him during a *sine die* adjournment of the House, the new Speaker informs the House of such actions.

On Jan. 3, 1947,⁽³⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, laid before the House a com-

a *sine die* adjournment pursuant to authority granted by the House, he informs the House of his action at its next convening.

2. 111 CONG. REC. 25, 89th Cong. 1st Sess.

3. 93 CONG. REC. 39, 80th Cong. 1st Sess.

munication from the previous Speaker, Sam Rayburn, of Texas, in which Mr. Rayburn indicated that, subsequent to a sine die adjournment of the House during the second session of the 79th Congress, and pursuant to authority granted him by the House, he had made certain appointments:

JANUARY 3, 1947.

THE SPEAKER,
House of Representatives, United States,
Washington, D.C.

DEAR MR. SPEAKER: I desire to inform the House of Representatives that subsequent to the sine die adjournment of the Seventy-ninth Congress and pursuant to the provisions of Public Law 711 and the order of the House of August 2, 1946, empowering the Speaker to appoint commissions and committees authorized by law or by the House, I did, as Speaker of the Seventy-ninth Congress, on September 6, 1946, appoint Hon. Michael J. Bradley as a member of the Philadelphia National Shrines Park Commission.

Respectfully,

SAM RAYBURN.

Select Committee Appointments

§ 6.6 The Speaker appoints Members to select committees established pursuant to formal House resolutions.

On Dec. 6, 1967,⁽⁴⁾ a resolution was introduced to authorize

4. 113 CONG. REC. 35143, 90th Cong. 1st Sess.

Speaker John W. McCormack, of Massachusetts, to appoint Members to a select committee.

MRS. [MARTHA W.] GRIFFITHS [of Michigan]: Mr. Speaker, on behalf of the distinguished gentlewoman from Washington [Mrs. May] and myself, I offer a resolution (H. Res. 1000) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1000

Resolved, (a) That there is hereby created a select committee to be composed of three Members of the House of Representatives to be appointed by the Speaker, one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) Effective upon the date of approval of this resolution, until otherwise ordered by the House, the management of the House Beauty Shop and all matters connected therewith shall be under the direction of the Select Committee herein created and shall be operated under such rules and regulations as such Committee may prescribe for the operation and the employment of necessary assistance for the conduct of said Beauty Shop by such business methods as may produce the best results consistent with economical and modern management.

Sec. 2. The Select Committee is hereby authorized to purchase, at a cost not to exceed \$15,000, the initial equipment and materials required for the operation of the House Beauty Shop, and the expense thereof shall be paid from the contingent fund of the House of Representatives.

THE SPEAKER: Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

MRS. GRIFFITHS: Mr. Speaker, the \$15,000 advanced to reestablish the House beauty shop will be in the course of the next year, barring unforeseen circumstances, be returned to the contingency fund, and it is my earnest hope that the next time you hear from the select committee, it will be for the pleasant task of returning money to the Treasury of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: Pursuant to the provisions of House Resolution 1000, the Chair appoints as members of the Select Committee on the House Beauty Shop the following Members: Mrs. Griffiths, chairman; Mrs. Green of Oregon, and Mrs. May.

Discretion in Appointments

§ 6.7 The Speaker on occasion has insisted that he be permitted discretion in appointing Members to select committees.

On July 10, 1945,⁽⁵⁾ Speaker Sam Rayburn, of Texas, indicated his desires concerning the formulation of resolutions providing for the appointment of select committees by the Speaker.

MR. [FRITZ G.] LANHAM [of Texas]: Mr. Speaker, I ask unanimous consent

5. 91 CONG. REC. 7392-94, 79th Cong. 1st Sess.

for the immediate consideration of Senate Joint Resolution 31.

The Clerk read the title of the joint resolution.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, reserving the right to object, will the gentleman from Texas kindly explain the legislation?

MR. LANHAM: Mr. Speaker, this Senate joint resolution, which was passed unanimously by the Senate, provided for the treatment of the Legislative Chambers long delayed in giving proper quarters in which to meet. . . .

THE SPEAKER: The Chair desires to call attention to one amendment. The Chair is not going to raise the question at this time but will hereafter, and he thinks he might as well try to raise it with his beloved friend from Texas as anybody else, because there will not be any trouble with him about it.

