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# The First Day of a New Congress: A Guide to Proceedings on the House Floor

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November 3, 2016

**Congressional Research Service**

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[www.crs.gov](http://www.crs.gov)

RL30725

## Summary

Article 1, Section 2 of the Constitution sets a term of office of two years for all Members of the House. One House ends at the conclusion of each two-year Congress, and the newly elected Representatives must constitute a new House at the beginning of the next Congress. Consequently, the House must choose its Speaker and officers and adopt the chamber's rules of procedure every two years.

The Constitution mandates that Congress convene at noon on January 3, unless the preceding Congress by law designated a different day. P.L. 113-201 set January 6, 2015, as the convening date of the 114<sup>th</sup> Congress. (A decision on convening the 115<sup>th</sup> Congress is expected during the “lame-duck” meeting of the 114<sup>th</sup> Congress.) Although no officers will have been elected when the House first convenes, officers from the previous Congress perform certain functions, such as conducting the election of the Speaker.

The House follows a well-established first-day routine. The proceedings include—

- a call to order by the Clerk of the House;
- a prayer led by the chaplain and the Pledge of Allegiance led by the Clerk;
- a quorum call ordered by the Clerk;
- the election of the Speaker, ordered by the Clerk and conducted with the assistance of tellers;
- remarks by the Speaker-elect, followed by his or her swearing-in by the dean of the House;
- adoption of the rules of the House for the new Congress;
- the oath of office for the newly elected and re-elected Members, administered by the Speaker;
- adoption of various administrative resolutions and unanimous consent agreements; and
- announcement of the Speaker's policies on certain floor practices.

On opening day, the House often adopts resolutions assigning some or many of its Members to committees. This process regularly continues over several more weeks. The committee assignment process occurs primarily within the party groups—the Republican Conference and the Democratic Caucus. Other routine organizational business may also be taken up on the House floor on the first day, such as adoption of a resolution to allow a judge or a Member of Congress to administer the oath of office to one or more Members-elect who are absent.

Some resolutions on opening day are dependent on specific circumstances and do not occur at the beginning of each new Congress. At the outset of a new Congress following a presidential election, the House must adopt a resolution providing for the counting by the new Congress of electoral votes cast for President and Vice President.

This report will be updated after the convening of the 115<sup>th</sup> Congress. For an explanation of proceedings occurring on the first day in the Senate, see the companion report: CRS Report RS20722, *The First Day of a New Congress: A Guide to Proceedings on the Senate Floor*, by (name redacted) and (name redacted) .

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## Introduction

The House of Representatives follows a well-established routine on the opening day of a new Congress. The proceedings include electing and swearing in the Speaker, swearing in Members,<sup>1</sup> electing and swearing in House administrative officers, and adopting rules of procedure and various administrative resolutions. Resolutions assigning some or many Members to committees may also be adopted.

The House must take these actions at the beginning of each new Congress because it is not a continuing body. Article 1, Section 2 of the Constitution sets a term of office for Members of the House at two years. Thus, one House ends at the conclusion of each two-year Congress, and the newly elected Representatives must constitute a new House at the beginning of a new Congress.<sup>2</sup>

## The House Convenes

The Twentieth Amendment to the Constitution directs that a new Congress convene at noon on January 3 in each odd-numbered year, unless the preceding Congress has by law designated a different day for the new Congress's convening. On November 20, 2014, the 113<sup>th</sup> Congress completed action on H.J.Res. 129, setting the convening date for the 114<sup>th</sup> Congress as January 6, 2015. The joint resolution was signed into law by President Obama on December 4 (P.L. 113-201). (A decision on convening the 115<sup>th</sup> Congress is expected during the “lame-duck” meeting of the 114<sup>th</sup> Congress.)

In recent years, it has been the exception rather than the rule for a new Congress to begin on January 3. Nine of the past 11 Congresses began on a date other than January 3:

- 104<sup>th</sup> Congress (January 4, 1995),
- 105<sup>th</sup> Congress (January 7, 1997),
- 106<sup>th</sup> Congress (January 6, 1999),
- 108<sup>th</sup> Congress (January 7, 2003),
- 109<sup>th</sup> Congress (January 4, 2005),
- 110<sup>th</sup> Congress (January 4, 2007),
- 111<sup>th</sup> Congress (January 6, 2009),
- 112<sup>th</sup> Congress (January 5, 2011), and
- 114<sup>th</sup> Congress (January 6, 2015).

The 107<sup>th</sup> and 113<sup>th</sup> Congresses were the only two of these 11 to begin on January 3, convening January 3, 2001, and January 3, 2013, respectively.<sup>3</sup>

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<sup>1</sup> CRS Report R41946, *Qualifications of Members of Congress*, by (name redacted)

<sup>2</sup> For information on the convening of the House, see Wm. Holmes Brown, Charles W. Johnson, and John V. Sullivan, “Assembly of Congress,” in *House Practice, A Guide to the Rules, Precedents, and Procedures of the House of Representatives* (Washington: GPO, 2011), pp. 153-161. (Hereinafter, *House Practice*.) For information on organizational meetings held prior to the formal start of a new Congress, see CRS Report RS21339, *Congress's Early Organization Meetings*, by (name redacted)

<sup>3</sup> No law like P.L. 113-201 was enacted to set the convening date of the 107<sup>th</sup> Congress or the 113<sup>th</sup> Congress because their convening was planned for the constitutionally anticipated date of January 3.

Although no officers of the House will have been elected when the House first convenes, officers from the previous Congress perform certain functions.<sup>4</sup> The previous Clerk of the House calls the House to order and presides over the chamber until the Speaker is elected and sworn in. In the absence of the Clerk, the Sergeant at Arms performs this duty.<sup>5</sup>

After the Clerk calls the Representatives-elect to order, the chaplain offers a prayer. The Clerk leads the Members-elect and their guests<sup>6</sup> in reciting the Pledge of Allegiance. The Clerk then directs a reading clerk to call the roll of all Members-elect to establish that a quorum is present.<sup>7</sup> In current practice, the roll is not actually called by a clerk; rather, the Members-elect record their presence by inserting their official voting cards (obtained prior to or on opening day) in the chamber's electronic voting machines. Once the call of the roll is completed, a majority having registered their names, a quorum (218, if no vacancies) is indicated. This action fulfills the requirements of Article I, Section 5 of the Constitution that a quorum be present to conduct business.

The Clerk then announces the election of the Resident Commissioner from Puerto Rico (when applicable since the Resident Commissioner's term is four years) and of the Delegates—one person from the District of Columbia and one person from each of the territories of Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa.<sup>8</sup> The Clerk also reports any deaths or resignations since the election.<sup>9</sup>

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<sup>4</sup> CRS Report 98-396, *Guide to Individuals Seated on the House Dais*, by (name redacted) .

<sup>5</sup> See House Rule II, cl. 2, in *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Fourteenth Congress*, prepared by Thomas J. Wickham, H. Doc. 113-181, 113<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 2015). (Hereinafter, *House Rules and Manual*.)

<sup>6</sup> Generally, children under 12 years of age accompany Members on the floor for the opening-day ceremonies.

