

D. FLOOR LEADERS

§ 17. In General

[Note: The following is descriptive of practices in effect in some Congresses. For discussion of any current modification of the office or role of floor leader, consult supplements to this edition as they appear.]

Each party's caucus or conference elects a floor leader;⁽³⁾ the chairman of the caucus or conference announces the selection of his party's floor leader to the House.⁽⁴⁾ At times in the past, a third party has organized in the House and elected a floor leader in a party caucus or conference.⁽⁵⁾ If a vacancy exists in the post of floor leader, as where a party's floor leader has been elevated to

the Speakership,⁽⁶⁾ a new floor leader is elected by the caucus or conference in the usual manner.⁽⁷⁾ If a floor leader intends to be temporarily absent from the House, he may designate a person to act for him, and may announce such designation to the House.⁽⁸⁾

A party's floor leader, in conjunction with other party leaders, plays an influential role in the formulation of party policy and programs. He is instrumental in guiding legislation favored by his party through the House, or in resisting those programs of the other party that are considered undesirable by his own party. He is instrumental in devising and implementing his party's strategy on the floor with respect to promoting or opposing legislation.⁽⁹⁾

3. § 17.1, *infra*. The minority party's candidate for Speaker normally becomes that party's floor leader. See Riddick, Floyd M., *Congressional Procedure*, Chapman and Grimes (Boston, 1941), p. 34.

Collateral reference: Ripley, Randall B., *Party Leaders in the House of Representatives*, The Brookings Institution (Washington, D.C., 1967), pp. 24–28 (development of office of Majority Leader); 28–32 (development of office of Minority Leader); 57, 58, 61–63, 66, 67, 74, 75 (functions of party floor leaders).

4. § 17.1, *infra*.

5. See § 17.3, *infra*.

6. Majority Leaders have frequently succeeded to the Speakership. See *Congressional Quarterly's Guide to the Congress of the United States*, Congressional Quarterly Service (Washington, D.C., 1971), p. 141.

7. See § 17.2, *infra*.

8. § 17.4, *infra*.

9. For general discussion of the functions and duties of the floor leader, see, in addition to ensuing sections in this chapter, 8 Cannon's Precedents § 3614.

So that the floor leaders may fulfill their floor duties more easily and be available or visible to members of

He is kept constantly informed as to the status of legislative business and as to the sentiment of his party respecting particular legislation under consideration. Such information is derived in part from the floor leader's contacts with his party's members serving on House committees, and with the members of the party's whip organization.⁽¹⁰⁾

In his role as party leader, he protects the interests of individual members of his party whenever possible,⁽¹¹⁾ and exercises leadership with respect to legislative proceedings that concern the party as a whole. He appoints party members to certain positions that are of importance in the legislative process; thus, he appoints the official objectors for the Private and Consent Calendars⁽¹²⁾ and, in the case of the Democratic floor leader, appoints the party whip.⁽¹³⁾

their parties, aisle seats at tables on the floor of the House are reserved for their use except in the Committee of the Whole. See *Cannon's Procedure in the House of Representatives*, H. Doc. No. 122, 86th Cong. 1st Sess. (1959), p. 221.

- 10. See § 23, *infra*.
- 11. See, for example, § 19.4, *infra*.
- 12. See §§ 15.1, 15.3, *supra*, and 20.1, *infra*.
- 13. See § 20.3, *infra*.

On occasion, the House has provided by simple resolution for ap-

But the floor leader is more than a partisan leader. He is an integral, though to some extent, unofficial,⁽¹⁴⁾ part of the legislative machinery of the House itself. The floor leader, particularly the Majority Leader, exercises considerable authority with respect to legislative scheduling, or the order of business.⁽¹⁵⁾ Thus, the floor leader assumes a large measure of responsibility for the procedural aspects of transacting legislative business; his knowledge of House procedures is employed to expedite the consideration of legislative proposals.

In addition to playing a key role in the procedural aspects of House business, the floor leader may assume responsibilities relating to resolutions of a more substantive nature, particularly resolutions that concern the operations of the House itself or the government as a whole. Thus, a floor leader

pointments to certain positions to be filled by the Minority Leader, subject to the approval of the Speaker. See 95 CONG. REC. 640, 641, 81st Cong. 1st Sess., Jan. 24, 1949 (H. Res. 62, pertaining in part to certain assistant clerkships).

- 14. See 8 Cannon's Precedents §3614, particularly Cannon's comment that, "The Rules contain no provision relating to the selection or duties of the party floor leaders. . . ."
- 15. See § 18, *infra*.

might offer resolutions concerning the adoption of rules for the Congress;⁽¹⁶⁾ the appointment of a committee to notify the President of the assembly of Congress;⁽¹⁷⁾ the authorization of additional memberships on a committee;⁽¹⁸⁾ the assignment of party members to House committees;⁽¹⁹⁾ the consideration of action to be taken by the House against a Member charged with misconduct;⁽²⁰⁾ and an increase in the salary of the President.⁽¹⁾ Frequently, resolutions introduced in the House, whether by the floor leader or by others, are the culmination of agreements reached by the leadership, particularly the floor leaders, of both parties.⁽²⁾

The floor leaders may be consulted, or assume some responsibilities, with respect to the regulation of the use of physical facilities of the House, or the protection of privileges relating to such use.⁽³⁾ Moreover, the floor leaders may be asked to serve on commis-

16. See §17.7, *infra*.

17. §21.3, *infra*.