The Chair calls attention to the amendment on page 2 of the bill running from line 17 to 24 and reading as follows:

Provided further, That the project, insofar as it affects the House wing of the Capitol, shall be carried forward by the Architect of the Capitol in accordance with plans to be approved by a committee of five Representatives to be appointed by the Speaker of the House of Representatives, upon recommendation of the chairman of the House Committee on Public Buildings and Grounds.

Hereafter the Chair is going to insist that if he is to appoint a committee and be responsible for it he be permitted to appoint whom he pleases. To

that end, of course, he would consult with the chairman of the Committee on Public Buildings and Grounds or whatever the committee of the House might be. . . .

The committee amendments were agreed to.

Appointment Restrictions

§ 6.8 Though it is customary to allow the Speaker discretion in appointing Members to select committees, authorizing resolutions normally include restrictions as to the total number of Members to be appointed and the party balance to be obtained.

On Mar. 5, 1958,⁽⁶⁾ a resolution was introduced as follows:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I offer a resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

HOUSE RESOLUTION 496

Resolved, That there is hereby created a Select Committee on Astronautics and Space Exploration to be composed of 13 Members of the House of Representatives to be appointed by the Speaker, 7 from the majority party and 6 from the minority party, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made. . . .

6. 104 CONG. REC. 3443, 85th Cong. 2d Sess.

There was no objection.

The resolution was agreed to and a motion to reconsider was laid on the table.

Making Select Committee Appointments

§ 6.9 The Speaker may orally appoint Members to a select committee pursuant to authority granted him.

On Oct. 20, 1966,⁽⁷⁾ Speaker John W. McCormack, of Massachusetts, appointed Members to a select committee.

THE SPEAKER: Pursuant to the provisions of House Resolution 1013, 89th Congress, the Chair appoints as members of the Select Committee on Standards and Conduct the following Members of the House: Mr. Bennett, of Florida, chairman; Mr. Brooks, of Texas; Mr. Nix, of Pennsylvania; Mr. Carey, of New York; Mr. Cameron, of California; Mr. Ronan, of Illinois; Mr. Gross, of Iowa; Mr. Broyhill, of Virginia; Mr. Michel, of Illinois; Mrs. May, of Washington; Mr. Latta, of Ohio; and Mr. Stafford, of Vermont.

§ 6.10 Under certain circumstances, the Speaker may appoint the majority party members to a select committee without appointing the minority party members simultaneously.

7. 112 CONG. REC. 28112, 89th Cong. 2d Sess.

On Feb. 7, 1961,⁽⁸⁾ Speaker Sam Rayburn, of Texas, appointed the majority party members of a select committee.

THE SPEAKER: The Chair desires to make the following announcement.

Pursuant to the provisions of House Resolution 46, 87th Congress, the Chair appoints as members of the Select Committee To Conduct Studies and Investigations of the Problems of Small Business the following Members of the House:

Mr. Patman, Texas, chairman; Mr. Evins, Tennessee; Mr. Multer, New York; Mr. Yates, Illinois; Mr. Steed, Oklahoma; Mr. Roosevelt, California; Mr. Alford, Arkansas.⁽⁹⁾

§ 6.11 Under certain circumstances, the Speaker may appoint minority party members to a select committee pursuant to authority granted him without appointing the majority party members simultaneously.

On Feb. 17, 1961,⁽¹⁰⁾ Speaker Sam Rayburn, of Texas, appointed

8. 107 CONG. REC. 1820, 87th Cong. 1st Sess.

9. *Parliamentarian's Note*: The majority party members were appointed so that the committee could organize and the chairman could certify the employment of staff personnel. The Republican members did not hold a caucus to ratify the recommendations of their Committee on Committees until after the session of the House on Feb. 9, 1961.

10. 107 CONG. REC. 2271, 87th Cong. 1st Sess.

the minority party members to a select committee.

THE SPEAKER: Pursuant to the provisions of House Resolution 46, 87th Congress, the Chair appoints as additional members of the Select Committee To Conduct Studies and Investigations of the Problems of Small Business the following Members of the House:

Mr. McCulloch, Ohio; Mr. Moore, West Virginia; Mr. Avery, Kansas; Mr. Smith, California; Mr. Robison, New York; and Mr. Derwinski, Illinois.

§ 6.12 The Speaker may appoint himself to certain select committees, and has served on the Joint Select Committee on Preparations for Inaugural Ceremonies.

