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Chapter 35
Officers and Offices

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Research References

U.S. Const. art. I, § 2
1 Hinds §§ 235–283
6 Cannon §§ 25–34
Deschler Ch 6 §§ 15–22
Manual §§ 640–670

§ 1. House Officers

In General

The Constitution directs that the House choose its Speaker and other officers. U.S. Const. art. I, § 2. The ''other officers'' not specified by title in the Constitution have carried various titles. Currently, they are the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain. *Manual* § 640. Of these, only the Speaker traditionally has been chosen from the sitting membership of the House. *Manual* § 26; see OFFICE OF THE SPEAKER. The Speaker's term of office thus expires at the end of his term of office as a Member, whereas the other House officers continue in office until their successors are chosen and qualified. Rule II clause 1; 1 Hinds § 187.

In the 102d Congress the position of the Postmaster, for many years an elected officer of the House, was eliminated with the adoption of the House Administrative Reform Resolution. *Manual* § 668. The Doorkeeper of the House, formerly an elected officer of the House, was not reestablished when the rules were adopted for the 104th Congress. The responsibilities of that position were transferred to the Sergeant-at-Arms. *Manual* § 664.

Other offices established in the rules of the House or by statute are occupied by appointed officers. Rule II contains authority for an Office of General Counsel (clause 8), Historian (clause 7), and Inspector General (clause 6). The duties and appointing authority for the positions of Legislative Counsel, Law Revision Counsel, and Parliamentarian are carried in law. See *Manual* §§ 1118, 1120, 1122.

The Clerk

The Clerk has specific responsibilities spelled out in House rules, in statute, or as delegated to him by the House. He presides when a new Congress convenes. Rule II clause 2; *Manual* §§ 641–645. He has duties related to the conduct of House business. For example, he is responsible for processing bills, preparing the Journal, taking and tallying votes, and receiving messages from the President and the Senate when the House is not in session. *Manual* §§ 642, 647, 648, 652. To assist the House in its consideration of measures, the Clerk reads bills and motions (*Manual* §§ 428, 904), reads names alphabetically during the taking of certain votes and elections (*Manual* § 1015), notes all questions of order and decisions thereon and places them in the Journal (*Manual* § 647), reports disorderly words of a Member who has been called to order (*Manual* § 960), certifies to the passage of all bills and resolutions (*Manual* § 648), makes corrections during engrossment (*Manual* § 479), presents enrolled bills to the Speaker for signature and transmittal to the Senate (*Manual* § 575), and presents enrolled bills to the President (*Manual* § 648).

The Clerk also calls various calendars at the direction of the Speaker (*Manual* § 898), receives petitions and private bills (*Manual* § 818), disseminates copies of amendments offered in the Committee of the Whole (*Manual* § 978), and provides a place where Members may sign discharge petitions (*Manual* § 892). The Clerk also supervises the official reporters of the House, subject to the direction and control of the Speaker. *Manual* § 685.

In one instance, the Clerk carried out the duties of his own office as well as those of the Sergeant-at-Arms, having been elected to serve concurrently as Sergeant-at-Arms following the death of the incumbent. Deschler Ch 6 § 16.3.

The Clerk may designate and authorize one or more of his employees to perform the duties of his Office during his absence, except for such duties as are imposed on him by statute. *Manual* § 651. The designation may provide that such authorization is to remain in effect until revoked. 91–1, Oct. 29, 1969, p 32076. The designation is laid before the House by the Speaker. Deschler Ch 6 § 18.18.

Sergeant-at-Arms

The duties of the Sergeant-at-Arms on the floor are prescribed by House rules and by statute. Rule II clause 3; 2 USC § 78; *Manual* §§ 656–660. Under these provisions the Sergeant-at-Arms maintains order and executes arrest warrants for persons cited for contempt of the House or of a committee. In addition he enforces the prohibition against Members walking across or out of the Hall of the House while the Speaker is addressing the House (*Manual* § 962), appoints officers to send for and arrest absent Members when so ordered by the Speaker or the House under rule XX clause 5 or 6 (*Manual* §§ 1021–1025), and brings absent Members before the House (*Manual* § 1026).

Chief Administrative Officer

The Chief Administrative Officer of the House has the operational and financial responsibility for functions assigned to him by the Committee on House Administration. He is subject to the oversight of that committee and reports to it semiannually on the financial and operational status of each function under his jurisdiction. Rule II clause 4.

