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Offices and Officials in the Senate: Roles and Duties

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Article I, Section 3, clause 5 of the United States Constitution states that the Senate shall “choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.”

Currently, the Senate elects a Secretary of the Senate, Sergeant at Arms and Doorkeeper (hereinafter Sergeant at Arms), and Chaplain. These officers provide services to the entire Senate community. Two additional officers—Secretary for the Majority and Secretary for the Minority—are nominated by their parties and formally elected by the entire Senate. The Senate also elects a President pro tempore, although, this position—held by a member of the Senate (traditionally the majority party Senator with the longest continuous service)—is not addressed in this report.¹ In addition, the Senate has established appointive offices, including the Legal Counsel, Legislative Counsel, and Parliamentarian, to handle certain other duties to the Senate.

The roles and duties of these officers and officials have developed over time. They derive from Senate instructions codified in the Senate Rules, standing orders, the *Senate Handbook*, and law; Senate officers’ activities may also be influenced by historical custom and precedent.² Many of their duties are further defined by the committees with oversight and funding responsibilities for the Senate. The Senate Committee on Rules and Administration, for example, has jurisdiction under Senate Rule XXV(n)(1) over many of the activities carried out by these officers and officials involving, for example, the Senate office buildings, Senate art, congressional printing, services to the Senate, and payments from the Senate contingent fund. The Senate Committee on Appropriations, Subcommittee on Legislative Branch also may provide oversight of activities carried out by officers and officials through the annual appropriations hearings, reports, and bill language.

Unlike in the House, which elects its officers to a two-year term, elected officers of the Senate do not have to be reelected at the beginning of a new Senate. Officers generally “continue in their positions until their successors are appointed by the Senate.”³ When a vacancy occurs, the Senate chooses a new officer through the adoption of a resolution. When multiple officers are elected on the same day, separate resolutions are generally considered. Further, a deputy or assistant may be authorized to act in the absence of an officer.

This report outlines the officers of the Senate, including brief information about the history of each office, examples of their roles and duties, and election or appointment information about the current incumbent.

¹ For more information on this position, see CRS Report RL30960, *The President Pro Tempore of the Senate: History and Authority of the Office*, by Christopher M. Davis.

² For examples, see, U.S. Congress, Senate, *Senate Manual, Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate*, 112th Cong., 1st sess., S.Doc. 112-1 (Washington: GPO, 2011); and U.S. Congress, *Riddick’s Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington: GPO, 1992). See also CRS Report RL30788, *Parliamentary Reference Sources: Senate*, by Megan S. Lynch and Richard S. Beth.

³ U.S. Congress, *Riddick’s Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington, GPO: 1992), pp. 955, 1524. A majority vote is required. Following a change in party control, the Senate has generally elected a new Secretary and Sergeant at Arms.

Table I. Officers and Officials of the Senate

Position	Year Established	Incumbent	Year Chosen
Elected by the Senate			
Secretary of the Senate	1789	Julie E. Adams	2015
Sergeant at Arms and Doorkeeper of the Senate	1789	Frank J. Larkin	2015
Chaplain	1789 ^a	Dr. Barry C. Black	2003
Secretary for the Majority ^b	1929	Laura C. Dove	2015
Secretary for the Minority ^b	1929	Gary B. Myrick	2015
Appointed by the Senate Leadership			
Senate Legislative Counsel	1919	Gary Endicott	2015
Senate Parliamentarian	1935	Elizabeth MacDonough	2012
Senate Legal Counsel	1978	Patricia Mack Bryan	2015

Source: CRS analysis of historical documents, including the LIS, the *Congressional Record*, and the *Congressional Directory*.

Notes: This list does not include the President pro Tempore, an elected officer who also is a Senator.

- a. This position was briefly vacant for a short period in the late 1850s.
- b. With new elections following the change in party control of the Senate for the 114th Congress, the Secretary for the Majority and the Secretary of the Minority switched positions. They had served in the previous positions since 2011 (Myrick) and 2013 (Dove).

Officers Elected by the Senate

The Senate elects five individuals to serve as officers. Three of these individuals are elected to serve the entire chamber: the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Chaplain. Two additional individuals—the Secretary for the Majority and the Secretary for the Minority—are nominated by the Majority or Minority Conference and then elected by the Senate.

Serving the Entire Senate

Secretary of the Senate

The Secretary of the Senate is an officer with administrative, legislative, and budgetary duties. The current Secretary of the Senate, Julie E. Adams, was elected on January 6, 2015 (S.Res. 8, 114th Congress), by unanimous consent. The previous Secretary, Nancy Erickson, was elected on January 4, 2007 (S.Res. 8, 110th Congress), by unanimous consent.⁴

⁴ Following the adoption of resolutions electing a Secretary, resolutions have been agreed to informing the President (S.Res. 9, 114th Congress) and the House of Representatives (S.Res. 10, 114th Congress) of the election of a Secretary of the Senate.