<sup>7</sup> "All Members-elect whose credentials have been received by the Clerk are included in the first roll call on opening day to establish a quorum." Delegates-elect and the Resident Commissioner, however, are not included in this roll call. See "Status and Rights of Members-elect" in *House Practice*, p. 157. See also CRS Report 98-870, *Quorum Requirements in the House: Committee and Chamber*, by (name redacted) .

<sup>8</sup> By law, the term of service of Delegates is also two years, but the term of service of the Resident Commissioner is four years. See also CRS Report R40555, *Delegates to the U.S. Congress: History and Current Status*, by (name redacted) .

<sup>9</sup> In the 114<sup>th</sup> Congress, the Clerk announced the receipt of a letter from Rep.-elect Michael Grimm of New York stating that he would not serve in the House. The Clerk [Karen L. Haas], "Resignation from the House of Representatives," letter, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H2. For background, see Emma Dumain, "Michael Grimm Could Resign This Week," *CQ News*, December 29, 2014, available at <http://www.cq.com/doc/news-4595988?7&search=6bgZV46p>.

In the 113<sup>th</sup> Congress, the Clerk announced the receipt of letters declining to serve in the House from Reps.-elect Jesse Jackson Jr. of Illinois and Tim Scott of South Carolina. The Clerk [Karen L. Haas], "Announcement by the Clerk," letters, *Congressional Record*, daily edition, vol. 159 (January 3, 2013), p. H2. Rep. Jackson has previously resigned from the 112<sup>th</sup> Congress November 21, 2012. Speaker pro tempore, "Resignation from the House of Representatives," letters, *Congressional Record*, daily edition, vol. 158 (November 27, 2012), pp. H6441-H6442. For background on Rep.-elect Jackson's resignation, see U.S. Department of Justice, "Former Congressman Jesse L. Jackson Jr. Sentenced to 30 Months in Prison for Conspiring To Defraud Campaign," press release, August 14, 2013, available from CQ.com at <http://www.cq.com/pdf/govdoc-4333223>. Rep.-elect Scott had been appointed December 17, 2012, to the 113<sup>th</sup> Congress by the governor of South Carolina to fill the Senate vacancy caused by the resignation of Sen. Jim DeMint.

In the 111<sup>th</sup> Congress, the Clerk announced receipt of a letter of resignation since the 2008 election from Rep.-elect Rahm Emanuel of Illinois, who had been selected by President-elect Obama as his White House chief of staff. The Clerk [Lorraine C. Miller], "Resignation from the House of Representatives," letter, *Congressional Record*, vol. 155, part 1 (January 6, 2009), p. 2. In the 106<sup>th</sup> Congress, the Clerk announced that he had received a letter from Rep.-elect Newt Gingrich, who stated that he would not seek reelection as Speaker of the House or take his seat as a Member from the Sixth District of Georgia. The Clerk [Jeffrey J. Trandahl], "Resignation As Member of the House of Representatives," letter, *Congressional Record*, vol. 145, part 1 (January 6, 1999), p. 42.

(continued...)

A quorum being present, the first order of official business is the election of the Speaker of the House of Representatives.<sup>10</sup>

## Election of the Speaker<sup>11</sup>

The candidates for Speaker are nominated from the floor by the leaders of their respective parties. Traditionally, there is one candidate from the majority party and one from the minority party, selected by the Republican Conference and the Democratic Caucus at their early organizational meetings.<sup>12</sup> Individual Members-elect may place other names in nomination. Debate on the nomination of candidates for Speaker is allowed but not customary.<sup>13</sup> Instead, the nominations are followed immediately by a viva voce roll-call vote, that is, a vote in which the Members-elect respond orally to the calling of their names. In this vote, the Members-elect call out the last name of their choice for Speaker when their names are called by a reading clerk. The Clerk appoints Members-elect to serve as majority and minority tellers, usually two each, to ascertain the vote.<sup>14</sup> So long as nearly all of the majority party's members vote for its candidate, the majority party is able to assure its candidate's election because the vote is likely to be almost exclusively along party lines.<sup>15</sup> The candidates themselves, however, often vote "present" or do not vote.<sup>16</sup>

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(...continued)

At the beginning of the 109<sup>th</sup> Congress, for example, the Clerk announced the death of Rep. Robert Matsui of California since the last regular election for Representatives. The Clerk [Jeffrey J. Trandahl], "Announcement by the Clerk," *Congressional Record*, vol. 151, part 1 (January 4, 2005), p. 37. In the 107<sup>th</sup> Congress, the Clerk announced the death of Rep. Julian Dixon of California since the last regular election for Representatives. The Clerk [Jeffrey J. Trandahl], "Announcement by the Clerk," *Congressional Record*, vol. 147, part 1 (January 3, 2001), p. 20.

<sup>10</sup> Prior to conducting the election of the Speaker, the retiring Clerk of the House addressed the chamber on opening day in 1995. See "Farewell Remarks of the Honorable Donald K. Anderson," *Congressional Record*, vol. 141, part 1 (January 4, 2001), p. 440.

<sup>11</sup> See CRS Report RL30857, *Speakers of the House: Elections, 1913-2015*, by (name redacted) and (name redacted) ; and CRS Report RL30857, *Speakers of the House: Elections, 1913-2015*, by (name redacted) and (name redacted) . See also CRS Report 97-780, *The Speaker of the House: House Officer, Party Leader, and Representative*, by (name redacted) .

<sup>12</sup> Although the Speaker has always been a Member of the House, this is not a constitutional requirement. In the 113<sup>th</sup> Congress, 10 individuals in addition to the party nominees received votes for Speaker, with 1 receiving 3 votes, 2 receiving 2 votes, and 7 receiving 1 vote each; 3 of the other individuals receiving votes were not Representatives-elect. In the 112<sup>th</sup> Congress, 7 other Members-elect received votes for Speaker, with 5 receiving 1 vote each, 1 receiving 2 votes, and 1 receiving 11 votes. All votes cast in the 110<sup>th</sup> and 111<sup>th</sup> Congresses were for the party nominees. In the 107<sup>th</sup>, 108<sup>th</sup>, and 109<sup>th</sup> Congresses, there was one other Member-elect in each Congress who received a vote for Speaker. All votes cast in the 106<sup>th</sup> Congress were for the party nominees. At the commencement of the 105<sup>th</sup> Congress, two former Members and a Member-elect, in addition to the two party nominees, received votes; the former Members each received a vote and the Member-elect received 2 votes. Some Representatives also vote present or do not vote in the election of a Speaker.

<sup>13</sup> At the commencement of the 105<sup>th</sup> Congress, the chair of the Democratic Caucus rose to "a question of the highest constitutional privilege" to offer a resolution calling for the postponement of the election of the Speaker until the completion of a pending investigation. His resolution proposed the election of an interim Speaker, but was ruled out of order by the Clerk. The appeal of the Clerk's ruling was tabled by vote of the House. See Rep. Vic Fazio, *Congressional Record*, vol. 143, part 1 (January 7, 1997), pp. 115-116.

<sup>14</sup> Tellers are Members or clerks who count, or record and count, votes cast. See "Election of the Speaker," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H3.

<sup>15</sup> The Speaker is elected by a majority, not a plurality, of votes cast by Members-elect. See *House Rules and Manual*, §27, p. 13. Independent Members might vote for the candidate of the party with which they have chosen to caucus.

