

Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Clerk of House.

A prior section 75-1, based on H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1509, set forth the compensation of the Clerk at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees.

§ 75a. Repealed. Pub. L. 109-289, div. B, title II, § 20702(b), as added Pub. L. 110-5, § 2, Feb. 15, 2007, 121 Stat. 38

Section, act June 8, 1942, ch. 396, §7, 56 Stat. 350; Pub. L. 92-310, title II, §220(i), June 6, 1972, 86 Stat. 205; Pub. L. 104-186, title II, §204(19), Aug. 20, 1996, 110 Stat. 1732; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided for continuation of payments by and legal liability of the disbursing clerk of the House of Representatives in case of the death, resignation, separation from office, or disability of the Chief Administrative Officer of the House.

Repeal of section is based on section 103(b)(1) of title I of H.R. 5521, as passed by the House of Representatives on June 7, 2006, which was enacted into law by section 20702(b) of Pub. L. 109-289, as added by Pub. L. 110-5.

§ 75a-1. Temporary appointments in case of vacancies or incapacity of House officers; compensation

(a) Temporary appointments in case of vacancy or incapacity in office of Clerk, Sergeant at Arms, Chief Administrative Officer, or Chaplain of House

In case of a vacancy, from whatever cause, in the office of Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, of the House of Representatives, or in case of the incapacity or inability of the incumbent of any such office to perform the duties thereof, the Speaker of the House of Representatives may appoint a person to act as, and to exercise temporarily the duties of, Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, as the case may be, until a person is chosen by the House of Representatives and duly qualifies as Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, as the case may be, or until the termination of the incapacity or inability of the incumbent.

(b) Duties of temporary appointees

Any person appointed pursuant to this section shall exercise all the duties, shall have all the powers, and shall be subject to all the requirements and limitations applicable with respect to one chosen by the House of Representatives to fill the office involved.

(c) Compensation of temporary appointee

Any person appointed pursuant to this section shall be paid the compensation which he would receive if he were chosen by the House of Representatives to fill the office involved, unless such person is concurrently serving in any office or position the compensation for which is paid from the funds of the United States, in which case he shall receive no compensation for services rendered pursuant to his appointment under this section, and his compensation for performing the duties of such office other than the one to which he is appointed pursuant to this sec-

tion shall be in full discharge for all services he performs for the United States while serving in such dual capacity.

(Aug. 2, 1946, ch. 753, §208, as added Aug. 5, 1953, ch. 330, 67 Stat. 387; amended Pub. L. 104-186, title II, §204(20), Aug. 20, 1996, 110 Stat. 1733; Pub. L. 109-289, div. B, title II, §20702(b), as added Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 38.)

CODIFICATION

Amendment by Pub. L. 109-289 is based on section 103(b)(2) of title I of H.R. 5521, as passed by the House of Representatives on June 7, 2006, which was enacted into law by section 20702(b) of Pub. L. 109-289, as added by Pub. L. 110-5.

AMENDMENTS

2007—Subsec. (b). Pub. L. 109-289, §20702(b), as added by Pub. L. 110-5, substituted “involved.” for “involved; but nothing in this section shall be held to amend, repeal, or otherwise affect section 75a of this title.”

1996—Subsec. (a). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Doorkeeper, Postmaster,” wherever appearing.

§§ 75b to 75e. Omitted

CODIFICATION

Section 75b, act May 1, 1947, ch. 49, title I, 61 Stat. 58, accorded Clerk of House the same priority as executive agencies under the Surplus Property Act of 1944 (50 App. U.S.C. 1611-1648). The Surplus Property Act of 1944 was repealed by act June 30, 1949, ch. 288, title V, §503, 63 Stat. 399, and the priorities thereunder expired Dec. 31, 1949.

Sections 75c to 75e were omitted from the Code for lack of general applicability.

Section 75c, based on H. Res. No. 449, Sept. 21, 1961, enacted into permanent law by Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693, related to basic compensation of Assistant Tally Clerks in Office of Clerk of House.

Section 75d, based on H. Res. No. 331, June 7, 1961, enacted into permanent law by Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693, related to basic compensation of stationery and assistant stationery clerks.

Section 75e, based on H. Res. Nos. 225, 341, 402 and 773 of the 87th Congress, enacted into permanent law by Pub. L. 87-130, §103, Aug. 10, 1961, 75 Stat. 334; Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693; Pub. L. 88-248, §103, Dec. 30, 1963, 77 Stat. 817, related to compensation of certain laborers and clerks in offices of Clerk, Doorkeeper and Postmaster of House.

§ 75f. House emergency operations positions

(a) Establishment in certain offices

Effective with respect to fiscal year 2002 and each succeeding fiscal year, there are hereby established 2 additional positions in each of the following offices of the House of Representatives:

- (1) The Office of the Clerk.
- (2) The Office of the Chief Administrative Officer.
- (3) The Office of the Sergeant at Arms.