18. §17.8, *infra*.

19. See §19.7, *infra*. See §17.12, *infra*, for discussion of a resolution electing a committee chairman to certain joint committees.

20. §17.11, *infra*.

1. §17.13, *infra*.

2. See, for example, §17.8, *infra*.

3. See §§17.16, 17.17, *infra*.

sions concerned with physical improvements to be made at the Capitol. Thus, in the 91st Congress, the House approved a Senate bill whereby the membership on the Commission on the Extension of the Capitol, which originally consisted of the Speaker, the President of the Senate, the Minority Leaders of the two Houses, and the Architect of the Capitol, was enlarged to include the Majority Leaders of the House and the Senate.⁽⁴⁾

One Majority Leader remarked,⁽⁵⁾ with reference to duties of the office that transcend those of partisan leadership:

One of the primary duties of the majority leader . . . I consider to be that of protecting the rights of the individual Member, to see that the rights of the individual Member, particularly

4. See 115 CONG. REC. 26568, 26569, 91st Cong. 1st Sess., Sept. 23, 1969. See also 40 USCA §166 (note referring to §101 of Act of Aug. 5, 1955, Ch. 568, 69 Statutes 515, as amended by Pub. L. 91-77, Sept. 29, 1969, 83 Statutes 124). The change noted above was for purposes of ensuring equal representation of the two parties on the commission.

5. 106 CONG. REC. 19161, 86th Cong. 2d Sess., Sept. 1, 1960. The remarks were those of Mr. John W. McCormack (Mass.), who later as Speaker expressed the similar concern of a Speaker for the rights of all Members of the House (see §1, *supra*).

of the minority party, are not trespassed upon.

The Majority Leader frequently acts as Speaker pro tempore;⁽⁶⁾ the Minority Leader has also served in this capacity during proceedings of a ceremonial nature.⁽⁷⁾

It is frequently the province of the floor leader to perform certain ceremonial duties; to make announcements concerning formal events; to extend certain courtesies; or to give expression to the gratitude, good wishes, and the like, of Members of his party or the House.⁽⁸⁾

On occasion, a floor leader has been assigned a position on a standing committee of the House in the same manner as other members of his party.⁽⁹⁾ Ordinarily, however, floor leaders are not assigned to standing committees.

It may be mentioned that, in addition to serving on those committees or commissions already mentioned above and in ensuing sections, the Minority Leader is among those who serve on an advisory committee to the Secretary of the Treasury, who consults with such committee in determining who are major Presi-

dential or Vice Presidential candidates entitled to receive secret service protection.⁽¹⁰⁾

Election of Floor Leader; Announcement

§ 17.1 Each party's caucus or conference elects a party floor leader, and the caucus or conference chairman announces the name of his party's floor leader to the House.

In the 92d Congress, following the administration of the oath of office to the Members of the House, the announcements respecting the election of party floor leaders were made as follows:⁽¹¹⁾

MR. [OLIN E.] TEAGUE of Texas: Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected unanimously as majority leader the gentleman from Louisiana, the Honorable Hale Boggs.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, as chairman of the Republican conference, I am directed by

10. Pub. L. No. 90-331, June 6, 1968, 82 Stat. 170, referred to in 18 USC § 3056 and note thereto.

11. 117 CONG. REC. 13, 92d Cong. 1st Sess., Jan. 21, 1971. For examples of similar proceedings, see 115 CONG. REC. 34, 91st Cong. 1st Sess., Jan. 3, 1969; and 113 CONG. REC. 27, 90th Cong. 1st Sess., Jan. 10, 1967.

6. § 17.5, *infra*. See also Ch. 6, *infra*.

7. See § 21.10, *infra*.

8. See § 21, *infra*.

9. See § 17.18, *infra*.

that conference to officially notify the House that the gentleman from Michigan, the Honorable Gerald R. Ford, has been unanimously selected as the minority leader of the House.

Election to Fill Unexpected Vacancy

§ 17.2 When a vacancy exists in the office of floor leader, as by reason of the floor leader's elevation to the Speakership, the election of a new floor leader and the announcement respecting such election take place in the usual manner.

