

House passed the following resolution (H. Res. 890):

Resolved, That, (a) until otherwise provided by law, the per annum gross rate of compensation of the Clerk, the Doorkeeper, the Sergeant at Arms, and the Chief of Staff of the Joint Committee on Internal Revenue Taxation of the House of Representatives, shall be equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) Until otherwise provided by law, such amounts as may be necessary to carry out subsection (a) of this resolution shall be paid out of the contingent fund of the House of Representatives.

(c) This resolution shall become effective on the effective date of the first adjustment, following the effective date of this resolution, in the annual rate of basic pay of offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

In offering the resolution, the Chairman of the Committee on House Administration, Mr. Hays, explained:

. . . [T]he intent of the resolution is that if and when there is another adjustment in salaries of Members of Congress that the officers mentioned herein will be placed in a lower grade level so that there will be a wider gap between the salary of the Doorkeeper and that of a Member of Congress. At the present time the salary of a Member of Congress, as the gentleman from Missouri well knows, is \$42,500. The Doorkeeper's salary is \$40,000. There has been a lot of criticism and comment. This does not do anything to him and the others now. It does not do

anything to him and others until and unless there is an increase in the income of Members, and then it puts them at a lower level.

For example, if a Member of Congress say—and I am picking a figure out of the air—went up to \$47,500, the Office of Doorkeeper would go up to something like \$42,000 instead of \$45,000.

The provisions of this resolution relating to compensation of the Clerk, Sergeant at Arms, and Doorkeeper were enacted as Public Law No. 92-607, Oct. 31, 1972, 86 Stat. 1509.

§ 18. Duties of the Clerk

The duties of the Clerk are prescribed by statute and by the rules of the House.⁽¹⁹⁾ The Clerk's responsibilities include (1) preparing for and presiding at the commencement of Congress and after the death of a Speaker;⁽²⁰⁾ (2) assisting the House in legislative and nonlegislative business;⁽¹⁾ (3) receiving and submit-

19. See Rule III, House Rules and Manual §§637-647 (1973) for general duties of the Clerk.

20. See Rule III clause 1, *House Rules and Manual* §§637, 638 (1973); 2 USC §26.

1. See, for example, Rule III clause 3, House Rules and Manual §§641-646 (1973), 2 USC §109, and §§18.3-18.8, *infra*.

ting documents;⁽²⁾ (4) assisting individual Members;⁽³⁾ and (5) paying the officers and employees of the House.⁽⁴⁾

Prior to the commencement of the first session of each Congress, the Clerk prepares the roll of Representatives-elect.⁽⁵⁾ At the first session of each Congress,⁽⁶⁾ he calls Members to order, calls the roll of Members by states in alphabetical order, and pending the election of a Speaker or Speaker pro tempore, preserves order and decides all questions of order subject to appeal by any Member.

The Clerk also announces receipt of credentials, recognizes nominations for Speaker, appoints tellers for the roll call vote for Speaker, announces the vote, and appoints a committee to escort the Speaker-elect to the Chair.⁽⁷⁾

2. See §23.8, *infra*, for a discussion of the procedure when the Clerk receives a subpoena.
3. See, for example, Rule III clause 2, *House Rules and Manual* §640 (1973) and 2 USC §26; see also §18.9, *infra*.
4. See for example Rule III clause 3, *House Rules and Manual* §646 (1973) and 2 USC §§60d and 60e; see also §18.10, *infra*.
5. 2 USC §26. See, generally, Chs. 1 and 2, *supra*.
6. Rule III clause 1, *House Rules and Manual* §§637–639 (1973).
7. See §§18.1, 18.2, *infra*, relating to announcing credentials. Generally, see Ch. 1, *supra*.

To assist the House in its consideration of bills and resolutions, the Clerk,⁽⁸⁾ notes all questions of order and decisions thereon and places them in the Journal, which he prints and distributes at the close of each session, and certifies to the passage of all bills and resolutions. He allows no papers out of his custody⁽⁹⁾ except by order of the House;⁽¹⁰⁾ reports disorderly words of a Member who has been called to order;⁽¹¹⁾ reads bills;⁽¹²⁾ makes corrections during engrossment of a bill when authorized by the House;⁽¹³⁾ reads names alphabetically;⁽¹⁴⁾ and presents enrolled bills to the Speaker for signature and transmits them to the Senate.⁽¹⁵⁾

The Clerk announces pairs after votes;⁽¹⁶⁾ places bills on the Con-

8. Rule III clause 3, *House Rules and Manual* §§641, 643 (1973).
9. See Jefferson's Manual, *House Rules and Manual* §352 (1973).
10. Rule XXXVII, *House Rules and Manual* §933 (1973).
11. Jefferson's Manual, *House Rules and Manual* §368, and Rule XIV clause 5, §761 (1973).
12. Jefferson's Manual, *House Rules and Manual* §428 (1973).
13. Jefferson's Manual, *House Rules and Manual* §479 (1973).
14. Jefferson's Manual, §504, and Rule XV clause 1, *House Rules and Manual* §765 (1973).
15. Jefferson's Manual, *House Rules and Manual* §575 (1973).
16. Rule VIII clause 2, *House Rules and Manual* §660 (1973).