<sup>16</sup> In the 113<sup>th</sup> and 114<sup>th</sup> Congresses, Rep.-elect Nancy Pelosi voted for herself, while Rep.-elect John Boehner did not vote. (Ms. Pelosi had been chosen as minority leader of her party; Mr. Boehner had served as Speaker in the 112<sup>th</sup> and 113<sup>th</sup> Congresses.) See "Election of the Speaker," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. (continued...)

The following excerpt is from the proceedings for the election of the Speaker in the 114<sup>th</sup> Congress.<sup>17</sup>

#### ELECTION OF SPEAKER

The CLERK. Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 114<sup>th</sup> Congress. Nominations are now in order.

The Clerk now recognizes the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. ... Madam Clerk, as chair of the Republican Conference and by unanimous vote of that conference, I present for election to the office of the Speaker of the House of Representatives for the 114<sup>th</sup> Congress the name of the Honorable JOHN A. BOEHNER....

The Clerk now recognizes the gentleman from California (Mr. BECERRA).

Mr. BECERRA. ... I have been empowered [as chairman of the Democratic Caucus] ... to put the name of the gentlewoman from San Francisco ... forward for the office of the Speaker of the House of Representatives for the 114<sup>th</sup> Congress. I, therefore ... put before you the name of NANCY PELOSI to serve as the Speaker of the House of Representatives.

The CLERK. The names of the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio, and the Honorable NANCY PELOSI, a Representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

Mr. MASSIE. Madam Clerk, I present ... the name of the Honorable TED YOHO ...from the great State of Florida.

The CLERK. Are there further nominations?

Mr. BRIDENSTINE. Madam Clerk, I present ... the name of Judge LOUIE GOHMERT ... from the great State of Texas.

The CLERK. Are there further nominations?

Mr. KING. Madam Clerk, I rise to ... place in nomination the name of DANIEL WEBSTER ... from the great State of Florida.

The CLERK. Are there further nominations?

The names of the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio; the Honorable NANCY PELOSI, a Representative-elect from the State of California; the Honorable TED YOHO, a Representative-elect from the State of Florida; the Honorable LOUIE GOHMERT, a Representative-elect from the State of Texas; and the Honorable DANIEL WEBSTER, a Representative-elect from the State of Florida, have been placed in nomination.

There being no further nominations, the Clerk appoints the following tellers:

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(...continued)

H3-H4. In the 110<sup>th</sup> Congress, both party nominees for Speaker voted for themselves. See “Election of Speaker,” *Congressional Record*, vol. 153, part 1 (January 4, 2007), p. 3.

<sup>17</sup>See “Election of the Speaker,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H2-H4.

The gentlewoman from Michigan (Mrs. MILLER); the gentleman from Pennsylvania (Mr. BRADY); the gentlewoman from Ohio (Ms. KAPTUR); and the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choosing.

The Reading Clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.<sup>18</sup>

...

The CLERK. The tellers agree in their tallies that the total number of votes cast is 408, of which the Honorable JOHN A. BOEHNER of the State of Ohio has received 216, the Honorable NANCY PELOSI of the State of California has received 164, the Honorable DANIEL WEBSTER of the State of Florida has received 12, the Honorable LOUIE GOHMERT of the States of Texas has received 3, the Honorable TED S. YOHO of the State of Florida has received 2, the Honorable JIM JORDAN of the State of Ohio has received 2, the Honorable JIM COOPER of the State of Tennessee has received 1, the Honorable PETER A. DEFAZIO of the State of Oregon has received 1, the Honorable JEFF DUNCAN of the State of South Carolina has received 1, the Honorable TREY GOWDY of the State of South Carolina has received 1, the Honorable JOHN LEWIS of the State of Georgia has received 1, the Honorable KEVIN MCCARTHY of the State of California has received 1, the Honorable RAND PAUL of the Commonwealth of Kentucky has received 1, the Honorable JEFF SESSIONS of the State of Alabama has received 1, and the Honorable Colin Powell has received 1, with 1 recorded as "present."

Therefore, the Honorable JOHN A. BOEHNER of the State of Ohio, having received the majority of the votes cast, is duly elected Speaker of the House of Representatives for the 114<sup>th</sup> Congress.

## Swearing-in of the Speaker

After election, the Clerk appoints a bipartisan committee to escort the Speaker-elect to the Speaker's chair on the dais. The Speaker-elect is escorted by leaders of both parties and, often, by Representatives-elect from his or her home state. He or she is introduced to the chamber by the minority leader, who first delivers a short statement from the chair. The Speaker often responds with a statement of his or her own and then takes the oath of office.<sup>19</sup> By precedent, the dean of the House, the most senior (longest-serving) Member, regardless of party, administers the oath to the Speaker.<sup>20</sup> That oath is identical to that of the other Members. (See "Oath of Office for Members-Elect.")

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<sup>18</sup> Prior to the voting for Speaker in the 106<sup>th</sup> Congress, a parliamentary inquiry was made by the Resident Commissioner from Puerto Rico and another Member-elect about the Delegates in the House being allowed to cast ballots for Speaker. The Clerk announced, however, that "Representatives-elect are the only individuals qualified to vote in the election of the Speaker." See "Election of Speaker," House debate, *Congressional Record*, vol. 145, part 1 (January 6, 1999), pp. 42-43.

<sup>19</sup> In the 106<sup>th</sup> Congress, the Speaker-elect broke with tradition and delivered his remarks from the floor of the House rather than the dais. See Rep. Dennis Hastert, "Election of the Speaker," *Congressional Record*, vol. 145, part 1 (January 6, 1999), pp. 44-45.

<sup>20</sup> Rep. John Conyers (D-MI) was the dean of the House in the 114<sup>th</sup> Congress. His service began January 3, 1965. See "Election of the Speaker," remarks, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H6.



The Speaker during the day's proceedings delivers a letter to the Clerk listing Members in the order in which they may act as the Speaker pro tempore, should a vacancy occur in the office, until a new Speaker is elected.<sup>21</sup>

## Oath of Office for Members-Elect

After taking the oath, the Speaker administers the oath to all Members of the House, en masse, including the nonvoting Delegates and Resident Commissioner. The Speaker directs the Representatives-elect to rise and raise their right hands. The oath, which follows, is stated in the form of a question, to which the newly elected Members respond in the affirmative:

[Do you] I do solemnly swear (or affirm) that [you] I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that [you] I will bear true faith and allegiance to the same; that [you] I take this obligation freely, without any mental reservation or purpose of evasion; and that [you] I will well and faithfully discharge the duties of the office on which [you] I am about to enter[?]. So help [you] me God.

An oath is mandated by Article VI of the Constitution, and its text is set by statute (5 U.S.C. 3331).<sup>22</sup> As the Members-elect raise their right hands, they are not required to hold anything in their left hands. Many have held a family Bible or another sacred text in their left hands, but there is no requirement that anything be held when the oath is taken.

The same is true for Representatives who re-enact the event with their families and the Speaker in the Speaker's office after the formal ceremony. Many Members choose to hold something meaningful in their left hands. These objects have often been, but are not limited to, a family heirloom or something else of special significance. Nothing, however, is required. It is up to the Member to determine what, if anything, he or she holds.<sup>23</sup> While photography is not permitted of the swearing-in on the House floor, ceremonial swearing-ins may be photographed or recorded.

