

On July 1, 1974,⁽²³⁾ the Speaker appointed William Holmes Brown as Parliamentarian to succeed Lewis Deschler:

The SPEAKER.⁽²⁴⁾ The Chair desires to announce that he has on this date appointed William Holmes Brown as Parliamentarian of the House of Representatives to succeed Lewis Deschler, resigned.

Senate Floor Privileges

§ 18.4 By unanimous consent, the Senate granted to the House Parliamentarian and five Assistant Parliamentarians privileges of the Senate floor for the duration of a Congress.⁽²⁵⁾

On January 6, 2009,⁽²⁶⁾ the following occurred:

UNANIMOUS CONSENT AGREEMENT

Mr. [Harry] REID [of Nevada]. Mr. President, I send to the desk en bloc 12 unanimous consent requests and I ask for their immediate consideration en bloc; that the requests be agreed to en bloc, that the motion to reconsider the adoption of these requests be laid upon the table and that they appear separately in the record.

Before the Chair rules, I would like to point out these requests are routine, done at the beginning of each new Congress, and they entail issues such as authority for the Committee on Standards of Official Conduct to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day, and floor privileges for House Parliamentarians.

The PRESIDING OFFICER.⁽²⁷⁾ Without objection, it is so ordered.

The requests read as follows: . . .

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 111th Congress.

§ 19. General Counsel; Bipartisan Legal Advisory Group

The Office of General Counsel is established pursuant to clause 8(a) of rule II.⁽¹⁾ The purpose of the office is to provide “legal assistance and representation to the House . . . without regard to political affiliation.”⁽²⁾ The

23. 120 CONG. REC. 21847–48, 93d Cong. 2d Sess.

24. Carl Albert (OK).

25. *Parliamentarian’s Note*: Although these types of unanimous-consent requests granting Senate floor privileges to House parliamentarians were once routine, they have not occurred in recent Congresses.

26. 155 CONG. REC. 43, 111th Cong. 1st Sess.

27. Jon Tester (MT).

1. *House Rules and Manual* § 670 (2019).

2. *Id.*

General Counsel is appointed by the Speaker,⁽³⁾ and functions under the direction of the Speaker (who consults with the Bipartisan Legal Advisory Group).⁽⁴⁾

The Office of General Counsel was first established in the 103d Congress in 1993.⁽⁵⁾ Prior to this time, an official in the Clerk's Office (known as the Counsel to the Clerk) performed a similar function to that of the modern General Counsel.⁽⁶⁾ The House Administrative Reform Resolution of 1992⁽⁷⁾ provided that the Committee on House Administration establish an Office of General Counsel—a directive that was executed when the House established the office in the standing rules at the outset of the 103d Congress. The Bipartisan Legal Advisory Group (BLAG) was formally established at the same time, and, pursuant to clause 8(b) of rule II, is composed of “the Speaker and the majority and minority leaderships.”⁽⁸⁾ The mandate of the Bipartisan Legal Advisory Group is to articulate the institutional position of the House in all litigation matters.⁽⁹⁾

The House General Counsel provides legal advice to Members, officers, and employees of the House. The General Counsel advises on matters of constitutional privilege, including issues involving Speech or Debate immunity⁽¹⁰⁾ and immunity from arrest,⁽¹¹⁾ as well as executive, Fifth Amendment, and attorney–client privileges.⁽¹²⁾ The General Counsel also advises

3. See, e.g., § 19.1, *infra*. For an announcement of the resignation of the House General Counsel, see § 19.2, *infra*.
4. *House Rules and Manual* § 670a (2019).
5. See H. Res. 5, 139 CONG. REC. 49, 103d Cong. 1st Sess. (Jan. 5, 1993). For more on the office, see *House Office of General Counsel*, CRS Report RS22890 (May 21, 2014).
6. For a discussion of Speaker O'Neill's role in expanding the Counsel to the Clerk position to address broader institutional matters, see Rebecca Mae Salokar, *Legal Counsel for Congress: Protecting Institutional Interests*, CONGRESS & THE PRESIDENCY 137–138 (1993). For examples of questions of privilege relating to the conduct of the former Counsel to the Clerk, see H. Res. 362, 136 CONG. REC. 4996–97, 101st Cong. 2d Sess. (Mar. 22, 1990) and H. Res. 434, 138 CONG. REC. 9076–77, 102d Cong. 2d Sess. (Apr. 9, 1992).
7. See H. Res. 423, 138 CONG. REC. 9040, 102d Cong. 2d Sess. (Apr. 9, 1992). See § 30, *infra*. Section 12 of the resolution provided that: “The Committee on House Administration—shall provide for an Office of General Counsel to the House in a manner which shall insure appropriate coordination with and participation by both the majority and minority leaderships and representational and litigation matters.”
8. *House Rules and Manual* § 670a (2019). In the 114th Congress in 2015, provisions regarding BLAG were moved to clause 8(b) of rule II, its composition modified to formally include the Speaker, and its purpose clarified to underscore its institutional responsibilities.
9. *House Rules and Manual* § 670a (2019).
10. U.S. Const. art. I, § 6, cl. 1. See also *House Rules and Manual* §§ 92–95 (2019).
11. U.S. Const. art. I, § 6, cl. 1. See also *House Rules and Manual* §§ 90–91 (2019).
12. See *Precedents* (Wickham) Ch. 7.