Since 1789, 25 men and 7 women have been elected to the position of Secretary of the Senate.⁵ The first Secretary of the Senate, Samuel Allyne Otis, was elected on April 8, 1789, two days after the Senate first attained a quorum.⁶

In the event that the Secretary resigns, is disabled, or dies, the Assistant Secretary of the Senate acts as Secretary until a new Secretary is elected or the disability has ended.⁷

Administrative Responsibilities

Administrative duties of the Secretary of the Senate include record-keeping functions, such as managing the transmittal of official messages to the President and the House,⁸ archiving noncurrent records,⁹ receiving election and appointment certifications,¹⁰ publishing summary mass mailing reports in the *Congressional Record* each quarter,¹¹ maintaining a publicly available website containing information on travel subject to disclosure under Senate Rule XXXV, maintaining and publishing in the *Congressional Record* the use of foreign currency in conjunction with international travel by Senators and Senate employees,¹² filing and making publicly available information on federal election campaigns and campaign committees¹³ and financial disclosure,¹⁴ maintaining the Senate Document Room,¹⁵ and maintaining registrations for lobbyists in conjunction with the Clerk of the House of Representatives.¹⁶

Other duties of the Secretary of the Senate include maintenance of the Senate public website and supervision of Senate staff in an office affected by the death or resignation of a Senator.¹⁷ The Secretary may also administer oaths or affirmations to officers of the Senate.¹⁸

Selected offices operated or overseen by the Secretary, along with examples of some of their administrative or informational duties, include

- the Senate Stationery Room, which provides office, administrative, and other supplies as well as flag orders;

⁵This total includes one man who served nonconsecutive terms. For a complete list, including dates of term, see information compiled by the Senate Historical Office, available at http://www.senate.gov/artandhistory/history/common/briefing/secretary_senate.htm.

⁶ Senate debate, *Annals of the Congress of the United States*, vol. 1 (April 6, 1789), pp. 17-18.

⁷ 2 U.S.C. §6533.

⁸ Senate Rule IX and XIV.

⁹ Senate Rule XI, S.Res. 474, 96–2, December 1, 1980; 2 U.S.C. §6541 and 44 U.S.C. §2118.

¹⁰ Senate Rule II.

¹¹ Senate Rule XL; 2 U.S.C. §504 and §505.

¹² 22 U.S.C. §1754.

¹³ 52 U.S.C. 30102 and 30104.

¹⁴ Senate Rule XXXIV.

¹⁵ 44 U.S.C. §739.

¹⁶ 2 U.S.C. §1603 *et seq.* For more information, see CRS Report RL34377, *Lobbying Registration and Disclosure: The Role of the Clerk of the House and the Secretary of the Senate*, by Jacob R. Straus.

¹⁷ S.Res. 458, 98th Cong., October 4, 1984; S.Res. 173, 100th Cong., March 4, 1987; S.Res. 478, 108th Cong., November 19, 2004; and S.Res. 238, 110th Cong., June 18, 2007.

¹⁸ 2 U.S.C. §24 and §6542.

- the Senate Library, which provides information services to the Senate, including access to electronic documents and online resources;
- the Conservation and Preservation Office, which coordinates the conservation and preservation of Senate records under the authority of the Secretary;
- the Office of Public Records, which processes and maintains records filed with the Secretary, including records relating to campaign expenses, lobbying disclosure, financial disclosure, the Senate Code of Conduct, gifts, mass mailings, political fund designees, Senate services, and foreign travel reimbursement reports;¹⁹
- the Senate Historical Office, which responds to inquiries about Senate history, compiles oral histories, provides Senate statistics, maintains a Senate photographic collection, and assists with various Senate publications and websites;²⁰
- the Office of Senate Curator, which develops and implements the museum and preservation programs on behalf of the Senate Commission on Art and manages the Senate collections and acquisitions;²¹
- the Office of Interparliamentary Services, which represents the Senate to foreign parliamentary delegations and interparliamentary conferences and assists Senators with international travel;²²
- the Office of Printing and Document Services, which works with the Government Publishing Office (GPO) to coordinate and schedule printing of Senate publications;
- the Senate Page School;²³
- the Office of the Senate Chief Counsel for Employment, which was established following the enactment of the Government Employee Rights Act and the Congressional Accountability Act of 1995 and advises and defends employing offices of the Senate;
- the Office of Human Resources, which was established following the enactment of the Congressional Accountability Act of 1995 and develops and implements policies and procedures for the Secretary's office;
- the Office of Senate Security, which maintains classified documents;²⁴ and
- the Senate Gift Shop.²⁵

¹⁹ For more information on the Office of Public Records, see http://www.senate.gov/pagelayout/legislative/one_item_and_teasers/opr.htm; and 2 U.S.C. §6574.

²⁰ For more information on the Senate Historical Office, see U.S. Congress, Senate Historical Office, at http://www.senate.gov/artandhistory/history/common/generic/Senate_Historical_Office.htm.

²¹ See also 2 U.S.C. §2101.

