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House Office of General Counsel

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Analyst on the Congress

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Background and History

The Office of General Counsel was first established by resolution on April 9, 1992,¹ and later incorporated into the rules of the House of Representatives adopted for the 103rd Congress, on January 5, 1993.² Prior to 1992, the General Counsel of the House was located within the Clerk's Office. Historically, the functions of the House General Counsel were performed by the Counsel to the Clerk of the House, whose duties gradually evolved from legal advisor to the Clerk to a general counsel for the House as a whole. The position of Counsel to the Clerk was renamed House General Counsel in 1979.³

Structure and Function

The office is led by the House General Counsel, who is appointed by the Speaker of the House in consultation with the Bipartisan Legal Advisory Group, which comprises the majority and minority leaderships. The professional staff of the office includes five attorneys and a support staff.

The office provides legal assistance and representation to Members, committees, officers, and employees of the House of Representatives on matters pertaining to their official duties. House rules require that legal assistance and representation be provided “without regard to political affiliation.” The work of the office typically includes

- providing legal advice and assistance to House committees in the preparation and service of subpoenas;
- representing Members, committees, officers, and employees of the House in judicial proceedings, both at trial and appellate levels;
- providing legal advice on privileges, such as Speech and Debate, executive, Fifth Amendment, and attorney-client;
- providing legal advice and assistance to Members regarding confidentiality of constituent information, Privacy Act concerns, and tax exemptions; and
- providing legal advice regarding requests from executive branch agencies.

The Office of General Counsel does not provide legal advice on employment and labor issues, however, which fall within the jurisdiction of the Office of House Employment Counsel in the Office of the Clerk. Similarly, routine leasing agreements for automobiles and district offices are reviewed by the Administrative Counsel within the Office of the Chief Administrative Officer.

The Office of General Counsel also represents the House itself in litigation, both in cases in which the House is a party and as *amicus curiae* when the House has an institutional interest. The General Counsel is authorized to appear before any court of the United States, with the exception

¹ H.Res. 423, 102nd Congress.

² H.Res. 5, 103rd Congress.

³ For further history of the development of the office, see Rebecca May Salokar, “Legal Counsel for Congress: Protecting Institutional Interests,” *Congress and the Presidency*, vol. 20, no. 2 (Autumn 1993), pp. 133-138; and Charles Tiefer, “The Senate and House Counsel Offices: Dilemmas of Representing in Court the Institutional Congressional Client,” *Law & Contemporary Problems*, vol. 61, no. 2 (Spring 1998), pp. 47-60.

of the Supreme Court, “without compliance with any requirements for admission to practice before such court.”⁴

Contact Information

Services of the office are provided upon request. Requests for assistance may be made in person, in writing, by telephone (5-9700), or by fax (6-1360). The Office of General Counsel is located in Room 219, Cannon House Office Building. Additional information on the office’s policies, procedures, and services is available from the office’s website at <http://www.ogc.house.gov/>.

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⁴ 2 U.S.C. §130(f).

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