committees of the House in preparing and serving congressional subpoenas.⁽¹³⁾

When judicial subpoenas or other court orders are received by Members, officers, or employees of the House, the General Counsel will advise the affected party whether compliance with the subpoena is consistent with the institutional rights and privileges of the House.⁽¹⁴⁾ If requested, the General Counsel may represent the House, its committees, Members, officers, or employees in litigation on matters involving official acts or duties. By law, the General Counsel is entitled to enter an appearance “in any proceeding before any court of the United States or of any State or political subdivision thereof.”⁽¹⁵⁾

The House has authorized the General Counsel to represent the House (or its committees) in litigation, or to initiate or to intervene in judicial proceedings.⁽¹⁶⁾ The House has authorized the General Counsel to employ outside counsel in furtherance of its representational responsibilities.⁽¹⁷⁾

In the 115th Congress, clause 8(c) of rule II⁽¹⁸⁾ was established to provide standing authorization to continue litigation commenced in a prior Congress. This rule permits the House, the Speaker, committees, or committee chairs “to act as the successor in interest” to the ongoing litigation and “to take such steps as may be appropriate to ensure continuation” of the matter.

Appointment of the General Counsel

§ 19.1 Pursuant to clause 8 of rule II,⁽¹⁹⁾ the Speaker appoints the General Counsel of the House and such appointment is announced to the House for the information of Members.

13. For more information regarding the House’s investigatory powers, see 2 Hinds’ Precedents §§ 1597–1640; 3 Hinds’ Precedents §§ 1666–1826; 6 Cannon’s Precedents §§ 332–393; Deschler’s Precedents Ch. 15; and Precedents (Wickham) Ch. 15.

14. See § 26, *infra*.

15. 2 U.S.C. § 5571.

16. Such authorization has typically been provided by simple resolution. See, e.g., H. Res. 639, 162 CONG. REC. H1434–H1446 [Daily Ed.], 114th Cong. 2d Sess. (Mar. 17, 2016) and H. Res. 980, 154 CONG. REC. 2190–91, 110th Cong. 2d Sess. (Feb. 14, 2008). Such resolutions constitute questions of privilege under rule IX. *House Rules and Manual* § 291b (2019). For more on these types of questions of privilege, see Deschler’s Precedents Ch. 11 §§ 18, 19, and Precedents (Wickham) Ch. 11. This type of authorization has also been provided by a separate order contained in the resolution adopting the standing rules at the beginning of a Congress. See, e.g., H. Res. 5, 161 CONG. REC. 36, 114th Cong. 1st Sess. (Jan. 6, 2015).

17. See § 19.3, *infra*.

18. *House Rules and Manual* § 670b (2019). See also H. Res. 5, 159 CONG. REC. 27, 113th Cong. 1st Sess. (Jan. 3, 2013).

19. *House Rules and Manual* § 670 (2019).

On November 9, 2007,⁽²⁰⁾ the Speaker appointed Irvin Nathan as General Counsel to the House:

APPOINTMENT OF GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore (Mr. [Ed] PERLMUTTER [of Colorado]). Pursuant to clause 8 of rule II, and the order of House of January 4, 2007, the Chair announces the Speaker's appointment of Mr. Irvin B. Nathan as General Counsel of the United States House of Representatives, effective November 12, 2007.

Resignation of the General Counsel

§ 19.2 The resignation of the General Counsel is laid before the House for the information of Members.⁽²¹⁾

On November 9, 2007,⁽²²⁾ the Speaker pro tempore laid before the House a letter of resignation from Geraldine Gennet, General Counsel to the House of Representatives, effective November 12, 2007:

COMMUNICATION FROM THE GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, November 9, 2007.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.

DEAR MADAM SPEAKER: I am writing to tender my resignation as General Counsel to the House of Representatives, effective the close of business on November 12, 2007. It has been an honor and a pleasure to serve under three Speakers, including yourself, for the past twelve years. Over that time, I have tried to maintain a nonpartisan office that, both by reputation and in practice, provides thoughtful and effective legal advice and representation to all Members of the House, without regard to political affiliation, and whose highest obligation is to the long-term interests of the House. I believe the other attorneys in the office and I have succeeded in meeting these objectives. We have worked very closely with Members and staffers from both sides of the aisle on many matters, as well as with the House Officers and the many institutional offices in the legislative branch. I expect that the Office of General Counsel will continue to fulfill this role for the House, and that the Office will maintain the respect and trust it has enjoyed all these years.

