

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 Repealed.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equal to the gross per annum rate of compensation of the Clerk of House and Sergeant at Arms of House, prior to being repealed by Pub.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