Members who were not present when all Members were sworn in might take the oath in the House chamber later on opening day.<sup>24</sup> Occasionally, the swearing-in of a Member-elect is delayed because of illness or other circumstances. When that happens, the Member-elect is sworn in at a later date in the House chamber or elsewhere by someone designated by the Speaker. The oath of office may be administered by another Member or by a judge. The location has been at sites in Washington, DC, other than the Capitol and in other parts of the country.<sup>25</sup>

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<sup>21</sup> See "Announcement by the Speaker Pro Tempore," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H35; and House Rule I, cl. 8(b)(3).

<sup>22</sup> The President's oath is set forth in the Constitution (U.S. Const. art. II, § 1, cl. 7).

<sup>23</sup> In the 110<sup>th</sup> Congress, for example, Rep.-elect Keith Ellison of Minnesota, the first Muslim elected to Congress, used a Quran when he re-enacted his swearing-in with the Speaker. See "First Muslim Lawmaker Takes Oath With Quran," *USA Today*, January 5, 2007, p. 3; and Gail Feinberg and the Library of Congress, "Members Borrow Historic Books from the Library," *The Gazette*, vol. 18, January 12, 2007, pp. 3-5. In 2008, Rep.-elect André Carson of Indiana, the second Muslim elected to Congress, used a copy of the *House Rules and Manual* for his ceremonial swearing-in after he was sworn in following election to a vacant seat in the 110<sup>th</sup> Congress. See Emily Heil and Anna Palmer, "Carson's Jeffersonian Moment," *Roll Call*, March 17, 2008, p. 19.

<sup>24</sup> Once a Member-elect has been sworn in, he or she may vote on all subsequent questions. If a Member misses a vote on opening day or any other occasion, he or she might want to make known a position on the question. See "Personal Explanation," in *House Practice*, pp. 944-945.

<sup>25</sup> Regarding Members sworn in at other times and in other places, see, for example: In the 106<sup>th</sup> Congress, two ill Members, Reps.-elect George Miller and Sam Farr, were sworn in at their California homes by judges on January 7, 1999, and January 8, 1999, respectively. Rep. Robert Menendez, "Authorizing the Speaker or His Deputy to (continued...)"

If the swearing-in of a Member is challenged, the Speaker, pursuant to House precedents, will ask the Member-elect to remain seated while the others are sworn in. The House then determines the disposition of the challenge.<sup>26</sup>

## Announcement of Party Leaders

After the Speaker administers the oath of office, he or she receives reports from the chairs of the two party organizations, the Republican Conference and the Democratic Caucus, who announce their parties' choice for majority leader and minority leader.

Mrs. McMORRIS RODGERS. Mr. Speaker, as chair of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from California, the Honorable KEVIN MCCARTHY.

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(...continued)

Administer the Oath of Office to the Honorable George Miller and the Honorable Sam Farr of California," *Congressional Record*, vol. 145, part 1 (January 6, 1999), p. 246. In the 105<sup>th</sup> Congress, the swearing-ins of Rep.-elect Frank Tejeda of Texas and Rep.-elect Julia Carson of Indiana were delayed because of illness. Rep. Tejeda was sworn in January 8, 1997, and Rep. Carson on January 9, 1997. Both were sworn in by federal judges outside Washington, DC. Rep. Richard Gephardt, "Authorizing the Speaker or His Deputy to Administer the Oath to the Honorable Frank Tejeda and the Honorable Julia Carson," *Congressional Record*, vol. 143, part 1 (January 7, 1997), pp.143-144.

Regarding Members sworn in in the House chamber at other times than the day of convening, see, for example, the swearing-in of Reps.-elect Joseph Crowley, Eliot Engel, Brian Higgins, Nita Lowey, Carolyn Maloney, Sean Patrick Maloney, Gregory Meeks, Grace Meng, Jerrold Nadler, Charles Rangel, Paul Tonko and Nydia Velázquez. See "Swearing In of Members-Elect," *Congressional Record*, daily edition, vol. 161 (January 7, 2015), p. H55. Many New York Members of Congress had attended the funeral for former New York Governor Mario Cuomo on January 6. See James Barron, "At Funeral for Mario Cuomo, Praise for a Leader's Role as a Humanist," *The New York Times*, January 6, 2015, available at <http://www.nytimes.com/2015/01/07/nyregion/mario-cuomo-funeral.html>.

In the 112<sup>th</sup> Congress, two Members were absent from the House chamber when Members were sworn in, but were in the Capitol complex. They were sworn in later on January 6. It was discovered that the Members had responded to various recorded quorum- and roll-calls before being so sworn and that they had taken other official actions as Members and that official actions were taken on their behalf before they were sworn. The House adopted a resolution vitiating their participation, correcting the *Congressional Record*, and validating actions that had been taken. See "Swearing in of Members," *Congressional Record*, vol. 157, part 1 (January 6, 2011), p. 164; H.Res. 27, agreed to in the House January 7, 2011; and "Relating to the Status of Certain Actions Taken by Members-Elect," *Congressional Record*, vol. 157, part 1 (January 7, 2011), pp. 227-229.

<sup>26</sup> On January 3, 1985, the seating of Rep.-elect Richard McIntyre of the Eighth Congressional District of Indiana was challenged. In that incident, the House adopted a resolution (H.Res. 1), declining to seat McIntyre and referring the challenge to the House Administration Committee for further examination. The Member-elect's opponent, Frank McCloskey, was ultimately seated. See "Election Contests and Disputes," in *House Practice*, pp. 481-486; and Rep. James Wright, "Referring Election of a Member from the Eighth Congressional District of Indiana to the Committee on House Administration," *Congressional Record*, vol. 131, part 1 (January 3, 1985), pp. 381-388.

In contrast, Rep.-elect Vern Buchanan of Florida's Thirteenth Congressional District was seated pending the outcome of a contested election. In response to a parliamentary inquiry before Members-elect were sworn, the Speaker stated: "The seating of this Member-elect is entirely without prejudice to the contest over the final right to that seat that is pending under the [Federal Contested Elections Act] and will be reviewed in the ordinary course in the Committee on House Administration." See "Swearing in of Members," *Congressional Record*, vol. 153, part 1 (January 4, 2007), p. 5. Similarly, Rep.-elect Loretta Sanchez was seated without prejudice to the House's ultimate determination of the winner of the election in the Forty-sixth District of California. See "Swearing In of Members," *Congressional Record*, vol. 143, part 1 (January 7, 1997), p. 120.