The Chaplain

The Chaplain offers a prayer at commencement of each day's sitting of the House. Rule II clause 5. The prayer, which does not require a quorum, is offered daily, whether the House adjourned or recessed at its previous sitting. Deschler Ch 6 §§ 21.1, 21.2.

There are often ''guest chaplains.'' The daily prayer has been offered by visiting clergy of various denominations and nationalities. Deschler Ch 6 § 21.9. In the unexpected absence of the Chaplain, the prayer has been offered by a Member who was an ordained minister. 93–1, May 31, 1973, p 17441.

§ 2. Election and Oath

Election

The Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain are elected for each Congress by resolution. Deschler Ch 6 § 16 (with forms). Before the House recodified its rules in the 106th Congress, the House was required under former rule II to elect its Speaker and other officers by a *viva voce* vote following nominations. 1 Hinds §§ 204, 208. However, even then, the officers mentioned in the rule, other than Speaker, were usually chosen by resolution, which is not a *viva voce* election. 1 Hinds §§ 193, 194.

At the commencement of a Congress, each party's caucus selects one nominee for each such office. The majority submits its slate of nominees, and the minority usually submits a substitute resolution containing its slate. The House then votes on these slates, which may be offered by the caucus chairmen. Deschler Ch 6 § 16. Such a resolution is offered from the floor as privileged and may be divided for a separate vote for the Chaplain, customarily an uncontested office. *Manual* § 640; Deschler Ch 6 § 16.2.

Oath

Each elected officer of the House takes the oath prescribed by law, which is administered by the Speaker. 5 USC § 3331 (with form); Deschler Ch 6 § 17. An officer elected to hold an additional office concurrently takes a separate oath for the additional office. Deschler Ch 6 § 17.1. Generally an officer appointed to fill the vacancy of an elected officer does not appear at the bar to take the oath but subscribes thereto in writing when he accepts the appointment. Deschler Ch 6 § 17.2. The oath has been administered to an officer-elect before the effective date of his election. 92–2, June 26, 1972, p 22387; generally, see OATHS.

§ 3. Removal From Office

Both the Speaker and the House have the authority to remove the Clerk, Sergeant-at-Arms, or Chief Administrative Officer. Rule II clause 1; *Manual* § 640. An officer of the House may be removed from office pursuant to the adoption of a simple resolution, which may be offered as a matter of privilege. 1 Hinds §§ 284, 288–290; 6 Cannon § 35. For removal of the Speaker, see OFFICE OF THE SPEAKER. As a basis for removal of an officer, the House has considered allegations as follows:

- That the Clerk altered and falsified a House document. 1 Hinds § 284.
- That the Clerk was negligent in the administration of the contingent fund or misappropriated House funds. 1 Hinds §§ 283, 287.
- That the Doorkeeper was guilty of misconduct or corruption in office. 1 Hinds §§ 288, 289.

§ 4. Vacancies

The Speaker may make temporary appointments to fill vacancies in the Offices of the Clerk, the Sergeant-at-Arms, the Chief Administrative Officer, and the Chaplain. 2 USC § 75a–1. Pursuant to this authority, the Speaker has temporarily filled vacancies caused by the death or resignation of an officer. See, *e.g.*, Deschler Ch 6 § 6.25. Such appointments are effective until such time as the House acts by the adoption of a resolution to fill the va-

cancy on a permanent basis. Such a resolution is presented as a question of privilege if offered by direction of the majority party caucus. *Manual* § 701. The resignation of an elected officer of the House is subject to acceptance by the House. *Manual* § 640.

§ 5. Other Offices Established by Rule II

Office of Inspector General

Under rule II clause 6, the Inspector General conducts audits of the financial and administrative functions of the House. The Inspector General is appointed by the Speaker, the Majority Leader, and the Minority Leader, acting jointly, and is subject to the policy direction and oversight of the Committee on House Administration. *Manual* § 667.

Office of General Counsel

Under rule II clause 8 the General Counsel provides legal assistance and representation to the House. The General Counsel is appointed by the Speaker and functions under his direction. *Manual* § 670.

The General Counsel is authorized by law to appear in any proceeding before a State or Federal court (except the United States Supreme Court) without compliance with admission requirements of such court. 2 USC § 130f(a). Furthermore, the law requires the Attorney General to notify the General Counsel of a determination not to appeal a court decision affecting the constitutionality of an Act. 2 USC § 130f(b).