On Apr. 20, 1964,⁽¹¹⁾ a resolution was introduced concerning the creation of a joint committee.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I offer a Senate concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inau-

11. 110 CONG. REC. 8375, 88th Cong. 2d Sess.

guration of the President-elect and Vice-President-elect of the United States on the 20th day of January 1965.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: [John W. McCormack, of Massachusetts]: Pursuant to the provisions of Senate Concurrent Resolution 71, 88th Congress, the Chair appoints as Members of the Joint Committee . . . the following Members on the part of the House: Mr. McCormack, Mr. Albert, and Mr. Halleck.

Filling Vacancies

§ 6.13 When a vacancy occurs on a special committee, the Speaker, acting under the original authorization by the House, may appoint a Member to fill the vacancy.

On Jan. 3, 1939,⁽¹²⁾ Speaker William B. Bankhead, of Alabama, made the following announcement:

THE SPEAKER: On August 13, 1938, a vacancy was created on the Special Joint Committee to Investigate the Tennessee Valley Authority due to the resignation of Hon. William J. Driver. The Chair, pursuant to the authority conferred upon him by Public Resolution 83, Seventy-fifth Congress, and the order of the House of June 15, 1938, empowering him to appoint commissions and committees authorized by

12. 84 CONG. REC. 16, 17, 76th Cong. 1st Sess.

law or by the House, did on August 23, 1938, appoint Hon. Graham A. Barden as a member of the Special Joint Committee to Investigate the Tennessee Valley Authority to fill the vacancy, and notified the Clerk of the House of his action.

On Feb. 2, 1960,⁽¹³⁾ Speaker Sam Rayburn, of Texas, laid before the House a written announcement:

THE SPEAKER: The Chair lays before the House the following announcement, which the Clerk will read.

The Clerk read as follows:

Pursuant to the provisions of section 5, Public Law 115, 78th Congress, and House Resolution 165, 86th Congress, the Chair appoints as a member of the Committee on the Disposition of Executive Papers the gentleman from Iowa, Mr. Kyl, to fill the existing vacancy thereon.

Appointing Conferees

§ 6.14 The appointment of conferees on the part of the House is considered a matter within the discretion of the Speaker, although he customarily hears suggestions from the House leaders or from the chairman of the reporting committee.

On July 1, 1932,⁽¹⁴⁾ unanimous consent was requested for the ap-

13. 106 CONG. REC. 1822, 86th Cong. 2d Sess.

14. 75 CONG. REC. 14499, 14500, 72d Cong. 1st Sess.

pointment of conference committee managers on the part of the House.

MR. [SAMUEL] DICKSTEIN [of New York]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10600) to exempt from the quota husbands of American citizens, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

THE SPEAKER: [John N. Garner, of Texas]: Is there objection? (After a pause.) The Chair hears none, and appoints the following conferees: Messrs. Dickstein, Palmisano, Dies, Johnson of Washington, and Cable.

MR. [BERTRAND H.] SNELL [of New York]:⁽¹⁵⁾ Mr. Speaker, the gentleman from Ohio [Mr. Cable] is absent through illness. I ask that the Chair substitute for the gentleman from Ohio [Mr. Cable] the gentleman from Ohio [Mr. Jenkins], the next man on the committee.

MR. DICKSTEIN:⁽¹⁶⁾ Mr. Speaker, may I disagree with the selection of the conferee?

THE SPEAKER: No. If the gentleman is the ranking member, he should be appointed.

MR. DICKSTEIN: There are other Members ahead of the gentleman from Ohio.

THE SPEAKER: If the gentleman is the ranking member, then he ought to

15. *Parliamentarian's Note*: Mr. Snell was the Minority Leader.

16. *Parliamentarian's Note*: Mr. Dickstein was the chairman of the committee reporting the bill in question.

go on the conference. The Chair appoints the conferees and thinks the Republican side should have whom they want on the conference.

MR. DICKSTEIN: There are other gentlemen on the committee nearer the head of the table than the gentleman from Ohio.

THE SPEAKER: The gentleman from New York [Mr. Snell] has taken the responsibility of selecting the man on the committee whom he wants to represent the Republican organization, and that has been the custom. . . .

MR. DICKSTEIN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DICKSTEIN: May I submit a new list of conferees?

THE SPEAKER: The gentleman has stated that the Chair appoints the gentleman recommended by the gentleman from New York, and this ought to be sufficient if the Chair takes the responsibility.

