

Mr. [John] BRADEMÁS [of Indiana]. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker or the Speaker pro tempore be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.⁽¹¹³⁾ Is there objection to the request of the gentleman from Indiana? There was no objection.

§ 15. The Sergeant-at-Arms

The Sergeant-at-Arms of the House of Representatives is an elected officer whose duties fall primarily within the spheres of security and the enforcement of rules relating to proper conduct and decorum in the House Chamber. Pursuant to House rule,⁽¹⁾ the Sergeant-at-Arms attends all sittings of the House. At the beginning of each legislative day, the Sergeant-at-Arms (or an employee of the office) leads the procession of officers as they enter the Chamber, bearing the mace of the House of Representatives⁽²⁾ (the symbol of the Office of the Sergeant-at-Arms).⁽³⁾

The Sergeant-at-Arms is one of the oldest officer positions in the House. When the House first ordered that a committee be formed to draft standing rules for the House, it simultaneously ordered that “they also report the duty and services of a sergeant-at-arms, or other proper officer for enforcing the orders of the House.”⁽⁴⁾ Provisions establishing the Office of the Sergeant-at-Arms were thereafter incorporated into the standing rules on April 14, 1789.⁽⁵⁾

It was formerly the case that the Sergeant-at-Arms had additional duties relating to the financial operations of the House, including handling payroll

113. Thomas O’Neill (MA).

1. Rule II, clause 3(a), *House Rules and Manual* § 656 (2019).
2. *Parliamentarian’s Note*: The current mace, a symbol of the House’s authority, has been used in the Chamber since 1841. A previous mace was destroyed when the British burned the Capitol during the War of 1812. See <http://history.house.gov/Collection/Listing/2006/2006-162-000/> (last visited Oct. 24, 2019).
3. See rule II, clause 3(b), *House Rules and Manual* § 657 (2019).
4. 1 ANNALS OF CONG. 101, 1st Cong. 1st Sess. (Apr. 2, 1789).
5. 1 ANNALS OF CONG. 128–29, 1st Cong. 1st Sess. (Apr. 14, 1789). These original provisions regarding the Sergeant-at-Arms have remained remarkably stable over the course of the history of the House, and form the basis of current clauses 3(a) and 3(b) of rule II. *House Rules and Manual* §§ 656, 657 (2019). Prior to the advent of statutory contempt procedures in 1857, the Sergeant-at-Arms was responsible for arresting those cited by the House for contempt of Congress (see, e.g., 3 Hinds’ Precedents § 1714) but this authority has not been used in many decades.

for Members.⁽⁶⁾ However, virtually all of these financial responsibilities were transferred to other officers during the administrative reforms of the mid-1990s. Conversely, the Sergeant-at-Arms assumed various duties previously undertaken by the Doorkeeper of the House when that officer position was eliminated at the outset of the 104th Congress in 1995.⁽⁷⁾

Election, Resignation, or Removal

The Sergeant-at-Arms is elected at the beginning of a Congress by the resolution⁽⁸⁾ electing all officers of the House (other than the Speaker). Upon election, the Sergeant-at-Arms is administered the oath of office⁽⁹⁾ by the Speaker.⁽¹⁰⁾ The Sergeant-at-Arms is subject to removal by the House or by the Speaker, pursuant to clause 1 of rule II.⁽¹¹⁾ If the Office of the Sergeant-at-Arms becomes vacant during a Congress (due to the resignation,⁽¹²⁾ removal, death, or incapacity of the Sergeant-at-Arms), the House will typically fill the vacancy by adopting a new resolution electing an individual to that position.⁽¹³⁾ However, the Speaker has the statutory authority⁽¹⁴⁾ to appoint a temporary replacement until the House is ready to elect a new Sergeant-at-Arms. The oath of office is administered to a new Sergeant-at-Arms upon election or appointment.

Duties of the Sergeant-at-Arms

The duties of the Sergeant-at-Arms are found in the rules of the House,⁽¹⁵⁾ and in statute.⁽¹⁶⁾ The primary duty of the Sergeant-at-Arms is to maintain order in the House Chamber. Pursuant to clause 3(a) of rule

6. See § 13, *supra* and § 17, *infra*.

7. See § 13, *supra*.

8. See § 13, *supra*. See also rule II, clause 1, *House Rules and Manual* § 640 (2019). The Sergeant-at-Arms continues in office until a successor is chosen and qualified. 2 U.S.C. § 5602.

