

It should be noted, however, that there are also situations, usually noncontroversial ones, in which actions undertaken by a Speaker pro tempore are not dependent on the type of Speaker pro tempore involved. Examples of these actions are: calling the House to order in the absence of the Speaker;⁽⁷⁾ announcing matters involving actions of the Speaker;⁽⁸⁾ and designating another Speaker pro tempore.⁽⁹⁾

§ 11. Oath of Office; Term of Office

The Members' oath of office⁽¹⁰⁾ is administered to an elected

7. See § 12.15 (designated); and the illustration under § 14.12 (elected), *infra*.
8. See illustrations under § 12.2 (designated), *infra*; and 109 CONG. REC. 25591, 88th Cong. 1st Sess., Dec. 27, 1963; and 108 CONG. REC. 12705, 87th Cong. 2d Sess., July 5, 1962 (elected).
9. See illustrations under §§ 14.1 (designated); 12.3 (elected), *infra*.
10. The oath prescribed by statute, 5 USC § 3331, is as follows: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reserva-

tion or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Speaker pro tempore,⁽¹¹⁾ and, under recent precedent,⁽¹²⁾ to a designated and approved Speaker pro tempore, but not to a designated Speaker pro tempore.⁽¹³⁾

The oath of office as Speaker pro tempore is administered by the Speaker if he is present⁽¹⁴⁾ or by a Member chosen by the elected,⁽¹⁵⁾ or designated and ap-

11. See § 11.1, *infra*.

Parliamentarian's Note: The additional oath is the same one administered to Members, since the formal language of it is applicable to any office to which a Member is about to enter. See 5 USC § 3331.

12. See §§ 11.2, 11.3, *infra*.
13. For previous treatment of the oath of office of the Speaker pro tempore see 1 Hinds' Precedents § 229, 2 Hinds' Precedents §§ 1386, 1394; 6 Cannon's Precedents §§ 274, 280.

Parliamentarian's Note: For reasons of efficiency a designated Speaker pro tempore is not administered the oath of office as Speaker pro tempore, even though upon his designation he also assumes a new office. The elected and the designated and approved Speakers pro tempore are administered the oath because they assume not only a new office but also new duties, e.g., the signing, in the place of the Speaker, of enrolled bills and joint resolutions.

14. See § 11.4, *infra*.
15. See § 11.5, *infra*.

proved,⁽¹⁶⁾ Speaker pro tempore when the Speaker is absent.

The term of office of a Speaker pro tempore can be for various time periods under various circumstances. For example, the substitution may be: momentary,⁽¹⁷⁾ for the day,⁽¹⁸⁾ for a future specified day,⁽¹⁹⁾ for two continuous days,⁽²⁰⁾ for two separate days,⁽¹⁾ for three legislative days,⁽²⁾ for the balance of a week,⁽³⁾ for more than three days with approval of the House,⁽⁴⁾ or during the absence of the Speaker.⁽⁵⁾

The term of office does not begin until the chosen Member has accepted the office.⁽⁶⁾ The term of office ordinarily ends when the Speaker resumes the Chair.⁽⁷⁾

16. See §11.6, *infra*.

17. See §11.7, *infra*.

18. See §11.8, *infra*.

19. See §11.9, *infra*.

20. See §11.10, *infra*.

1. See §11.11, *infra*.

2. See §11.12, *infra*, and Rule I clause 7, *House Rules and Manual* §633 (1973).

3. See §11.13, *infra*.

4. See §11.14, *infra*; Rule I clause 7, *House Rules and Manual* §633 (1973).

5. See §11.15, *infra*; Rule I clause 7, *House Rules and Manual* §633 (1973).

6. See §11.16, *infra*.

7. See §11.14, *infra*.

Oath of Office

§ 11.1 Besides his oath as a Member, an elected Speaker pro tempore is also administered an oath of office as Speaker pro tempore.

On Nov. 18, 1963,⁽⁸⁾ Speaker John W. McCormack, of Massachusetts, designated Representative Carl Albert, of Oklahoma, Speaker pro tempore while the Speaker journeyed to Boston upon the death of his brother. A resolution was introduced to elect Mr. Albert Speaker pro tempore during the absence of the Speaker. The resolution was agreed to and Mr. Albert took the oath of office as Speaker pro tempore.

§ 11.2 Besides his oath as a Member, a designated Speaker pro tempore who is approved by the House is administered the oath of office as Speaker pro tempore, according to recent precedent.