²² The Office of Interparliamentary Services represents the Senate to foreign parliamentary delegations and assists Senators with international travel. See also 2 U.S.C. §6567.

²³ For more information on the Senate page program see CRS Report 98-758, *Pages of the United States Congress: History and Program Administration*, by R. Eric Petersen.

²⁴ S.Res. 243, 100th Cong., July 1, 1987.

Financial Responsibilities

As the financial and budgetary officer, the Secretary serves as chief disbursing officer and oversees the Senate payroll.²⁶ These duties are performed through the Senate Disbursing Office. Details on expenditures of funds appropriated to the Senate are published and made available online by the Secretary in the biennial Senate document, *Report of the Secretary of the Senate*.²⁷

Legislative Responsibilities

The Secretary's legislative duties include examining all bills and resolutions, preparing and signing engrossed bills and resolutions, and examining enrolled measures.²⁸ The Secretary also maintains the Senate Journals, which cover legislative, executive, confidential, and impeachment proceedings.²⁹ Under Senate Rules, the Secretary or a designee calls the roll, a duty delegated to the legislative clerk.³⁰ In the event of "the absence of the Vice President, and pending the election of a President pro tempore, the Acting President pro tempore or the Secretary of the Senate, or in his absence the Assistant Secretary, shall perform the duties of the Chair."³¹ The Secretary also oversees the development of a legislative information system, overseen by the Committee on Rules and Administration and in cooperation with the House and legislative branch agencies.³² The Secretary coordinates with GPO for printing and publication of Senate documents.

Legislative functions are carried out by the following offices and staff:³³

- Legislative Clerk. This clerk calls the roll during a quorum call or votes; prepares the daily *Calendar of Business*;³⁴ maintains official copies of measures pending before the Senate; receives all proposed and adopted amendments; and, at the direction of the presiding officer, reads aloud all bills and amendments, presidential messages, House messages, and other pending business.
- Bill Clerk. This clerk records the Senate's legislative activities, including the status of legislation and assigning numbers to bills and resolutions.
- Enrolling Clerk. This clerk prepares Senate-passed legislation prior to its transmittal to the House of Representatives, the National Archives, the Secretary of State, the United States Claims Court, and the President, as appropriate.

(...continued)

²⁵ 2 U.S.C. §6576.

²⁶ 2 U.S.C. §4591. See also 2 U.S.C. §4594, §4524, and §4579.

²⁷ 2 U.S.C. §4579.

²⁸ Senate Rules XIV(5) and 2 U.S.C. §6569. For additional information, see CRS Report 98-826, *Engrossment, Enrollment, and Presentation of Legislation*, by R. Eric Petersen.

²⁹ The four Journals are maintained in separate books pursuant to Senate Rule IV(1)(d).

³⁰ Senate Rule VI(3).

³¹ Senate Rule I.

³² 2 U.S.C. §6577.

³³ U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2013*, hearing, March 22, 2012 (Washington: GPO, 2012), pp. 7-71. See also CRS Report 98-397, *Guide to Individuals Seated on the Senate Dais*, by Valerie Heitshusen.

³⁴ For additional information, see CRS Report 98-429, *The Senate's Calendar of Business*, coordinated by Elizabeth Rybicki.

- Executive Clerk. This clerk records actions taken during executive sessions, which include proceedings on treaties and nominations. These actions are published in the *Senate Executive Journal* at the end of each session and in the daily Executive Calendar.³⁵ This clerk also prepares nominations and treaty resolutions for transmittal to the President and processes communications from the executive branch, including presidential messages.
- Journal Clerk. This clerk records the Senate’s daily legislative proceedings and prepares a history of legislation for the *Senate Journal*.
- Parliamentarian. The Parliamentarian advises the Presiding Officer, Senators, and staff on Senate rules and precedents and statutes related to Senate proceedings. For additional information, see section on the “Senate Parliamentarian.”
- Official Reporters of Debates. This office prepares and edits stenographic reports of Senate floor proceedings for the *Congressional Record*.³⁶
- Daily Digest. This office schedules committee hearings and meetings and records them and other activities in the *Congressional Record*, Senate.gov, and the Legislative Information System (LIS).
- Captioning Services. This office provides captions of Senate proceedings for the hearing impaired.³⁷

Additional Duties—Service on Boards and Commissions

The Secretary also serves on a number of boards and commissions, including the following:

- Congressional Accessibility Services Board.³⁸ The Secretary serves with the Senate Sergeant at Arms, House Sergeant at Arms, Clerk of the House of Representatives, and the Architect of the Capitol. The board oversees the Office of Congressional Accessibility Services, which provides and coordinates accessibility services for individuals with disabilities in the U.S. Capitol complex.
- Federal Election Commission. The Secretary, or a designee, serves along with the Clerk of the House of Representatives in an ex-officio, non-voting capacity,³⁹ along with six Commissioners appointed by the President, with the advice and consent of the Senate.
- Senate Commission on Art. The Secretary serves as the Executive Secretary and appoints the Senate Curator, with the approval of the Commission.⁴⁰

³⁵ For additional information, including its contents, see CRS Report 98-438, *The Senate’s Executive Calendar*, coordinated by Elizabeth Rybicki.