9. 5 U.S.C. § 3331. See § 15.2, *infra*. See also *Precedents* (Wickham) Ch. 2.

10. If the Sergeant-at-Arms is absent on opening day, the oath will be administered on a later date. See § 15.2, *infra*.

11. Rule II, clause 1, *House Rules and Manual* § 640 (2019).

12. See § 15.3, *infra*. In one instance, the Sergeant-at-Arms resigned from the office and was subsequently appointed to exercise temporarily the duties of that office for the purpose of allowing the individual to qualify for certain retirement benefits. See *Deschler's Precedents* Ch. 6 § 22.3.

13. See § 15.1, *infra*.

14. 2 U.S.C. § 5501.

15. Rule II, clause 3, *House Rules and Manual* §§ 656–660 (2019). See also 1 *Hinds' Precedents* § 257 and 6 *Cannon's Precedents* § 29.

16. 2 U.S.C. § 5604.

II, the Sergeant-at-Arms shall, “maintain order under the direction of the Speaker or other presiding officer.”⁽¹⁷⁾ The Speaker may direct the Sergeant-at-Arms to present the mace (the symbol of the authority of the Sergeant-at-Arms) to enforce order in the Chamber.⁽¹⁸⁾ The Sergeant-at-Arms is tasked with strictly enforcing the rules of decorum listed in clause 5 of rule XVII,⁽¹⁹⁾ which include prohibitions on: trafficking the well of the House while another Member is speaking; wearing a hat⁽²⁰⁾ in the Chamber; remaining near the Clerk’s desk during certain votes; smoking in the Chamber; and using an electronic device on the floor of the House that impairs decorum. If a Member uses an electronic device to engage in still photography or audio-visual recording within the House Chamber (in contravention of clause 5 of rule XVII or any applicable policy promulgated by the Speaker), the Sergeant-at-Arms is authorized under clause 3(g) of rule II⁽²¹⁾ to impose a fine on such Member. The Sergeant-at-Arms assists the Speaker in maintaining order in the House galleries.⁽²²⁾

The Sergeant-at-Arms strictly enforces the rule regarding admittance to the floor of the House of Representatives.⁽²³⁾ Pursuant to clause 2(a) of rule IV,⁽²⁴⁾ only certain individuals are accorded floor privileges and staff of the Sergeant-at-Arms’ Office will prevent those who do not qualify from entering the Chamber. Clause 3(d) of rule II⁽²⁵⁾ also requires the Sergeant-at-Arms to clear the floor of the House directly before and after any session of the House.

Historically, the Sergeant-at-Arms has played a critical role in assisting the House in securing a quorum.⁽²⁶⁾ The Constitution provides that a majority of the House constitutes a quorum, and that “a smaller

17. *House Rules and Manual* § 656 (2019).

18. *House Rules and Manual* § 657 (2019). The use of the mace prior to the adoption of rules has been acknowledged as part of general parliamentary law. See *Precedents* (Wickham) Ch. 1 § 6.5.

19. *House Rules and Manual* § 962 (2019). See §§ 15.7, 15.8, *infra*. See Deschler’s *Precedents* Ch. 6 § 19.

20. In the 116th Congress, the rule was amended to specifically exclude religious headdress from this prohibition.

21. *House Rules and Manual* § 660a (2019).

22. See § 6, *supra*.

23. Rule II, clause 3(c), *House Rules and Manual* § 658 (2019). Pursuant to clause 2(a)(11) of rule IV, the Sergeant-at-Arms of the Senate has House floor privileges. *House Rules and Manual* § 678 (2019). For floor privileges generally, see *Precedents* (Wickham) Ch. 4 §§ 5, 6.

24. *House Rules and Manual* § 678 (2019).

25. *House Rules and Manual* § 658 (2019).