On Feb. 24, 1949,⁽⁹⁾ a resolution was introduced indicating the approval of the House of the designation of Representative John W. McCormack, of Massachusetts, as Speaker pro tempore. Upon

8. 109 CONG. REC. 22015, 88th Cong. 1st Sess.

9. 95 CONG. REC. 1489, 81st Cong. 1st Sess.

agreement to the resolution, Representative McCormack was administered the oath of office as Speaker pro tempore.

§ 11.3 A designated Speaker pro tempore who is approved by the House has not always been administered the oath of office as Speaker pro tempore.

On Apr. 7, 1930,⁽¹⁰⁾ Speaker Nicholas Longworth, of Ohio, designated a Speaker pro tempore and the House approved the designation. No additional oath of office was administered, according to the *Congressional Record*.

Administration of Oath by Speaker

§ 11.4 An elected Speaker pro tempore is administered his oath of office by the Speaker when the Speaker is present.

On Aug. 15, 1941,⁽¹¹⁾ Speaker Sam Rayburn, of Texas, invited the election of a Speaker pro tempore and subsequently administered him the oath of office.

On Mar. 22, 1949,⁽¹²⁾ Speaker Rayburn stated that it was nec-

10. 72 CONG. REC. 6661, 71st Cong. 2d Sess.

11. 87 CONG. REC. 7194, 7195, 77th Cong. 1st Sess.

12. 95 CONG. REC. 2968, 81st Cong. 1st Sess.

essary for him to be absent for a few days on important business. A resolution was introduced to elect Representative John W. McCormack, of Massachusetts, Speaker pro tempore. Upon passage of the resolution, the Speaker administered the oath to Mr. McCormack as Speaker pro tempore.⁽¹³⁾

Administration of Oath by Member

§ 11.5 An elected Speaker pro tempore designates a Member to administer the oath to him in the absence of the Speaker.

On Apr. 2, 1940⁽¹⁴⁾ Speaker William B. Bankhead, of Alabama, invited an election of a Speaker pro tempore. On the day next following the election of Representative Sam Rayburn, of Texas, as Speaker pro tempore, in the absence of the Speaker, Mr. Rayburn asked Representative John W. McCormack, of Massachusetts, to administer to him the oath of office:

THE SPEAKER PRO TEMPORE: . . .
The present occupant of the chair re-

13. *Parliamentarian's Note*: The *Congressional Record* does not explicitly refer to the Speaker's administering the oath, but such did in fact take place.

14. 86 CONG. REC. 3925, 76th Cong. 3d Sess.

quests the gentleman from Massachusetts [Mr. McCormack] to administer the oath of office as Speaker pro tempore.

Mr. McCormack appeared at the well of the House and administered the oath. . . .

On Jan. 10, 1966,⁽¹⁵⁾ Speaker John W. McCormack, of Massachusetts, designated Representative Carl Albert, of Oklahoma, Speaker pro tempore while the Speaker journeyed to Boston upon the death of his brother. A resolution was introduced to elect Mr. Albert Speaker pro tempore during the absence of the Speaker. The resolution was agreed to and Mr. Albert asked the Dean of the House, Representative Emanuel Celler, of New York, to administer the oath of office.⁽¹⁶⁾

§ 11.6 A designated Speaker pro tempore who is approved by the House and who is administered the oath of office as Speaker pro tempore may designate the Member to administer him the oath of office.

On Feb. 24, 1949,⁽¹⁷⁾ a resolution was introduced indicating the

15. 112 CONG. REC. 5, 6, 89th Cong. 2d Sess.

16. *Parliamentarian's Note*: The *Congressional Record* does not explicitly refer to Mr. Albert's designation of Mr. Celler to administer the oath, but such did in fact take place.

17. 95 CONG. REC. 1489, 81st Cong. 1st Sess.

approval of the House of the designation of Hon. John W. McCormack, of Massachusetts, as Speaker pro tempore. Once approved the Speaker pro tempore designated a Member to administer him the oath of office.

Terms of Office

§ 11.7 A term of office of a Speaker pro tempore may be only momentary.

On Apr. 15, 1958,⁽¹⁸⁾ designated Speaker pro tempore John W. McCormack, of Massachusetts, himself designated Representative Carl Albert, of Oklahoma, as Speaker pro tempore during the election of Mr. McCormack as Speaker pro tempore during the absence of Speaker Sam Rayburn, of Texas.

On Nov. 18, 1963,⁽¹⁹⁾ designated Speaker pro tempore Albert, who

18. 104 CONG. REC. 6436, 85th Cong. 2d Sess.

19. 109 CONG. REC. 22015, 88th Cong. 1st Sess.