On July 17, 1935,⁽¹⁷⁾ Speaker Joseph W. Byrns, of Tennessee, discussed the practice of appointing conferees after the following unanimous-consent request was made and debated:

MR. [JOHN J.] MCSWAIN [of South Carolina]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 8632, the Tennessee Valley Authority bill, disagree to the Senate amendments and agree to the conference asked for.

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

17. 79 CONG. REC. 11319, 74th Cong. 1st Sess.

MR. [MAURY] MAVERICK [of Texas]: Reserving the right to object, will the gentleman from South Carolina inform this House how many conferees there will be?

MR. MCSWAIN: I do not mind stating to the gentleman that I have recommended to the Speaker to appoint five.

MR. MAVERICK: Mr. Speaker, reserving the right to object, an agreement was made by certain Members of the Military Affairs Committee to have five conferees, with unfriendly people on this committee. As one of the friends of the T.V.A., I was not invited, and as far as I know Mr. Thomason, of Texas, and Mr. Wilcox, of Florida, and Mr. Hill of Alabama, also friends of the T.V.A., were not there. I think it is wrong. I think this is a bad precedent to put unfriendly men on the conference committee; it may hold things up, and it does not appear to me as fair—I will not be a party to any agreement unfriendly to the purposes of the great T.V.A. program.

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, I reserve the right to object, to ask this question: I would like to see the personnel of the conference committee appointed according to the way the majority of the House voted, and the personnel should be so appointed so that a majority of the committee will favor the majority position of the House. Take the first three members on the conference committee, based on their vote on this question, and on the different administration amendments in the different issues voted on in the House. How would their known position on this legislation stand up with the opinion of the majority of the House on the legislation?

MR. MCSWAIN: The three members on the majority side whom I have nominated to the Speaker voted for the bill and voted against the motion to recommit. As I have stated time and time again, I am for whatever the House does; and I state again that I am for the House bill.

THE SPEAKER: After all, the Chair appoints the conferees. The Chair is always willing to accept the suggestions made by the chairman of the committee which has charge of the bill, assuming that the members who are appointed will stand for the House measure because they represent the House in the conference.

MR. MAVERICK: One of the members of the conferees has been one of the three bitterest opponents on the committee of the bill the President wants, and that is the gentleman from Louisiana [Mr. Montet]. As I understand it, he is one of those to be appointed. Yes; Mr. Montet finally voted for the bill, but he has consistently fought the bill from the very beginning.

THE SPEAKER: The Chair would certainly not assume that the gentleman from Louisiana would accept a position as a conferee and not stand for what the House wants, because that is what the House conferees are expected to do, consistent with any proper compromises that are necessary in order to put the measure through. On the contrary the Chair has confidence in the gentleman in every sense of the word. That is a matter which should appeal to the conferees when they go into session, and, after all, when the matter is reported to the House, the House has its opportunity to express its approval or disapproval of the conference report.

Speaker as Conferee

§ 6.15 Although the manner of appointment of conferees on

the part of the House and their number is considered within the discretion of the Speaker, the Speaker normally does not appoint himself to a conference committee.

On June 24, 1932,⁽¹⁸⁾ Speaker John N. Garner, of Texas, suggested the appointment of himself to a conference committee. After some debate, and after a ruling by the Speaker concerning his discretion in the manner of appointments of conferees, he did not appoint himself to the committee.⁽¹⁹⁾

Appointing Successor Conferees

§ 6.16 Under more recent precedents, the Speaker appoints successor conferees to conference committees on the part of the House without the requirement of House approval.

On Mar. 22, 1950,⁽²⁰⁾ a letter of resignation was laid before the House as follows:

MARCH 22, 1950.

18. 75 CONG. REC. 13876-79, 72d Cong. 1st Sess.

19. See 8 Cannon's Precedents §3220, for further treatment of this instance.

20. 96 CONG. REC. 3803, 81st Cong. 2d Sess.

THE SPEAKER,
The House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with regret that I announce my resignation as a House conferee to consider H.R. 1243, a bill to amend the Hatch Act. I am forced to resign because of ill health.

Sincerely yours,

MARY T. NORTON.

THE SPEAKER [Sam Rayburn, of Texas]: Without objection, the resignation is accepted.

There was no objection.