26. *Parliamentarian’s Note*: The authority for the Sergeant-at-Arms to arrest Members for this purpose has been rarely invoked in modern times. For quorums generally, Deschler’s *Precedents* Ch. 20 and *Precedents* (Wickham) Ch. 20.

number . . . may be authorized to compel the attendance of absent Members.”⁽²⁷⁾ Pursuant to clause 5(a) of rule XX,⁽²⁸⁾ in the absence of a quorum, a majority comprising at least 15 Members may compel the attendance of absent Members. In such cases, the Sergeant-at-Arms is directed by the House to send officers to arrest missing Members and “shall secure and retain their attendance.”⁽²⁹⁾ When a quorum fails to vote on a question, and objection is made, a call of the House is ordered pursuant to clause 6 of rule XX,⁽³⁰⁾ and the Sergeant-at-Arms “shall proceed forthwith to bring in absent Members.”⁽³¹⁾ As part of its continuity of operations provisions, House rules provide that a “provisional” quorum may be established when catastrophic circumstances prevent a regular quorum from being secured.⁽³²⁾ In such circumstances, the Sergeant-at-Arms (or a designee) is responsible for the production of a “catastrophic quorum failure report,” detailing the nature of the emergency and the inability of Members to attend proceedings of the House.

In rare circumstances, the Sergeant-at-Arms may be called upon to preside over a session of the House. Pursuant to statute,⁽³³⁾ if the Clerk of the House is unable to discharge his or her duties regarding the composition of the roll of Members-elect, or other organizational preparations at the beginning of a Congress, those duties devolve to the Sergeant-at-Arms. At the commencement of the 97th and 98th Congresses, the Clerk of the prior Congress was unable to preside over the initial quorum call and election of Speaker. The Sergeant-at-Arms therefore presided over these organizational activities.⁽³⁴⁾

Pursuant to clause 13 of rule XXIII (the Code of Official Conduct),⁽³⁵⁾ the Sergeant-at-Arms is responsible for maintaining custody of oaths of secrecy executed by officers and employees of the House in order to access classified information.

The Sergeant-at-Arms maintains a close relationship with the Capitol Police,⁽³⁶⁾ as part of the office’s general security responsibilities. The Sergeant-at-Arms sits on the Capitol Police Board, which oversees the Capitol

27. U.S. Const. art. I, § 5, cl. 1. See *House Rules and Manual* § 52 (2019).

28. *House Rules and Manual* § 1021 (2019). See 4 Hinds’ Precedents §§ 3015–3021, and 3036. See also 6 Cannon’s Precedents § 687.

29. *House Rules and Manual* § 1021 (2019).

30. *House Rules and Manual* § 1025 (2019). See also 4 Hinds’ Precedents §§ 3045–3049.

31. The rule also requires the Sergeant-at-Arms to detain those present in the Chamber. See *House Rules and Manual* § 1026 (2019).

32. *House Rules and Manual* § 1024a (2019).

33. 2 U.S.C. § 26. See also Precedents (Wickham) Ch. 2 § 2.

34. See § 15.4, *infra*. See also Precedents (Wickham) Ch. 1 § 3.3.

35. *House Rules and Manual* § 659 (2019).

36. For more on the Capitol Police, see § 25, *infra*.

Police “to advance coordination between the Capitol Police and the Sergeant-at-Arms . . . in their law enforcement capacities.”⁽³⁷⁾ By law, the Sergeant-at-Arms has the same law enforcement authority as the Capitol Police, including the authority to carry firearms.⁽³⁸⁾ The Sergeant-at-Arms has conducted closed security briefings for Members in the House Chamber.⁽³⁹⁾ In the 108th Congress, clause 12(c) was added to rule I,⁽⁴⁰⁾ authorizing the Sergeant-at-Arms to notify the Speaker of an imminent impairment of the place of convening (for example, an adverse weather event) in order to allow for alternate convening arrangements to be made.

The Committee on House Administration exercises oversight of the Office of the Sergeant-at-Arms and provides policy direction, pursuant to clause 4(d)(1)(A) of rule X.⁽⁴¹⁾ Pursuant to clause 3(e) of rule II,⁽⁴²⁾ the Sergeant-at-Arms reports to the Committee on House Administration semi-annually on the “financial and operational status of each function under the jurisdiction of the Sergeant-at-Arms.” Clause 3(f) of rule II⁽⁴³⁾ requires the Sergeant-at-Arms to cooperate with any review or audit of financial or administrative operations.

The Sergeant-at-Arms supervises employees of the office and is responsible for their official conduct.⁽⁴⁴⁾ The Office of the Sergeant-at-Arms is subdivided into numerous sub-offices, each of which has jurisdiction over a different area of the Sergeant-at-Arms’ purview. These subdivisions include the Office of House Security (which provides security training and assists staff in obtaining security clearances) and the Office of Emergency Management (which ensures continuity of operations via comprehensive emergency planning). Additional subdivisions address areas such as identification and information services, special events and protocols, garage and parking security, and Member support.