(b) Duties

The duty of the personnel appointed to a position established under this section shall be to ensure the continuity of the operations of the House of Representatives during periods of emergency, in accordance with the direction of the head of the office in which the position is established.

(c) Rate of pay

The annual rate of pay provided for a position established under this section shall be deter-

mined by the head of the office in which the position is established.

(d) Appointment authority

Notwithstanding any other provision of law, the head of the office in which a position is established under this section shall have the exclusive authority to appoint personnel to such a position.

(Pub. L. 107-68, title I, §118, Nov. 12, 2001, 115 Stat. 573.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

§§ 76 to 76a. Repealed. Pub. L. 104-186, title II, § 204(21), (22)(A)(iii), (23), Aug. 20, 1996, 110 Stat. 1733

Section 76, R.S. §73, related to duties of Doorkeeper of House. Provisions of R.S. §73 which related to duties of Doorkeeper of Senate were classified to section 63 of this title prior to repeal by Pub. L. 104-186.

Section 76-1, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Doorkeeper of House.

A prior section 76-1 was based on provisions of H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1509, relating to compensation of the Doorkeeper being equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees, prior to those provisions being struck out by Pub. L. 104-186, title II, §204(22)(B), Aug. 20, 1996, 110 Stat. 1733.

Another prior section 76-1, based on H. Res. No. 909, Eighty-ninth Congress, Sept. 8, 1966, enacted into permanent law by Pub. L. 89-697, ch. VI, §601, Oct. 27, 1966, 80 Stat. 1064, set forth the compensation of the Doorkeeper at equal to the gross per annum rate of compensation of the Clerk of House and Sergeant at Arms of House, prior to being repealed by Pub. L. 104-186, title II, §204(22)(B), Aug. 20, 1996, 110 Stat. 1733.

Section 76a, based on H. Res. No. 560, Eighty-seventh Congress, Mar. 27, 1962, enacted into permanent law by Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693, related to position of a special assistant in Office of Doorkeeper.

§ 76b. Omitted

CODIFICATION

Section 76b, based on H. Res. No. 603, §§2, 3, Eighty-seventh Congress, Apr. 16, 1962, enacted into permanent law by Pub. L. 88-248, §103, Dec. 30, 1963, 77 Stat. 817, related to compensation of telephone clerks in Office of Doorkeeper, was omitted from Code in view of repeal of section 2 of H. Res. No. 603 by Pub. L. 104-186, title II, §204(24) Aug. 20, 1996, 110 Stat. 1733.

§ 77. Sergeant at Arms of House; additional compensation

The Sergeant at Arms of the House of Representatives shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than the salary prescribed by law.

(June 20, 1874, ch. 328, 18 Stat. 87; Mar. 3, 1875, ch. 129, 18 Stat. 346.)

§ 77a. Repealed. Pub. L. 104-186, title II, § 204(22)(A)(iii), Aug. 20, 1996, 110 Stat. 1733

Section, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by

Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Sergeant at Arms of House.

A prior section 77a, based on H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1509, set forth the compensation of the Sergeant at Arms at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees.

§ 78. Duties of Sergeant at Arms

It shall be the duty of the Sergeant at Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker.

(Oct. 1, 1890, ch. 1256, §1, 26 Stat. 645; Pub. L. 104-186, title II, §204(25)(A), Aug. 20, 1996, 110 Stat. 1733.)

AMENDMENTS

1996—Pub. L. 104-186 struck out “, keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law” after “directed to him by the Speaker”.

TRANSFER OF FUNCTIONS

Effective Feb. 1, 2010, functions of House of Representatives Office of Emergency Planning, Preparedness, and Operations transferred to Sergeant at Arms of the House of Representatives, see section 105 of title I of div. G of Pub. L. 112-74, set out as a note under section 130i of this title.

LAW ENFORCEMENT AUTHORITY OF SERGEANT AT ARMS

Pub. L. 104-53, title III, §313, Nov. 19, 1995, 109 Stat. 538, provided that:

“(a) The Sergeant at Arms of the House of Representatives shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant at Arms have the qualifications specified in subsection (b).

“(b) The qualifications referred to in subsection (a) are the following:

“(1) A minimum of five years of experience as a law enforcement officer before beginning service as the Sergeant at Arms.

“(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

“(3) Any other firearms qualification required for members of the Capitol Police.

“(c) The Committee on House Oversight [now Committee on House Administration] of the House of Representatives shall have authority to prescribe regulations to carry out this section.”

§ 79. Symbol of office of Sergeant at Arms

The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

(Oct. 1, 1890, ch. 1256, §2, 26 Stat. 645.)

§ 80. Disbursement of compensation of House Members by Chief Administrative Officer

The moneys which have been, or may be, appropriated for the compensation and mileage of Members and Delegates shall be paid at the