Parliamentarian's Note: When the second session of the 87th Congress met on Jan. 10, 1962, a vacancy existed in the Speakership due to the death of Speaker Sam Rayburn, of Texas, on Nov. 16, 1961. The Chairman of the Democratic Caucus, Francis E. Walter, of Pennsylvania, called a meeting of the caucus for Jan. 9 for the purpose of selecting a candidate for Speaker. No other business was scheduled for this meeting. Before the 9th, however, it became apparent that Mr. John W. McCormack, of Massachusetts, would be unopposed in the caucus as the candidate for Speaker. His selection would create a vacancy in the office of the Majority Leader, a position held by Mr. McCormack

during the first session. During the caucus, Mr. Richard Bolling, of Missouri, who had withdrawn as a candidate for Majority Leader before the caucus, asked unanimous consent that the caucus proceed to the selection of a new Majority Leader to serve when Mr. McCormack was elevated to the Speakership. There being no objection to this request, the caucus then chose Mr. Carl Albert, of Oklahoma, as Majority Leader. The announcement of such selection was made in the House as follows:⁽¹²⁾

MR. WALTER: Mr. Speaker, as chairman of the Democratic caucus I am directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Oklahoma, the Honorable Carl Albert.

Election of Floor Leader by Third Party

§ 17.3 On occasion, a third party in the House has organized as a caucus or conference and elected a floor leader, whose name has been announced to the House in the usual manner.

The following announcement was made in the 75th Congress:⁽¹³⁾

12. 108 CONG. REC. 7, 87th Cong. 2d Sess., Jan. 10, 1962.

13. 81 CONG. REC. 15, 75th Cong. 1st Sess., Jan. 5, 1937.

MR. [GARDNER R.] WITHROW [of Wisconsin]: Mr. Speaker, I announce to the House that the Farmer-Labor-Progressive Party's conference by unanimous consent selected Hon. Gerald J. Boileau, of Wisconsin, as floor leader for the Seventy-fifth Congress. [Applause.]

Announcement as to Acting Majority Leader

§ 17.4 On occasion, a Majority Leader expecting to be absent has announced in the House the name of one to serve as acting Majority Leader.

In the 77th Congress, the Majority Leader announced as follows:⁽¹⁴⁾

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I desire to announce that during my absence the gentleman from Missouri [Mr. John J. Cochran] will act as majority leader.

Selection of Floor Leader as Speaker Pro Tempore

§ 17.5 Frequently, the Majority Leader is designated or elected Speaker pro tempore.

The following excerpt from the Record of the 91st Congress⁽¹⁵⁾ exemplifies the manner in which the

14. 88 CONG. REC. 6668, 77th Cong. 2d Sess., July 27, 1942.

15. 115 CONG. REC. 1075, 91st Cong. 1st Sess., Jan. 16, 1969.

Majority Leader or others have assumed the chair when designated Speaker pro tempore. The proceedings, which took place immediately before the offering of the prayer, and after the Majority Leader called the House to order, were as follows:

The Speaker pro tempore laid before the House the following communication from the Speaker:

JANUARY 16, 1969.

I hereby designate the Honorable Carl Albert to act as Speaker pro tempore today.

JOHN W. McCORMACK,
*Speaker of the House
of Representatives.*

Similar proceedings occur regularly.⁽¹⁶⁾

In the 89th Congress, Majority Leader Carl Albert, of Oklahoma, Speaker pro tempore by designation, left the chair pending the offering of a resolution electing him as Speaker pro tempore during the absence of Speaker John W. McCormack, of Massachusetts. The proceedings and the resolution, which was offered by the Chairman of the Democratic Caucus, were as follows:⁽¹⁷⁾

The Speaker pro tempore (Mr. Albert) laid before the House the following communication:

16. See, for example, 114 CONG. REC. 3908, 90th Cong. 2d Sess., Feb. 22, 1968; and 113 CONG. REC. 28948, 90th Cong. 1st Sess., Oct. 16, 1967. See also Ch. 6, *infra*.

17. 112 CONG. REC. 5, 6, 89th Cong. 2d Sess., Jan. 10, 1966.

. . . I hereby designate the Honorable Carl Albert to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
*Speaker of the House
of Representatives.*

Following the prayer, certain other business, and the call of the House, the proceedings were as follows:

THE SPEAKER PRO TEMPORE: The Chair requests the gentleman from Louisiana [Mr. Boggs] to assume the chair.

Mr. [Hale] Boggs assumed the chair as Speaker pro tempore.

THE SPEAKER PRO TEMPORE (Mr. Boggs): The Chair recognizes the gentleman from New York [Mr. Keogh].

MR. [EUGENE J.] KEOGH: Mr. Speaker, on account of the unavoidable absence of the Speaker due to the death of his beloved brother, and at his request, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 627

Resolved, That Hon. Carl Albert, a Representative from the State of Oklahoma, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President of the Senate be notified by the Clerk of the election of the Honorable Carl Albert as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. Albert assumed the chair as Speaker pro tempore and Mr. Celler administered the oath of office.