Election of the Sergeant-at-Arms Mid-Congress

§ 15.1 When the Office of the Sergeant-at-Arms becomes vacant, the House fills the vacancy by the adoption of a privileged resolution electing a new Sergeant-at-Arms.

37. P.L. 108–7, 117 Stat. 11.

38. 2 U.S.C. § 5605.

39. See, e.g., § 15.11, *infra*. See also Precedents (Wickham) Ch. 1 § 10 (fn. 23).

40. *House Rules and Manual* § 639 (2019). See § 15.5, *infra*. See also Precedents (Wickham) Ch. 1 §§ 11.14–11.18 and Precedents (Wickham) Ch. 4 § 1.21.

41. *House Rules and Manual* § 752 (2019).

42. *House Rules and Manual* § 659 (2019).

43. *House Rules and Manual* § 660 (2019).

44. Rule II, clause 3(c), *House Rules and Manual* § 658 (2019). By law, the Sergeant-at-Arms also reports to the House Committee on Oversight and Reform descriptions of the duties and responsibilities of each employee under the jurisdiction of the Sergeant-at-Arms. 2 U.S.C. § 294.

On January 17, 2012,⁽⁴⁵⁾ the following occurred:

SWEARING IN OF THE SERGEANT AT ARMS OF THE HOUSE OF
REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, January 17, 2012.

Hon. JOHN A. BOEHNER,
*Speaker, House of Representatives,
Capitol, Washington, DC.*

DEAR MR. SPEAKER: I hereby offer my resignation as Sergeant at Arms of the House of Representatives, effective January 17, 2012. It has been a privilege and honor to serve this institution as Sergeant at Arms since the 104th Congress.

If I can ever be of service to the House of Representatives in the future, please do not hesitate to call upon me.

Sincerely,

WILSON LIVINGOOD,
Sergeant at Arms.

The SPEAKER.⁽⁴⁶⁾ Without objection, the resignation is accepted.

There was no objection.

Mr. [Eric] CANTOR [of Virginia]. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

Resolved, That Paul D. Irving of the State of Florida, be, and is hereby, chosen Sergeant at Arms of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Oath

§ 15.2 Officers of the House are normally administered the oath of office at the time of their election, but if absent, may be sworn on a subsequent day.

On January 19, 1999,⁽⁴⁷⁾ the Sergeant-at-Arms, who was not administered the oath of office at the time of his election,⁽⁴⁸⁾ appeared in the well and was sworn in by the Speaker:

45. 158 CONG. REC. 28, 112th Cong. 2d Sess.

46. John Boehner (OH).

47. 145 CONG. REC. 602, 106th Cong. 1st Sess.

48. See 145 CONG. REC. 46, 106th Cong. 1st Sess. (Jan. 6, 1999).

SWEARING IN OF SERGEANT AT ARMS

The SPEAKER.⁽⁴⁹⁾ Will the Sergeant at Arms come to the well of the House and take the oath of office at this time.

The Sergeant at Arms, Wilson Livingood, appeared at the bar of the House and took the oath of office, as follows:

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

The SPEAKER. Congratulations.

Resignation of the Sergeant-at-Arms**§ 15.3 The resignation of an elected officer of the House is subject to acceptance by the House and, if accepted, creates a vacancy in the office.**

On February 28, 1980,⁽⁵⁰⁾ the Chair laid before the House the resignation of the Sergeant-at-Arms, which was accepted by the House as follows:

RESIGNATION AS SERGEANT AT ARMS OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation as Sergeant at Arms, U.S. House of Representatives:

WASHINGTON, DC,
February 28, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: It is with deep personal regret that I submit herewith my resignation as Sergeant at Arms, U.S. House of Representatives, effective at the close of business February 29, 1980.

The decision to resign at this time has been most difficult, and it is done with a feeling of sincere appreciation for having had the privilege of serving the House for more than thirty years.

My thanks to you, Mr. Speaker, to all Members, and to my fellow employees for the many personal courtesies and acts of assistance that have enabled me to perform my assigned duties.

With kind personal regards, I remain,

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

⁴⁹. Dennis Hastert (IL).