sent Calendar;⁽¹⁷⁾ reads motions;⁽¹⁸⁾ receives all petitions, memorials, and private bills;⁽¹⁹⁾ transmits copies of amendments offered in the Committee of the Whole to the majority and minority tables and cloakrooms;⁽²⁰⁾ retains custody of discharge petitions and provides a place where Members may sign them;⁽¹⁾ and supervises the preparation of the Daily Record which includes legislative programs and committee meetings for each day.⁽²⁾

The Clerk assists the House by performing duties not directly related to consideration of bills and resolutions. For example, he makes or approves all agreements relative to furnishing any matter or thing, or for the performance of any labor for the House;⁽³⁾ attests

17. Rule XIII clauses 2 and 4, respectively, *House Rules and Manual* §§ 743, 746 (1973).

18. Rule XVI clause 2, *House Rules and Manual* § 776 (1973).

19. Rule XXII clause 1, *House Rules and Manual* § 849 (1973).

20. Rule XXIII clause 5, *House Rules and Manual* § 870 (1973).

1. Rule XXVII clause 4, *House Rules and Manual* § 908 (1973).

2. 44 USC § 905.

3. Rule III clause 3, *House Rules and Manual* § 644 (1973).

The Clerk must purchase American goods in preference to foreign goods of similar quality (2 USC § 109) and is prohibited from using

and affixes the seal of the House to all writs, warrants, and subpoenas issued by order of the House;⁽⁴⁾ retains in his office library two copies of all books and documents deposited there;⁽⁵⁾ designates an official in his office to serve as Clerk during his temporary absence;⁽⁶⁾ receives reports of personnel and accounting of funds from committees;⁽⁷⁾ receives all documents referred to and evidence taken by committees after the final adjournment of Congress;⁽⁸⁾ obtains all noncurrent records of the House and each

House funds for expenses of the House barbershops (2 USC § 96).

The Clerk, not the Assistant Postmaster, was held to be responsible for making contracts following the death of the Postmaster (5 Hinds' Precedents § 7235).

4. Rule III clause 3, *House Rules and Manual* § 642 (1973).

5. Rule III clause 3, *House Rules and Manual* § 641 (1973).

6. Rule III clause 4, *House Rules and Manual* § 647 (1973). See 6 Cannon's Precedents § 26 for form of this designation; see also § 18.17, *infra*, for a resolution authorizing the Clerk to designate a subordinate to perform his duties.

7. Rule XI clause 30, *House Rules and Manual* § 738 (1973).

8. Rule XXXVI clause 1, *House Rules and Manual* § 932 (1973). See § 18.16, *infra*, for form of Clerk's report of committee reports received during an adjournment.

committee and transfers them to the General Services Administration for preservation subject to House order;⁽⁹⁾ sends to each state Governor a certificate informing him of the number of Representatives to which his state is entitled following each decennial census;⁽¹⁰⁾ arranges with the Board of Education of the District of Columbia for the education of congressional and Supreme Court pages;⁽¹¹⁾ operates the House recording studio;⁽¹²⁾ and obtains stationery.⁽¹³⁾

The Clerk is required both to submit and receive certain documents. For example, he submits to the House at the commencement of each Congress detailed statements disclosing names of clerks employed in his office and expenditures from the contingent fund.⁽¹⁴⁾ He also reports amounts received and expended by his office,⁽¹⁵⁾ as well as receipts and ex-

9. Rule XXXVI clause 2, House Rules and Manual § 932 (1973) and 44 USC § 2114.

10. 2 USC § 2a.

11. 2 USC § 88a.

12. 2 USC § 123c.

13. 2 USC § 100; 44 USC § 734. See also 5 Hinds' Precedents § 7322.

14. 2 USC § 102.

See § 18.12, *infra*, which states that responsibility for printing this report has been assumed by the Committee on House Administration.

15. 2 USC §§ 103, 113.

penditures of funds available for disbursement.⁽¹⁶⁾ He also submits accounts to the General Accounting Office monthly⁽¹⁷⁾ and quarterly.⁽¹⁸⁾

The Clerk receives records and other documents in connection with campaigns for the House,⁽¹⁹⁾ lobbying,⁽²⁰⁾ contested elections,⁽¹⁾ and contractual actions for national defense from each department and agency.⁽²⁾

16. The Clerk is authorized to require from his subordinate disbursing officers precise and analytical statements and receipts for all funds expended by them (2 USC § 103). 2 USC § 104a.

17. 31 USC § 496.

18. 31 USC § 497. 31 USC § 72 (paragraph 8) provides that the General Accounting Office shall receive the accounts of the House of Representatives and certify balances arising thereon to the Clerk.

