

RULES OF THE HOUSE OF REPRESENTATIVES

Rule VII.

§ 654a-§ 655

§§ 651a-e, *supra*), and clause 2 corresponded to an erstwhile rule LIII of the 102d Congress (relating to the Inspector General). In converting clause 2 of the former rule VI into the present rule VI, the 104th Congress: broadened the auditing responsibilities beyond the offices of the elected officers (paragraph (a), formerly clause 2(c)(1)); added requirements for simultaneous reporting (paragraphs (c) and (d), formerly clauses 2(c)(3) and (4)); deleted a provision relating to classification of employees (formerly clause 2(d)); and added the responsibility to report certain information to the Committee on Standards of Official Conduct (paragraph (e)) (sec. 201, H. Res. 6, 104th Congress, p. —). The 104th Congress also mandated that the Inspector General, in consultation with the Speaker and the Committee on House Oversight, procure an independent and comprehensive audit of House financial records and administrative operations and report the results thereof in accord with this rule (sec. 107, H. Res. 6, Jan. 4, 1995, p. —).

Pursuant to clause 2(b) of the form of the rule adopted in the 103d Congress, the Speaker, the Majority Leader, and the Minority Leader jointly appointed the first Inspector General of the House of Representatives (Nov. 10, 1993, p. —).

Until the 102d Congress, rule VI provided for an Office of the Postmaster, who superintended the post offices of the House and the delivery of its mail. The earlier form of the rule was adopted in 1838 and amended in 1880 (I, 270), 1911 (VI, 34), 1971 (H. Res. 5, 92d Cong., p. 144), and 1972 (H. Res. 1153, 92d Cong., pp. 36013-15). The Office of the Postmaster was abolished during the 102d Congress by sections 2 and 5 of the House Administrative Reform Resolution of 1992 (H. Res. 423, Apr. 9, 1992, p. —).

§ 654a. Former Office of the Postmaster.

RULE VII.

DUTIES OF THE CHAPLAIN.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

§ 655. Duties of the Chaplain.

This rule was adopted in 1880 (I, 272), but the sessions of the House were opened with prayer from the first, and the Chaplain was an officer of the House before the adoption of the rule (I, 273-282). The Chaplain takes the oath prescribed for the officers of the House (VI, 31; Feb. 1, 1950, p. 1311). Prayer by the Chaplain is not business requiring the presence of a quorum and the Speaker declines to entertain a point of no quorum before prayer is offered (VI, 663; clause 6(a) (1) of rule XV). There is no precedent for prayer to be offered by the Chaplain during a continuous

session of the House, absent an adjournment or recess (compare Apr. 22 and 23, 1985, pp. 8753 and 8959). Form of resignation of the Chaplain (Feb. 28, 1921, p. 4075; Jan. 30, 1950, p. 1097). The election of a Chaplain emeritus (VI, 31; Jan. 30, 1950, p. 1095).

In the 97th Congress, the House adopted a privileged resolution asserting the constitutional prerogative of the House to establish the office of Chaplain and directing counsel for the Speaker and Chaplain to seek judicial review of a United States Court of Appeals decision (*Murray v. Buchanan*, 729 F.2d 689) holding that no constitutional provision precluded judicial determination whether establishment of the Chaplain violated the establishment clause of the First amendment to the Constitution (H. Res. 413, Mar. 30, 1982, p. 5890).

RULE VIII.

DUTIES OF THE MEMBERS.

1. Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

§ 656. Members required to be present and vote.

§ 657. Personal interest.

This clause was adopted in 1789, with amendment in 1890 (V, 5941). Leaves of absence are presented pending the motion to adjourn (IV, 3151), and are usually granted by general consent, but sometimes are opposed or even refused (II, 1142–1145). Application for leave of absence is properly presented by filing with the Clerk the printed form to be secured at the desk rather than by oral request from the floor (VI, 199). Whether or not they are privileged is a matter of doubt (II, 1146, 1147). Excuses for absence, as distinguished from leaves of absence, may be granted by less than a quorum (IV, 3000–3002). The statutes provide that deductions may be made from the salaries of Members who are absent without sufficient excuse (II, 1149, 1150); and while this law has been enforced (IV, 3011, footnote; VI, 30, 198), its general application is not practical under modern conditions. Form of resolution for the arrest of Members absent without leave (VI, 686).

It has been found impracticable to enforce the provision requiring every Member to vote (V, 5942–5948), and such question, even if entertained, may not interrupt a pending rollcall vote (V, 5947). The weight of authority also favors the idea that there is no authority in the House to deprive

§ 658. Member's control of his own vote.