⁵⁰. 126 CONG. REC. 4349–50, 96th Cong. 2d Sess. See also Deschler's Precedents Ch. 37 § 9.2 (resignation of Jack Russ as Sergeant-at-Arms and appointment of Werner W. Brandt). See also Deschler's Precedents Ch. 6 § 22.3 and Deschler's Precedents Ch. 37 § 9.2.

The SPEAKER pro tempore.⁽⁵¹⁾ Without objection, the resignation is accepted.
There was no objection. . . .

Presiding on Opening Day

§ 15.4 At the commencement of a Congress, the Clerk of the prior Congress presides over the initial quorum call and election of Speaker, and where the Clerk is absent,⁽⁵²⁾ these duties fall to the Sergeant-at-Arms pursuant to statute.⁽⁵³⁾

On January 5, 1981,⁽⁵⁴⁾ the Sergeant-at-Arms of the previous Congress served as presiding officer during organization of the 97th Congress:

This being the day fixed by the 20th amendment of the Constitution and by Public Law 566 of the 96th Congress for the annual meeting of the Congress of the United States, the Members-elect of the 97th Congress met in their Hall, and at 12 o'clock noon, were called to order by the Sergeant at Arms of the House of Representatives, Hon. Benjamin J. Guthrie.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer: . . .

The SERGEANT AT ARMS. Representatives-elect to the 97th Congress, this being the day fixed by the 20th amendment of the Constitution and Public Law 566 of the 96th Congress for the meeting of the 97th Congress, the Clerk of the 96th Congress has prepared the official roll of the Representatives-elect. Pursuant to 2 U.S.C. 26, the Sergeant at Arms of the 96th Congress will make the following announcement:

Certificates of election covering the 435 seats in the 97th Congress have been received by the Clerk of the House of Representatives, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States and of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device, and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1] . . .

ALABAMA . . .

The SERGEANT AT ARMS. The quorum call discloses that 417 Representatives-elect have answered to their names. A quorum is present.

51. James Wright (TX).

52. *Parliamentarian's Note*: The Clerk of the House for the previous Congress had suffered a stroke during his term of office and had been incapacitated to the extent that he was not able to preside on opening day of the 97th Congress.

53. 2 U.S.C. § 26.

54. 127 CONG. REC. 93–96, 97th Cong. 1st Sess. See also *Precedents (Wickham) Ch. 1 § 3.3 and House Rules and Manual §§ 982, 986 (2019)*.

ANNOUNCEMENT BY THE SERGEANT AT ARMS

The SERGEANT AT ARMS. The Chair will state the credentials regular in form have been received showing the elections of the Honorable BALTASAR CORRADA as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1981; the election of the Honorable WALTER E. FAUNTROY as Delegate from the District of Columbia; the election of the Honorable ANTONIO WON PAT as Delegate from Guam; the election of the Honorable RON DE LUGO as Delegate from the Virgin Islands; and the election of the Honorable FOFO I. F. SUNIA, as Delegate from American Samoa.

ELECTION OF SPEAKER

The SERGEANT AT ARMS. The next order of business is the election of the Speaker of the House of Representatives for the 97th Congress.

Nominations are now in order.

The Sergeant at Arms recognizes the gentleman from Louisiana (Mr. LONG).

Mr. [Gillis] LONG of Louisiana. Mr. Sergeant at Arms, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of Speaker of the House of Representatives of the 97th Congress the name of the Honorable THOMAS P. O'NEILL, Jr., a Representative-elect from the Commonwealth of Massachusetts.

The SERGEANT AT ARMS. The Chair now recognizes the gentleman from New York (Mr. KEMP).

Mr. [Jack] KEMP [of New York]. Mr. Sergeant at Arms, as chairman of the Republican Conference and by the authority and direction and unanimous vote of the Republican Conference, it is my honor to nominate for Speaker of the House of Representatives the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois to the 97th Congress.

The SERGEANT AT ARMS. The Honorable THOMAS P. O'NEILL, Jr., a Representative-elect from the Commonwealth of Massachusetts and the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois, have been placed in nomination.

There being no further nominations, the Sergeant at Arms will appoint tellers.

The Chair appoints the gentleman from California (Mr. HAWKINS), the gentleman from Alabama (Mr. DICKINSON), the gentlewoman from New York (Mrs. CHISHOLM), the gentlewoman from Massachusetts (Mrs. HECKLER).

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 choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker. The following is the result of the vote: . . .