See also CRS Report RL33780, *Procedures for Contested Election Cases in the House of Representatives*, by (name redacted) and (name redacted) and the out-of-print report available from its author, CRS Report 98-194, *Contested Election Cases in the House of Representatives: 1933 to 2011*, by (name redacted). Regarding qualifications of Members of the House, see CRS Report R41946, *Qualifications of Members of Congress*, by (name redacted)

Mr. BECERRA. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority leader the gentlewoman from California, the Honorable NANCY PELOSI.<sup>27</sup>

The party chairs then announce the names of those elected to serve as majority and minority whips.<sup>28</sup>

## Election of Officers

The House next turns to the election of its administrative officers: Clerk, Sergeant at Arms, Chief Administrative Officer, and Chaplain. A simple resolution nominating the slate of candidates is offered by the chair of the caucus or conference of the majority party. The minority party proposes its own roster of candidates as an amendment to the majority party's resolution. By tradition, neither the resolution nor the amendment is debated, although the slate can be divided with a separate vote on any or all officers.<sup>29</sup> Again, because of its numerical advantage, the majority is able to defeat the minority substitute and to adopt the resolution naming its chosen candidates. The Speaker administers the oath to the newly elected officers.<sup>30</sup>

Six staff of the minority party leadership are subsequently designated.<sup>31</sup>

## Notification to the Senate and the President

The House adopts simple resolutions to formally notify the Senate and the President that it has elected its leaders, is assembled, and is ready to receive messages from them. Subsequently, the majority and minority leaders as well as two Senators (usually the majority and minority leaders) telephone the President with the news that Congress has assembled is ready to begin its work. The Clerk of the House is also authorized by resolution to inform the President that the House has selected its Speaker and Clerk.<sup>32</sup>

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<sup>27</sup> See "Majority Leader" and "Minority Leader," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H6. See also CRS Report RL30665, *The Role of the House Majority Leader: An Overview*, by (name redacted) ; and CRS Report RL30666, *The Role of the House Minority Leader: An Overview*, by (name redacted) .

<sup>28</sup> The Democratic Caucus chair also announces the selection of the assistant Democratic leader. See "Majority Whip" and "Minority Whip and Assistant Democratic Leader," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H6. See also CRS Report RS20881, *Party Leaders in the House: Election, Duties, and Responsibilities*, by (name redacted) .

<sup>29</sup> Traditionally, a Member asks for a division so that there will be separate vote on the chaplain; the minority does not then include an alternative chaplain in its amendment. See "Electing Officers of the House of Representatives," House debate, *Congressional Record*, daily edition, vol. 161 (January 6, 2015) p. H6.

<sup>30</sup> Ibid. See also CRS Report RL33220, *Support Offices in the House of Representatives: Roles and Authorities*, by (name redacted) ; CRS Report R41807, *House and Senate Chaplains: An Overview*, by (name redacted); CRS Report RS20544, *The Office of the Parliamentarian in the House and Senate*, by (name redacted) ; and CRS Report RS22890, *House Office of General Counsel*, by (name redacted) .

<sup>31</sup> See "Providing for the Designation of Certain Minority Employees," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H28.

<sup>32</sup> See "To Inform the Senate That a Quorum of the House Has Assembled and of the Election of the Speaker and the Clerk," "Authorizing the Speaker To Appoint a Committee To Notify the President of the Assembly of the Congress," and "Authorizing the Clerk To Inform the President of the Election of the Speaker and the Clerk," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H6-H7.

## Adoption of House Rules of Procedure<sup>33</sup>

The next order of business is the adoption of the rules of the House. Although the rules of one House do not carry over to the next House, a newly elected House typically approves its rules by adopting the rules of the previous Congress with specific amendments.<sup>34</sup> Traditionally, prior to the first day of a new Congress, majority and minority Rules Committee members and possibly other party groups have worked on any changes the majority or minority wish to implement in the House's standing rules.<sup>35</sup> With the majority party's numerical advantage, its rules package, as presented, prevails.<sup>36</sup>

The majority's proposed rules are offered in the form of a House simple resolution, most often numbered H.Res. 5.<sup>37</sup> Since there are at that time no existing House rules, the resolution is considered under "general parliamentary law," which the House interprets to include the rules in force in the preceding Congress.<sup>38</sup> Debate is normally limited to one hour, although the time might be extended by unanimous consent, and the majority party floor manager of the resolution traditionally yields half the debate time "for purposes of debate only" to the minority floor manager. Participants in the debate discuss the majority's proposal and any minority-party alternate proposal.<sup>39</sup>

At the end of debate time, the majority manager moves the previous question. The majority party's numerical advantage assures the adoption of this motion. The effect is to force a nearly immediate vote on the question of final approval of the majority's own rules package. Adoption of the previous question motion ends debate and prevents the minority from actually offering its alternate rules package.<sup>40</sup> Nonetheless, the minority still has the ability to offer a motion to

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<sup>33</sup> For an explanation of House rules changes in the last two decades, see CRS Report RL33610, *A Retrospective of House Rules Changes Since the 104th Congress through the 109th Congress*, by (name redacted) and (name redacted); and CRS Report R42395, *A Retrospective of House Rules Changes Since the 110th Congress*, by (name redacted) and (name redacted).

<sup>34</sup> For the 114<sup>th</sup> Congress rules resolution debate, see "Rules of the House," House debate, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H7-H27. In the 106<sup>th</sup> Congress, for the first time in over 100 years, the House recodified its rules. The majority and minority had worked together in the prior Congress on the recodification. The majority also offered several amendments to the recodified rules. See "Rules of the House," *Congressional Record*, vol. 145, part 1 (January 6, 1999), pp. 47-235.

<sup>35</sup> See CRS Report RL30787, *Parliamentary Reference Sources: House of Representatives*, by (name redacted) and (name redacted); CRS Report 98-262, *House Rules Manual: Summary of Contents*, by (name redacted) and CRS Report 98-406, *Publications of the U.S. House of Representatives*, by (name redacted).

<sup>36</sup> Prior to debate on the 114<sup>th</sup> Congress rules resolution, DC Delegate Eleanor Holmes Norton made a motion to refer the resolution to a select committee to make a recommendation on Delegate voting in the Committee of the Whole. The motion was tabled. See Rep. Eleanor Holmes Norton, "Motion To Refer," House debate, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H9-H11.

<sup>37</sup> On two occasions in the past two decades, the House has first adopted a special rule governing consideration of that Congress's rules resolution. In the 104<sup>th</sup> and 110<sup>th</sup> Congresses, these special rules were numbered H.Res. 5 and the rules resolutions were numbered H.Res. 6. See also CRS Report 98-354, *How Special Rules Regulate Calling up Measures for Consideration in the House*, by (name redacted).

<sup>38</sup> For a summary of the procedures the House follows in the brief period of time it is in session prior to the formal adoption of its own rules, see "Assembly of Congress," in *House Practice*, pp. 153-161.

<sup>39</sup> The prospective chair of the Rules Committee, who manages debate for the majority, inserts an explanation of the proposed rules changes in the *Congressional Record*. See Rep. Pete Sessions, "H.Res. 5," insert, *Congressional Record*, daily edition, vol. 161 (January 5, 2015), pp. H12-H14. See also CRS Report RS22991, *Speaking on the House Floor: Gaining Time and Parliamentary Phraseology*, by (name redacted).

<sup>40</sup> If the minority has an amendment to the majority's rules resolution, the minority floor manager asks Members to defeat the previous question so that the minority may offer its amendment. In the 114<sup>th</sup> Congress, the minority's (continued...)

commit with instructions, that is, one more chance to offer an amendment to the majority's rules resolution.<sup>41</sup> Only 10 minutes of debate, equally divided, is allowed but the House often forgoes this debate by unanimous consent. With its numerical majority, the majority party is able to prevail in defeating a motion to commit, if offered,<sup>42</sup> and, then, in adopting its rules resolution.<sup>43</sup>

## Separate Orders and Other Components

In addition to allowing the adoption of the previous House's rules with specific amendments to those rules, a rules resolution may include other provisions that govern additional House action or activities. Such provisions typically appear as the final sections of the rules resolution, may be extensive, and may be labeled as separate orders, additional orders, or even with a specific name. In the 114<sup>th</sup> Congress rules resolution, Section 3 was labeled Separate Orders; Section 4 was labeled Committees, Commissions, and House Offices; and Section 5 was labeled Order of Business.