THE SPEAKER: The Chair appoints the gentlewoman from Connecticut [Mrs. Woodhouse] to fill the vacancy and the Clerk will notify the Senate of the change.

On Oct. 14, 1966,⁽¹⁾ the following unanimous-consent request was made:

MR. [ADAM C.] POWELL [of New York]: Mr. Speaker, I ask unanimous consent that the Republican conferees on the bill (H.R. 13161) to strengthen and improve programs of assistance for our elementary and secondary schools, be excused, and that the Speaker be empowered to appoint new Republican conferees.

THE SPEAKER [John W. McCormack, of Massachusetts]: Is there objection to the request of the gentleman from New York?

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, reserving the right to object, is the gentleman from New York going to submit the names of the additional conferees?

1. 112 CONG. REC. 26996, 89th Cong. 2d Sess.

THE SPEAKER: As the gentleman from Michigan knows, the Chair makes the appointment. The Chair always seeks the counsel and advice of the chairman, assuming that the chairman has in turn conferred with the members of his own committee on both sides. The Chair will state that he has four names. . . .

Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Ayres, Quie, Goodell, and Bell, and the Senate will be so notified.

THE SPEAKER: Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Ayres, Quie, Goodell, and Bell, and the Senate will be so notified.

On Nov. 17, 1967,⁽²⁾ the following unanimous-consent request was made:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Daniels] may be excused as a conferee on the bill S. 2388, and that the Speaker be authorized to appoint a Member to fill the vacancy.

THE SPEAKER [John W. McCormack, of Massachusetts]: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE SPEAKER: The Chair appoints the gentleman from Michigan [Mr. O'Hara] to fill the vacancy.⁽³⁾

2. 113 CONG. REC. 32953, 90th Cong. 1st Sess.
3. *Parliamentarian's Note*: When the House excuses a conferee from fur-

§ 6.17 Unanimous consent was required where a House conferee sought to absent himself from a conference.

On May 16, 1930,⁽⁴⁾ the following unanimous-consent request was made.

MR. [GILBERT N.] HAUGEN [of Iowa]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable commodities in interstate and foreign commerce, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

THE SPEAKER [Nicholas Longworth, of Ohio]: The gentleman from Iowa asks unanimous consent. . . . Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. Haugen, Mr. Purnell, and Mr. Aswell.

MR. [JAMES B.] ASWELL [of Louisiana]: Mr. Speaker, I shall be absent next week, and I ask that the gentleman from Kentucky [Mr. Kincheloe] be appointed in my place.

THE SPEAKER: Without objection, the gentleman from Kentucky [Mr.

ther service, the Speaker may appoint a successor without specific authorization from the House. Hence Mr. Perkins need not have sought unanimous consent; it is when the Speaker appoints an additional conferee that he must have the authorization of the House.

4. 72 CONG. REC. 9076, 71st Cong. 2d Sess.

Kincheloe] will take the place of the gentleman from Louisiana on the conference.

There was no objection.

Appointing Additional Conferees

§ 6.18 In order for the Speaker to appoint an additional conferee to a conference committee on the part of the House, unanimous consent of the House must first be obtained.

On Oct. 9, 1967,⁽⁵⁾ a unanimous consent request was made relative to the naming of an additional conferee committee.

MR. [JOHN L.] MCMILLAN [of South Carolina]: Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint an additional manager on the part of the House to serve on the conference on the bill (H.R. 8719) to increase the annual Federal payment to the District of Columbia and to provide a method for computing the annual borrowing authority for the general fund of the District of Columbia.

THE SPEAKER [John W. McCormack, of Massachusetts]: Is there objection to the request of the gentleman from South Carolina?

The Chair hears none, and appoints the following additional conferee: Mr. Fuqua.

The Clerk will notify the Senate.

5. 113 CONG. REC. 28161, 90th Cong. 1st Sess.

§ 6.19 The Speaker informs the House when, pursuant to authority granted him, he has appointed conferees on the part of the House during an adjournment of the House.

On Sept. 23, 1940,⁽⁶⁾ Speaker Sam Rayburn, of Texas, made the following announcement:

THE SPEAKER: Pursuant to authority granted on Thursday, September 19, 1940, the Chair did on Friday, September 20, 1940, appoint as managers on the part of the House to attend the conference on H.R. 10413, the excess-profits-tax bill, the following Members of the House: Mr. Doughton, Mr. Cullen, Mr. McCormack, Mr. Cooper, Mr. Treadway, Mr. Crowther, Mr. Knutson.