³⁶ 2 U.S.C. §6543 and Senate Rule VII.

³⁷ S.Res. 13, 101st Congress, June 21, 1989.

³⁸ 2 U.S.C. §2172.

³⁹ 52 U.S.C. 30106.

⁴⁰ 2 U.S.C. §2101.

- Advisory Commission on the Records of Congress, which reviews the management and preservation of the records of Congress and advises the Archivist of the United States on these issues. The Secretary serves along with the Clerk of the House, the Archivist of the United States, the Historian of the Senate, the Historian of the House of Representatives, and six members of whom one shall be appointed by each of the following: the Speaker of the House of Representatives; the Minority Leader of the House of Representatives; the Majority Leader of the Senate; the Minority Leader of the Senate; the Secretary of the Senate; and the Clerk of the House of Representatives.⁴¹

Sergeant at Arms and Doorkeeper of the Senate

The Senate Sergeant at Arms is an elected officer with protection, security, decorum, protocol, and administrative responsibilities. The current Sergeant at Arms, Frank J. Larkin, was elected on January 6, 2015 (S.Res. 11, 114th Congress), by unanimous consent.⁴² The previous Sergeant at Arms, Andrew B. Willison, was elected May 5, 2014 (S.Res. 434, 113th Congress), following the retirement of Terrance W. Gainer, who was elected on January 4, 2007 (S.Res. 11, 110th Congress).

Since 1789, 37 men and 1 woman have been elected to the position of Sergeant at Arms of the Senate.⁴³ On April 6, 1789, James Mathers was elected as Senate Doorkeeper and became the chamber's first elected officer.⁴⁴ At that time, and until December 1795,⁴⁵ Senate sessions generally were not open to the public, and the Doorkeeper's role included ensuring a quorum of Senators was present and that only authorized persons were present in the chamber. On February 5, 1798, Mathers's duties were expanded when he was "invested with the authority of Sergeant-at-Arms, to hold said office during the pleasure of the Senate, whose duty it shall be to execute the commands of the Senate, from time to time, and all such process as shall be directed to him by the President of the Senate."⁴⁶

⁴¹ 44 U.S.C. §2702.

⁴² Following the adoption of this resolution, resolutions were agreed to informing the President (S.Res. 12, 114th Congress) and the House of Representatives (S.Res. 13, 114th Congress) of the election of a Sergeant at Arms and Doorkeeper of the Senate.

⁴³ This total includes two men who served nonconsecutive terms. For a complete list of the people who have served as the Sergeant at Arms, including dates of terms, see http://www.senate.gov/artandhistory/history/common/briefing/sergeant_at_arms.htm#4.

⁴⁴ Senate debate, *Annals of the Congress of the United States*, vol. 1 (April 6, 1789), pp. 17-18. The exact date of the election of the first Senate Doorkeeper may have been April 7, 1789. While the *Annals of the Congress of the United States* lists April 6 as the election, the *Senate Journal* provides that the election took place on April 7. At that time, the Senate often met in secret session, so it is possible that the election took place on April 6, but was not reported in the *Journal* until April 7. For more information, see U.S. Congress, Senate, *Journal of the Senate of the United States of America*, April 7, 1789, at http://memory.loc.gov/cgi-bin/query/D?hlaw:1:./temp/~ammem_m0cG::

⁴⁵ One exception was the Senate's consideration of the contested election of Albert Gallatin of Pennsylvania in 1794 (*Senate Journal*, February 11, 1794, pp. 29-30). Shortly after, the Senate voted to open the legislative meetings after the end of that session and following the construction of "suitable galleries." *Senate Journal*, February 20, 1794, pp. 33-34. See also http://www.senate.gov/artandhistory/history/minute/The_Senate_Opens_Its_Doors.htm.

⁴⁶ Senate debate, *Annals of the Congress of the United States*, vol. 7 (February 5, 1798), pp. 497-498.

In the event that the Sergeant at Arms resigns, is disabled, or dies, the Deputy Sergeant at Arms and Doorkeeper serves in an acting capacity until a new Sergeant at Arms is elected or the disability has ended.⁴⁷

Law Enforcement and Security

As the Senate's chief law enforcement officer, the Sergeant at Arms is responsible for security in the Senate wing of the Capitol, the Senate office buildings, adjacent grounds,⁴⁸ and along with the United States Capitol Police (USCP), for the safety of Senators, staff, and visitors. The Sergeant at Arms serves on the Capitol Police Board with the House Sergeant at Arms, the Architect of the Capitol, and the chief of the United States Capitol Police, who serves as an ex-officio member.⁴⁹