The separate orders in Section 3 pertained to House rules (e.g., access to House exercise facilities by former Members who were registered lobbyists) and rules in rulemaking statutes (e.g., the Congressional Budget Act). These separate orders and other orders departed from or interpreted these rules in a specific manner pending an occurrence; for the first session of the 114<sup>th</sup> Congress; or for the duration of the 114<sup>th</sup> Congress.<sup>44</sup> Another provision of Section 3 authorized the Oversight and Government Reform Committee and the Office of General Counsel to continue legal actions related to a House investigation of a gun-running investigation of the Justice Department, begun in the 112<sup>th</sup> Congress.

The provisions related to committees, commissions, and House offices in Section 4 continued the existence for the 114<sup>th</sup> Congress of resolutions from prior Congresses covering various entities and authorities, such as the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, established in the 113<sup>th</sup> Congress.<sup>45</sup> The House needed to formally indicate that these resolutions were in effect since a simple resolution normally expires at the end of the Congress in which it is adopted.

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(...continued)

amendment did not seek to amend the proposed rules themselves but would have made in order the consideration of a bill, the Stop Corporate Expatriation and Invest in America's Infrastructure Act. See Rep. Louise Slaughter, H.Ouse debate "An Amendment to H.Res. 5 Offered by Ms. Slaughter of New York," daily edition, vol. 161 (January 6, 2015), pp. H23-H24.

<sup>41</sup> A "motion to commit" is a motion to send to committee a matter that had not previously been referred to a committee. A "motion to recommit" is a motion to send back to committee a matter that had been reported from the committee. See Walter Kravitz, *Congressional Quarterly's American Congressional Dictionary*, 3<sup>rd</sup> ed. (Washington, DC: CQ Press, 2001), pp. 45-46 and 205.

<sup>42</sup> See Rep. Chris Van Hollen, "Motion to Commit," House debate, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H25-H27. The minority's proposed amendment to the rules resolution (instructions in the motion to commit) did not seek to amend the proposed House rules themselves but authorized the House to consider a bill, the CEO-Employee Paycheck Fairness Act.

<sup>43</sup> For an explanation of House rules changes in the last two decades, see CRS Report RL33610, *A Retrospective of House Rules Changes Since the 104th Congress through the 109th Congress*, by (name redacted) and (name redacted); and CRS Report R42395, *A Retrospective of House Rules Changes Since the 110th Congress*, by (name redacted) and (name redacted).

<sup>44</sup> Other provisions as well as similar ones appeared in Section 3 of H.Res. 5 in the 113<sup>th</sup> Congress, Section 3 of H.Res. 5 in the 112<sup>th</sup> Congress, and Section 3 of H.Res. 5 in the 111<sup>th</sup> Congress.

<sup>45</sup> In the 111<sup>th</sup> Congress, provisions in Section 4 of H.Res. 5 continued the existence of the Select Committee on Energy Independence and Global Warming established in the 110<sup>th</sup> Congress.

An additional order in Section 5 provided for the reading of the Constitution in the House.<sup>46</sup>

## Special Orders

The terms *special order* and *special rule* are used somewhat interchangeably.<sup>47</sup> In either case, it may make in order House consideration of a measure and establish the terms of the measure's debate and amendment, among other provisions. It might also alter specific rules of the House, perhaps permitting an action that would otherwise be prohibited. When the majority party wishes to begin moving quickly in a new Congress on legislation, it might include in the rules resolution special orders making in order the consideration of specified measures or temporarily altering specific rules to allow the consideration of a specified measure.

In the 113<sup>th</sup> Congress, Section 5 of H.Res. 5 allowed a motion to suspend the rules on Friday, January 4, 2013, so that the House could consider a flood insurance measure under that procedure; without this order, the motion could be made only on Mondays, Tuesdays, and Wednesdays. A similar provision in Section 5 of H.Res. 5 in the 112<sup>th</sup> Congress applied to a resolution to be considered on Thursday, January 6, 2011, that reduced salaries and expenses authorized for Member, committee, and leadership offices. This provision also expanded the debate time of 40 minutes under the rule on suspension of the rules to 2 hours.<sup>48</sup>

In the 111<sup>th</sup> Congress, Section 5 of H.Res. 5 made in order the consideration of H.R. 11, the Lilly Ledbetter Fair Pay Act, and H.R. 12, the Paycheck Fairness Act, and set the terms for the measures' debate. The House agreed to H.Res. 5 on January 6, 2009. On January 9, it considered H.R. 11 and H.R. 12 under the terms of the special order included in H.Res. 5, and passed the bills.

In the 110<sup>th</sup> Congress, special orders were included in H.Res. 6 providing for the consideration of H.R. 1, pertaining to recommendations of the 9/11 Commission; H.R. 2, relating to the minimum wage; H.R. 3, governing stem cell research; and H.R. 4, authorizing the Secretary of Health and Human Services to negotiate drug prices under Medicare Part D.

H.Res. 5 in the 106<sup>th</sup> Congress made in order consideration of a resolution to amend the House gift rules H.Res. 9), and H.Res. 6 in the 104<sup>th</sup> Congress made in order the consideration of H.R. 1, the Congressional Accountability Act.

## Speaker's Announcements

On the day of convening, the Speaker customarily announces the Speaker's policies with respect to certain floor practices for the duration of the Congress. These policies are grounded in authority or discretion granted the Speaker in the rules. The 10 policies in effect for the 114<sup>th</sup> Congress address

- privileges of the floor,
- introduction of bills and resolutions,
- unanimous consent requests for the consideration of legislation,

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<sup>46</sup> The same additional order appeared in Section 4 of H.Res. 5 in the 113<sup>th</sup> Congress and Section 5 of H.Res. 5 in the 112<sup>th</sup> Congress.

<sup>47</sup> See CRS Report 98-354, *How Special Rules Regulate Calling up Measures for Consideration in the House*, by (name redacted).

<sup>48</sup> See CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by (name redacted) .