Conferees on Appropriations

§ 6.20 The Speaker may appoint different conferees on the part of the House to confer on separate chapters of an appropriations bill.

On July 27, 1955,⁽⁷⁾ the following unanimous-consent request was made:

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I ask unanimous

6. 86 CONG. REC. 12460, 76th Cong. 3d Sess. The House had previously agreed to the conference on Sept. 19, 1940; see *id.* at p. 12360.

7. 101 CONG. REC. 11686, 84th Cong. 1st Sess.

consent to take from the Speaker's table the bill (H.R. 2728) making supplemental appropriations for the fiscal year ending June 30, 1956, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER [Sam Rayburn, of Texas]: Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. Cannon and Taber; and on chapter I, Messrs. Whitten, Marshall, and H. Carl Andersen; on chapter II, Messrs. Preston, Thomas, and Bow; on chapter III, Messrs. Mahon, Sheppard, Sikes, Wigglesworth, Scrivner, and Ford; on chapter IV, Messrs. Passman, Gary, and Wigglesworth; on chapter V, Messrs. Andrews, Mahon, and Fenton; on chapter VI, Messrs. Thomas, Yates, and Phillips; on chapter VII, Messrs. Kirwan, Norrell, and Jensen; on chapter VIII, Messrs. Fogarty, Fernandez, and Hand; on chapter IX, Messrs. Rabaut, Kirwan, and Davis of Wisconsin; on chapter X, Messrs. Rooney, Preston, and Coudert; on chapter XI, Messrs. Gary, Passman, and Canfield; on chapters XII, XIII, XIV, and XV, Messrs. Rabaut, Norrell, and Horan.

Appointing Tellers

§ 6.21 The Chair appoints tellers where tellers are ordered in a Committee of the Whole.

On Sept. 21, 1965,⁽⁸⁾ the following motion was made:

8. 111 CONG. REC. 24635, 89th Cong. 1st Sess.

MR. [JOHN A.] BLATNIK [of Minnesota]: Mr. Chairman, I move that the Committee do now rise.

THE CHAIRMAN [Daniel D. Rostenkowski, of Illinois]: The question is on the motion of the gentleman from Minnesota.

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Blatnik and Mr. Cramer.

§ 6.22 The Chair may appoint new tellers after the initial ones are found to be in disagreement on a teller vote.

On July 19, 1946,⁽⁹⁾ a question was voted on as follows:

THE CHAIRMAN [John J. Delaney, of New York]: The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. Thomason) there were—ayes 63, noes 38.

MR. [R. EWING] THOMASON [of Texas]: Mr. Chairman, I demand tellers. Tellers were ordered, and the Chair appointed as tellers Mr. May and Mr. Short.

The committee divided; and the tellers were unable to agree on the count.

THE CHAIRMAN: Without objection, the Chair will direct that the vote by tellers be taken over.

There was no objection.

The Chair appointed as tellers Mr. Thomason and Mr. Short.

The Committee again divided, and the tellers reported that there were—ayes 102, noes 72.

9. 92 CONG. REC. 9466, 79th Cong. 2d Sess.

Appointing Electoral Vote Tellers

§ 6.23 The Speaker appoints tellers for the counting of Presidential and Vice Presidential electoral votes pursuant to a concurrent resolution of both Houses.

On Jan. 3, 1961,⁽¹⁰⁾ the following resolution was offered.

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I offer a resolution (S. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Friday, the 6th day of January 1961, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A", and said tellers, having then

read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with list of the votes, be entered on the Journals of the two House.

The concurrent resolution was agreed to.

THE SPEAKER: [Sam Rayburn, of Texas]: Pursuant to the provisions of Senate Concurrent Resolution 1, the Chair appoints as tellers on the part of the House to count the electoral votes on January 6, 1961, the gentlewoman from New York [Mrs. Kelly] and the gentlewoman from Ohio [Mrs. Bolton].

§ 6.24 The Speaker may appoint a new teller for the counting of electoral votes when a previously appointed one is not present.

On Jan. 6, 1949,⁽¹¹⁾ after the election in 1948 of Harry S. Truman as President, Speaker Sam Rayburn, of Texas, designated a teller for the counting of electoral votes.