Parliamentarian's Note: On Nov. 17, 1963, Speaker McCormack's brother died in Boston. On Nov. 18 Speaker McCormack in writing designated the Honorable Carl Albert to act as Speaker pro tempore for the day. The Speaker remained in Boston until Nov. 21. Although the *Congressional Record* does not explicitly refer to it, the momentary designation of Hale Boggs (La.) as Speaker

was about to be elected as Speaker pro tempore, himself designated another Speaker pro tempore during the election.

On Jan. 10, 1966,⁽²⁰⁾ Speaker John W. McCormack, of Massachusetts, designated Representative Carl Albert, of Oklahoma, as Speaker pro tempore for the day in writing.⁽²¹⁾ During Mr. Albert's election as Speaker pro tempore, he designated another Speaker pro tempore to preside over the House momentarily during the election:

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

Mr. Boggs assumed the chair as Speaker pro tempore.

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

MR. [EUGENE J.] KEOGH: Mr. Speaker, on account of the unavoidable ab-

pro tempore during the election of Mr. Albert as Speaker pro tempore during the absence of the Speaker did in fact take place. Immediately upon the laying on the table of a motion to reconsider the resolution electing Mr. Albert, Mr. Boggs left the Chair and Mr. Albert resumed it.

20. 112 CONG. REC. 5, 6, 89th Cong. 2d Sess.

21. *Parliamentarian's Note*: Since the duration of the Speaker's absence was uncertain it was considered essential to elect a Speaker pro tempore.

sence 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 and 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.

On Sept. 27 (legislative day, Sept. 25), 1961,⁽¹⁾ the Speaker pro tempore John W. McCormack, of Massachusetts, momentarily designated Representative Carl Albert, of Oklahoma, as Speaker pro tempore during the comments of Mr. McCormack on the accomplishments of the session.

§ 11.8 A term of office of a Speaker pro tempore may be for the day.

On Nov. 25, 1963,⁽²⁾ Speaker John W. McCormack, of Massa-

1. 107 CONG. REC. 21545, 87th Cong. 1st Sess.

2. 109 CONG. REC. 22694, 88th Cong. 1st Sess.

chusetts, designated a Speaker pro tempore for the day.

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

THE SPEAKER'S ROOM,
November 25, 1963.

I hereby designate the Honorable Jim Wright to act as Speaker pro tempore today.

JOHN W. McCORMACK,
Speaker.

§ 11.9 A Speaker pro tempore may be designated for one specific day in the future.

On Jan. 19, 1965,⁽³⁾ Speaker John W. McCormack, of Massachusetts, designated Representative Emanuel Celler, of New York, to act as Speaker pro tempore when the House convened on Jan. 20, 1965, preceding the inaugural ceremonies:

THE SPEAKER: The Chair designates the Honorable Emanuel Celler, of New York, to act as Speaker pro tempore tomorrow, January 20, 1965.

§ 11.10 The term of office of a Speaker pro tempore may be for a specified and continuous two day period.

On May 7, 1956,⁽⁴⁾ a Speaker pro tempore was designated by

3. 111 CONG. REC. 946, 89th Cong. 1st Sess.

4. 102 CONG. REC. 7588, 84th Cong. 2d Sess.

Speaker Sam Rayburn, of Texas, for a specific two-day period.

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

MAY 7, 1956.

I hereby designate the Honorable John W. McCormack to act as Speaker pro tempore on May 7 and 8, 1956.

SAM RAYBURN,
Speaker.

§ 11.11 The term of office of a Speaker pro tempore may be for two separate days in the future.

On Oct. 29, 1942,⁽⁵⁾ Speaker Sam Rayburn, of Texas, designated a Speaker pro tempore to serve as Speaker on two specified days during intermittent adjournment of the House.

MR. [JERE] COOPER [of Tennessee]: Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned until Monday next, that when the House adjourns on Monday next it stand adjourned until Thursday, November 5, and that when the House adjourns on Thursday, November 5, it stand adjourned until the following Monday, November 9.

THE SPEAKER: Without objection, it is so ordered.

There was no objection. . . .

THE SPEAKER: The Chair designates the gentleman from Tennessee [Mr. Cooper] to act as Speaker pro tempore

5. 88 CONG. REC. 8688-90, 77th Cong. 2d Sess.

on Monday, November 2, and Thursday, November 5.

§ 11.12 The term of office of a Speaker pro tempore may be for three legislative days.