19. See 2 USC §§ 431 et seq., which require the Clerk to receive reports from political committees and candidates and prescribes information to be disclosed by them.

20. See 2 USC §§ 261 et seq., which require the Clerk to receive registration information from lobbyists and statements of accounts from persons receiving contributions.

1. See 2 USC §§ 381 et seq., which require the Clerk to receive notice of contested elections and all documents and depositions relating to such contests.

2. 50 USC § 1434(b).

The Clerk performs many duties for the House membership. For example, he furnishes a list of reports required to be made to Congress.⁽³⁾ He procures postage,⁽⁴⁾ approves vouchers for payment of home district office expenses,⁽⁵⁾ furnishes electrical and mechanical office equipment,⁽⁶⁾ and reimburses Members a fixed amount for long distance telephone calls.⁽⁷⁾

The Clerk pays the officers and employees of the House,⁽⁸⁾ as well as clerks designated by the membership.⁽⁹⁾

3. Rule III clause 2, *House Rules and Manual* § 640 (1973).
4. 2 USC § 42.
5. 2 USC §§ 22, 56.
6. 2 USC § 112e.
7. 2 USC § 46g-1.
8. 2 USC §§ 60d and 60e. See also Rule III clause 3, *House Rules and Manual* § 646 (1973).
9. 2 USC § 92.

The Clerk makes a monthly certificate stating whether persons listed as employees were actually present (2 USC § 89) and is authorized to withhold from compensation any amount which an employee owes to the House (2 USC § 89a).

Congress enacted two statutes dealing with continuity of disbursement. One, codified as 2 USC § 75a, authorizes the disbursing clerk to continue the accounts, make payments, and sign checks in the name of the former Clerk for a period not extending beyond the quarter during

Duties Prior to Election of a Speaker

§ 18.1 The Clerk, after receiving a certificate of election filed in due form, has placed the name of the Member so named on the roll notwithstanding the fact that the secretary of state of the Member-elect's state was restrained by court order from certifying the election of a Representative from that district.

On Jan. 3, 1949,⁽¹⁰⁾ the Clerk, Ralph R. Roberts, made the following announcement to the House:

STATEMENT REGARDING CERTAIN CREDENTIALS

THE CLERK: A certificate of election is on file in the Clerk's office, showing the election of John C. Davies as a Representative-elect to the Eighty-first Congress from the Thirty-fifth Congressional District of the State of New York.

Several communications have been received from the executive deputy sec-

which a new Clerk is elected and qualified. The other, codified as 2 USC § 49, authorizes the Clerk to sign certificates for monthly compensation during the recess between the first and second sessions. the Speaker signs these certificates (2 USC § 48) when the House holds sessions.

10. 95 CONG. REC. 8, 81st Cong. 1st Sess.

retary of state for the State of New York informing the Clerk that a case is pending before the supreme court, Albany County, N. Y., and that the said secretary of state is restrained from certifying the election of a Representative from this congressional district. However, in view of the fact that a certificate of election in due form has been filed with the Clerk by John C. Davies, the Clerk has therefore placed his name on the roll. . . .

The Clerk made this announcement after the quorum call and before the election of the Speaker.⁽¹¹⁾

§ 18.2 Following the death of a Speaker during a Congress, the Clerk presides until a new Speaker is elected and appoints a committee to escort the Speaker-elect to the Chair.⁽¹²⁾

On Thursday, June 4, 1936,⁽¹³⁾ the Clerk, South Trimble, called the House to order and made the following announcement:

THE CLERK: Gentlemen of the House of Representatives, it becomes my sad

11. See § 18.19, *infra*, for the form of the Clerk's announcement of receipt of a certificate of election.
12. See Ch. 1, *supra*, for a discussion of the Clerk's duty to preside until a Speaker is elected at the commencement of each Congress.
13. 80 CONG. REC. 9016, 9017, 74th Cong. 2d Sess.

and painful duty to announce to the House the sudden death of your beloved Speaker, the Honorable Joseph W. Byrns, a Representative from the State of Tennessee.

Speaker Byrns presided over the House on yesterday, presumably in his accustomed good health, but shortly after his arrival at his apartment he was stricken and soon thereafter passed away. In his death this House has suffered the loss of an able, fair, and impartial presiding officer; the country a legislator of long experience, a statesman of courage and marked ability; and his State of Tennessee a noteworthy citizen.

The duty of selecting one to preside over the deliberations of the House now rests upon you.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Clerk, in view of the unfortunate circumstances in which we find ourselves, and with no disrespect to our beloved Speaker who has left us, it becomes necessary, in order that the House may function and the machinery of government may not stop, that the House proceed to the election of a Speaker.

I present the following resolution and move its adoption.

The Clerk read as follows:

HOUSE RESOLUTION 543

Resolved, That Hon. William B. Bankhead, a Representative from the State of Alabama, be, and he is hereby, elected Speaker of the House of Representatives.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. William B. Bankhead as Speaker of the House of Representatives.

