

§ 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.)

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.)

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, as amended, which is not classified to the Code.

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.

§ 26. Roll of Representatives-elect

Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant at Arms of the next preceding House of Representatives.

(R.S. §§ 31-33; Pub. L. 104-186, title II, § 202(2), Aug. 20, 1996, 110 Stat. 1724.)

CODIFICATION

R.S. § 31 derived from acts Feb. 21, 1867, ch. 56, § 1, 14 Stat. 397 and Mar. 3, 1863, ch. 108, 12 Stat. 804.

R.S. §§ 32 and 33 derived from act Feb. 21, 1867, ch. 56, § 2, 14 Stat. 397.

R.S. § 31 constitutes first sentence; R.S. § 32 constitutes second sentence; and R.S. § 33 constituted the third sentence, prior to repeal by Pub. L. 104-186. See 1996 Amendment note below.

AMENDMENTS

1996—Pub. L. 104-186 struck out third sentence which read as follows: “In case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of