20. 153 CONG. REC. 30825, 110th Cong. 1st Sess. For similar appointments, see 139 CONG. REC. 2512, 103d Cong. 1st Sess. (Feb. 4, 1993); 140 CONG. REC. 7148, 103d Cong. 2d Sess. (Apr. 12, 1994); and 143 CONG. REC. 26537, 105th Cong. 1st Sess. (Nov. 14, 1997).
21. *Parliamentarian's Note*: As the General Counsel is not an elected officer of the House, the resignation of such official is not subject to acceptance by the House. See Deschler's Precedents Ch. 37 § 9.3.
22. 153 CONG. REC. 30739, 110th Cong. 1st Sess.

I would like to recognize and thank the staff of the Office: first, my very good friend and colleague who came with me to the House over twelve years ago—Deputy General Counsel Kerry Kircher, who will continue in that capacity and provide excellent service to the House as he has always done. I would also like to recognize the other attorneys, Assistant Counsels David Plotinsky, Christine Davenport, and John Filamor, who have all been with the Office for a long time and who are well known to and respected by so many Members, Officers and staff of the House. Finally, I would like to recognize our Office Administrator, Czesia Constantine, who has taken care of every aspect of the office's functions, including watching every penny as though it were her own money. Her service, and that of the many evening law students who have worked as full time law clerks for the Office over those years, have made it possible for the attorneys to provide the quality of service for which the Office is known and appreciated.

I will greatly miss the many friends I have made here. I congratulate my successor, Irv Nathan, on his appointment and wish him every success. Thank you again, Madam Speaker, for the opportunity to serve you.

Sincerely,

GERALDINE R. GENNET,
General Counsel.

Employment of Outside Counsel

§ 19.3 The House has adopted a resolution authorizing the Speaker to initiate certain judicial proceedings and authorizing the Office of General Counsel to employ outside counsel in its representation of the House in such proceedings.

On July 30, 2014,⁽²³⁾ the House adopted a resolution authorizing the Speaker to initiate judicial proceedings against the President and also authorizing the House General Counsel to employ outside counsel in furtherance of the litigation:

AUTHORIZATION TO INITIATE LITIGATION FOR ACTIONS BY THE PRESIDENT

Mr. [Pete] SESSIONS [of Texas]. Mr. Speaker, pursuant to House Resolution 694, I call up the resolution (H. Res. 676) providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore.⁽²⁴⁾ Pursuant to House Resolution 694, the amendment recommended by the Committee on Rules printed in the resolution is adopted, and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 676

Resolved, That the Speaker is authorized to initiate or intervene in one or more civil actions on behalf of the House of Representatives in a Federal court of competent jurisdiction to seek any appropriate relief regarding the failure of the President, the head of

23. 160 CONG. REC. 13663, 13668–69, 13674, 113th Cong. 2d Sess. See also 165 CONG. REC. H24 [Daily Ed.], 116th Cong. 1st Sess. (Jan. 3, 2019).

24. Doc Hastings (WA).

any department or agency, or any other officer or employee of the executive branch, to act in a manner consistent with that official's duties under the Constitution and laws of the United States with respect to implementation of any provision of the Patient Protection and Affordable Care Act, title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010, including any amendment made by such provision, or any other related provision of law, including a failure to implement any such provision.

SEC. 2. The Speaker shall notify the House of Representatives of a decision to initiate or intervene in any civil action pursuant to this resolution.

SEC. 3. (a) *The Office* [The Office] of the General Counsel of the House of Representatives, at the direction of the Speaker, shall represent the House in any civil action initiated, or in which the House intervenes, pursuant to this resolution, and may employ the services of outside counsel and other experts for this purpose.

(b) The chair of the Committee on House Administration shall cause to be printed in the Congressional Record a statement setting forth the aggregate amounts expended by the Office of General Counsel on outside counsel and other experts pursuant to subsection (a) on a quarterly basis. Such statement shall be submitted for printing not more than 30 days after the expiration of each such period.

The SPEAKER pro tempore. All time for debate has expired.

The SPEAKER pro tempore. Pursuant to House Resolution 694, the previous question is ordered on the resolution, as amended.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. [Louise] SLAUGHTER [of New York]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 201, not voting 6, as follows:

[Roll No. 468] . . .

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

§ 20. Inspector General

The Office of Inspector General is established pursuant to clause 6(a) of rule II.⁽¹⁾ The Inspector General is a nonpartisan official of the House appointed jointly by the Speaker, the Majority Leader, and the Minority Leader.⁽²⁾ The primary function of the Inspector General is to conduct financial

1. *House Rules and Manual* § 667 (2019). The position of Inspector General was created in the 102d Congress by the House Administrative Reform Resolution of 1992. See H. Res. 423, 141 CONG. REC. 9039–40, 9074–75, 102d Cong. 2d Sess. (Apr. 9, 1992). Section 8 of the resolution amended the standing rules of the House to provide for an Office of Inspector General. The duties and reporting requirements of the Inspector General have gradually expanded in the years since it was first created.
2. *House Rules and Manual* § 667 (2019). See also § 20.1, *infra*. For the resignation of an Inspector General, see § 20.2, *infra*.