THE CLERK: The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE CLERK: The Clerk appoints the gentleman from New York [Mr. O'Connor], the gentleman from New York [Mr. Snell], and the gentleman from Colorado [Mr. Taylor] to escort the gentleman from Alabama [Mr. Bankhead] to the chair.

The committee escorted Mr. Bankhead into the Chamber, and he assumed the chair. The oath of office was administered to the Speaker-elect by Mr. Sabath.⁽¹⁴⁾

On Monday, Sept. 16, 1940,⁽¹⁵⁾ the Clerk, South Trimble, called the House to order and made the following announcement:

THE CLERK: Members of the House of Representatives, it becomes my sad and painful duty, as Clerk of the House of Representatives, to inform you officially that your beloved Speaker [William B. Bankhead, of Alabama]

14. *Parliamentarian's Note*: Joseph W. Byrns (Tenn.) was the first Speaker to die while Congress was in session. Speaker Michael C. Kerr (Ind.) died on Aug. 19, 1876, between sessions. Following the death of Speaker Kerr, the Clerk, George M. Adams, called the House to order at the commencement of the second session on Dec. 4, 1876 (see 5 CONG. REC. 2-6, 44th Cong. 2d Sess., and 1 Cannon's Precedents § 214). Speaker Henry T. Rainey (Ill.) died on Aug. 19, 1934, after the second session of the 73d Congress had adjourned.
15. 86 CONG. REC. 12231, 76th Cong. 3d Sess.

passed away yesterday morning at the Naval Hospital in this city.

America has lost one of her greatest statesmen and patriots, the House of Representatives a most able and eloquent Speaker, and the State of Alabama a noble and courageous son.

In accordance with the rules and practices of the House of Representatives, it now becomes the duty of this House to elect a Speaker. What is the pleasure of this House?

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Clerk, in view of the unfortunate circumstances in which the House finds itself, and with a feeling of very profound respect for the memory of our beloved Speaker who has left us, it becomes necessary, in order that the House may continue to function and the machinery of Government may go on, that the House proceed to the election of a Speaker.

I therefore offer the following resolution, and move its adoption.

The Clerk read as follows:

HOUSE RESOLUTION 602

Resolved, That Hon. Sam Rayburn, a Representative from the State of Texas, be, and he is hereby, elected Speaker of the House of Representatives.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. Sam Rayburn as Speaker of the House of Representatives.

The resolution was agreed to.

THE CLERK: The Clerk appoints the gentleman from Massachusetts [Mr. McCormack], the gentleman from Massachusetts [Mr. Martin], and the gentleman from North Carolina [Mr. Doughton] to escort the gentleman from Texas [Mr. Rayburn] to the chair.

The committee escorted Mr. Rayburn into the Chamber, and he assumed the chair.

The oath of office was administered to the Speaker-elect by Mr. Sabath.

MR. [ROBERT L.] DOUGHTON: Ladies and gentlemen of the House, I present the newly elected Speaker of the House of Representatives, a worthy successor to our late beloved Speaker the Honorable William B. Bankhead, the gentleman from Texas [Mr. Rayburn].

THE SPEAKER: The Chaplain will offer prayer.

On Jan. 10, 1962,⁽¹⁶⁾ the Clerk, Ralph R. Roberts, called the House to order and made the following announcement:

Members of the House of Representatives, the time has arrived for the meeting of the 2d session of the 87th Congress. Since the last session of Congress the great and beloved Speaker of the House [Sam Rayburn, of Texas] has departed this life.

The Clerk of the House, in conformity with the rules, has called the House to order for the purpose of electing a Speaker. The roll will be called to ascertain whether a quorum is present.

The Clerk will call the roll. . . .

Following a quorum call, the Clerk proceeded to the election of the Speaker.

ELECTION OF SPEAKER

THE CLERK: Nominations for Speaker of the House of Representatives are now in order.

16. 108 CONG. REC. 5, 87th Cong. 2d Sess.

The Clerk recognizes the gentleman from Pennsylvania [Mr. Francis Eugene Walter].

MR. WALTER: Mr. Clerk, as chairman of the Democratic caucus I am directed by the unanimous vote of that caucus to present for election to the office of Speaker of the House of Representatives the name of the Honorable John W. McCormack, a Representative from the State of Massachusetts.

THE CLERK: The gentleman from Iowa [Mr. Hoeven] is recognized.

MR. [CHARLES B.] HOEVEN: Mr. Clerk, by authority, by direction, and by unanimous vote of the Republican conference, I nominate for Speaker of the House of Representatives the Honorable Charles A. Halleck, a Representative from the State of Indiana.

THE CLERK: The Honorable John W. McCormack of Massachusetts and the Honorable Charles A. Halleck of Indiana have been nominated for Speaker.

Are there further nominations? [After a pause.] If there are no further nominations, the Clerk will appoint the following Members to act as tellers: the gentleman from Texas [Mr. Burleson]; the gentlewoman from Missouri [Mrs. Sullivan]; the gentleman from Ohio [Mr. Schenck]; and the gentlewoman from Tennessee [Mrs. Reece].