The SERGEANT AT ARMS. The tellers agree in their tallies that the total number of votes cast is 419, of which the Honorable THOMAS P. O'NEILL, Jr., of Massachusetts, has received 234, and the Honorable ROBERT H. MICHEL, of Illinois, has received 182, with 2 voting "present."

Therefore, the Honorable THOMAS P. O'NEILL, Jr., of Massachusetts, is duly elected Speaker of the House of Representatives for the 97th Congress, having received a majority of the votes cast.

The Sergeant at Arms appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois (Mr. MICHEL), the gentleman from Texas (Mr. WRIGHT), the gentleman from Mississippi (Mr. LOTT), the gentleman from Louisiana (Mr. LONG), the gentleman from Massachusetts (Mr. BOLAND), and the gentleman from Massachusetts (Mr. CONTE).

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 97th Congress, who was escorted to the chair by the Committee of Escort.

Notification of Impairment

§ 15.5 If there is an imminent impairment to reconvening the House at the appointed time (due to weather, for example), the Sergeant-at-Arms notifies the Speaker that such emergency circumstances exist, and the Speaker is authorized to change the convening time pursuant to clause 12(c) of rule I.⁽⁵⁵⁾

On March 4, 2014,⁽⁵⁶⁾ due to inclement weather, the Speaker in consultation with the Minority Leader, postponed the time of reconvening:

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. DENHAM). . . .

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, March 2, 2014.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is noon on Monday, March 3, 2014. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Sincerely,

PAUL D. IRVING,
Sergeant at Arms.

55. *House Rules and Manual* § 639 (2019).

56. 160 CONG. REC. 3677, 113th Cong. 2d Sess. See also Precedents (Wickham) Ch. 1 §§ 11.14–11.18 and Precedents (Wickham) Ch. 4 § 1.21.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁵⁷⁾ Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

Disturbances in Gallery

§ 15.6 Pursuant to clause 2 of rule I,⁽⁵⁸⁾ in response to disruptive demonstrations in the gallery, the Speaker may enlist the Sergeant-at-Arms to remove the offending parties.

On January 6, 2011,⁽⁵⁹⁾ the following occurred:

Mr. [Robert] GOODLATTE [of Virginia]. I now yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. [Frank] PALLONE [of New Jersey]. “No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁶⁰⁾ The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

The Chair notes a disturbance in the gallery in contravention of the law and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order in the gallery.

The gentleman from New Jersey.

Enforcing Protocol on Floor

§ 15.7 The Speaker may enlist the Sergeant-at-Arms to enforce the prohibition on breaches of decorum in the House Chamber.

On March 28, 2012,⁽⁶¹⁾ the Chair reminded Members that the donning of hats or hoods on the floor of the House constitutes a breach of decorum under clause 5 of rule XVII:⁽⁶²⁾

THE DEATH OF TRAYVON MARTIN IS AN AMERICAN TRAGEDY

The SPEAKER pro tempore.⁽⁶³⁾ The Chair recognizes the gentleman from Illinois (Mr. RUSH) for 5 minutes.

57. Jeff Denham (CA).

58. *House Rules and Manual* § 622 (2019).

59. 157 CONG. REC. 144, 112th Cong. 1st Sess.

60. Michael Simpson (ID).

61. 158 CONG. REC. 4361–62, 112th Cong. 2d Sess.

62. *House Rules and Manual* § 962 (2019). In the 116th Congress, the rule was clarified to specifically allow religious headdress.

63. Gregg Harper (MS).

Mr. [Bobby] RUSH [of Illinois]. Mr. Speaker, the death of Trayvon Martin is, indeed, an American tragedy. Too often this violent act that resulted in the murder of Trayvon Martin is repeated in the streets of our Nation.

I applaud the young people all across the land who are making a statement about hoodies, about the real hoodlums in this Nation, particularly those who tread on our laws wearing official or quasi-official clothes.

Racial profiling has to stop, Mr. Speaker. Just because someone wears a hoodie does not make them a hoodlum.

The Bible teaches us, Mr. Speaker, in the book of Micah 6:68—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. RUSH. These words:

He has shown you, O man—

The SPEAKER pro tempore. The gentleman will suspend. The Chair must remind Members of clause 5 of rule XVII. The gentleman is out of order.

Mr. RUSH. What is good. What does the Lord require of you? To do justly and to love mercy and to walk humbly with your God.