On Mar. 11, 1940,⁽⁶⁾ Speaker William B. Bankhead, of Alabama, designated a Speaker pro tempore for a period of three legislative days in the event of the Speaker's absence:

THE SPEAKER: In the event of the absence of The Speaker for the next 3 legislative days, the Chair designates the gentleman from Texas [Mr. Rayburn] as the Speaker pro tempore.

§ 11.13 The term of office of a Speaker pro tempore may be for the balance of a week.

On Thursday, Apr. 29, 1948,⁽⁷⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, made the following announcement:

THE SPEAKER: The Chair wishes to state that he appoints as Speaker pro tempore for the balance of the week the Honorable Charles A. Halleck, of Indiana.

§ 11.14 The term of office of a Speaker pro tempore may be for more than three days, where the House gives its approval.

6. 86 CONG. REC. 2665, 76th Cong. 3d Sess.

7. 94 CONG. REC. 5036, 80th Cong. 2d Sess.

On Apr. 7, 1930,⁽⁸⁾ Speaker Nicholas Longworth, of Ohio, made the following announcement:

The Chair designates the gentleman from Connecticut [Mr. Tilson] to act as Speaker pro tempore for 3 days, and the Chair asks unanimous consent that thereafter, until the return of the Chair, which will in all probability be on Monday, the gentleman from Connecticut may be permitted to continue in that office. Is there objection?

There was no objection.

§ 11.15 A term of office of a Speaker pro tempore may be for the duration of the absence of The Speaker.

On Apr. 15, 1958,⁽⁹⁾ a resolution was offered electing Representative John W. McCormack of Massachusetts, Speaker pro tempore during the absence of Speaker Sam Rayburn, of Texas.

§ 11.16 The Speaker, after designating a Member as Speaker pro tempore, may withdraw the name of that Member before his term begins and designate another in his place.

On Apr. 2, 1947,⁽¹⁰⁾ Speaker Joseph W. Martin, Jr., of Massachu-

8. 72 CONG. REC. 6661, 71st Cong. 2d Sess. See also § 12.1, *infra*.

9. 104 CONG. REC. 6436, 85th Cong. 2d Sess.

10. 93 CONG. REC. 3075, 80th Cong. 1st Sess.

setts, made the following announcement:

THE SPEAKER: The Chair wishes to announce that the gentleman from Michigan [Mr. Michener], whom he has just designated as Speaker pro tempore on Thursday and Monday next, has illness in his family which may preclude him from accepting the appointment; therefore, the Chair withdraws the designation and designates the gentleman from Indiana [Mr. Halleck] to act as Speaker pro tempore on Thursday and Monday next.

§ 12. Designation of Speaker Pro Tempore

The appointment of a Speaker pro tempore by simple designation—that is, without formal House approval—is permitted for periods that do not extend beyond three legislative days.⁽¹¹⁾ The Speaker⁽¹²⁾ (or Speaker pro tempore)⁽¹³⁾ may orally designate a Member as Speaker pro tempore

11. Rule I clause 7, House Rules and Manual § 633 (1973).

12. See § 12.1, *infra*.

13. See § 12.3, *infra*.

Parliamentarian's Note: Simple designation of a Speaker pro tempore is the Speaker's right under Rule I clause 7 of the House Rules and Manual. From the custom and the practice of the House, it is presumed that a Speaker pro tempore assumes this right upon entering the office.

either in open House⁽¹⁴⁾ or informally and off the record. The designation must be in formal writing when the Speaker⁽¹⁵⁾ (or Speaker pro tempore)⁽¹⁶⁾ cannot be present at the beginning of a day's session.

The Speaker may, likewise, withdraw a designation of someone as Speaker pro tempore.⁽¹⁷⁾

The designated Speaker pro tempore is characteristically a "stand-in" Speaker. He must ordinarily seek the consent of the House before carrying out the more sensitive activities that a Speaker would handle without the House's consent and as a matter of course.⁽¹⁸⁾

Examples of the functions assumed by a designated Speaker pro tempore from the Speaker include: administering the oath of office to a Member-elect with the consent of the House;⁽¹⁹⁾ appointing conferees with the unanimous consent of the House;⁽²⁰⁾ spreading upon the Journal a veto message from the President with the consent of the House;⁽¹⁾ referring

14. See illustrations under §§ 12.1, 12.3, *infra*.

15. See § 12.2, *infra*.

16. See § 12.4, *infra*.

17. See § 12.6, *infra*.

18. See §§ 12.8-12.14, *infra*.

19. See § 12.8, *infra*.

20. See §§ 12.9, 12.10, *infra*.

1. See § 12.11, *infra*.