Parliamentarian's Note: Speaker John W. McCormack whose brother died on Jan. 7, was not in Washington for the convening of the second session of the 89th Congress. Since the duration of the Speaker's absence was uncertain, and since there were new Members present to be sworn as well as business requiring signature, the election of a Speaker pro tempore was considered essential.

Similar proceedings had taken place in the 88th Congress.⁽¹⁸⁾

Responsibilities as to Recommittal Motion

§ 17.6 A floor leader on occasion has assumed certain responsibilities for the form, content, and introduction of a recommittal motion, although in favor of the bill that was to be the subject of such motion.

In the 91st Congress, during a debate on the deployment of an anti-ballistic missile system, considerable discussion centered on a prospective motion to recommit the bill containing provisions relating to the system. In the course of that discussion, some of which appears below, Minority Leader Gerald R. Ford, of Michigan, made

¹⁸. See 109 CONG. REC. 22015, 88th Cong. 1st Sess., Nov. 18, 1963.

certain comments relating to his responsibilities with respect to the motion to recommit, and with respect to the manner in which the issues surrounding the anti-ballistic missile system should be presented to the House. The proceedings in part were as follows:⁽¹⁹⁾

MR. [JONATHAN B.] BINGHAM [of New York]: . . . Turning to the motion to recommit which I understand will be offered, to strike not only the funds for deployment of ABM but also the funds for continuing research and development, I consider the decision of the minority leader that this should be the form of the motion an outrageous example of the use of arbitrary power. The position stated in the motion to recommit is not a position that has been advocated by any Member of the House during the course of debate. To word the motion to recommit in this way represents a crude effort to reduce the number of votes on record against the Safeguard system.

. . . Should the "previous question" fail to pass, I would welcome the chance to vote for the 10-percent across-the-board cut in this authorization several Members hope to offer as an alternative recommittal motion.

MR. [SILVIO O.] CONTE [of Massachusetts]: . . . The issue . . . is whether to deploy the ABM. This specific question was defeated by a very close vote of 50 to 50 in the Senate. And it is that specific question to which we must now direct our attention.

Since that is the real issue . . . we must have it presented . . . in a clear and precise way. . . .

For this reason, the motion to recommit should contain instructions to merely stop the deployment of the ABM. It should not . . . contain instructions to stop research and development on the ABM because this is not the question and because this would give a highly inaccurate and unfair picture of what we in this body sincerely feel.

. . . I also understand that the gentleman who will offer the motion on the ABM, the gentleman from Wisconsin (Mr. O'Konski), which motion will cover both research and development and deployment of the system, voted for the bill by proxy. In other words, he voted for the ABM but he is now introducing a motion against the ABM. . . .

Now the only one present on the minority side, the gentleman from Ohio (Mr. Whalen), voted against the bill in committee. Therefore, and this seems clear to me, he should be the one offering the motion with his instructions attached to it. . . .

The only way the motion to recommit can be amended is when the previous question is ordered, defeat it. . . . This defeat will then open up the motion to recommit to amendment. I would hope that in these new amendments, after the previous question is out of the picture, we could face deployment of the ABM squarely for all the people to see. . . .

MR. GERALD R. FORD: . . . Mr. Chairman, at a later time I had planned to announce what the motion to recommit would be . . . [but] I believe it is appropriate. I do it now.

19. 115 CONG. REC. 28451-28453, 91st Cong. 1st Sess., Oct. 3, 1969.

First let me say the motion to recommit will be to strike all of the ABM authorizations, \$746.4 million. It will not be the amendment offered by the gentleman from California (Mr. Charles H. Wilson) which was defeated yesterday by a vote of 219 to 105.

Let me speak, if I may, to the gentleman from Ohio. About last Tuesday, I went over to the gentleman from Ohio and said we wanted to vote on the ABM on the motion to recommit. I offered to him the motion to recommit on the ABM. I said he had 24 hours to discuss it, to think about it, but I would appreciate within 24 hours his answer. The next day the gentleman from Ohio came back and said that he did not want the motion to recommit on those terms, he wanted to offer a motion to cut dollars out of the authorization bill.

Am I correct or incorrect?

MR. [CHARLES W.] WHALEN [Jr., of Ohio]: The gentleman is exactly correct. I would hasten to add one other comment he made. The gentleman indicated to me . . . [that] if I did not offer this recommittal motion he would get someone who would.

MR. GERALD R. FORD: That is perfectly true. That is my responsibility, and I intend to carry it out, and we are going to carry it out this way, subject, of course, to the will of the House.

Now, may I proceed.

The defeat yesterday by a vote of 219 to 105 I believe laid to rest the denial of the deployment of the ABM. A rollcall on that issue in motion to recommit at this time would be totally repetitious. Therefore, I believe the time has come that we actually have a vote on the basic issue, which is

whether or not we are going to have an ABM system.

We have been appropriating for research, development, test, and engineering for some 15 to 16 years, and now the time has come to lay the matter to rest, to fish or cut bait.

So far as I am concerned, the vote today will be on that basis.