The Sergeant at Arms also supervises the Senate floor.⁵⁰ Pursuant to Senate Rule VI, when a "quorum is not present, the majority of Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senator,"⁵¹ although a direction to compel attendance was most recently agreed to in 1988.⁵²

Protocol

As the chief protocol officer of the Senate, the Sergeant at Arms performs ceremonial functions that have developed through rule, custom, and precedent. As part of these duties, the Sergeant at Arms greets and escorts the President, heads of state, and other guests of the Senate while attending functions in the Capitol; leads Senators from the Senate side of the Capitol to the House chamber for joint sessions of Congress, to their places on the platform at a presidential inauguration, and to any other place the Senate travels as a body; and assists in arrangements for inaugurations and the planning of funerals of Senators who die while in office.⁵³ By custom, the Sergeant at Arms is custodian of the Senate gavel.⁵⁴

⁴⁷ 2 U.S.C. §6593.

⁴⁸ Senate Rule XXXIII and 2 U.S.C. §6593 and 2 U.S.C. §2183. Additional responsibility can be found in the *Rules and Regulations of the Senate Wing of the United States Capitol and Senate Office Buildings*, which is adopted by the Senate Committee on Rules and Administration pursuant to Senate Rule XXV(n). U.S. Senate, *Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate*, S. Doc. 112-1, (Washington, GPO: 2011).

⁴⁹ 2 U.S.C. §1901 note.

⁵⁰ Rule I, *Rules and Regulations of the Senate Wing of the United States Capitol and Senate Office Buildings*.

⁵¹ Article I, Sec. 5 of the *U.S. Constitution and Standing Rules of the Senate*, Rule VI(4) and (Riddick, at <http://www.gpo.gov/fdsys/pkg/GPO-RIDDICK-1992/pdf/GPO-RIDDICK-1992-11.pdf>).

⁵² *Congressional Record*, vol. 134, part 2 (February 23, 1988), p. 2040.

⁵³ S.Res. 458, 98th Congress, October 4, 1984, as amended (*Senate Manual*, pp. 172-174).

⁵⁴ The Senate gavel is used to call for the commencement, adjournment, and for order in the Senate. For more information on the Senate gavel, see U.S. Congress, U.S. Senate Art & History, "Senate Gavel," at http://www.senate.gov/artandhistory/art/artifact/Decorative_arts/Other/71_00002.htm and "November 17, 1954, The Senate's New Gavel," at http://www.senate.gov/artandhistory/history/minute/The_Senates_New_Gavel.htm.

Administration

The Sergeant at Arms is responsible for numerous administrative services provided to Senators' offices, including acquiring home-state office space;⁵⁵ operating information technology and computer support services; managing telecommunications services;⁵⁶ administering orientation seminars for Senators, Senate officials, or employees of Senators and Senate officials and other similar meetings;⁵⁷ and transporting official records and papers to a Senator's state.⁵⁸

Additional administrative duties include administering or overseeing⁵⁹ the Senate computer center;⁶⁰ the Senate post office; recording and photographic studios;⁶¹ broadcast facilities for the proceedings of the Senate and supporting the media galleries, which include the Senate Daily Press Gallery, the Senate Periodical Press Gallery, the Press Photographers' Gallery, and the Senate Radio and Television Gallery; Senate telecommunications, the Capitol telephone exchange, and the Senate telephone directory; production of newsletters and other Senate mailings, purchase and maintenance of equipment, storage of Senate publications, and micrographics services; maintenance of office furnishings, acquiring office equipment, and disposing of waste paper and used or surplus furniture and equipment;⁶² the Senate placement office; the Senate page program⁶³ and assignment of duties to messengers; oversight of the doorkeepers, who assist visitors to the Senate gallery, and enforce rules of access to the floor; the issuance of identification cards to Senate employees; the Senate health promotion office⁶⁴ and other education and training programs; various revolving funds; custodial and other facilities services; Senate parking facilities and fleet operations; and the appointment desk, which provides identification for visitors on official business.

Additional Duties—Service on Boards

In addition to the Capitol Police Board, the Sergeant at Arms serves with the Secretary of the Senate, House Sergeant at Arms, Clerk of the House, and the Architect of the Capitol on the Congressional Accessibility Services Board.⁶⁵ The board oversees the Office of Congressional Accessibility Services, which provides and coordinates accessibility services for individuals with disabilities in the U.S. Capitol complex.

⁵⁵ 2 U.S.C. §6317 *et seq.*

⁵⁶ 2 U.S.C. §6315 *et seq.*

⁵⁷ 2 U.S.C. §6514.

⁵⁸ 2 U.S.C. §6319.

⁵⁹ Some of these are operated through revolving funds. For additional information, see CRS Report R40939, *Legislative Branch Revolving Funds*, by Ida A. Brudnick and Jacob R. Straus.

⁶⁰ 2 U.S.C. §6636.

⁶¹ 2 U.S.C. §4131.

⁶² 2 U.S.C. §6320 and 2 U.S.C. §6516 *et seq.*

⁶³ 2 U.S.C. §4931.