In the New Testament, Luke 4:18 20 teaches us these words:

The Spirit of the Lord is upon me because He has anointed me to proclaim the good news to the poor. He has sent me to proclaim freedom for the prisoners—

The SPEAKER pro tempore. The gentleman is not in order.

Mr. RUSH. And to recover sight to the blind, to set the oppressed free.

I urge all who hear these words to heed these lessons.

The SPEAKER pro tempore. The gentleman is no longer recognized.

* * *

The SPEAKER pro tempore. The Chair will ask the Sergeant at Arms to enforce the prohibition on breaches of decorum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that clause 5 of rule XVII prohibits the wearing of hats in the Chamber when the House is in session. The Chair finds that the donning of a hood is not consistent with this rule. Members need to remove their hoods or leave the floor.

§ 15.8 Pursuant to clause 3 of rule II,⁽⁶⁴⁾ the Sergeant-at-Arms may be directed by the Speaker to enforce the rules relating to the admission of individuals to the floor of the House.

On January 25, 1983,⁽⁶⁵⁾ the Speaker announced that the Sergeant-at-Arms (and Doorkeeper)⁽⁶⁶⁾ had been instructed to strictly enforce the provisions of former rule XXXII (now clause 2(a) of rule IV)⁽⁶⁷⁾ which specified those persons having the privileges of the floor during sessions of the House:

64. *House Rules and Manual* § 658 (2019).

65. 129 CONG. REC. 224, 98th Cong. 1st Sess.

66. The Office of the Doorkeeper was eliminated in the 104th Congress and most of its duties transferred to the Sergeant-at-Arms. *House Rules and Manual* § 663b (2019).

67. *House Rules and Manual* § 678 (2019).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽⁶⁸⁾ The Chair wishes to make the following announcement concerning privileges of the floor for House staff during the 98th Congress.

Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the 5-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees.

The Chair again extended this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the minority leader with respect to this policy and has directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of the rule.

§ 15.9 The Speaker may direct the Sergeant-at-Arms to enforce proper decorum anywhere in the House Chamber, including the cloakrooms.

On November 20, 1993,⁽⁶⁹⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. [Kweisi] MFUME [of Maryland]). The gentleman will suspend for just a moment.

The Sergeant at Arms will instruct those Members in the cloakroom to control their noise, that we might be able to continue. That noise is making its way on to the floor of the House of Representatives.

Announcements

§ 15.10 At the commencement of a joint session, a member of the Office of the Sergeant-at-Arms⁽⁷⁰⁾ announces the arrival of various

68. Thomas O'Neill (MA).

69. 139 CONG. REC. 31355, 103d Cong. 1st Sess.

70. *Parliamentarian's Note*: Prior to the 104th Congress, the Doorkeeper announced the various dignitaries for joint sessions. The Office of the Doorkeeper was abolished in the 104th Congress. See *House Rules and Manual* § 663b (2019). This was the inaugural announcement by the Sergeant-at-Arms' staff following the abolition of the Office of the Doorkeeper. For an instance where the announcement of the arrival of the

dignitaries and other government officials, including the President of the United States.

On January 24, 1995,⁽⁷¹⁾ the following occurred:

RECESS

The SPEAKER pro tempore (Mr. [Larry] COMBEST [of Texas]). The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of a joint session to receive a communication from the President of the United States.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 16 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them. . . .

At 9 o'clock and 8 minutes p.m., the Sergeant at Arms, Hon. Bill Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising].

Briefing Members in Closed Session

§ 15.11 The House may conduct closed briefings in the Chamber in order for Members to receive security information from the Sergeant-at-Arms.

On July 27, 1998,⁽⁷²⁾ the following announcement was made concerning a security briefing by the Sergeant-at-Arms and Chief of the Capitol Police⁽⁷³⁾ relating to the shooting of Capitol police officers the previous week:

President was performed by both the Sergeant-at-Arms and the Majority Floor Services Chief, see 154 CONG. REC. 967, 110th Cong. 2d Sess. (Jan. 28, 2008).

71. 141 CONG. REC. 2248, 2255, 104th Cong. 1st Sess.

72. 144 CONG. REC. 17467, 105th Cong. 2d Sess.

73. For more on the Capitol Police, see § 25, *infra*.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽⁷⁴⁾ The Chair desires to announce that following adjournment tonight, Members are invited to attend a joint party conference caucus for a briefing here in the Chamber.