Under the parliamentary situation, of course, Members can try to get a vote on the previous question, open it up, and then we will see what happens, but from my point of view a 1-year delay in the authorization will bring about dire results the committee points out. . . .

Let me say right here and now that the time has come where the issue ought to be settled fundamentally. I believe I exercised good sense and good judgment in offering to the gentleman from Ohio (Mr. Whalen) an opportunity. He did not accept it. We have made other plans, and I hope that the House as a whole backs up this decision to make the basic decision one way or the other on the ABM.

Later in the proceedings, the following motion to recommit was offered by Mr. Alvin E. O'Konski, of Wisconsin: ⁽²⁰⁾

Mr. O'Konski moves to recommit the bill H.R. 14000 to the Committee on Armed Services with instructions to report it back forthwith with the following amendments:

On page 2, line 6, delete the figure "\$780,460,000" and substitute "\$434,960,000"; . . .

20. 115 CONG. REC. 28487, 91st Cong. 1st Sess., Oct. 3, 1969.

A point of order was made, based on the principle that a Member opposed to the bill as a whole is entitled to prior recognition, for purposes of offering a motion to recommit, over a Member opposed to a portion of the bill; it was contended that Mr. O’Konski, as one opposed to the bill “only in its present form,” should yield to one who voted against the entire bill. The point of order was overruled,⁽¹⁾ however, and, after the previous question was ordered, the motion to recommit was rejected.⁽²⁾

Resolutions as to Adoption of Rules

§ 17.7 On occasion, the Majority Leader has offered the resolution calling for adoption of House rules.

Although the resolution pertaining to adoption of the rules at the beginning of a Congress is usually offered by the former Chairman of the Committee on Rules for that Congress,⁽³⁾ the resolution on occasion has been offered by the Majority Leader. Thus, in the 88th Congress,⁽⁴⁾ Ma-

jority Leader Carl Albert, of Oklahoma, offered a resolution calling for adoption of the rules of the 87th Congress, together with applicable provisions of the Legislative Reorganization Act of 1946, as amended, and with an amendment calling for an increase in the membership of the Committee on Rules.

In the 89th Congress,⁽⁵⁾ the Majority Leader also offered the resolution relating to adoption of rules. The resolution again called for a controversial amendment affecting the Committee on Rules, in this instance the incorporation of the “21-day rule.”⁽⁶⁾ It is worth noting that the Majority Leader, in offering and participating in debate on the resolution, was acting under instructions of the Democratic Caucus, as the Majority Leader indicated in the following exchange:⁽⁷⁾

MR. [CLARENCE J.] BROWN of Ohio:
. . . Will the gentleman yield for me to offer a perfecting amendment? . . .

MR. [CARL] ALBERT [of Oklahoma]:
May I say to the gentleman that this resolution is being offered under instructions of the Democratic caucus. I am the agent of the caucus for that

1. *Id.*

2. 115 CONG. REC. 28488, 91st Cong. 1st Sess., Oct. 3, 1969.

3. See Ch. 1, *supra*.

4. 109 CONG. REC. 14, 88th Cong. 1st Sess., Jan. 9, 1963.

5. 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965.

6. See 111 CONG. REC. 21, 89th Cong. 1st Sess., Jan. 4, 1965.

7. 111 CONG. REC. 23, 89th Cong. 1st Sess., Jan. 4, 1965.

purpose. I have no authority to yield for amendment or to yield for any purpose in order to allow the bill to be divided.

In the 90th Congress,⁽⁸⁾ Majority Leader Albert offered a resolution calling for adoption of House rules, including the 21-day rule which had been adopted in the 89th Congress. Following discussion of the 21-day rule and other matters, a motion to order the previous question with respect to the resolution was rejected.⁽⁹⁾ An amendment repealing the 21-day rule was then adopted.⁽¹⁰⁾

Resolutions as to Size of Committees

§ 17.8 A resolution increasing the size of the Committee on Government Operations was offered by the Majority Leader, the minority party leadership having been consulted with respect to issues relating to the resolution.

In the 89th Congress, Majority Leader Carl Albert, of Oklahoma, offered a resolution increasing the size of the Committee on Government Operations. As indicated in

8. 113 CONG. REC. 28, 90th Cong. 1st Sess., Jan. 10, 1967.
9. 113 CONG. REC. 31, 90th Cong. 1st Sess., Jan. 10, 1967.
10. 113 CONG. REC. 33, 90th Cong. 1st Sess., Jan. 10, 1967.

the remarks of Mr. Albert, the minority party leadership had been consulted with respect to issues relating to the resolution. The resolution offered by Mr. Albert was as follows:⁽¹¹⁾

H. RES. 114

Resolved, That during the Eighty-ninth Congress, the Committee on Government Operations shall be Composed of thirty-four members.

