

employee of the House, and otherwise shall be comparable in scope to the system for drug testing in the executive branch pursuant to Executive Order 12564 (Sept. 15, 1986). The expenses of the system may be paid from applicable accounts of the House for official expenses.

This clause was added in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. —).

## RULE II.

### ELECTION OF OFFICERS.

There shall be elected by a viva voce vote, at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House; and each shall appoint all of the employees of his department provided for by law. The Clerk, Sergeant-at-Arms, and Chief Administrative Officer may be removed by the House or by the Speaker.

§ 635. Election, oath, and removal of officers.

A rudimentary form of this rule was adopted in 1789, and was amended several times prior to 1880, when it assumed the form it retained for more than a century (I, 187). During the 102d Congress, section 2 of the House Administrative Reform Resolution of 1992 amended the rule to abolish the office of the Postmaster (see § 654a, *infra*) and to empower the Speaker to remove elected officers (H. Res. 423, Apr. 9, 1992, p. —). The 104th Congress made conforming changes to the rule to reflect the abolishment of the Office of the Doorkeeper and the establishment of an elected Chief Administrative Officer (sec. 201(a), H. Res. 6, Jan. 4, 1995, p. —). For

a discussion of the former Office of the Doorkeeper, see § 651d, *infra*; and for a discussion of the evolution of the Chief Administrative Officer (an elected officer) from the former Director of Non-legislative and Financial Services (an officer appointed jointly by the Speaker and the Majority and Minority Leaders under clause 1 of rule VI of the 103d Congress), see § 651e, *infra*.

The House having discarded a theory that the rules might be imposed by one House on its successor (V, 6743–6745), it follows that this rule is not operative at the organization. The House, by order or usage, elects its Speaker *viva voce* on a roll call (I, 204, 208); but the officers mentioned in the rule are usually chosen by resolution, which is not a *viva voce* election (I, 193, 194). A majority vote is required for the election of officers of both Houses of Congress (VI, 23). The act of 1789 provides that the oath of office shall be administered to the Speaker by any Member and by the Speaker to the Clerk (I, 130). The Speaker also at the same time administers the oath to the other elective officers (I, 81). The Member of longest continuous service has traditionally administered the oath to the Speaker (I, 131). However, on some occasions the Speaker has selected the Member to administer the oath (VI, 6, 7). The requirement that the officers be sworn to keep the secrets of the House had become obsolete (I, 187), but the 104th Congress adopted a requirement that Members, officers, and employees subscribe an oath of secrecy regarding classified information (clause 13 of rule XLIII).

The House has declined to interfere with the Clerk's power of removing his subordinates (I, 249). Employees under the clerk and other officers are to be assigned only to the duties for which they are appointed (V, 7232). The Sergeant-at-Arms having died, the Clerk was elected by the House to serve temporarily also as Sergeant-at-Arms without additional compensation (July 8, 1953, p. 8242). The Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1) authorizes the Speaker to fill temporary vacancies in the offices of Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain. A former version of the Act also permitted temporary appointments to the former offices of Doorkeeper and Postmaster. The Speaker has exercised his authority to fill temporary vacancies in the offices of Sergeant-at-Arms (Jan. 6, 1954, p. 8; June 30, 1972, p. 23665; Feb. 28, 1980, p. 4350; and Mar. 12, 1992, p. —), Clerk (Nov. 15, 1975, p. 36901), Chaplain (Mar. 14, 1966, p. 5712), Doorkeeper (Dec. 20, 1974, p. 41855), and Chief Administrative Officer (Jan. 9, 1997, p. —). A resolution electing a House officer is presented as a question of privilege (July 31, 1997, p. —).