⁶⁴ 2 U.S.C. §6635.

⁶⁵ 2 U.S.C. §2172.

Chaplain

The Senate Chaplain opens each session with a formal prayer.⁶⁶ The Chaplain serves as minister and pastoral counselor to Senators, their families, and staff. The Chaplain neither represents nor is selected based on affiliation to a particular denomination. Guest chaplains of various denominations may also offer the opening prayer.⁶⁷

Since 1789, and with the exception of a short period in the late 1850s,⁶⁸ the Senate has elected 62 individuals to the chaplain position. On June 27, 2003 (S.Res. 189, 108th Congress), the Senate elected its first black and first Seventh-day Adventist Chaplain, Dr. Barry C. Black.⁶⁹ He was previously a rear admiral and former chief of chaplains for the United States Navy. His name was among those recommended by a bipartisan search committee of five Senators led by Senator John Kyl. Dr. Black replaced Dr. Lloyd Ogilvie, a Presbyterian minister, who had resigned in March 2003.

Officers Nominated by the Majority or Minority Conference then Elected by the Senate

Secretary for the Majority/Secretary for the Minority⁷⁰

The Secretary for the Majority and Secretary for the Minority—positions established in 1929—are approved by the respective party conferences and then elected by the Senate. The secretaries coordinate scheduling and the dissemination of information between party floor leaders and individual Senators. The secretaries also organize conference matters, oversee party activities in the Senate chamber, supervise the cloakrooms, inform Senators on upcoming votes and pending legislation, and, at the leadership's request, poll Senators. In addition, they assist the majority and minority leaders, respectively, in negotiations over the scheduling of votes.

Laura C. Dove, the Secretary for the Majority, was elected on January 6, 2015 (S.Res. 14, 114th Congress). She previously was elected Secretary for the Minority (S.Res. 216, 113th Congress) on August 1, 2013.

Gary B. Myrick, the Secretary for the Minority (S.Res. 15, 114th Congress) previously served as the Secretary for the Majority (elected by S.Res. 5, 112th Congress on January 5, 2011).

⁶⁶ U.S. Senate, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington, GPO: 1992), p. 1004.

⁶⁷ For additional information, see http://www.senate.gov/artandhistory/history/common/briefing/Senate_Chaplain.htm, and CRS Report R41807, *House and Senate Chaplains: An Overview*, by Ida A. Brudnick.

⁶⁸ *Senate Journal*, December 9, 1857, pp. 34-35; *House Journal*, December 16, 1857, p. 78; and discussion of "Chaplains to the Senate," in *Congressional Globe*, December 12, 1859, pp. 97-98. The Senate then proceeded to elect a Chaplain a few days later (*Congressional Globe*, December 15, 1859, p. 162).

⁶⁹ S.Res. 189, "Barry C. Black, Senate Chaplain," *Congressional Record*, vol. 149, part 12 (June 27, 2003), p. 16870.

⁷⁰ For additional information, see https://www.senate.gov/artandhistory/history/common/briefing/party_secretaries.htm.

Appointed by the Senate Leadership

Three chamber officials are appointed by a Member of the Senate leadership. These include the Senate Legal Counsel and the Senate Legislative Counsel—appointed by the President pro tempore of the Senate—and the Senate Parliamentarian—appointed by the Secretary of the Senate with Majority Leader approval.

Appointed by the President Pro Tempore of the Senate

Senate Legal Counsel⁷¹

The Office of Senate Legal Counsel was established by Title VII of the Ethics in Government Act of 1978.⁷² Previously, the Senate had been represented variously and on an ad hoc basis by private legal counsel, Members of Congress, congressional staff, and the Department of Justice. Events in the 1960s and 1970s, however, encouraged Members to take more formal action. Extensive hearings, coupled with Congress's involvement in the Watergate investigations, indicated that there were potential conflicts of interest in using the Department of Justice as legal counsel to Congress and focused interest on a specialized office dedicated to the legal issues involving Congress.⁷³ Numerous bills were introduced.⁷⁴ The ethics bill would have originally created an Office of Congressional Legal Counsel to serve both the House and Senate, but House conferees objected to a joint office, and a separate Office of Senate Legal Counsel was included in the act.⁷⁵

The office is led by the Senate Legal Counsel and Deputy Legal Counsel, who are appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders, without regard to political affiliation.⁷⁶ The appointment, which expires at the end of the subsequent Congress, is effective with the adoption of a Senate resolution.⁷⁷ The

⁷¹ For additional information, Senate access only, see <http://webster.senate.gov/other/legal/home.html>.