After the resolution was read, Gerald R. Ford, of Michigan, the Minority Leader, asked that the Majority Leader indicate the distribution of the additional members of the Committee. Mr. Albert's reply was as follows:⁽¹²⁾

This is an addition of three memberships to the Committee on Government Operations two of which will be assigned to the majority and one of which will be assigned to the minority.

This is a matter which has been worked out, as a few other matters have been, between the leadership on both sides for the convenience of the House.

§ 17.9 The Majority Leader offered a resolution stating the size of certain standing committees.

On Jan. 16, 1967,⁽¹³⁾ Majority Leader Carl Albert, of Oklahoma,

11. 111 CONG. REC. 660, 89th Cong. 1st Sess., Jan. 14, 1965.
12. 111 CONG. REC. 661, 89th Cong. 1st Sess., Jan. 14, 1965.
13. 113 CONG. REC. 445, 90th Cong. 1st Sess.

offered the following resolution (H. Res. 128):

Resolved, That during the Ninetieth Congress the Committee on Agriculture shall be composed of thirty-five members;

The Committee on Appropriations shall be composed of fifty-one members . . .

Resolutions as to Minority Employees

§ 17.10 The floor leader has offered resolutions relating to the positions of certain minority employees in the House.

On Jan. 27, 1949,⁽¹⁴⁾ the Majority Leader, John W. McCormack, of Massachusetts, offered a resolution having reference to the appointment of certain minority employees of the House. The proceedings, including Mr. McCormack's remarks in explanation of the purposes of the resolution, were as follows:

MR. McCORMACK: Mr. Speaker, I offer resolution (H. Res. 62) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved,

Sec. 2. That effective January 4, 1949, the compensation of the Deputy Sergeant at Arms in Charge of Pairs, Office of the Sergeant at

Arms, and the compensation of the special employee, Office of the Doorkeeper, shall be at the basic rate of \$4,000 per annum, respectively. . . .

Sec. 4. There shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the basic rate of \$5,000 per annum for the services of an assistant Journal clerk; compensation at the basic rate of \$5,000 per annum for the services of an assistant tally clerk; compensation at the basic rate of \$3,900 per annum for the services of an assistant enrolling clerk; compensation at the basic rate of \$3,000 per annum for the services of an assistant bill clerk; all of whom shall be designated by the minority leader subject to the approval of the Speaker. . . .

MR. McCORMACK. Mr. Speaker, it has long been recognized by the leadership of the House that it was desirable to have a corps of trained personnel to function in the various key positions under the service of the House. In order to accomplish that, the resolution creates four assistant clerkships which shall be taken out of patronage and filled by competent men who have proved their worth. . . .

If this resolution is not adopted at this time the men who held the jobs as head of these various departments will leave the service of the House and their experience and efficiency will be lost. It is desirable that they not only assist in training the top men of the various departments who will shortly be appointed but will aid appreciably in ameliorating the work of these departments.

It was contemplated in the Legislative Reorganization Act that career employees should be provided for in the staffing of committees but nothing

14. 95 CONG. REC. 640, 641, 81st Cong. 1st Sess.

tangible was done concerning the employees of the House directly. This resolution will take care of that need by providing a career service for the employees who have proved their worth.

In the unhappy event that the present majority of the House should become the minority in the Eighty-second Congress then the top men in the departments in this Congress would be designated by the next minority leader to fill the clerkships that this resolution provides, so that in the future there will always be majority and minority employees who are experienced and trustworthy.

On June 17, 1969,⁽¹⁵⁾ Minority Leader Gerald R. Ford, of Michigan, offered a resolution relating to the positions of certain minority employees in the House of Representatives. The resolution provided that certain designated employees be given the titles of "Floor Assistant to the Minority," "Pair Clerk to the Minority," and "Staff Director to the Minority," and contained further provisions relating to compensation of such employees.

Right of Member-elect to be Sworn

§ 17.11 In the 90th Congress, the Minority Leader offered, as a substitute for a resolu-

15. 115 CONG. REC. 16196, 91st Cong. 1st Sess.

For general discussion of employees of the House, see Ch. 6, *infra*.

tion previously introduced, an amendment deferring administration of the oath to a Member-elect and providing that a select committee consider the right of such Member-elect to be sworn.

In the 90th Congress, objection was made to the administration of the oath to Adam Clayton Powell, Jr., of New York, and a resolution was thereafter offered directing the Speaker⁽¹⁶⁾ to administer the oath to Mr. Powell, but referring the question of Mr. Powell's final right to be sworn to a select committee.⁽¹⁷⁾

Following some debate, the Member who had offered the resolution moved the previous question, and the motion was rejected. Immediately thereafter,⁽¹⁸⁾ the Minority Leader offered a substitute amendment deferring the administration of the oath to Mr. Powell until the House had considered a report from a special committee on Mr. Powell's rights. The substitute amendment was agreed to, and the resolution then adopted.⁽¹⁹⁾

16. John W. McCormack (Mass.).

17. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess., Jan. 10, 1967. For general discussion of the rights of the House with respect to determining the qualifications of its Members, see Chs. 7, 12, *infra*.

