

§ 23. Presiding officer of Senate may administer oaths

The presiding officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate.

(Apr. 18, 1876, ch. 66, §1, 19 Stat. 34.)

§ 24. Secretary of Senate or assistant secretary may administer oaths

The Secretary of the Senate, and the assistant secretary thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it.

(Apr. 18, 1876, ch. 66, §2, 19 Stat. 34; Pub. L. 92-51, July 9, 1971, 85 Stat. 125.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Assistant secretary of the Senate deemed successor in references to chief clerk of the Senate in all laws, rules, resolutions, and orders, effective July 1, 1971, under provisions of Pub. L. 92-51, July 9, 1971, 85 Stat. 125.

§ 25. Oath of Speaker, Members, and Delegates

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other business; and to the Members and Delegates who afterward appear, previous to their taking their seats.

The Clerk of the House of Representatives of the Eightieth and each succeeding Congress shall cause the oath of office to be printed, furnishing two copies to each Member and Delegate who has taken the oath of office in accordance with law, which shall be subscribed in person by the Member or Delegate, who shall thereupon deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record; and such signed copies, or certified copies thereof, or of either of such records thereof, shall be admissible in evidence in any court of the United States, and shall be held conclusive proof of the fact that the signer duly took the oath of office in accordance with law.

(R.S. §30; Feb. 18, 1948, ch. 53, 62 Stat. 20.)

Editorial Notes

CODIFICATION

R.S. §30 derived from act June 1, 1789, ch. 1, §2, 1 Stat. 23.

The last paragraph of this section, which permitted Members and Delegates of the House of Representatives of the Eightieth Congress to subscribe and deliver two signed copies of the printed oath of office at any time

before the expiration of the Eightieth Congress, was omitted.

AMENDMENTS

1948—Act Feb. 18, 1948, added last two paragraphs to provide a way by which any Member of House of Representatives can establish by record evidence the fact that the Member took the oath of office and so became a Member.

§ 25a. Delegate to House of Representatives from District of Columbia

(a) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the “Delegate to the House of Representatives from the District of Columbia”, who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress.

(b) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least twenty-five years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

(Pub. L. 91-405, title II, §202, Sept. 22, 1970, 84 Stat. 848.)

Editorial Notes

REFERENCES IN TEXT

The District of Columbia Election Act, referred to in subsecs. (a) and (b)(1), is act Aug. 12, 1955, ch. 862, 69 Stat. 699, which is not classified to the Code.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 91-405, title II, §206(b), Sept. 22, 1970, 84 Stat. 855, provided that: “This title and the amendments made by this title [enacting this section and section 25b of this title and amending section 2106 of Title 5, Government Organization and Employees, sections 4342, 6954, and 9342 of Title 10, Armed Forces, sections 201, 203, 204, 591, 594, and 595 of Title 18, Crimes and Criminal Procedure, and section 10307 of Title 52, Voting and Elections] shall take effect on the date of its enactment [Sept. 22, 1970].”

§ 25b. Repealed. Pub. L. 104-186, title II, § 202(1), Aug. 20, 1996, 110 Stat. 1724

Section, Pub. L. 91-405, title II, §204(a), Sept. 22, 1970, 84 Stat. 852, related to application of certain Federal laws to Delegate to House of Representatives from District of Columbia.