Relationship to Speaker

§ 15.12 Pursuant to clause 3(a) of rule II,⁽⁷⁵⁾ the Sergeant-at-Arms maintains order under the direction of the Speaker or other presiding officer and not individual Members.

On June 24, 2003,⁽⁷⁶⁾ a Member attempted to direct the Sergeant-at-Arms to remove another Member from the floor (an authority that lies only with the Speaker):

H.R. 2544, THE MEDICAL INDEPENDENCE, PRIVACY AND INNOVATION ACT
OF 2003

The SPEAKER pro tempore (Mr. [Scott] GARRETT [of New Jersey]). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. [Dana] ROHRABACHER [of California]. Mr. Speaker, before my colleagues leave, let me just note that that quote from Newt Gingrich that was bandied around earlier, we have seen that quote used many times, and those of us who have been who have seen the full quote know that that quote was taken out of context and often Mr. Gingrich pointed that out as an example of the abuse of the public trust by presenting something that was totally misrepresented.

Mr. [Max] SANDLIN [of Texas]. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. No, I would not.

Mr. Speaker, I think I control the body. I have the floor.

Mr. SANDLIN. I am just asking if the gentleman would yield.

PARLIAMENTARY INQUIRY

Mr. SANDLIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman has not yielded for a parliamentary inquiry.

Mr. ROHRABACHER. I would ask that the gentleman be removed from the floor.

Mr. SANDLIN. Mr. Speaker, Parliamentary inquiry.

Mr. ROHRABACHER. Mr. Speaker, I am reclaiming my time. I would ask that the Sergeant at Arms remove the gentleman from the floor if he insists on taking my time.

Mr. SANDLIN. I do not want the gentleman's time.

Mr. ROHRABACHER. I would ask the Sergeant at Arms to remove him from the floor if he continues to interrupt.

74. Newt Gingrich (GA).

75. *House Rules and Manual* § 656 (2019)

76. 149 CONG. REC. 15883, 108th Cong. 1st Sess.

The SPEAKER pro tempore. The gentleman from California has not yielded. The gentleman from California is recognized.

Custody of the Mace

§ 15.13 By unanimous consent, the House considered and adopted a resolution authorizing the Sergeant-at-Arms to deliver the mace of the House to the Smithsonian Institution for repairs during a period of adjournment.

On July 27, 2006,⁽⁷⁷⁾ the following resolution was considered and agreed to:

Mr. [John] BOEHNER [of Ohio]. Mr. Speaker, I offer a resolution (H. Res. 957) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved,

SECTION 1. REPAIR OF MACE OF HOUSE OF REPRESENTATIVES.

(a) DELIVERY FOR REPAIR.—The Sergeant at Arms of the House of Representatives is authorized and directed, on behalf of the House of Representatives, to deliver the mace of the House of Representatives, following an adjournment of the House pursuant to concurrent resolution, to the Secretary of the Smithsonian Institution only for the purpose of having necessary repairs made to the mace and under such circumstances as will assure that the mace is properly safeguarded.

(b) RETURN.—The mace shall be returned to the House of Representatives before noon on the day before the House next reconvenes pursuant to concurrent resolution or at any sooner time when so directed by the Speaker of the House of Representatives.

The SPEAKER pro tempore.⁽⁷⁸⁾ Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 16. The Chaplain

The Chaplain of the House is a unique position within the House of Representatives. The Chaplain is an elected officer of the House, but unlike other officers, the Chaplain is chosen on a nonpartisan basis. The Chaplain is also the only officer of the House mentioned in the standing rule regarding the daily order of business: pursuant to clause 1 of rule XIV,⁽¹⁾ the first

77. 152 CONG. REC. 16167, 109th Cong. 2d Sess. For similar examples, see 120 CONG. REC. 35740, 93d Cong. 2d Sess. (Oct. 16, 1974); 130 CONG. REC. 9514, 98th Cong. 2d Sess. (Apr. 12, 1984); 137 CONG. REC. 21444, 102d Cong. 1st Sess. (Aug. 2, 1991); 138 CONG. REC. 687–88, 102d Cong. 2d Sess. (Jan. 28, 1992); and 147 CONG. REC. 15759, 107th Cong. 1st Sess. (Aug. 2, 2001).

78. Thomas Feeney (FL).

1. *House Rules and Manual* § 869 (2019).