18. 113 CONG. REC. 24, 90th Cong. 1st Sess., Jan. 10, 1967.

19. 113 CONG. REC. 26, 27, 90th Cong. 1st Sess., Jan. 10, 1967.

Resolutions as to Election of Member to Joint Committee

§ 17.12 The Majority Leader offered a resolution electing a Member to joint committees.

In the 90th Congress, Majority Leader Carl Albert, of Oklahoma, offered a resolution electing the Chairman of the Committee on House Administration to certain joint committees, as follows: ⁽²⁰⁾

H. RES. 1278

Resolved, That the gentleman from Maryland, Mr. Friedel be, and he is hereby elected a member of the Joint Committee on Printing, and a member of the Joint Committee of Congress on the Library.

The resolution was agreed to.

Resolutions Acting Salaries

§ 17.13 In the 91st Congress, the Majority Leader moved to suspend the rules and pass a bill increasing the President's salary; the resolution was jointly offered by the Majority and Minority Leader and others.

On Jan. 6, 1969, Majority Leader Carl Albert, of Oklahoma, moved to suspend the rules and pass a bill increasing the compensation of the President. The proceedings were as follows: ⁽¹⁾

20. 114 CONG. REC. 24368, 90th Cong. 2d Sess., July 31, 1968.

1. 115 CONG. REC. 172, 91st Cong. 1st Sess.

MR. ALBERT: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to increase the per annum rate of compensation for the President of the United States.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 3, United States Code, is amended by striking out "\$100,000" and inserting in lieu thereof "\$200,000".

Sec. 2. The amendment made by this Act shall take effect at noon on January 20, 1969.

THE SPEAKER: ⁽²⁾ Is a second demanded

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection. . . .

MR. ALBERT: . . . Mr. Speaker, as Members all know, this is the first suspension bill of the 91st Congress. Normally, the Speaker would not recognize Members to call up bills under suspension of the rules this early in the term and without committee consideration. The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. Members know that under article II, section 1, clause 7, of the Constitution the salary of the President of the United States cannot be increased during his term of office. Therefore, if the matter is to be handled at all, it must be passed by both Houses of the Congress and signed by the President before noon on

2. John W. McCormack (Mass.).

January 20. Members further know, Mr. Speaker, that committee assignments have not been made and will not be made in time for normal hearings and proceedings to be had in order to consider this bill by the deadline.

In view of these circumstances, the distinguished minority leader and the distinguished Chairman and ranking member of the Committee on Post Office and Civil Service and myself have jointly offered this resolution for the consideration of the Members of the House. . . .

In the ensuing debate, the following remarks were made by the Minority Leader:⁽³⁾

MR. GERALD R. FORD [of Michigan]: . . . I compliment [the Majority Leader] for taking the initiative in advocating this legislation for a President not of his own party. . . .

After some debate, the question was taken, and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.⁽⁴⁾

§ 17.14 The Majority Leader offered a resolution relating to the appointment and salaries of certain House employees.⁽⁵⁾

3. 115 CONG. REC. 174, 91st Cong. 1st Sess., Jan. 6, 1969.
4. 115 CONG. REC. 176, 91st Cong. 1st Sess., Jan. 6, 1969.
5. See §17.10, supra, for discussion of the resolution.

Responsibilities Relating to Capitol Facilities

§ 17.15 The Majority and Minority Leaders of the House were included in the membership of the Commission on the Extension of the Capitol.

The membership on the Commission on the Extension of the Capitol, which originally consisted of the Speaker, the President of the Senate, the Minority Leaders of the two Houses, and the Architect of the Capitol, was enlarged in the 91st Congress to include the Majority Leaders of the House and Senate.⁽⁶⁾

§ 17.16 On certain occasions, the Speaker has consulted with the floor leaders of both parties with respect to the regulation of floor privileges.

In the 87th Congress, the Speaker made an announcement⁽⁷⁾ concerning floor privileges and related matters, which he indicated to have been the subject of

6. 115 CONG. REC. 26568, 26569, 91st Cong. 1st Sess., Sept. 23, 1969.
7. 107 CONG. REC. 1340, 87th Cong. 1st Sess., Jan. 26, 1961 (Speaker Sam Rayburn [Tex.]). The announcement related to a joint session to hear an address by the President.

consultation between the Speaker and the floor leaders.

§ 17.17 Regulations governing the use of the House office buildings, the House garages, and the Capitol power plant were inserted in the Record by the Majority Leader.

On Sept. 15, 1965, the Majority Leader asked that there be printed in the Record and the Journal certain regulations adopted by the House Office Building Commission governing the House office buildings and garages and the Capitol power plant.⁽⁸⁾

Election of Floor Leader to Standing Committee

§ 17.18 On occasion, a floor leader has been elected to a standing committee of the House.