The tellers will please take their places at the desk in front of the Speaker's rostrum.

The roll will now be called, and Members responding to their names will indicate by surname the candidate of their choice.

The Clerk will call the roll. . . .

THE CLERK: The tellers agree in their tally. The total number of votes

cast was 414, of which the Honorable John W. McCormack received 248, and the Honorable Charles A. Halleck received 166. Two voted "present." Therefore, the Honorable John W. McCormack of Massachusetts is the duly elected Speaker of the House of Representatives for the 87th Congress.

The Clerk appoints the following Members to escort the Speaker-elect to the Chair: The gentleman from Indiana [Mr. Halleck] and the gentleman from Oklahoma [Mr. Albert].

(The Doorkeeper announced the Speaker-elect of the House of Representatives, who was escorted to the Chair by the committee of escort.⁽¹⁷⁾)

Reports to the House

§ 18.3 The Clerk reported to the House delivery of a message to the Supreme Court.

On Mar. 14, 1930,⁽¹⁸⁾ the Clerk read the following letter:

The Speaker of the House of Representatives.

SIR: I have the honor to inform you that pursuant to the direction of

17. *Parliamentarian's Note:* Speaker Rayburn presided over the House for the last time on Aug. 30, 1961. On Aug. 31, 1961, John W. McCormack by resolution was elected Speaker pro tempore "during the absence of the Speaker."

The first session of the 87th Congress adjourned *sine die* on Sept. 27, 1961. Speaker Rayburn died on Nov. 16, 1961, in Bonham, Tex.

18. 72 CONG. REC. 5330, 71st Cong. 2d Sess.

the House I did this day deliver to the Supreme Court of the United States, in session, copies of the resolutions adopted by the House of Representatives on March 10, 1930, expressing the sorrow of the House because of the death of William Howard Taft, former Chief Justice, and of Edward Terry Sanford, late associate justice of the Supreme Court.

Mr. Chief Justice Hughes, on behalf of the court expressed appreciation of the action of the House of Representatives and directed that the resolutions be spread upon the court's records.

Respectfully,

WILLIAM TYLER PAGE,
*Clerk of the
House of Representatives.*

§ 18.4 The Clerk has reported to the House receipt of a message from a former President.

On June 16, 1969,⁽¹⁹⁾ the Speaker, John W. McCormack, of Massachusetts, laid before the House the following letter from the Clerk:

JUNE 11, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a letter of thanks to the Members of the House of Representatives from the Honorable Harry S. Truman, for the resolution of the Congress of the United States of America extending best wishes on the occasion of Mr. Truman's 85th birthday.

With kindest regards, I am,

19. 115 CONG. REC. 15822, 91st Cong. 1st Sess.

Sincerely,
 W. PAT JENNINGS,
Clerk,
U.S. House of Representatives.

Roll Call Duties

§ 18.5 Prior to implementation of electronic voting, the Clerk called the roll at the direction of the Chair when the Committee of the Whole lacked a quorum.

On May 3, 1933,⁽²⁰⁾ the Clerk called the roll after receiving a direction from the Chair, Samuel Davis McReynolds, of Tennessee. Chairman McReynolds had overruled a point of order that the roll call was not in order in the Committee of the Whole. The Committee did not have a quorum and rejected a motion to rise. The Chair ordered the roll call pursuant to Rule XXIII clause 2, of the *House Rules and Manual*.⁽¹⁾

20. 77 CONG. REC. 2834, 73d Cong. 1st Sess.

1. Under the electronic voting system adopted in January 1973, the Chairman ordinarily directs the Members to record their presence by electronic device when the Committee of the Whole lacks a quorum, thereby obviating the need for the Clerk to call the roll. See Rule XXIII clause 2, *House Rules and Manual* §863 (1973). Generally, see Ch. 30, *infra*, noting that the Clerk still calls the roll under certain circumstances.

Renumbering of Bill Sections

§ 18.6 During a meeting of the House, but not the Committee of the Whole, the Clerk may be authorized to renumber sections of a bill following an amendment made in the Committee.

On Apr. 29, 1969,⁽²⁾ a Member, Hastings Keith, of Massachusetts, made a parliamentary inquiry regarding the Clerk's authority to renumber sections of a bill:

MR. KEITH: Mr. Chairman, I, of course, have no objection to this amendment but I do have a parliamentary inquiry.

THE CHAIRMAN [Jacob H. Gilbert, of New York]: The gentleman will state the parliamentary inquiry.

MR. KEITH: Mr. Chairman, if the amendment is adopted and I hope and trust it will be; would that not require the renumbering of the lines in which the earlier amendments have been incorporated into the existing legislation?

THE CHAIRMAN: The gentleman may request that the Clerk be authorized to renumber accordingly.

MR. KEITH: I would so request.

THE CHAIRMAN: The gentleman may make the request that the Clerk be authorized to renumber the sections accordingly after the Committee rises and we are in the House.⁽³⁾

2. 115 CONG. REC. 10753, 91st Cong. 1st Sess.