- recognition for one-minute speeches,<sup>49</sup>
- recognition for special-order speeches,<sup>50</sup>
- decorum in debate,<sup>51</sup>
- conduct of votes by electronic device,<sup>52</sup>
- use of handouts on the House floor,
- use of electronic equipment on the House floor, and
- use of the House chamber.<sup>53</sup>

## Legislative Protocols

In recent Congresses, the majority leader has initiated a set of written protocols to guide the scheduling or consideration of legislation during a two-year Congress. The protocols cover matters involving the content of authorization bills, the availability of measures scheduled for consideration under the suspension of the rules procedure, and other items. Both parties' rules also contain guidance on scheduling or considering legislation. For example, both parties' rules contain guidance on legislation qualifying to be considered under the suspension of the rules procedure. These protocols and party rules are not printed in the *Congressional Record*.<sup>54</sup>

## Memoranda of Understanding Between Committees

The Speaker, the chair of the Rules Committee, or the chairs of relevant committees might submit memoranda of understanding for printing in the *Congressional Record*. These memoranda most often provide guidance to the Speaker on the referral of legislation where an ambiguity is present, possibly triggered by a change in rules. In the 114<sup>th</sup> Congress, for example, the Speaker inserted three memoranda of understanding between the chair of the Judiciary Committee and, respectively, the chairs of the Agriculture, Energy and Commerce, and Ways and Means Committees.<sup>55</sup> In adopting H.Res. 5, the House made a change in the Judiciary Committee's jurisdiction by adding the phrase "and criminalization" to the committee's jurisdiction over "criminal law enforcement."<sup>56</sup> The change was intended to "cover measures that alter the elements of a crime so as to criminalize new conduct and, in so doing, trigger an existing criminal

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<sup>49</sup> See CRS Report RL30135, *One-Minute Speeches: Current House Practices*, by (name redacted)

<sup>50</sup> See CRS Report RS21174, *Special Order Speeches and Other Forms of Non-Legislative Debate in the House*, by (name redacted)

<sup>51</sup> More information in CRS Report 98-572, *Decorum in Debate*, by Mary Mulvihill (report is out of print; request a copy from this *First Day* report's authors).

<sup>52</sup> For background on voting in the House, see CRS Report RL34570, *Record Voting in the House of Representatives: Issues and Options*, by (name redacted), (name redacted), and (name redacted)

<sup>53</sup> See, "Announcement by the Speaker Pro Tempore," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H33-H35.

<sup>54</sup> For protocols for the 114<sup>th</sup> Congress, see Majority Leader Kevin McCarthy's majority leader website at <http://www.majorityleader.gov/protocols>. The Republican Conference's rules are available at <https://www.gop.gov/114th-rules>. Democratic Caucus rules are not generally available.

<sup>55</sup> Speaker John A. Boehner, "Memoranda of Understanding between the Committee on the Judiciary and the Committees on Agriculture, Energy and Commerce, and Ways and Means," Extension of Remarks, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. E1.

<sup>56</sup> Section 2(b)(2)(A) of H.Res. 5 (114<sup>th</sup> Cong.), agreed to in the House January 6, 2015.

penalty.” Measures reported from committees other than Judiciary with these kinds of provisions had affected the scope of the Judiciary Committee’s jurisdiction over criminal law enforcement.<sup>57</sup>

The Speaker might alternately include a policy statement in the Speaker’s announcements for a Congress.<sup>58</sup>

## **Speaker Designates Alternates to Sign Enrolled Measures**

The Speaker also appoints Members who may sign enrolled bills and joint resolutions.<sup>59</sup>

## **Daily Meeting Time for the House**

The House establishes its daily hour of meeting for the first session of the new Congress by a simple resolution. It must therefore be renewed for the next session of Congress.<sup>60</sup>

## **Morning Hour**

The House by unanimous consent allows a period preceding House sessions called Morning Hour. In Morning Hour, Members may speak up to five minutes on topics of their choice.<sup>61</sup>

## **Extension of Remarks**

To eliminate a routine daily unanimous consent request, the House agrees by unanimous consent at the beginning of a Congress that Members may publish remarks and include supporting information in the Extension of Remarks section of the *Congressional Record*.<sup>62</sup>

## **Alternate Meeting Place**

The House adopts a concurrent resolution (H.Con.Res. 1, 114<sup>th</sup> Congress) by unanimous consent to allow the Speaker and the majority leader of the Senate (or their designated representatives) to notify the Members of the House and Senate to assemble outside of Washington, DC, if circumstances require it.<sup>63</sup>

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<sup>57</sup> See the explanation of the rule change and the full quotation at Rep. Pete Sessions, “H.Res. 5,” insert, *Congressional Record*, daily edition, vol. 161 (January 5, 2015), pp. H12-H14.

<sup>58</sup> See, for example, Speaker Dennis Hastert, “Memorandum of Understanding between Energy and Commerce Committee and Financial Services Committee,” insert, *Congressional Record*, vol. 147, part 1 (January 20, 2001), p. 163, which was later followed by “Announcement by the Speaker Pro Tempore,” *Congressional Record*, vol. 151, part 1 (January 4, 2005), p. 71.

<sup>59</sup> See “Appointment of Members to Act as Speaker Pro Tempore to Sign Enrolled Bills and Joint Resolutions during the 114<sup>th</sup> Congress,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H35.

<sup>60</sup> See “Daily Hour of Meeting,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H28-H29.

<sup>61</sup> See “Making in Order Morning-Hour Debate,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H33-H34. See also CRS Report RS21174, *Special Order Speeches and Other Forms of Non-Legislative Debate in the House*, by (name redacted)

<sup>62</sup> See “Granting Members Permission To Extend Remarks and Include Extraneous Material in the Congressional Record during the 114<sup>th</sup> Congress,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H32.

<sup>63</sup> See “Regarding Consent to Assemble Outside the Seat of Government,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H32. See also Speaker pro tempore, “Recall Designee,” letter, *Congressional Record*, daily (continued...)



## Committee Organization

The committee assignment process occurs largely within the party groups—the Republican Conference and the Democratic Caucus. The conference and the caucus have their own rules governing committee assignments. The only action visible on the chamber floor is the adoption of simple resolutions that implement the committee nominations recommended by the conference and the caucus. The adoption of such resolutions is routine and occurs without debate or amendment because of the tacit understanding that each party has a right to establish its own internal distribution of assignments. The House may take up one or more assignment resolutions on opening day, but the consideration of additional assignment resolutions extends throughout January and possibly for several additional weeks.<sup>64</sup>

The House typically in March adopts a funding resolution for its committees. Interim funding through March would have been provided by the House in the preceding Congress.<sup>65</sup>

## Other First-Day Floor Actions

Other routine organizational business may be taken up on the House floor on the first day. Concurrent resolutions may be adopted providing for a joint session of Congress to receive the President’s State of the Union message, or providing for an adjournment of the House and Senate.<sup>66</sup> The Speaker and minority leader might make appointments to commissions or committees or other offices.<sup>67</sup> A resolution of condolence on the death of a Member that occurred subsequent to the adjournment of the last Congress may also be considered.<sup>68</sup>

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edition, vol. 161 (January 6, 2015), p. H35.

<sup>64</sup> See “Electing Members to Certain Standing Committees of the House of Representatives,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H28. See also CRS Report 98-151, *House Committees: Categories and Rules for Committee Assignments*, by (name redacted) CRS Report 98-367, *House Committees: Assignment Process*, by (name redacted) CRS Report 98-610, *House Subcommittees: Assignment Process*, by (name redacted) and CRS Report R40478, *House Committee Party Ratios: 98th-114th Congresses*, by (name redacted) and (name redacted) . See, in addition, CRS Report RS21339, *Congress’s Early Organization Meetings*, by (name redacted)

<sup>65</sup> If the House creates a new committee in its rules resolution, it might provide interim funding. See, for example, “Providing Amounts for Interim Expenses of the Committee on Homeland Security in the First Session of the 109<sup>th</sup> Congress,” *Congressional Record*, vol. 151, part 1 (January 4, 2005), pp. 71-73. See also, CRS Report R42778, *House Committee Funding: Description of Process and Analysis of Disbursements*, by (name redacted) and (name redacted) ; and CRS Report RL32794, *House Committee Funding Requests and Authorizations, 104th-114th Congresses*, by (name redacted) .