Office of the Historian

Under rule II clause 7 the Historian of the House of Representatives is appointed by the Speaker. *Manual* § 669.

§ 6. Offices Established by Law

General Accounting Office

The preparation, utilization, and distribution (to committees and Members) of reports by the General Accounting Office, and its authority to assign its employees to duty with congressional committees, are regulated by sections 231–236 of the Legislative Reorganization Act of 1970. 31 USC § 1172–1176.

Office of Compliance

The Office of Compliance was established by the Congressional Accountability Act of 1995. 2 USC § 1381. The office is composed of five individuals appointed jointly by the Speaker, the Majority Leader of the Sen-

ate, and the Minority Leaders of the House and the Senate. The office has regulatory, enforcement, and educational responsibilities under the Act. Section 1382 provides for a General Counsel to be appointed by the Chair of the Compliance Board to exercise the authorities of the Office of Compliance.

Office of Legislative Counsel

The Office of the Legislative Counsel of the House of Representatives evolved from a single Legislative Drafting Service established for the Congress by the Act of February 24, 1919. 40 Stat. 1057, 1141. The currently applicable provisions of law setting forth the purpose and functions of the office and providing for its administration are contained in title V of the Legislative Reorganization Act of 1970. 2 USC §§ 281, 282. The purpose of the office is to advise and assist the House, its committees, and its Members in the achievement of a clear, faithful, and coherent expression of legislative policies.

Congressional Budget Office

The Congressional Budget Office was established by the Congressional Budget Act of 1974. 2 USC § 601. The office is headed by a director appointed by the Speaker and the President pro tempore. 2 USC § 601. The functions of the office include providing assistance to the House and Senate Committees on the Budget and Appropriations and the Senate Committee on Finance in the discharge of matters within their jurisdictions and to other committees to assist them in complying with the provisions of the Act. 2 USC § 602.

The Office of the Law Revision Counsel

The Office of the Law Revision Counsel was established by the Committee Reform Amendments of 1974 to develop a codification of the laws of the United States. 2 USC § 285.

Office of the Parliamentarian

A Parliamentarian has been appointed by the Speaker in every Congress since 1927. Before 1927 the ''Clerk at the Speaker's Table'' performed the function of the Parliamentarian. In the 95th Congress the House formally and permanently established an Office of the Parliamentarian to be managed, supervised, and administered by a nonpartisan Parliamentarian appointed by the Speaker. 2 USC § 287. The compilation and preparation of the precedents of the House of Representatives was authorized in the 93d Congress by the Committee Reform Amendments of 1974. 2 USC § 28a.

The printing and distribution of the precedents was also authorized by law. 2 USC §§ 28, 28b–e, 29.

For a list of other House offices, commissions, and joint entities, see *Manual* §§ 1113–1125b.

§ 7. Service of Process

Rule VIII governs the procedure for House response to a judicial or administrative subpoena served on a Member, Delegate, Resident Commissioner, officer, or employee of the House. *Manual* § 697. Examples of service of process on officers include those on the Speaker, the Clerk, and the Sergeant-at-Arms. Deschler Ch 11 §§ 16.2–16.4, 16.7–16.9, 16.11. Examples of service of process on employees include those on current and former employees of a committee, an employee of the House Republican Conference, and a former employee of a former House select committee who was subpoenaed to give a deposition about his recollection of certain executive session transactions. 93–2, Sept. 30, 1974, p 33020; 94–1, Sept. 23, 1975, p 29824; 97–1, Jan. 22, 1981, pp 694, 695. For a discussion of how an officer must comply with service of process under rule VIII, see QUESTIONS OF PRIVILEGE.

Legal counsel, through the Department of Justice, is available to an officer of the House (but not its Members) to defend the officer against actions brought against him while he was discharging his official duty or executing an order of the House. 2 USC § 118. For a discussion of this statutory procedure, as well as House authorization by resolution for the appointment of legal counsel to represent an officer, Member, or employee who has been served with process, see QUESTIONS OF PRIVILEGE. Legal counsel is also available through the Office of General Counsel under rule II clause 8, which provides legal assistance and representation to Members, committees, officers, and employees in complying with legal process under rule VIII. § 5, supra.