3. See Jefferson's Manual, *House Rules and Manual* §479 (1973) for authority to amend section numbers pursuant to resolution.

Duties Related to the Seal of the House

§ 18.7 The Clerk has been authorized to purchase a new seal for the House.

On Dec. 18, 1963,⁽⁴⁾ a Member, Samuel N. Friedel, of Maryland, offered and the House passed the following resolution (H. Res. 560):

Resolved, That the Clerk of the House of Representatives shall procure a new seal and press for the use of the House of Representatives, which shall possess fifty stars, emblematic of the fifty States of the Union, and shall depict the Capitol as it currently appears.

Resolved, That upon approval of the new seal by the Committee on House Administration, the chairman shall notify the Speaker and it shall then become the official great seal of the House of Representatives.

Resolved, That the Clerk shall furnish an impression of the new official great seal of the House of Representatives to the Administrator of General Services.

Resolved, That the necessary expenses for procuring the new seal shall be paid out of the contingent fund of the House on vouchers signed by the Clerk and approved by the Committee on House Administration.

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

4. 109 CONG. REC. 24912, 88th Cong. 1st Sess.

Keeping Custody of House Records

§ 18.8 At the direction of the House, the Clerk may make available certain records.

On June 16, 1953,⁽⁵⁾ by direction of the committee on House Administration, a Member, Karl M. LeCompte, of Iowa, offered and the House agreed to the following resolution (H. Res. 288):

Resolved, That the Clerk of the House is authorized to permit the Administrator of General Services to make available for use—

(1) any records of the House of Representatives, transferred to the National Archives, which have been in existence for not less than 50 years, except when he determines that the use of such records would be detrimental to the public interest; and

(2) any records of the House of Representatives, transferred to the National Archives, which have previously been made public.

Sec. 2. Such permission may continue so long as it is consistent with the rights and privileges of the House of Representatives.

On Oct. 2, 1964,⁽⁶⁾ a Member, Omar T. Burlison, of Texas, offered and the House passed the following House resolution (H. Res. 902):

Resolved, That upon assurances of proper protection, preservation, and re-

5. 99 CONG. REC. 6641, 83d Cong. 1st Sess.

6. 110 CONG. REC. 23785, 88th Cong. 2d Sess.

turn, the Clerk of the House of Representatives is directed to make available to the Administrator of General Services the records of the House of Representatives relating to the First Federal Congress for reproduction and publication in accordance with the historical objectives of Public Law 88-383.⁽⁷⁾

On July 23, 1947,⁽⁸⁾ a Member, Justin Leroy Johnson, of California, offered and the House passed the following resolution (H. Res. 325):

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to transmit to the California State Library at Sacramento, Calif., photostatic copies of the memorial and attendant papers in the files of the House relating to the bill H.R. 3818 of the Forty-fourth Congress entitled "An act for the relief of John A. Sutter," the cost of such photostatic copies to be paid by the California State Library.

Parliamentarian's Note: The papers referred to in this precedent were stored in the National Archives.

Identification Cards

§ 18.9 The House by resolution has authorized the Clerk to

7. Pub. L. No. 88-383 (see 44 USCA §2504 note) authorized a historical compilation of records of the First Congress.
8. 93 CONG. REC. 9885, 80th Cong. 1st Sess.

furnish identification cards for House and Members' employees.

On July 1, 1965,⁽⁹⁾ a Member, Wayne L. Hays, of Ohio, by direction of the Committee on House Administration, introduced and the House passed the following resolution (H. Res. 261):

Resolved . . .

That, upon the request of the Speaker, a Member, elected officer of the House of Representatives, or the chairman of any committee of the House, the Clerk of the House of Representatives shall furnish cards of identification to such employees under their jurisdiction as they may designate. Each such card shall be signed by the Speaker, Member, officer, or committee chairman concerned, and shall not be valid for a longer period than the duration of one session of a Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Payroll Duties

§ 18.10 The House by resolution has authorized the Clerk to transfer funds from balances available to him in several accounts under his administrative control to meet employee payrolls pending enactment of an appropriation bill carrying funds for that purpose.

9. 111 CONG. REC. 15501, 15502, 89th Cong. 1st Sess.

On May 28, 1969,⁽¹⁰⁾ Mr. Samuel N. Friedel, of Maryland, by direction of the Committee on House Administration offered and the House agreed to the following resolution (H. Res. 425):

Resolved, That the Clerk of the House and Sergeant at Arms be and is hereby directed to pay such sum as may be necessary, from the balance available of the 1968 appropriation and the various funds of the 1969 appropriation, where balances may be available, for the House of Representatives to meet the May and June payroll of Members, officers of the House, and employees of the House. Moneys expended from these funds and/or appropriations by the Sergeant at Arms and the Clerk will be repaid to the funds and/or appropriations from the Sergeant at Arms and Clerk's supplemental appropriation upon its approval.⁽¹¹⁾

Computer Services

§ 18.11 The Clerk's responsibility for computer operations has been assumed by the Committee on House Administration.