<sup>66</sup> See, for example, “Providing for a Conditional Recess or Adjournment of the Senate and an Adjournment of the House of Representatives,” *Congressional Record*, vol. 157, part 1 (January 7, 2011), p. 106.

<sup>67</sup> See “Appointment—House Office Building Commission,” “Appointment of Member to Permanent Select Committee on Intelligence,” and “Appointment of Member to Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H35. See also, “Authorizing the Speaker, Majority Leader and Minority Leader To Accept Resignations and Make Appointments During the 114<sup>th</sup> Congress,” *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. H32. For additional information, see CRS Report RL33313, *Congressional Membership and Appointment Authority to Advisory Commissions, Boards, and Groups*, by (name redacted) .

<sup>68</sup> See, for example, “Expressing Sorrow of the House at the Death of the Honorable Robert T. Matsui, Member of Congress From the State of California,” *Congressional Record*, vol. 151, part 1 (January 4, 2005), pp. 84-103. See also “Expressing Profound Regret and Sorrow of the House on the Death of Gerald R. Ford, 38<sup>th</sup> President of the United States of America,” *Congressional Record*, vol. 153, part 1 (January 4, 2007), p. 493.

## Counting Electoral Votes

Some resolutions are dependent on specific circumstances that might not occur in every new Congress. For example, following a presidential election, the new House adopts resolutions providing for the counting by the new Congress of electoral votes cast for the President and Vice President of the United States;<sup>69</sup> continuing the Joint Congressional Committee on Inaugural Ceremonies;<sup>70</sup> and authorizing the use of the Capitol and its grounds for inaugural activities.<sup>71</sup>

## Other First-Day Business

After the House has completed its initial organizational proceedings, it might then turn to legislative<sup>72</sup> or routine business, which normally completes its legislative day. Routine business might include the introduction of bills and resolutions,<sup>73</sup> receipt and referral of messages from the

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<sup>69</sup> By law (3 U.S.C. 15), the House and Senate meet to count the electoral votes on January 6 at 1:00 p.m. in the House chamber, following the previous month's meeting of the electors. In 2013, January 6 fell on a Sunday. The 112<sup>th</sup> Congress enacted a change in the law applicable only to the counting of electoral votes following the 2012 presidential election, setting the date of the joint session as January 4, 2013 (H.J.Res. 122, P.L. 112-228). See also CRS Report RL32717, *Counting Electoral Votes: An Overview of Procedures at the Joint Session, Including Objections by Members of Congress*, by (name redacted) and (name redacted)

<sup>70</sup> The 114<sup>th</sup> Congress agreed on February 3, 2016, to create the Joint Congressional Committee on Inaugural Ceremonies to make arrangements for the inauguration (S.Con.Res. 28). The 114<sup>th</sup> Congress also agreed the same day to S.Con.Res. 29, allowing the use of the Capitol Rotunda and Emancipation Hall for proceedings and ceremonies related to the inauguration.

<sup>71</sup> Related to the 2013 inaugural, see "To Provide for the Counting on January 4, 2013 of the Electoral Votes for President and Vice President of the United States" and "Extending the Life of the Joint Congressional Committee on Inaugural Ceremonies," *Congressional Record*, daily edition, vol. 159 (January 3, 2013), p. H25.

<sup>72</sup> On opening day of the 114<sup>th</sup> Congress, the House passed by suspension of the rules H.R. 22 to address a potential unintended effect under the Patient Protection and Affordable Care Act when an employee receives health-care coverage under TRICARE or the Veterans' Administration. "Hire More Heroes Act of 2015," House debate, *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. H29- H32. For an explanation of the suspension of the rules, see CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by (name redacted)

Legislative business conducted opening day has also included the filing of special rules by the Rules Committee. See for example, "Report on Resolution Providing for Consideration of S. 23, Temporary Extended Unemployment Compensation Act of 2002," and "Report on Resolution Providing for Consideration of H.J. Res. 1, Further Continuing Appropriations for Fiscal Year 2003 and H.J. Res. 2, Further Continuing Appropriations for Fiscal Year 2003," *Congressional Record*, vol. 149, part 1 (January 7, 2003), p. 45. For an explanation of special rules, see CRS Report 98-354, *How Special Rules Regulate Calling up Measures for Consideration in the House*, by (name redacted).

Legislative business has also included a resolution made in order by the rules resolution to change House ethics rules. See "House Gift Rule Amendment," *Congressional Record*, vol. 147, part 1 (January 6, 1999), pp. 237-240. Legislative business has included impeachment procedures related to the impeachment of President Bill Clinton. See "Providing For Certain Appointments and Procedures Relating to Impeachment Proceedings," *Congressional Record*, vol. 147, part 1 (January 6, 1999), pp. 240-245. For an examination of impeachment and trial procedures, see CRS Report R44260, *Impeachment and Removal*, by (name redacted) and (name redacted), legislative business has included legislation (a bill) made in order by the rules resolution. See, for example, "Congressional Accountability Act of 1995," *Congressional Record*, vol. 141, part 1 (January 4, 1995), pp. 530-545.

<sup>73</sup> The rules resolution typically includes an order reserving bill numbers (for the first session or for both sessions of a Congress) for the majority (H.R. 1-H.R. 10) and the minority (H.R. 11-H.R. 20). A sponsor with his or her party leadership's agreement may introduce a bill within this allotment at any time and may designate one of the remaining numbers to be assigned to it. See H.Res. 5, § 3(l), agreed to in the House January 6, 2015. See also CRS Report 98-728, *Bills, Resolutions, Nominations, and Treaties: Characteristics, Requirements, and Uses*, by (name redacted); CRS Report 98-706, *Bills and Resolutions: Examples of How Each Kind Is Used*, by (name redacted); CRS Report RS20617, *How Bills Amend Statutes*, by (name redacted); and CRS Report 95-563, *The Legislative Process on the House Floor: An Introduction*, by (name redacted). See also CRS Report RS21169, *Sources of Legislative Proposals: A Descriptive Introduction*, by (name redacted) and CRS Report RS20991, *Legislative Planning: Considerations for* (continued...)

President and executive agencies,<sup>74</sup> receipt of messages from the Senate,<sup>75</sup> one-minute and special-order speeches,<sup>76</sup> and notices and announcements required by House rule or regulation.<sup>77</sup>

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## Acknowledgments

This report was originally written by (name redacted), a CRS specialist on the Congress. Mrs. Amer has retired from the Congressional Research Service.

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(...continued)

*Congressional Staff*, by (name redacted)

<sup>74</sup> See “Executive Communications, Etc.,” *Congressional Record*, daily edition, vol. 159 (January 3, 2013), p. H27.

<sup>75</sup> See “Message From the Senate,” *Congressional Record*, vol. 161 (January 6, 2015), p. H28.

<sup>76</sup> See, for example, “Special Orders,” *Congressional Record*, vol. 153, part 1 (January 4, 2007), pp. 43-58.

<sup>77</sup> See, for example, the notice of receipt of a subpoena at “Communication from Chief of Staff of Hon. John M. Shimkus, Member of Congress,” *Congressional Record*, vol. 149, part 1 (January 7, 2003), p. 22.

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