⁷² P.L. 95-521, title VII, §701, October 26, 1978, 92 Stat. 1875-1885; 2 U.S.C. §288 *et seq.*

⁷³ See, for example, discussions in U.S. Congress, Joint Committee on the Organization of Congress, *Organization of Congress*, report pursuant to S. Con. Res. 2, 89th Cong., 2nd sess., S. Rept. 89-1414 (Washington: GPO, 1966), p. 47; U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Separation of Powers, *Representation of Congress and Congressional Interests in Court*, hearings, 94th Cong., 2nd sess., December 12, 1975, and February 19, 1976 (Washington: GPO, 1976); U.S. Congress, Senate, Committee on Government Operations, *Watergate Reorganization and Reform Act of 1975*, hearings, 94th Cong., 2nd sess., December 3, 4, and 8, 1975, and March 11, 1976 (Washington: GPO, 1976); U.S. Congress, Committee on Governmental Affairs, *Public Officials Integrity Act of 1977*, report to accompany S. 555, 95th Cong., 1st sess. (Washington: GPO, 1977), pp. 8-21. The latter, for example, stated: "In each case, the precedents established by the courts have an impact on Congress as an institution, not just on the specific Members, officers, or committees involved. Therefore, Congress as an institution cannot be indifferent to the legal precedents which are established in these cases, even if Congress may have no interest in their effect on individual parties involved. By representing the individual Member in a case involving his performance of official duties, in a very real sense Congress represents itself" (Ibid., p. 10).

⁷⁴ For example, S. 1384 (90th Congress); H.R. 11101, S. 2569, and S. 4227 (93rd Congress); H.R. 14795, S. 495, and S. 2731 (94th Congress); H.R. 101, H.R. 1831, H.R. 5338, H.R. 8686, H.R. 13728, H.R. 13963, S. 412, S. 555, and S.Res. 360 (95th Congress).

⁷⁵ U.S. Congress, conference report, *Ethics in Government Act of 1978*, report to accompany S. 555, 95th Cong., 2nd sess., H.Rept. 95-1756 (Washington: GPO, 1978), p. 80.

⁷⁶ 2 U.S.C. §288(a)(2).

⁷⁷ 2 U.S.C. §288(a)(3). For example, for the Senate Legal Counsel: S.Res. 6 (112th Congress); S.Res. 16 (110th Congress) (continued...)

Senate may, by resolution, remove or reappoint the counsel or deputy. Patricia Mack Bryan, who previously served as deputy counsel (S.Res. 7, 112th Congress), is the current counsel (S.Res. 16, 114th Congress). Morgan J. Frankel, the previous counsel (S.Res. 6, 112th Congress), is the current deputy (S.Res. 17, 114th Congress).

The office is accountable to the Joint Leadership Group.⁷⁸ It provides legal assistance and representation to Senators, committees, officers, and employees of the Senate on matters pertaining to their official duties. The statutory duties of the office include

- defending the Senate, its committees or subcommittees, Members, officers, and employees in civil actions relating to actions or proceedings taken in their official or representative capacity, including any proceeding with respect to any subpoena;⁷⁹
- providing representation in legal proceedings to aid investigations by Senate committees, including the enforcement of a Senate subpoena or order;⁸⁰
- intervening or appearing as amicus curiae when the Senate has an institutional interest or where the powers and responsibilities of Congress under the Constitution of the United States are at issue;⁸¹
- representing the Senate or a committee or subcommittee in requesting a U.S. district court issue an order granting immunity pursuant to Section 18 U.S.C. §6005 (relating to congressional proceedings);⁸² and
- providing various advisory functions.⁸³

The counsel's actions may be authorized through adoption of a simple resolution.⁸⁴ These resolutions, which are often introduced by the majority leader, may, for example, "direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate,"⁸⁵ "authorize

(...continued)

Congress); S.Res. 12 (108th Congress); S.Res. 9 (106th Congress); S.Res. 102 (106th Congress); S.Res. 18 (104th Cong.); S.Res. 181 (104th Congress); S.Res. 7 (102nd Congress); S.Res. 35 (100th Congress); S.Res. 12 (98th Congress); and S.Res. 192 (96th Congress). For example, for the Deputy Senate Legal Counsel: S.Res. 7 (112th Congress); S.Res. 17 (110th Congress); S.Res. 13 (108th Congress); S.Res. 10 (106th Congress); S.Res. 86 (104th Congress); S.Res. 182 (104th Congress); S.Res. 20 (103rd Congress); S.Res. 138 (101st Congress); S.Res. 170 (99th Congress); S.Res. 47 (97th Congress); and S.Res. 224 (96th Congress).

⁷⁸ 2 U.S.C. §288a. The Joint Leadership Group consists of the President pro tempore, the majority and minority leaders of the Senate, the chair and ranking minority Member of the Senate Judiciary Committee, and the chair and ranking minority Member of the Senate Rules and Administration Committee.

⁷⁹ 2 U.S.C. §288c. For further discussion, see U.S. Congress, Senate, *Riddick's Senate Procedure: Precedents and Practice*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington: GPO, 1992), pp. 1236-1247.

⁸⁰ 2 U.S.C. §288d.

⁸¹ 2 U.S.C. §288e.

⁸² 2 U.S.C. §288f.

⁸³ 2 U.S.C. §288g.

⁸⁴ 2 U.S.C. §288b and §288j.