On Nov. 9, 1971,⁽¹²⁾ the Committee on House Administration

10. 115 CONG. REC. 14165-67, 91st Cong. 1st Sess.

11. *Parliamentarian's Note*: This resolution was passed to provide payroll funds because the Committee on House Administration had been advised that funds previously appropriated were exhausted.

12. 117 CONG. REC. 40015-17, 92d Cong. 1st Sess.

assumed responsibility for the computer operations of the House. By direction of this committee, Mr. Frank J. Thompson, Jr., of New Jersey, offered and the House agreed to the following resolution (H. Res 601):

Resolved, That during the Ninety second Congress, the Committee on House Administration is authorized to incur such expenses (not in excess of \$1,500,000) as the committee considers advisable to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives, including expenditures for the employment of technical, clerical, and other assistants, for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and for the procurement of equipment by contract or otherwise. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof. Not to exceed \$1,000,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be avail-

able for expenditures in connection with the study or investigation of any subject matter which is being investigated for the same purpose by any other committee of the House.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Parliamentarian's Note: Prior to passage of the above resolution, the Data Processing Office of the Clerk had responsibility for computer operations.

Contingent Fund Reports

§ 18.12 The Clerk's responsibility for printing the Clerk's report dealing with the contingent fund has been assumed by the Committee on House Administration.

On Sept. 23, 1961,⁽¹³⁾ the Committee on House Administration assumed responsibility for printing the report of the Clerk of the House, dealing with the contingent fund, pursuant to 2 USCA §102. By direction of the Committee on House Administration, Mr. Omar T. Burlison, of Texas, offered and the House agreed to the following resolution (H. Res. 476):

Resolved, That, until otherwise provided by law, the Committee on House

13. 107 CONG. REC. 20946, 87th Cong. 1st Sess.

Administration shall have exclusive responsibility for prescribing the form of, and having printed, the portion of the report of the Clerk of the House under section 60 of the Revised Statutes (2 USC 102) dealing with the contingent fund of the House.

Parliamentarian's Note: Prior to adoption of this resolution, the Clerk printed the report of the Clerk of the House.

Receipt of Messages and Reports

§ 18.13 The Clerk is sometimes authorized by resolution to receive messages during adjournments.

On June 22, 1940,⁽¹⁴⁾ for example, Mr. Sam Rayburn, of Texas, offered and the House agreed to the following resolution (H. Res. 545)

Resolved, That notwithstanding the recess or the adjournment of the House until July 1, 1940, the Clerk of the House is hereby authorized to receive messages from the Senate and the Speaker be, and he is hereby, authorized to sign any enrolled bills or joint resolutions duly passed by the two

14. 86 CONG. REC. 9085, 76th Cong. 3d Sess.

See also 108 CONG. REC. 577, 87th Cong. 2d Sess., Jan. 22, 1962; 108 CONG. REC. 9524, 87th Cong. 2d Sess., May 31, 1962; 110 CONG. REC. 16248, 16249, 88th Cong. 2d Sess., July 20, 1964, for similar instances.

Houses and which have been examined by the Committee on Enrolled Bills and found truly enrolled.

The resolution was agreed to.

§ 18.14 The Clerk reports receipt during adjournment of a message from the President to the Speaker who lays it before the House.

When the clerk during an adjournment receives a message from the President⁽¹⁵⁾ he transmits the message with a covering letter to the Speaker who lays both communications before the House.

For example on Feb. 20, 1969,⁽¹⁶⁾ the Speaker, John W. McCormack, of Massachusetts, laid before the House the following communication from the Clerk:

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives, said to contain a message from the President wherein he transmits a special study regarding the administration of the Headstart program. This envelope was received in the Office of the Clerk at 3:55 p.m. on Wednesday, February 19, 1969.

Sincerely,

PAT JENNINGS,
Clerk.

15. See § 18.4, supra, for procedure when receiving a message from a former President.

16. 115 CONG. REC 4088, 91st Cong. 1st Sess.

§ 18.15 The Clerk reports receipt of a message from the Senate to the Speaker who lays the matter before the House.

When the Clerk during an adjournment receives a message from the Senate, he transmits it with a covering letter to the Speaker who lays both communications before the House.⁽¹⁷⁾ For example, on June 28, 1965,⁽¹⁸⁾ the Speaker, John W. McCormack, of Massachusetts, laid before the House the following communication:

JUNE 25, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to authority granted on June 24, 1965, the Clerk received from the Secretary of the Senate today, the following message:

That the Senate passed H.J. Res. 541, entitled "Joint resolution to extend the Area Redevelopment Act for a period of 2 months."

Respectfully yours,

RALPH R. ROBERTS,
Clerk,

U.S. House of Representatives.