THE SPEAKER: The gentleman from New York [Mr. Gamble] is unavoidably

10. 107 CONG. REC. 26, 27, 87th Cong. 1st Sess.

11. 95 CONG. REC. 89, 81st Cong. 1st Sess.

detained and is unable to serve as teller.

The Chair designates the gentleman from Pennsylvania [Mr. Graham] to act as teller in his stead.

Temporary Appointments

§ 6.25 Pursuant to law and House authorization, the Speaker may make temporary appointments to fill vacancies in the offices of the Clerk, the Sergeant at Arms, the Doorkeeper, the Postmaster, and the Chaplain of the House.

On July 28, 1953,⁽¹²⁾ the following unanimous-consent request was made:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6571) amending the Legislative Reorganization Act of 1946 to provide for the appointment of persons to exercise temporarily the duties of certain offices of the House of Representatives.

There being no objection, the Clerk read the bill, which authorized the Speaker to make appointments on a temporary basis to fill vacancies in the offices of the Clerk, the Sergeant at Arms the Doorkeeper, the Postmaster and the Chaplain of the House.

12. 99 CONG. REC. 10128, 83d Cong. 1st Sess.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.⁽¹³⁾

On Jan. 6, 1954,⁽¹⁴⁾ a letter of resignation of the Sergeant at Arms, dated Sept. 14, 1953, was laid before the House:

THE HONORABLE THE SPEAKER,
House of Representatives.

MY DEAR MR. SPEAKER: I submit herewith, effective at the close of business today, my resignation as Sergeant at Arms, House of Representatives, which additional duty I assumed pursuant to House Resolution 325, dated July 8, 1953, 83d Congress.

Respectfully yours,
LYLE O. SNADER,
*Clerk of the
House of Representatives.*

THE SPEAKER: [Joseph W. Martin, Jr., of Massachusetts]: The Chair announces that, pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946, he did on September 15, 1953, appoint William R. Bonsell, of the State of Pennsylvania, to act temporarily as Sergeant at Arms until the House chooses a person for that office.⁽¹⁵⁾

On Mar. 14, 1966,⁽¹⁶⁾ Speaker John W. McCormack, of Massa-

13. See also 2 USCA 75a-1.

14. 100 CONG. REC. 8, 83d Cong. 2d Sess.

15. *Parliamentarian's Note*: Mr. Snader, the Clerk of the House, had assumed the additional duties of the Sergeant at Arms following the death of the elected Sergeant at Arms, William F. Russell.

16. 112 CONG. REC. 5712, 89th Cong. 2d Sess.

chusetts, appointed an Acting Chaplain following the death of the elected Chaplain.

THE SPEAKER: Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 U.S.C. 75-a-1-(a)), the Chair appoints Edward Gardiner Latch, D.D., L.H.D., of Washington, D.C., to act as and to exercise temporarily the duties of the Chaplain of the House of Representatives.⁽¹⁷⁾

Appointments Subject to Approval

§ 6.26 On occasion, the House authorizes the designation of certain House employees subject to the approval of the Speaker.

On Jan. 18, 1945,⁽¹⁸⁾ a resolution was offered which provided for the designation of an assistant to the Clerk subject to the approval of the Speaker.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, I offer a resolution (H. Res. 95) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

17. *Parliamentarian's Note*: This appointment was made to fill the vacancy caused by the death of the Chaplain, Reverend Bernard Braskamp.

18. 91 CONG. REC. 334, 79th Cong. 1st Sess.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of \$3,600 per annum, payable monthly, for the services of an assistant reading clerk, who shall be designated by the Clerk of the House, subject to the approval of the Speaker: *Provided, however*, That the authorization and appropriation herein contained shall terminate whenever a vacancy occurs in a position of reading clerk.

The resolution was agreed to.

On Aug. 3, 1953,⁽¹⁹⁾ a resolution was introduced as follows:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I offer a resolution (H. Res. 392) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That effective August 1, 1953, there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the basic rate of \$3,000 per annum for the employment of an assistant Journal Clerk-Indexer, who shall be designated by the minority leader subject to the approval of the Speaker.

The resolution was agreed to, and a motion to reconsider was laid on the table.

§ 7. Preserving Order on the House Floor

The Speaker's jurisdiction, duty, and power to preserve order on

19. 99 CONG. REC. 11133, 83d Cong. 1st Sess.