In the 87th Congress, immediately after the House adopted a resolution increasing the membership of the Committee on Science and Astronautics, a resolution was offered electing the Majority Leader, John W. McCormack, of Massachusetts, to the committee. The proceedings were as follows:⁽⁹⁾

8. 111 CONG. REC. 23926, 23927, 89th Cong. 1st Sess.

9. 107 CONG. REC. 7965, 87th Cong. 1st Sess., May 15, 1961.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 290

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Science and Astronautics: John W. McCormack, Massachusetts. . . .

In the 90th Congress, the Majority Leader, Carl Albert, of Oklahoma, resigned his position on the Committee on Science and Astronautics⁽¹⁰⁾ and was elected to fill a vacancy on the Committee on Education and Labor.⁽¹¹⁾

Parliamentarian's Note: Although the ratio on the Committee on Education and Labor had been fixed at nineteen to fourteen, only eighteen Democrats had been elected to membership thereon. The existence of the vacancy effectively changed the ratio on the committee and on all subcommittees established under the full committee. The election of the

10. Mr. Albert had been named to this committee in the resolution electing Democratic Members to standing committees (113 CONG. REC. 1086, 90th Cong. 1st Sess., Jan. 23, 1967).

11. See 113 CONG. REC. 6901, 6902, 90th Cong. 1st Sess., Mar. 16, 1967.

Majority Leader reinforced the Democratic advantage on the full committee and relieved the pressure from the minority for a larger proportion of minority Members on the subcommittees. His election also removed the impression that the vacancy had been left to exist pending disposition of the controversy over whether the former chairman of the committee, Adam Clayton Powell, Jr., of New York, was to be seated in the House.

Generally, floor leaders are not appointed to and do not serve on standing committees.⁽¹²⁾

Service of Summons on Floor Leader

§ 17.19 The floor leaders, having been summoned to appear in Federal Court, submitted the matter of such summons for the consideration of the House.

On July 8, 1965, the following proceedings took place:⁽¹³⁾

12. In the 87th Congress, Mr. Carl Albert (Okla.) resigned from the Committee on Agriculture after his selection as Majority Leader. 108 CONG. REC. 470, 87th Cong. 2d Sess., Jan. 18, 1962.
13. 111 CONG. REC. 15978, 89th Cong. 1st Sess.

For a discussion of privileges of the House generally, see Ch. 11, *infra*.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I rise to a question of the privilege of the House.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state the question of privilege.

MR. ALBERT: Mr. Speaker, in my official capacity as a Representative and as majority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Inc. against Lyndon B. Johnson, and others.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send to the desk the summons.

THE SPEAKER: The Clerk will read the subpoena. . . .

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I rise for the same purpose as the distinguished majority leader and I would like to read a statement.

Mr. Speaker, in my official capacity as a Representative and as minority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Incorporated, against Lyndon B. Johnson et al.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House

14. John W. McCormack (Mass.).

being involved. I therefore submit the matter for the consideration of this body.

Parliamentarian's Note: In the 90th Congress, the Majority and Minority Leaders, and others, were summoned in a civil action brought by Adam Clayton Powell, Jr., of New York, who was contesting his exclusion from the House. The Speaker⁽¹⁵⁾ submitted the matter to the House on behalf of all those served with summonses. The majority whip offered a resolution authorizing the Speaker to appoint counsel to represent the Members;⁽⁶⁾ the resolution was agreed to.⁽¹⁷⁾

§ 18. Duties as to Legislative Schedule

The floor leaders, particularly the Majority Leader, exercise considerable initiative with respect to the legislative schedule, including the order of business and the time of recess or adjournment.

In the course of promoting legislative business deemed of interest to their respective parties, the floor leaders maintain contact

15. John W. McCormack (Mass.).

16. 113 CONG. REC. 6040, 6041, 90th Cong. 1st Sess., Mar. 9, 1967.

17. 113 CONG. REC. 6049, 90th Cong 1st Sess., Mar. 9, 1967.

with their parties' members on committees and encourage action on particular bills. As a result of planning by the Majority Leader and other leaders of his party, and as a result of cooperation between the leadership of both parties, the consideration of legislation in the House generally proceeds on an orderly basis. It has been stated⁽¹⁸⁾ that it is customary to notify the Majority and Minority Leaders as well as the Speaker of proposed requests for deviations from the authorized order of business. Members have been advised by the Speaker to consult with Majority and Minority Leaders with respect to unanimous consent requests for the consideration of bills;⁽¹⁹⁾ moreover, it has been stated that the Speaker declines to entertain motions to suspend the rules on "suspension days" unless such motions have the approval of the Majority Leader.⁽²⁰⁾

The Minority Leader customarily, on the floor of the House, addresses an inquiry to the Majority Leader concerning the schedule of legislative business for the following week.⁽¹⁾ In addition to announcing the legislative busi-

18. 6 Cannon's Precedents § 708.

19. § 18.1, *infra*.

20. § 18.2, *infra*.

1. § 18.6, *infra*.