§ 18.16 The Clerk reports receipt of committee reports received during adjournment

17. See for example, 103 CONG. REC. 13161, 85th Cong. 2d Sess., July 7, 1958; and 103 CONG. REC. 13675, 85th Cong. 2d Sess., July 14, 1958, for similar instances.

18. 111 CONG. REC. 14845, 89th Cong. 1st Sess.

to the Speaker who lays the communication before the House.

On Jan. 10, 1947,⁽¹⁹⁾ the Speaker, Joseph W. Martin, Jr., of Massachusetts, laid before the House the following communication:

JANUARY 8, 1947.

The Honorable the SPEAKER
House of Representatives.

SIR: During the interim between the adjournment of the second session of the Seventy-ninth Congress and the convening of the Eightieth Congress, the following reports were received and printed by the Clerk of the House:

House Report No. 2729, Seventy-ninth Congress: Reconversion experience and current economic problems. Submitted by Mr. Colmer, from the Special Committee on Postwar Economic Policy and Planning, pursuant to House Resolution 60. Filed December 12, 1946. . . .

House Report No. 2730, Seventy-ninth Congress: Operation of national sales programs of surplus property by War Assets Administration. Submitted by Mr. Slaughter, from the Select Committee To Investigate Disposition of Surplus Property, pursuant to House Resolution 385. Filed September 30, 1946....

Very truly yours,

JOHN ANDREWS,
*Clerk of the
House of Representatives*

Designation of Subordinate

§ 18.17 The Clerk has been authorized by resolution to designate a subordinate temporarily to perform his duties.

19. 93 CONG. REC. 236, 237, 80th Cong. 1st Sess.

For example, on July 26, 1947,⁽²⁰⁾ the following occurred:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I offer a resolution (H. Res. 351) and ask for its immediate consideration. .

Resolved, That in order that the duties of his office may be discharged in case of his absence or disability or in case his office should become vacant, the Clerk of the House of Representatives on or before July 26, 1947, shall designate a subordinate in his office to perform the duties thereof in any such contingencies until the commencement of the second session of the Eightieth Congress. Such designee when acting under this authorization, shall subscribe himself as Acting Clerk of the House of Representatives.

The Clerk of the House shall promptly communicate to the Speaker the name of the employee designated hereunder for the information of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 18.18 The Clerk designates a subordinate to perform his duties temporarily and informs the Speaker who lays the communication before the House.

20. 93 CONG. REC. 10518, 80th Cong. 1st Sess.

See for example, 92 CONG. REC. 10781, 79th Cong. 2d Sess., Aug. 2, 1946; and 94 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948, for other resolutions.

On July 26, 1947,⁽¹⁾ the Speaker, Joseph W. Martin, Jr., of Massachusetts, laid before the House the following communication⁽²⁾ which was read by the Clerk:

JULY 26, 1947.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to the provisions of House Resolution 351 adopted by the

1. 93 CONG. REC. 10518, 80th Cong 1st Sess., July 26, 1947. See also Ch. 1 § 5, supra, form for designation of an acting Clerk to preside until election of a Speaker and Rule III clause 4, House Rules and Manual § 647 (1973), which authorizes the Clerk to designate an official in his office to sign all papers and perform other acts, except such as are provided by statute, that may be required under the rules and practice of the House to be done by the Clerk.

Clerks have designated authority to subordinates for temporary periods both with and without authorizing resolutions passed prior to the designations. Compare 92 CONG. REC. 10768, 10781, 79th Cong. 2d Sess., Aug. 2, 1946; 93 CONG. REC. 10518, 80th Cong. 1st Sess., July 26, 1947; and 93 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948, instances where resolutions authorized designations, with, for example, 109 CONG. REC. 10025, 88th Cong. 2d Sess., May 5, 1964; 111 CONG. REC. 2759, 89th Cong. 1st Sess., Feb. 16, 1965; and 114 CONG. REC. 30617, 90th Cong. 2d Sess., Oct. 10, 1968, instances where no resolutions preceded the designations.

2. See also 6 Cannon's Precedents § 26, for another form of designation.

House today, I have designated Mr. Harry Newlin Megill, an official in my office, to discharge the duties contemplated by said resolution.

Respectfully yours,

JOHN ANDREWS,

*Clerk of the
House of Representatives.*

Receipt of Election Certificate

§ 18.19 The Clerk reports receipt of an election certificate for a vacant seat to the Speaker who lays the communication before the House.

On Feb. 23, 1966,⁽³⁾ the Speaker, John W. McCormack, of Massachusetts, laid before the House the following communication:

FEBRUARY 22, 1966.

The Honorable the SPEAKER,
House of Representatives.

SIR: A certificate in due form of law showing the election of Theodore R. Kupferman as a Representative-elect to the 89th Congress from the 17th Congressional District of the State of New York, to fill the vacancy caused by the resignation of John V. Lindsay, is on file in this office.

Respectfully yours,

RALPH R. ROBERTS,

*Clerk,
U.S. House of Representatives.*

3. 112 CONG. REC. 3667, 89th Cong. 2d Sess.