⁸⁵ For example, S.Res. 121 (110th Congress); S.Res. 21 (105th Congress); S.Res. 152 (105th Congress); S.Res. 62 (103rd Congress); S.Res. 93 (103rd Congress); S.Res. 141 (103rd Congress); S.Res. 248 (103rd Congress); S.Res. 167 (102nd Congress); and S.Res. 287 (102nd Congress).

representation by the Senate Legal Counsel in⁸⁶ specific cases, or “authorize testimony, documents, and representations.”⁸⁷

Senate Legislative Counsel

The original Legislative Drafting Service,⁸⁸ established by Section 1303 of the Revenue Act of 1918,⁸⁹ was a single agency composed of two independent branches, one under the direction of the Senate and the other under the direction of the House. In 1970, the House Office of Legislative Counsel was given its own separate legislative charter,⁹⁰ but the Senate Office of Legislative Counsel continues to operate under the authority of the original statutory mandate.

The office is under the direction of the Legislative Counsel of the Senate, who is appointed by the President pro tempore of the Senate, “without reference to political affiliations and solely on the ground of fitness to perform the duties of the office.”⁹¹ In 1999, the Legislative Counsel was given the authority to designate a Deputy Legislative Counsel to serve during his absence or disability or when the position of Legislative Counsel is vacant.⁹²

The statutory mandate of the office is to provide aid in drafting public bills and resolutions and amendments thereto. This requires the office to be impartial as to the issues of legislative policy and to maintain the confidentiality of any communications with Senators or staff. The work of the office may include⁹³

- drafting bills and resolutions for introduction, and drafting of amendments for use by Senators during subcommittee, committee, and floor consideration of bills and resolutions;
- drafting bills reported by Senate committees and conference reports for House and Senate conference committees;
- providing advice (including advice on form and procedure) on drafts of bills, resolutions, and amendments; and
- providing advice on constitutional, legal, and technical issues in statutes, proposed legislation, and reports and explanatory statements accompanying proposed legislation.

Drafting assistance is provided only upon request as there is no requirement in the rules of the Senate that bills, resolutions, or amendments be drafted by the office. The ability of the office to respond to requests for assistance can be affected by the volume of requests for drafting

⁸⁶ For example, see S.Res. 103 and S.Res. 220 (113th Congress) and S.Res. 305 and S.Res. 506 (112th Congress).

⁸⁷ For example, see S.Res. 114, S.Res. 124, S.Res. 185, S.Res. 195, S.Res. 264, and S.Res. 298 (113th Congress); and S.Res. 169, S.Res. 403, and S.Res. 485 (112th Congress).

⁸⁸ The Legislative Drafting Service was renamed the Office of Legislative Counsel by Section 1101 of the Revenue Act of 1924, 43 Stat. 353 (1924) to avoid confusion with the Legislative Reference Service of the Library of Congress (now the Congressional Research Service).

⁸⁹ Revenue Act of 1918, 40 Stat. 1141 (1919); 2 U.S.C. §271-276b.

⁹⁰ Title V of the Legislative Reorganization Act of 1970; 2 U.S.C. §281-282e.

⁹¹ 2 U.S.C. §288(a).

⁹² See P.L. 106-57, Title I, Section 6, 113 Stat. 412, September 29, 1999.

⁹³ For additional information, see the Senate Legislative Counsel’s website, at <http://www.sl.c.senate.gov/>.

assistance, as well as the complexity of the issues presented. The Senate Committee on Rules and Administration has determined the order of preference to be given to legislative drafting requests: (1) measures in conference; (2) amendments to measures pending on the floor; (3) amendments to measures pending before a committee; and (4) measures to be prepared for individual Senators for introduction in the Senate. Within each of these categories, priority is given to requests based upon the time of receipt.⁹⁴

Appointed by Secretary of the Senate with Majority Leader Approval

Senate Parliamentarian

The Senate Parliamentarian functions within the office of the Secretary of the Senate, and advises the Senator presiding over the Senate on procedural matters. The Parliamentarian recommends the referral of measures to committees on behalf of the presiding officer, advises Senators and their staff on Senate proceedings, and maintains and publishes precedents (see *Riddick's Senate Procedure*).⁹⁵ The Parliamentarian also helps the Senate ensure that consideration of bills, resolutions, treaties, nominations, and trials of impeachment are in compliance with Senate rules and precedents, constitutional provisions, and public law.⁹⁶ For additional information, see CRS Report RS20544, *The Office of the Parliamentarian in the House and Senate*, by Valerie Heitshusen.

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⁹⁴ Ibid., "Policies."

⁹⁵ *Riddick's Senate Procedure* is available at <http://www.gpoaccess.gov/riddick/index.html>; see also CRS Report RL30788, *Parliamentary Reference Sources: Senate*, by Megan S. Lynch and Richard S. Beth.

⁹⁶ See Senate access only <http://webster.senate.gov/secretary/departments/Parliamentarian>.

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