

## CHAPTER 7

# *The Members*

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# *The Members*

## A. INTRODUCTORY

### **§ 1. In General; Rights and Privileges; Term of Office**

Membership in the House of Representatives entitles the Members to compensation, to miscellaneous privileges and allowances, and to immunities protecting their independence and integrity. But a Member-elect must first satisfy the House that he has met all the qualifications for membership required of him. Those rights, immunities, and qualifications are the subject of this chapter.<sup>(1)</sup>

Ancillary matters dealing primarily with parliamentary procedure, such as questions of privilege relating to Members,<sup>(2)</sup> are treated elsewhere.

The qualifications for membership, are mandated by the United States Constitution.<sup>(3)</sup> Members'

allowances and the methods of disbursement thereof are governed by statute, principally title 2 of the United States Code. Other matters relating to Members, such as seniority and derivative rights, are based on the custom and practice of the House.

The term of office for a Member is mandated by the 20th amendment to the Constitution to begin on Jan. 3 of the odd-numbered year for which elected, and to extend for two years to noon on Jan. 3 of the next odd-numbered year.<sup>(4)</sup> Prior to the ratification of the amendment, the terms of

1. Delegates and Resident Commissioners enjoy in full or in part the rights and duties arising from congressional membership. Their status is analyzed specifically in §3, *infra*, and other sections refer to them where applicable.
2. For privilege, see Ch. 11, *infra*.
3. See U.S. Const. art. I, §2, clause 2.

4. Section 1 of the amendment, ratified in 1933, states that the terms of Senators and Representatives shall end "at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified", and section 2 states that the first assembly of a Congress "shall begin at noon on the 3d day of January, unless they shall by law appoint a different day." For commentary on the provisions, see *House Rules and Manual* §6 (comment to U.S. Const. art. I, §2, clause 1) and §279 (comment to amendment 20) (1973).